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Meeting of West Berkshire District Council

Thursday 6 December 2018

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 Council

to be held in the

Council Offices Market Street Newbury

on

Thursday 6 December 2018

at 7.00pm



Andy Day
Head of Strategic Support
West Berkshire District Council

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

Date of despatch of Agenda: Wednesday, 28 November 2018

AGENDA

1. **APOLOGIES FOR ABSENCE**

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

2. **CHAIRMAN'S REMARKS**

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



Agenda - Council to be held on Thursday, 6 December 2018 *(continued)*

3. **PRESENTATION OF THE WEST BERKSHIRE COMMUNITY CHAMPION AWARDS (C3659)**

The Chairman will present the following Community Champion Awards for 2018:

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

4. **MINUTES**

The Chairman to sign as a correct record the Minutes of the Council meeting held on 13 September 2018. **(Pages 9 - 14)**

5. **DECLARATIONS OF INTEREST**

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

6. **PETITIONS**

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

7. **PUBLIC QUESTIONS**

Members of the Executive to answer the following questions submitted by members of the public in accordance with the Council's Constitution:

- (a) **Question to be answered by the Portfolio Holder for Economic Development and Communications submitted by Mr Peter Carline:**

"What preparations are the council making for a no deal Brexit?"

- (b) **Question to be answered by the Portfolio Holder for Planning, Housing and Waste submitted by Mr Thomas Tunney:**

"Is it standard practice for the housing team to advise single parents struggling to pay their rent, to register as homeless, incur a CCJ when they get evicted and then get relocated to Slough miles away from their jobs and schools?"

- (c) **Question to be answered by the Leader of the Council submitted by Mr Thomas Tunney:**

"Why after Councillor Goodes was disqualified for non-attendance has there been no repayment of allowances paid to him?"



Agenda - Council to be held on Thursday, 6 December 2018 (continued)

- (d) **Question to be answered by the Portfolio Holder for Planning, Housing and Waste submitted by Mr Thomas Tunney:**
“What did the Council hope to achieve by issuing West Berkshire Homeless with an eviction notice on the portaloos deposited at one the the homeless camps?”
- (e) **Question to be answered by the Portfolio Holder for Planning, Housing and Waste submitted by Mr Thomas Tunney:**
“If the SWEP accommodation is not sufficient, rather than spending money on emergency accommodation, would the Council consider using the equipment owned by WBH to provide shelter in the perfectly sized and equipped council chambers and shower facilities?”
- (f) **Question to be answered by the Portfolio Holder for Corporate Services submitted by Mr James Thomas:**
“What steps is the Council taking to modernise IT service provisioning to save any of the circa £3m per annum it spends on Customer Services and ICT by embracing cloud-based software-as-a-service offerings for services like email and file storage?”
- (g) **Question to be answered by the Portfolio Holder for Finance, Transformation and Property submitted by Mr Steve Masters:**
“Rather than investing £100m on speculative commercial property investment, should the Council instead be spending that on local housing stock in order to change the lives of and keep the much needed younger people in the area to stem the demographic time bomb?”
- (h) **Question to be answered by the Portfolio Holder for Highways and Transport, Environment and Countryside submitted by Mr Steve Masters:**
“Can the Council confirm, for the benefit of Speen residents, that the proposed improvements to the verges (grass-crete) on Burchell Road and Digby Road are indeed imminent and will be completed within this current financial year (2018/19)?”
- (i) **Question to be answered by the Portfolio Holder for Highways and Transport, Environment and Countryside submitted by Mr Steve Masters:**
“Can the Council liaise with the emergency services and Sovereign Housing in order to carry out a risk assessment and explore options to ensure that emergency vehicles have clear and safe access to Talbot Close to reassure residents some of whom are frail and vulnerable?”
- (j) **Question to be answered by the Portfolio Holder for Health and Wellbeing, Leisure and Culture submitted by Mr Steve Masters:**
“With the current consultation underway for the latest round of proposed cuts to frontline services do council accept that several of the proposed cuts run contrary to and are likely to have a detrimental effect on the current priorities of the Health and Wellbeing Board?”



Agenda - Council to be held on Thursday, 6 December 2018 *(continued)*

- (k) **Question to be answered by the Leader of the Council/Portfolio Holder for Community Resilience and Partnerships submitted by Mr Eric Pattendon:**
“Would the Leader agree that not fulfilling your manifesto commitment to protect the neighbourhood wardens has increased the burden on policing at a time of rising crime?”
- (l) **Question to be answered by the Portfolio Holder for Planning, Housing and Waste submitted by Mrs Martha Vickers:**
“Can the portfolio holder explain why the showers and toilets at the unused council-owned football ground aren’t being utilised to help support homeless people?”
- (m) **Question to be answered by the Portfolio Holder for Planning, Housing and Waste submitted by Mr Tony Vickers:**
“What problems would the council envisage having to resolve if householders on benefits who wish to continue having their garden waste collected for free were given exemption from the charge?”
- (n) **Question to be answered by the Portfolio Holder for Corporate Services submitted by Ms Julie Wintrup:**
“Will there be a full public independent inquiry into the how the council breached EU law by entering into an unlawful agreement with St Modwen Developments Ltd?”
- (o) **Question to be answered by the Portfolio Holder for Corporate Services submitted by Ms Julie Wintrup:**
“How much has already been spent on defending the case brought by Faraday Development Limited including officer time and legal costs?”

8. **MEMBERSHIP OF COMMITTEES**

The Council to agree any changes to the membership of Committees.

9. **ADJOURNMENT OF THE MEETING**

At this point, the Council meeting will be adjourned to enable the Overview and Scrutiny Management Commission to meet to determine their Chairman and Vice-Chairman.

10. **RECOMMENCEMENT OF THE MEETING**

The meeting will be recommenced at the conclusion of the Overview and Scrutiny Management Commission.



Agenda - Council to be held on Thursday, 6 December 2018 (continued)

11. LICENSING COMMITTEE

The Council is asked to note that since the last meeting of the Council, the Licensing Committee met on 19 November 2018. Copies of the Minutes of this meeting can be obtained from Strategic Support or via the [Council's website](#).

12. PERSONNEL COMMITTEE

The Council is asked to note that since the last meeting of the Council, the Personnel Committee met on 17 September 2018. Copies of the Minutes of this meeting can be obtained from Strategic Support or via the [Council's website](#).

13. GOVERNANCE AND ETHICS COMMITTEE

The Council is asked to note that since the last meeting of Council, the Governance and Ethics Committee met on 29 October 2018 (special) and 26 November 2018. Copies of the Minutes of these meetings can be obtained from Strategic Support or via the [Council's website](#).

14. DISTRICT PLANNING COMMITTEE

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

15. 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 9 October 2018. Copies of the Minutes of this meeting can be obtained from Strategic Support or via the [Council's website](#).

16. JOINT PUBLIC PROTECTION COMMITTEE

The Council is asked to note that since the last meeting of the Council, the Joint Public Protection Committee met on 18 September 2018. Copies of the Minutes of this meeting can be obtained from Strategic Support or via the [Council's website](#).

17. GREENHAM BUSINESS PARK LOCAL DEVELOPMENT ORDER (C3417)

To consider the adoption of the Greenham Business Park Local Development Order. **(Pages 15 - 18)**

18. COUNCIL RESPONSE TO GARDEN WASTE PETITION (C3669)

To respond to the Garden Waste petition submitted to the Council at the Executive meeting on 18 October 2018. **(Pages 19 - 28)**

19. STATEMENT OF GAMBLING PRINCIPLES (C3430)

To bring the Council's revised Statement of Gambling Principles, further to endorsement by the Council's Licensing Committee on 19 November 2018, to Full Council for approval. **(Pages 29 - 36)**

20. STATEMENT OF LICENSING POLICY (C3431)

To bring the Council's revised Statement of Licensing Policy, further to endorsement by the Council's Licensing Committee on 19 November 2018, to Full Council for approval. **(Pages 37 - 44)**

21. LEISURE CENTRE FEES AND CHARGES 2019 (C3657)

To implement the contractual requirement for an annual price review for 2019 for the leisure contractor to come into effect from 1st January 2019. **(Pages 45 - 54)**

22. AMENDMENTS TO THE CONSTITUTION (C3260)

To consider a number of amendments to Parts 2, 3, 10, 11 and 13 of the Constitution. **(Pages 55 - 64)**

23. PROPOSED MEMBER INDUCTION AND DEVELOPMENT PROGRAMME - 2019/20 (C3632)

To give consideration to, and agree, the proposed Member Induction and Development Programme for 2019/20 following the forthcoming District Council Election in May 2019. The programme was considered and endorsed by the Member Development Group on 24 September 2018. **(Pages 66 - 72)**

24. 2019/20 WEST BERKSHIRE COUNCIL TIMETABLE OF PUBLIC MEETINGS (C3658)

To recommend a timetable of meetings for the 2019/20 Municipal Year. **(Pages 73 - 80)**

25. SUSTAINABLE DRAINAGE SYSTEMS (SUDS) SUPPLEMENTARY PLANNING DOCUMENT (SPD) (C3660)

- (1) To consider the representations (as attached in Appendix C) received in response to the consultation on the Sustainable Drainage Systems Supplementary Planning Document (SuDS SPD) undertaken between 11 June and 23 July 2018.
- (2) To consider whether any revisions need to be made to the SuDS SPD in light of these representations.
- (3) To consider the adoption of the SuDS SPD as attached in Appendix D. **(Pages 81 - 84)**



26. **NOTICES OF MOTION**

- (a) **The following Motion has been submitted in the name of Councillor Lynne Doherty:**

“That this Council adds its voice to the All Party Parliamentary Group for Nursery Schools, Nursery and Reception Classes and our own MP Richard Benyon to call on the Government to take action to ensure nursery schools are financially sustainable for the future when the current supplementary funding ends in England in March 2020.”

27. **MEMBERS' QUESTIONS**

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

- (a) **Question to be answered by the Portfolio Holder for Health and Wellbeing, Leisure and Culture submitted by Councillor Alan Macro:**

“Why is Newbury football club not being allowed to use the football ground until the replacement is available?”

- (b) **Question to be answered by the Portfolio Holder for Health and Wellbeing, Leisure and Culture submitted by Councillor Lee Dillon:**

“Will you make provision for a grant of £50k in each of the next two years to the Corn Exchange so that the funding-reduction is easier to manage?”

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



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, 13 SEPTEMBER 2018

Councillors Present: Steve Ardagh-Walter, Peter Argyle (Vice-Chairman), Howard Bairstow, Pamela Bale, Jeremy Bartlett, Jeff Beck, Dominic Boeck, Graham Bridgman, Jeff Brooks, Paul Bryant, Jeanette Clifford, Hilary Cole, James Cole, Jason Collis, Richard Crumly, Lee Dillon, Lynne Doherty, Billy Drummond, Sheila Ellison, Marcus Franks, James Fredrickson, Dave Goff, Manohar Gopal, Paul Hewer, Carol Jackson-Doerge (Chairman), Marigold Jaques, Mike Johnston, Graham Jones, Rick Jones, Alan Law, Tony Linden, Mollie Lock, Gordon Lundie, Alan Macro, Tim Metcalfe, Ian Morrin, Graham Pask, Anthony Pick, James Podger, Garth Simpson, Richard Somner, Virginia von Celsing, Quentin Webb, Emma Webster and Laszlo Zverko

Also Present: John Ashworth (Corporate Director - Environment), Joanne Bassett (Public Relations Assistant), Tandra Forster (Head of Adult Social Care), Shiraz Sheikh (Principal Solicitor), Gabrielle Mancini (Group Executive - Conservatives) and Jo Reeves (Principal Policy Officer)

Apologies for inability to attend the meeting: Councillor Dennis Benneyworth, Nick Carter, Councillor Anthony Chadley, Councillor Keith Chopping, Councillor Adrian Edwards, Councillor Clive Hooker, Honorary Alderman Royce Longton and Councillor Anthony Stansfeld

Councillor Absent: Councillor Rob Denton-Powell

PART I

34. Chairman's Remarks

The Chairman reported that she, the Chairman's consort and Vice-Chairman had attended 26 events between them since the last Council meeting. Councillor Carol Jackson-Doerge made specific mention of the Family Hubs second birthday celebration.

The Chairman noted the launch of the Community Champion Awards asking Members to promote the awards and to submit nominations.

Finally, the Chairman announced that Dr Kevin Hawkins OBE had sadly passed away that week. Dr Hawkins was Vice-Chairman of Pangbourne Parish Council. The Council sent thoughts and sympathy to his wife and thanks for his contribution as a Parish Councillor.

35. Minutes

The Minutes of the meeting held on 03 July 2018 were approved as a true and correct record and signed by the Chairman.

36. Declarations of Interest

There were no declarations of interest received.

37. Petitions

There were no petitions presented to the meeting.

38. 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) A question standing in the name of Mr Gabriel Stirling on the subject of why Councillor Boeck had not been removed from the Executive was answered by the Leader of the Council.
- (b) A question standing in the name of Mr Simon Pike on the subject of the Council's participation in the Rural Connected Communities project was answered by the Portfolio Holder for Economic Development and Communications.

(Councillor Jeremy Bartlett joined the meeting at 7.07pm.)

39. Membership of Committees

There had been no changes to the membership of Committees since the previous Council meeting.

40. Licensing Committee

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

41. Personnel Committee

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

42. Governance and Ethics Committee

The Council noted that, since the last meeting, the Governance and Ethics Committee had met on 30 July 2018 and the special meeting on the 08 August 2018.

43. District Planning Committee

In a correction to the information provided on the summons, the Council noted that since the last meeting, the District Planning Committee had met on 11 July 2018.

44. Overview and Scrutiny Management Commission

The Council noted that, since the last meeting, the Overview and Scrutiny Management Committee had met on 10 July 2018.

45. Joint Public Protection Committee

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

46. Family Hub Fees and Charges (C3633)

The Council considered a report (Agenda Item 14) which set out a request to change the fees and charges for Family Hubs part way through the year.

MOTION: Proposed by Councillor Lynne Doherty and seconded by Councillor Rick Jones:

That the Council:

1. "approves the proposed in-year changes (to introduce new fees and charges for activities) to the fees and charges within Family Hubs across West Berkshire.
2. Introduces the charges in two phases. The first from September 2018 until March 2019 providing a transition from voluntary contributions to fixed charges and a booking system. This would be followed by a review of the booking system,

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income generation and feedback moving to a full programme of charges from April 2019.”

Councillor Lynne Doherty noted that since 2016, voluntary contributions had been made towards activities at Family Hubs. By setting Fees and Charges, the Council would ensure that the amounts requested were made consistent across the District. It was proposed to trial the system and undertake a review in advance of the Council meeting in March 2019.

Councillor Mollie Lock expressed concern that the fees and charges were not made clear in the report and requested that the proposal be worked on further.

Councillor Lee Dillon stated that the Council was being asked to approve ranges, rather than specific fees and charges, which was not usual practice. He questioned the legality of the proposal.

Councillor Alan Macro asked how low income families would be supported to access activities at Family Hubs. He expressed the view that the consultation should have been repeated since 2016.

Councillor Doherty responded that the Family Hubs would continue to offer activities that were good value for money, for example a voluntary contribution of £6 would be requested for baby massage which was £20 on the open market. The range of £2 to £6 would offer flexibility to trial the system before incorporating set fees and charges into the Council's budget. Any child with a Child Protection Plan or Child in Need status would be exempt from fees and referring agencies would be asked to provide information regarding any vulnerabilities. Targeted activities would remain free. Feedback was continuously sought from users of the Family Hubs and the Family Hubs Advisory Board, of which Councillor Lock was a member, had received that information.

At the request of the Chairman, Shiraz Sheikh confirmed that Legal Services were satisfied with the proposals.

Councillor Rick Jones express his support for the recommendations and stated that he recognised that Family Hubs were a valuable resource which support good health and wellbeing outcomes for children. The proposals would improve the sustainability of Family Hubs.

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

47. Notices of Motion

(a) Unauthorised Encampments

The Council considered the under-mentioned Motion (Agenda item 15a refers) submitted in the name of Councillor Alan Macro relating to the assessment of the susceptibility of the Council's green areas in towns and villages to unauthorised encampments.

The Chairman informed the Council that the Motion would be referred to the Executive without debate.

MOTION: Proposed by Councillor Alan Macro and seconded by Councillor Lee Dillon:

That:

- “1) There were a large number of unauthorised encampments in the district this year.
- 2) Several of these were on land owned by the Council.
- 3) There are many green areas in towns and villages that are owned by the Council and that are vulnerable to unauthorised encampments.

COUNCIL - 13 SEPTEMBER 2018 - MINUTES

4) The police are restricted by guidance from the Chief Police Officers Council in their use of their powers under Section 61 of the Criminal Justice and Public Order Act 1994 to direct persons to move off unauthorised sites.

The Council therefore resolves that an assessment of the susceptibility of each of its green areas in towns and villages to unauthorised encampments be urgently carried out. The assessment should assess each site on its vulnerability to incursions and the likely impact on nearby homes. The assessment to be used to prioritise a programme to improve the security of the sites against future incursions.”

(b) Sky Lanterns

The Council considered the under-mentioned Motion (Agenda item 15b refers) submitted in the name of Councillor Jeanette Clifford relating to the use of sky lanterns on land controlled and operated by the Council.

The Chairman informed the Council that the Motion would be debated at the meeting.

MOTION: Proposed by Councillor Jeanette Clifford and seconded by Councillor Tim Metcalfe which included the amendment tabled in writing at the meeting

That the Council:

“agrees that the use of sky lanterns on properties which are controlled and operated by West Berkshire Council should be banned.

It calls on the Leader to write to West Berkshire MPs, other Berkshire authorities, West Berkshire town and parish councils, the LGA, DEFRA and MHCLG confirming a ban in West Berkshire and calling for a ban throughout England and Wales.

Also known as ‘Chinese’, ‘Wish’, ‘Floating’ and ‘Party’ Lanterns, Sky Lanterns are made from paper over wire or bamboo frames and have an open flame heat source.

Increasingly popular, it is estimated that 200,000 are released in the UK each year but - beautiful though they are - they are deadly to wildlife, present a real risk of fire to buildings and land, can be mistaken for emergency flares, and end up littering our lovely countryside.

The RSPCA has called for a ban, as have the Marine Conservation Society, the NFU and others. West Berkshire should heed that call and members are urged to support this Motion.”

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

(c) Councillors’ Behaviour

The Council considered the under-mentioned Motion (Agenda item 15c refers) submitted in the name of Councillor Jeff Brooks relating to Councillor’s behaviour.

The Chairman informed the Council that the Motion would be debated at the meeting.

MOTION: Proposed by Councillor Jeff Brooks and seconded by Councillor Lee Dillon:

That the Council:

“Goodwill and respect is essential from all Councillors to achieve the good working needed to best represent the people of West Berkshire.

Accordingly, this Council resolves to remain respectful at all times to members of the public and Councillors of both political Parties, acknowledging their right to disagree and have different policies and objectives, without resorting to unpleasant and vituperative comments which simply sour relations and undermine political goodwill.”

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

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48. Members' Questions

No questions were submitted by Members.

(The meeting commenced at 7.00pm and closed at 8.07pm)

CHAIRMAN

Date of Signature

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Greenham Business Park Local Development Order

Committee considering report:	Council on 6 December 2018
Portfolio Member:	Councillor Hilary Cole
Date Portfolio Member agreed report:	22 November 2018
Report Author:	Michael Butler
Forward Plan Ref:	C3417

1. Purpose of the Report

- 1.1 The National Planning Policy Framework (NPPF) in 2012 and the revised version in July of this year, has placed considerable emphasis on promoting employment development in the UK, in order to improve prosperity, and economic growth remains one of the key objectives of sustainable development set out in the NPPF. The NPPF of 2018 now actively encourages Local Planning Authorities to consider the adoption of Local Development Orders (LDOs) and Officers and Members have expressed support for the principle of using LDOs in order to support appropriate areas for economic development within the District. Greenham Business Park has been recognised as an opportunity for the Council to work with the Park's Management team to implement an LDO and provide some Planning certainty, beyond Planning Policy commitments, with regard to assumptions that can be made about future development at the site.
- 1.2 A Local Development Order (LDO) provides a streamlined planning process that Local Planning Authorities (LPA) can adopt to boost development in their areas. The National Planning Policy Framework encourages LPAs to use LDOs to effectively grant advance planning permission in suitable locations. This deals with all the key planning issues and sets out development parameters or 'ground rules', for example maximum building height, but leaves considerable flexibility over exactly how and where new buildings can be developed within the agreed areas of the site.
- 1.3 The advantage of an LDO over the normal planning application process, or more traditional masterplan, is that it helps existing businesses and potential new investors commit to investing in a property. They know they can develop it to meet their needs within these broad parameters, and without the usual cost, time and potential risk involved in a full planning application.
- 1.4 If an LDO is adopted, proposals that are within the agreed development parameters will be able to proceed following the submission of a pre-development notification to the council, reducing the time it takes for LPAs to process the notification to three weeks. This is a significant time saving compared to normal planning applications. For applicants and the council, it also means significantly less time and cost is involved in preparing and considering an application, as all the key planning issues have already been addressed. The overall effect is a significantly streamlined planning process. Appeals can still however be made under s 78[1] of the 1990 Act.

- 1.5 While the LDO does not relate to a specific project, in practice the first development allowed under the LDO could commence within a matter of a couple of months of its adoption. However, there will be a standard range of conditions which must first be approved by the LPA, before any new building can start.
- 1.6 When the Greenham Trust (the Trust) acquired the USAAF Greenham Base in 1997, it gifted 304 hectares of common land back to the council. The Trust retained the former Technical Area of the air base, now established as Greenham Business Park, for development. The existing planning permission includes a masterplan for the site, but this has proved to be too inflexible to adapt to evolving market demand. Of the permitted 154,000 square metres of development, only around 40% has been used, therefore there remains significant scope for growth.
- 1.7 The Council seeks to encourage the continued regeneration of the former military base into a thriving business park, by the focusing on traditional business uses, including offices, Research & Development, industrial uses and storage and distribution. This will allow for a mix of businesses and complementary uses (including, strictly limited amounts of small-scale retail, car sales and leisure uses).
- 1.8 Approximately 25% of the existing accommodation is new build. Many of the 'legacy' buildings from the air base remain, and these generally achieve lower rental values as they are less fit-for-purpose. The LDO aims to encourage redevelopment with more modern, visually attractive and user focussed accommodation, which should lead to an increase in business rate generation over the coming years. It will also allow the Trust to distribute more funds towards local good causes.
- 1.9 In a competitive economy, the speed and certainty brought by a LDO can prove to be the key issue for businesses deciding whether to invest in the area or go elsewhere. It also benefits the LPA and other local stakeholders by managing the site in a comprehensive and streamlined framework, rather than piecemeal, and reduces the need to repeatedly assess similar planning issues.
- 1.10 This is why the Greenham Business Park LDO has been prepared by the council's planning officers with the involvement of the Trust, and its planning consultant Pro Vision. It has been drafted to cover a period of 15 years, with mandatory reviews every 5 years to ensure it is delivering its objectives, and provides a framework for managing the impacts of development permitted within the park and the surrounding area, particularly on the northern boundary which adjoins the Common, and to the east where there are a number of dwellings. If necessary the LDO can be revoked at any time, but the Council would have to consult on this process.
- 1.11 The document sets out a series of development parameters based on a zonal plan, which includes an overall cap on total floor space within the business park and the land uses that are permitted. The cap is identical to the amount of floor space already permitted under the existing outline and reserved matters permissions on the site. Proposals falling within these parameters can proceed following a pre-development notification to the council. Proposals falling outside of these parameters will remain subject to the normal planning application process. A series of technical studies, including landscape assessment, heritage assessment, ecological surveys and traffic assessment, have informed the development parameters. For example, building heights are restricted on the northern boundary to control the visual impact from the Common. A number of planning conditions are also specified, including, for example those for managing noise impacts and

external lighting. All future development proposals [with the exception of minor and miscellaneous development] will also have to comply with the Design Guidance, which addresses the appearance of buildings and other matters to control the impact of development.

2. Recommendation

- 2.1 That Full Council formally adopts the Greenham Business Park Local Development Order as appended to this report.

3. Implications

- 3.1 **Financial:** The notification fees will be lower than planning applications fees so there will be some loss of planning fee income; however it is anticipated that officer time and public cost of processing future applications at the Park will fall as a consequence. However assuming the LDO increases local business schemes at the Park, business rates will rise for the Council. There are no implications for the Council CIL charging schedule which remains in force, unaffected by the LDO designation
- 3.2 **Policy:** The LDO accords with policy CS9 in the Core Strategy and with the NPPF2.
- 3.3 **Personnel:** None.
- 3.4 **Legal:** Legal have been consulted on the report attached.
- 3.5 **Risk Management:** It is conceivable that should the LDO be adopted it may be the subject of a legal challenge. Officers have sought to minimise this risk by taking a second consultation round, and by consulting legal colleagues.
- 3.6 **Property:** Nil. The Council has no property holdings at the Park.
- 3.7 **Other:** An equalities impact assessment has been carried out for the LDO proposal.

4. Appendices

- 4.1 Supporting Information – Full Report
- 4.2 Appendix 1 - The LDO—Final version includes conditions, plans and design guidance.
- 4.3 Appendix 2 - Equalities Impact Assessment.
- 4.4 Appendix 3 - Summary of responses received to first consultation round.
- 4.5 Appendix 4 - As above –second consultation round.

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Council Response to Garden Waste Petition

Committee considering report:	Council on 6 December 2018
Portfolio Member:	Councillor Hilary Cole
Date Portfolio Member agreed report:	8 November 2018
Report Author:	Jackie Ward
Forward Plan Ref:	C3669

1. Purpose of the Report

- 1.1 To respond to the Garden Waste petition containing 6,854 signatures submitted to the Council on 18 October 2018, which states;

‘Do not charge residents to recycle! Scrap the £50 charge! This charge comes as an additional separate payment on top of council tax, and is optional. Recycling is an essential service and should not be charged additionally - it is not a hobby for the wealthy. Less economically fortunate residents should not be trapped out of recycling their garden waste. Further to this, there are concerns disabled and elderly residents will not be able to take recycling to a waste facility as an alternative. We are at an environmental tipping point, everyone needs to be able to play their part in protecting the environment. We need to maintain and improve recycling rates not risk lowering them! Nearly 85% of respondents to consultation oppose the £50 charge. We do not support this charge, or the damage it could do to our environment. I urge you, West Berkshire Council, to scrap the £50 charge immediately!’

2. Recommendation

- 2.1 In light of the significant financial and resource implications that result from the proposal in the petition, the recommendation is that Council reject the proposal and continue charging for the garden waste collection service.

3. Implications

- 3.1 **Financial:** There would be a loss of income to the Council. Removing the charge at this stage would mean, that to balance the budget, savings of £900,000 per year would need to be found from other services.

The Council has incurred costs to manage the introduction of the charges and these have been accounted for in arriving at the £900,000 expected annual saving position.

Reinstatement of the free service would incur additional costs the value of which are unknown at this stage.

- 3.2 **Policy:** The Council took the decision to implement these charges following a public consultation which took place over a period of 6 weeks. The original consultation exercise

identified a number of potential issues, including:

- (a) Affordability / impact of the proposal on poorer households
- (b) Principle of charging
- (c) Reduction in recycling
- (d) Impact on the elderly
- (e) Impact on people with disabilities

The petition does not therefore raise any new issues beyond those which have previously been identified. All of the issues detailed in the petition were therefore clearly considered by the Council when it took the decision to implement the charge.

Reinstating the free service would require a further public consultation to identify the associated risks and how the savings would be replaced.

3.3 **Personnel:** None

3.4 **Legal:** The Council resolved to implement these charges following a public consultation exercise. This decision was taken in an open and transparent manner having regard to all relevant information. The decision of Council to implement this charge was both reasonable in the circumstances and lawful.

3.5 **Risk Management:** As described in this report.

3.6 **Property:** None

3.7 **Other:** None

4. Other options considered

4.1 Where a Council debate is triggered by a Petition, the Council has 3 options. It may decide to:

- (1) Take the action the petition suggests
- (2) Not take the action requested
- (3) Commission a further investigation into the matter.

4.2 Option 2 is recommended for the reasons detailed in the report.

Executive Summary

5. Introduction / Background

- 5.1 A public consultation took place from 27 November 2017 until 10 January 2018. The Council received 777 responses (including 37 incomplete replies). Of those that responded, 643 were opposed to the proposal.
- 5.2 The consultation responses helped to inform the recommendation which was considered at the meeting of Council which took place on 1 March 2018. At that meeting, the Council resolved to implement the charge for the collection of garden waste as part of its Revenue Budget. The recommendation to approve the recommendation was resolved; 31 for the motion, 1 against the motion and 0 abstained. No amendment was proposed to maintain the service free of charge.
- 5.3 The Council introduced a charge for the collection of garden waste from 3 September 2018. Over 26,000 subscriptions have been received so far.
- 5.4 In responding to the petition these are the major items which should be considered, the detail of which can be found in Appendix C Supporting Information:
- (1) The Council decision including the public consultation and the equality impact assessment.
 - (2) The financial implications and the costs incurred.
 - (3) The current subscribers, including the administration to make refunds
 - (4) Impact on non-subscribers
 - (5) Reinstating the free service would require further work to identify the associated risks.

6. Proposals

- 6.1 In light of the financial implications associated with a decision to take the action requested by the Petition, a further public consultation would be required before such a decision could be made. The Council cannot therefore lawfully resolve to immediately take the action the petition suggests.
- 6.2 The Council undertook a full public consultation prior to taking an informed decision to implement charges for the Garden Waste Collection Service. The Stage 2 Equality Impact Assessment identified a number of potential impacts that would arise from that decision, and as a result, the Council identified mitigation and determined to monitor those impacts following the introduction of the service. That monitoring is ongoing and a further investigation relating to this matter is not therefore considered to be necessary.
- 6.3 It is recommended that Council reject the proposal in the petition for the reasons outlined in this report.

7. Conclusion

- 7.1 In light of the significant financial and resource implications that result from the proposal in the petition, the recommendation is that Council reject the proposal and continue charging for the garden waste collection service.

8. Appendices

- 8.1 Appendix A – Data Protection Impact Assessment
- 8.2 Appendix B – Equalities Impact Assessment
- 8.3 Appendix C – Supporting Information
- 8.4 Appendix D – Original Stage Two Equality Impact Assessment (EqIA 2)

Appendix A

Data Protection Impact Assessment – Stage One

The General Data Protection Regulations require a Data Protection Impact Assessment (DPIA) for certain projects that have a significant impact on the rights of data subjects.

Should you require additional guidance in completing this assessment, please refer to the Information Management Officer via dp@westberks.gov.uk

Directorate:	Economy and Environment
Service:	Transport and Countryside
Team:	Waste
Lead Officer:	Jackie Ward
Title of Project/System:	Garden Waste Service
Date of Assessment:	An assessment is not required as the process was already in place prior to the introduction of the GDPR.

Do you need to do a Data Protection Impact Assessment (DPIA)?

	Yes	No
<p>Will you be processing SENSITIVE or “special category” personal data?</p> <p>Note – sensitive personal data is described as “<i>data revealing racial or ethnic origin, political opinions, religious or philosophical beliefs, or trade union membership, and the processing of genetic data, biometric data for the purpose of uniquely identifying a natural person, data concerning health or data concerning a natural person’s sex life or sexual orientation</i>”</p>	<input type="checkbox"/>	<input type="checkbox"/>
<p>Will you be processing data on a large scale?</p> <p>Note – Large scale might apply to the number of individuals affected OR the volume of data you are processing OR both</p>	<input type="checkbox"/>	<input type="checkbox"/>
<p>Will your project or system have a “social media” dimension?</p> <p>Note – will it have an interactive element which allows users to communicate directly with one another?</p>	<input type="checkbox"/>	<input type="checkbox"/>
<p>Will any decisions be automated?</p> <p>Note – does your system or process involve circumstances where an individual’s input is “scored” or assessed without intervention/review/checking by a human being? Will there be any “profiling” of data subjects?</p>	<input type="checkbox"/>	<input type="checkbox"/>
<p>Will your project/system involve CCTV or monitoring of an area accessible to the public?</p>	<input type="checkbox"/>	<input type="checkbox"/>
<p>Will you be using the data you collect to match or cross-reference against another existing set of data?</p>	<input type="checkbox"/>	<input type="checkbox"/>
<p>Will you be using any novel, or technologically advanced systems or processes?</p> <p>Note – this could include biometrics, “internet of things” connectivity or anything that is currently not widely utilised</p>	<input type="checkbox"/>	<input type="checkbox"/>

If you answer “Yes” to any of the above, you will probably need to complete [Data Protection Impact Assessment - Stage Two](#). If you are unsure, please consult with the Information Management Officer before proceeding.

Appendix B

Equality Impact Assessment - Stage One

We need to ensure that our strategies, policies, functions and services, current and proposed have given due regard to equality and diversity as set out in the Public Sector Equality Duty (Section 149 of the Equality Act), which states:

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

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

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

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

What is the proposed decision that you are asking the Executive to make:	To respond the petition considering the garden waste collection service.		
Summary of relevant legislation:	Charging for Garden Waste collection is allowed under the Controlled Waste (England and Wales) Regulations 2012.		
Does the proposed decision conflict with any of the Council's key strategy priorities?	Yes		
Name of assessor:	Jackie Ward		
Date of assessment:	5 November 2018		
Is this a:	Is this:		
Policy	No	New or proposed	No
Strategy	No	Already exists and is being reviewed	Yes
Function	No	Is changing	No
Service	Yes		

1 What are the main aims, objectives and intended outcomes of the proposed decision and who is likely to benefit from it?

Aims:	To respond to the petition regarding the garden waste collection service.
Objectives:	To consider the petition in line with the procedures set out in the Council Consultation Part 13 Codes and Protocols Appendix C.
Outcomes:	To make a decision regarding the proposal in the petition.
Benefits:	

2 Note which groups may be affected by the proposed decision. Consider how they may be affected, whether it is positively or negatively and what sources of information have been used to determine this.
 (Please demonstrate consideration of all strands – Age, Disability, Gender Reassignment, Marriage and Civil Partnership, Pregnancy and Maternity, Race, Religion or Belief, Sex and Sexual Orientation.)

Group Affected	What might be the effect?	Information to support this
Age	None	
Disability	None	
Gender Reassignment	None	

Marriage and Civil Partnership	None	
Pregnancy and Maternity	None	
Race	None	
Religion or Belief	None	
Sex	None	
Sexual Orientation	None	
Further Comments relating to the item:		
There is no evidence at this stage to indicate that there will be a greater impact on one group than on any other.		
3 Result		
Are there any aspects of the proposed decision, including how it is delivered or accessed, that could contribute to inequality?		No
Please provide an explanation for your answer: There is no evidence at this stage to indicate that there will be a greater impact on one group than on any other. The Council would be required to undertake a further public consultation exercise and therefore a further stage 1 assessment prior to taking any decision to make the garden waste collection service a free service.		
Will the proposed decision have an adverse impact upon the lives of people, including employees and service users?		No
Please provide an explanation for your answer: There is no evidence at this stage to indicate that there will be a greater impact on one group than on any other.		

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

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

4 Identify next steps as appropriate:	
Stage Two required	No
Owner of Stage Two assessment:	
Timescale for Stage Two assessment:	

Name: Jackie Ward

Date: 5 November 2018

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

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Statement of Gambling Principles

Committee considering report:	Council on 6 December 2018
Portfolio Member:	Councillor Marcus Franks
Date Portfolio Member agreed report:	8 November 2018
Report Author:	Charlie Fletcher
Forward Plan Ref:	C3430

1. Purpose of the Report

- 1.1 West Berkshire District Council's Statement of Gambling Principles ('Statement') under the Gambling Act 2005 must undergo a review and be re-published by 31st January 2019.
- 1.2 The purpose of this report is to bring the revised Statement, further to endorsement by the Council's Licensing Committee on 19 November 2018, to Full Council for approval.

2. Recommendation

- 2.1 That the Council adopts the Statement set out at Appendix E.

3. Implications

- 3.1 **Financial:** There are no new financial implications as result of the Statement being considered however it should be noted that there are fees and charges associated with this work to ensure the Council recovers all costs.
- 3.2 **Policy:** The Gambling Act 2005 requires the Council to formulate, consult and publish a Statement every three years. Problem gambling is a high profile issue and a matter of significant public concern. This Statement seeks to set out, amongst other principles, the Council's policy position in respect of this issue.
- 3.3 **Personnel:** None
- 3.4 **Legal:** It is a legal requirement to publish and have regard to a Statement
- 3.5 **Risk Management:** There are no specific risk matters arising from the adoption of this Statement. A risk would arise should the Council fail in its statutory duty to consider, adopt and publish a current Statement. This risk would increase the longer the Council remained outside of the approved document timescales, the next opportunity to approve this would be in March 2019 at the next Full Council meeting. This risk is considered medium to low at this stage.

Statement of Gambling Principles

3.6 **Property:** None

3.7 **Other:** None

4. **Other options considered**

4.1 There are no alternative options as the revision of the statement is a legal requirement.

Executive Summary

5. Introduction / Background

- 5.1 Section 349 of the Gambling Act 2005 requires all licensing authorities to prepare and publish a statement of the principles that they propose to apply in exercising their functions under the Act.
- 5.2 The revised Statement will last for a maximum of three years and can be reviewed and revised by the authority at any time.
- 5.3 The present Statement was published on 31st January 2016 and therefore must undergo a review and be republished on or before 31st January 2019.
- 5.4 It should be noted that as part of the wider Public Protection Partnership (PPP) this policy has been drafted in consultation with colleagues across Bracknell and Wokingham. It is a stated objective of the PPP to reduce duplication and derive efficiency from economies of scale. There may be occasion where terminology is used to describe processes which vary from authority to authority.

6. Proposals

- 6.1 That the Council approves the revised Statement at Annex E.

7. Conclusion

- 7.1 There is a mandatory duty on the Council to publish a revised Statement and the substantive policy objectives being proposed are considered to be in the best interests of the Community, the Council and the trade. A public consultation has also informed this process.
- 7.2 The revised Statement is also seen as being broadly consistent with our PPP partners' objectives and whilst there may be some localised deviations they are only minor in nature, enabling the Council to benefit from economies of scale and resilience.

8. Appendices

- 8.1 Appendix A – Data Protection Impact Assessment
- 8.2 Appendix B – Equalities Impact Assessment
- 8.3 Appendix C – Supporting Information
- 8.4 Appendix D – Consultation responses received
- 8.5 Appendix E – Revised Statement of Gambling Principles

Appendix A

Data Protection Impact Assessment – Stage One

The General Data Protection Regulations require a Data Protection Impact Assessment (DPIA) for certain projects that have a significant impact on the rights of data subjects.

Should you require additional guidance in completing this assessment, please refer to the Information Management Officer via dp@westberks.gov.uk

Directorate:	Public Protection and Culture
Service:	Public Protection Partnership
Team:	Licensing
Lead Officer:	Julia O'Brien
Title of Project/System:	Revision of Statement of Gambling Principles
Date of Assessment:	5 October 2018

Do you need to do a Data Protection Impact Assessment (DPIA)?

	Yes	No
<p>Will you be processing SENSITIVE or “special category” personal data?</p> <p>Note – sensitive personal data is described as “<i>data revealing racial or ethnic origin, political opinions, religious or philosophical beliefs, or trade union membership, and the processing of genetic data, biometric data for the purpose of uniquely identifying a natural person, data concerning health or data concerning a natural person’s sex life or sexual orientation</i>”</p>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
<p>Will you be processing data on a large scale?</p> <p>Note – Large scale might apply to the number of individuals affected OR the volume of data you are processing OR both</p>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
<p>Will your project or system have a “social media” dimension?</p> <p>Note – will it have an interactive element which allows users to communicate directly with one another?</p>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
<p>Will any decisions be automated?</p> <p>Note – does your system or process involve circumstances where an individual’s input is “scored” or assessed without intervention/review/checking by a human being? Will there be any “profiling” of data subjects?</p>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
<p>Will your project/system involve CCTV or monitoring of an area accessible to the public?</p>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
<p>Will you be using the data you collect to match or cross-reference against another existing set of data?</p>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
<p>Will you be using any novel, or technologically advanced systems or processes?</p> <p>Note – this could include biometrics, “internet of things” connectivity or anything that is currently not widely utilised</p>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

If you answer “Yes” to any of the above, you will probably need to complete [Data Protection Impact Assessment - Stage Two](#). If you are unsure, please consult with the Information Management Officer before proceeding.

Equality Impact Assessment - Stage One

We need to ensure that our strategies, policies, functions and services, current and proposed have given due regard to equality and diversity as set out in the Public Sector Equality Duty (Section 149 of the Equality Act), which states:

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

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

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

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

What is the proposed decision that you are asking the Executive to make:	Approve updated Statement of Gambling Principles
Summary of relevant legislation:	Gambling Act 2005
Does the proposed decision conflict with any of the Council's key strategy priorities?	No
Name of assessor:	Charlie Fletcher
Date of assessment:	5 October 2018

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

1 What are the main aims, objectives and intended outcomes of the proposed decision and who is likely to benefit from it?	
Aims:	To publish a revised Statement of Gambling Principles
Objectives:	Transparency of how the Council deals with matters under the Gambling Act 2005
Outcomes:	Greater understanding in the trade and other interested bodies
Benefits:	Reduction in negative impacts associated with gambling

2 Note which groups may be affected by the proposed decision. Consider how they may be affected, whether it is positively or negatively and what sources of information have been used to determine this. (Please demonstrate consideration of all strands – Age, Disability, Gender Reassignment, Marriage and Civil Partnership, Pregnancy and Maternity, Race, Religion or Belief, Sex and Sexual Orientation.)		
Group Affected	What might be the effect?	Information to support this
Age	No impact	
Disability	No impact	
Gender Reassignment	No impact	

Statement of Gambling Principles

Marriage and Civil Partnership	No impact	
Pregnancy and Maternity	No impact	
Race	No impact	
Religion or Belief	No impact	
Sex	No impact	
Sexual Orientation	No impact	
Further Comments relating to the item:		
No further comments		
3 Result		
Are there any aspects of the proposed decision, including how it is delivered or accessed, that could contribute to inequality?		No
Please provide an explanation for your answer: No evident contribution on inequality		
Will the proposed decision have an adverse impact upon the lives of people, including employees and service users?		No
Please provide an explanation for your answer: No evidence the revised Statement will have an adverse impact.		

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

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

4 Identify next steps as appropriate:	
Stage Two required	
Owner of Stage Two assessment:	
Timescale for Stage Two assessment:	

Name: Charlie Fletcher

Date: 5 October 2018

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

Statement of Licensing Policy

Committee considering report:	Council on 6 December 2018
Portfolio Member:	Councillor Marcus Franks
Date Portfolio Member agreed report:	8 November 2018
Report Author:	Charlie Fletcher, Acting Principal Licensing Officer
Forward Plan Ref:	C3431

1. Purpose of the Report

- 1.1 West Berkshire District Council's Statement of Licensing Policy ('SLP') under the Licensing Act 2003 must undergo a review and be re-published by 11th December 2018.
- 1.2 The purpose of this report is to bring the revised SLP, further to endorsement by the Council's Licensing Committee on 19 November 2018, to Full Council for approval.

2. Recommendation

- 2.1 That the Council adopts the SLP set out at Appendix E.

3. Implications

- 3.1 **Financial:** There are no new financial implications arising from this review of the SLP. The fees with respect to licences are set by law. Recent years have seen a decline in licensing income as the numbers of licensed premises has reduced particularly in respect of public houses. This decline in income has been highlighted through the budget setting process.
- 3.2 **Policy:** The Licensing Act 2003 requires the Council to formulate, consult and publish an SLP every 5 years. The Policy itself is developed around the four 'licensing objectives' i.e. prevention of crime and disorder, public safety, prevention of children from harm and prevention of public nuisance. This is a key policy aimed at protecting the community and individuals from harm.
- 3.3 **Personnel:** There are no specific personnel implications arising from this report.
- 3.4 **Legal:** It is a legal requirement for the Council to consider, adopt and publish a SLP every five years. This was last considered in December 2013. Prior to consideration by Council the statement has to be subject to wider consultation. This process has taken place and the consultation responses are set out in Appendix D to this report. The policy has been drafted to take account of the prevailing legislative framework governing such matters as

equalities and human rights. The main changes to the SLP are set out in the supporting information appended to this report.

3.5 **Risk Management:** There are no specific risk matters arising from the adoption of this SLP. A risk would arise should the Council fail in its statutory duty to consider, adopt and publish a current SLP. This risk would increase the longer the Council remained outside of the approved document timescales, the next opportunity to approve this would be in March 2019 at the next Full Council meeting. This risk is considered medium to low at this stage.

3.6 **Property:** None

3.7 **Other:** None

4. Other options considered

4.1 There were no other options considered. This SLP has been subject to consultation with interested parties and the wider public.

Executive Summary

5. Introduction / Background

- 5.1 Section 5 of the Licensing Act 2003 ('the Act') requires the Licensing Authority to prepare and publish a SLP every five years.
- 5.2 The SLP outlines the general approach of the Licensing Authority when making licensing decisions under the Act and can be reviewed and revised by the Authority at any time.
- 5.3 In so doing the SLP considers how the Council seeks to address the four 'licensing objectives' namely the prevention of crime and disorder, public safety, prevention of children from harm and prevention of public nuisance.
- 5.4 It should be noted that as part of the wider Public Protection Partnership (PPP) this policy has been drafted in consultation with colleagues across Bracknell and Wokingham. It is a stated objective of the PPP to reduce duplication and derive efficiency from economies of scale. There may be occasion where terminology is used to describe processes which vary from authority to authority.

6. Proposals

- 6.1 That the Council approves the revised SLP at Annex E.

7. Conclusion

- 7.1 There is a mandatory duty on the Council to publish an updated SLP and the substantive policy objectives being proposed are considered to be in the best interests of the Council and the trade. A public consultation has also informed this process.
- 7.2 The updated SLP is also seen as being broadly consistent with our PPP partners' objectives and whilst there may be some localised deviations they are only minor in nature, enabling the Council to benefit from economies of scale and resilience.

8. Appendices

- 8.1 Appendix A – Data Protection Impact Assessment
- 8.2 Appendix B – Equalities Impact Assessment
- 8.3 Appendix C – Supporting Information
- 8.4 Appendix D – Consultation responses received
- 8.5 Appendix E – Revised Statement of Licensing Policy

Appendix A

Data Protection Impact Assessment – Stage One

The General Data Protection Regulations require a Data Protection Impact Assessment (DPIA) for certain projects that have a significant impact on the rights of data subjects.

Should you require additional guidance in completing this assessment, please refer to the Information Management Officer via dp@westberks.gov.uk

Directorate:	Public Protection and Culture
Service:	Public Protection Partnership
Team:	Licensing
Lead Officer:	Julia O'Brien
Title of Project/System:	Revision of Statement of Licensing Policy
Date of Assessment:	5 October 2018

Do you need to do a Data Protection Impact Assessment (DPIA)?

	Yes	No
<p>Will you be processing SENSITIVE or “special category” personal data?</p> <p>Note – sensitive personal data is described as “<i>data revealing racial or ethnic origin, political opinions, religious or philosophical beliefs, or trade union membership, and the processing of genetic data, biometric data for the purpose of uniquely identifying a natural person, data concerning health or data concerning a natural person’s sex life or sexual orientation</i>”</p>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
<p>Will you be processing data on a large scale?</p> <p>Note – Large scale might apply to the number of individuals affected OR the volume of data you are processing OR both</p>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
<p>Will your project or system have a “social media” dimension?</p> <p>Note – will it have an interactive element which allows users to communicate directly with one another?</p>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
<p>Will any decisions be automated?</p> <p>Note – does your system or process involve circumstances where an individual’s input is “scored” or assessed without intervention/review/checking by a human being? Will there be any “profiling” of data subjects?</p>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
<p>Will your project/system involve CCTV or monitoring of an area accessible to the public?</p>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
<p>Will you be using the data you collect to match or cross-reference against another existing set of data?</p>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
<p>Will you be using any novel, or technologically advanced systems or processes?</p> <p>Note – this could include biometrics, “internet of things” connectivity or anything that is currently not widely utilised</p>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

If you answer “Yes” to any of the above, you will probably need to complete [Data Protection Impact Assessment - Stage Two](#). If you are unsure, please consult with the Information Management Officer before proceeding.

Equality Impact Assessment - Stage One

We need to ensure that our strategies, policies, functions and services, current and proposed have given due regard to equality and diversity as set out in the Public Sector Equality Duty (Section 149 of the Equality Act), which states:

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

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

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

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

What is the proposed decision that you are asking the Executive to make:	Approve updated Statement of Licensing Policy
Summary of relevant legislation:	Licensing Act 2003
Does the proposed decision conflict with any of the Council's key strategy priorities?	No
Name of assessor:	Charlie Fletcher
Date of assessment:	5 October 2018

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

1 What are the main aims, objectives and intended outcomes of the proposed decision and who is likely to benefit from it?	
Aims:	To publish a revised Statement of Licensing Policy
Objectives:	Transparency of how the Council deals with matters under the Licensing Act 2003
Outcomes:	Greater understanding in the trade and other interested bodies
Benefits:	Reduction in negative impacts associated with licensing

2 Note which groups may be affected by the proposed decision. Consider how they may be affected, whether it is positively or negatively and what sources of information have been used to determine this.		
(Please demonstrate consideration of all strands – Age, Disability, Gender Reassignment, Marriage and Civil Partnership, Pregnancy and Maternity, Race, Religion or Belief, Sex and Sexual Orientation.)		
Group Affected	What might be the effect?	Information to support this
Age	No impact	
Disability	No impact	
Gender	No impact	

Reassignment		
Marriage and Civil Partnership	No impact	
Pregnancy and Maternity	No impact	
Race	No impact	
Religion or Belief	No impact	
Sex	No impact	
Sexual Orientation	No impact	
Further Comments relating to the item:		
No further comments		

3 Result	
Are there any aspects of the proposed decision, including how it is delivered or accessed, that could contribute to inequality?	No
Please provide an explanation for your answer: No evident contribution on inequality	
Will the proposed decision have an adverse impact upon the lives of people, including employees and service users?	No
Please provide an explanation for your answer: No evidence the revised Statement will have an adverse impact.	

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

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

4 Identify next steps as appropriate:	
Stage Two required	
Owner of Stage Two assessment:	
Timescale for Stage Two assessment:	

Name: Charlie Fletcher

Date: 5 October 2018

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

Leisure Centre Fees and Charges 2019

Committee considering report:	Council on 6 December 2018
Portfolio Member:	Councillor Rick Jones
Date Portfolio Member agreed report:	15 October 2018
Report Author:	Jim Sweeting
Forward Plan Ref:	C3657

1. Purpose of the Report

- 1.1 To implement the contractual requirement for an annual price review for 2019 for the leisure contractor to come into effect from 1st January 2019.

2. Recommendation

- 2.1 That Council approve the proposed increase in Fees and Charges as outlined in Appendix D 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 the maximum core 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 2019/20
- 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 for the maximum fees for identified Core activity, as part of their Business Plan for the West Berkshire contract for 2019.
- 4.2 Consideration is given both to achieving standard tariffs across all centres and to the level of fees and charges set by local competitors in the industry and nearby Local Authority facilities in neighbouring districts and boroughs.

Executive Summary

5. Introduction / Background

- 5.1 In establishing their proposed maximum fees and charges for core activity at leisure centres for 2019 the contractor has outlined the standard (non-card holder) prices as outlined in Appendix D. Once discounts as set out in 5.2 are applied it results in an average increase of 2.9% in the charges applied to West Berkshire Card holders, this is below the benchmark level provided by the Retail Price Index at the end of the Contract year (3.4% - June 2018) when rounded to the nearest 5p.
- 5.2 To make it simpler for customers to understand the benefits of being a West Berkshire Card holder it was agreed in December 2015 that the discount applied to West Berkshire Card holders would change from a basic 10% to flat rates applied as follows:
- (a) £1.00 for adult activity
 - (b) £0.50p for junior activity
 - (c) £5.00 for team sports

It is not proposed by the contractor to change the level of discount received by West Berkshire Card Holders in 2019.

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

6. Proposals

- 6.1 The fees and charges for 2019 for core activity at West Berkshire Leisure Centres are outlined in Appendix D.
- 6.2 Members asked if the contractor would review the classification of a Junior to include those aged up to 18. The contractor has identified some financial risks of a blanket policy but is constructively working with officers and Public Health colleagues to introduce a range of activity available for young people aged 14 to 18 at special rates.

7. Conclusion

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

8. Appendices

- 8.1 Appendix A – Data Protection Impact Assessment
- 8.2 Appendix B – Equalities Impact Assessment
- 8.3 Appendix C – Supporting Information

8.4 Appendix D – Proposed Maximum Core charges for Leisure Centres for 2019

Appendix A

Data Protection Impact Assessment – Stage One

The General Data Protection Regulations require a Data Protection Impact Assessment (DPIA) for certain projects that have a significant impact on the rights of data subjects.

Should you require additional guidance in completing this assessment, please refer to the Information Management Officer via dp@westberks.gov.uk

Directorate:	Economy and Environment
Service:	Public Protection and Culture
Team:	Sport and Leisure Team
Lead Officer:	Jim Sweeting
Title of Project/System:	Leisure Centre Fees and Charges 2019
Date of Assessment:	12/10/2018

Do you need to do a Data Protection Impact Assessment (DPIA)?

	Yes	No
<p>Will you be processing SENSITIVE or “special category” personal data?</p> <p>Note – sensitive personal data is described as “<i>data revealing racial or ethnic origin, political opinions, religious or philosophical beliefs, or trade union membership, and the processing of genetic data, biometric data for the purpose of uniquely identifying a natural person, data concerning health or data concerning a natural person’s sex life or sexual orientation</i>”</p>	<input type="checkbox"/>	√
<p>Will you be processing data on a large scale?</p> <p>Note – Large scale might apply to the number of individuals affected OR the volume of data you are processing OR both</p>	<input type="checkbox"/>	√
<p>Will your project or system have a “social media” dimension?</p> <p>Note – will it have an interactive element which allows users to communicate directly with one another?</p>	<input type="checkbox"/>	√
<p>Will any decisions be automated?</p> <p>Note – does your system or process involve circumstances where an individual’s input is “scored” or assessed without intervention/review/checking by a human being? Will there be any “profiling” of data subjects?</p>	<input type="checkbox"/>	√
<p>Will your project/system involve CCTV or monitoring of an area accessible to the public?</p>	<input type="checkbox"/>	√
<p>Will you be using the data you collect to match or cross-reference against another existing set of data?</p>	<input type="checkbox"/>	√
<p>Will you be using any novel, or technologically advanced systems or processes?</p> <p>Note – this could include biometrics, “internet of things” connectivity or anything that is currently not widely utilised</p>	<input type="checkbox"/>	√

If you answer “Yes” to any of the above, you will probably need to complete [Data Protection Impact Assessment - Stage Two](#). If you are unsure, please consult with the Information Management Officer before proceeding.

Appendix B

Equality Impact Assessment - Stage One

We need to ensure that our strategies, policies, functions and services, current and proposed have given due regard to equality and diversity as set out in the Public Sector Equality Duty (Section 149 of the Equality Act), which states:

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

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

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

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

What is the proposed decision that you are asking the Executive to make:	To agree the Core Maximum Leisure Centre Fees and Charges for 2019.
Summary of relevant legislation:	N/a
Does the proposed decision conflict with any of the Council's key strategy priorities?	No
Name of assessor:	Jim Sweeting
Date of assessment:	12/10/2018

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

1 What are the main aims, objectives and intended outcomes of the proposed decision and who is likely to benefit from it?	
Aims:	To consider the fees and charges proposed by the leisure contractor for 2019
Objectives:	To agree the maximum core fees and charges with the leisure contractor for 2019
Outcomes:	Maximum Fees and Charges agreed and published prior to coming into effect on January 1 st 2019.
Benefits:	Consistent charging policy across facilities in West Berkshire.

2 Note which groups may be affected by the proposed decision. Consider how they may be affected, whether it is positively or negatively and what sources of information have been used to determine this.		
(Please demonstrate consideration of all strands – Age, Disability, Gender Reassignment, Marriage and Civil Partnership, Pregnancy and Maternity, Race, Religion or Belief, Sex and Sexual Orientation.)		
Group Affected	What might be the effect?	Information to support this
Further Comments relating to the item:		
None of the listed groups are affected more positively or negatively than others by the		

proposed changes. For those on low incomes in which ever group access to a concessionary programme is available which provides reduced admission during off peak times. Bespoke schemes have also been commissioned by Public Health and the Communities Directorate to provide further support towards programmes.

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

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

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

4 Identify next steps as appropriate:	
Stage Two required	No
Owner of Stage Two assessment:	
Timescale for Stage Two assessment:	

Name: Jim Sweeting

Date: 12/10/2018

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

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Amendments to the Constitution

Committee considering report:	Council on 6 December 2018
Portfolio Member:	Councillor Dominic Boeck
Date Portfolio Member agreed report:	1 November 2018
Report Author:	Sarah Clarke
Forward Plan Ref:	C3260

1. Purpose of the Report

- 1.1 The Monitoring Officer together with other members of the Finance and Governance Group are required to keep the Constitution under regular review.
- 1.2 This paper proposes a number of amendments to Parts 2, 3, 10, 11 and 13 of the Constitution.

2. Recommendations

It is recommended that Council approve the following:

- (i) The amendments to the Articles of the Constitution which are detailed in Appendix D of this Report.
- (ii) The amendments to the Scheme of Delegation which are shown fully in Appendix E of this Report.
- (iii) The amendments to the Financial Rules of Procedure at Part 10 of the Constitution, as detailed in Appendix F of this Report.
- (iv) The amendments to the Contracts Rules of Procedure at Part 11 of the Constitution, as detailed in Appendix G of this Report.
- (v) The amendments to the Social Media Protocol for Councillors at Part 13 of the Constitution, as shown at Appendix H of this Report.

3. Implications

- 3.1 **Financial:** Although the financial thresholds for bad debts will be amended to increase the level of debt that can be written off under delegated authority, there will be no actual financial impact as only bad debts will be written off.
- 3.2 **Policy:** This report proposes amendments to the Constitution, including the Social Media Protocol for Councillors.
- 3.3 **Personnel:** None
- 3.4 **Legal:** It is essential that the Council's Constitution is maintained and updated to ensure that the Council operates within a sound and lawful governance framework.

3.5 **Risk Management:** These proposals set out clear operational rules and guidelines which should reduce the risk of successful challenge.

3.6 **Property:** None

3.7 **Other:** None

4. **Other options considered**

4.1 The alternative to approving the proposed amendments is to not update the Constitution. This is not recommended for the reasons detailed in the report.

Executive Summary

5. Introduction / Background

- 5.1 Throughout the year the Governance and Ethics Committee is referred to amendments to the Council's constitution and its rules of procedure where amendment is considered necessary. Subject to its view, matters are then referred to Council for adoption. This ensures that administrative processes remain effective and efficient.

6. Proposals

- 6.1 It is proposed that a number of amendments are made to the Constitution.
- 6.2 It is proposed that the Financial Rules of procedure be amended to increase the level of bad debt that the Head of Finance and Property is authorised to write off from the current limit of £10k to £25k.
- 6.3 Commercial Board has recently been renamed Procurement Board and a review of existing requirements under Part 11 has demonstrated that a number of requirements do not provide any additional benefits. Specifically, this relates to the requirement to provide reports for information to Corporate Board and Operations Board detailing decisions which can be taken under delegated power once the matter has been considered and agreed by Procurement Board. It is proposed to remove the requirement to provide information reports in the existing manner.
- 6.4 It is also proposed that the Scheme of Delegation and Financial Rules of Procedure be amended to enable the Head of Finance and Property in consultation with the Portfolio Holder for Finance, the Head of Human Resources and the Head of Legal, be authorised to make payments up to a maximum of £5k, to officers of tier 3 and below where that officer(s) have suggested an idea which has generated significant income for the Council.
- 6.5 It is proposed that the Scheme of Delegation be amended to delegate power to the Personnel Committee to allocate the statutory posts of Director of Children's Services and the Director of Adults Services to appropriate officers.
- 6.6 Following the update to the Officers Code of Conduct which was approved by Council in March to include a section on the use of social media, the Social Media Protocol for Councillors was also identified as being in need of updating. The amendments which are proposed to this are fully detailed in Appendix H.

7. Conclusions

- 7.1 It is considered that the proposed changes will ensure that the Council maintains a robust and efficient governance and decision making framework. The update to the Social Media Protocol for Councillors will also provide updated clarity and guidance for Members when using social media.

8. Appendices

- 8.1 Appendix A – Data Protection Impact Assessment
- 8.2 Appendix B – Equalities Impact Assessment

Amendments to the Constitution

- 8.3 Appendix C – Supporting Information
- 8.4 Appendix D – Proposed Amendments to Part 2 of the Constitution
- 8.5 Appendix E – Proposed Amendments to Part 3 of the Constitution
- 8.6 Appendix F – Proposed Amendments to Part 10 of the Constitution
- 8.7 Appendix G – Proposed Amendments to Part 11 of the Constitution
- 8.8 Appendix H – Proposed Social Media Protocol for Councillors

Appendix A

Data Protection Impact Assessment – Stage One

The General Data Protection Regulations require a Data Protection Impact Assessment (DPIA) for certain projects that have a significant impact on the rights of data subjects.

Should you require additional guidance in completing this assessment, please refer to the Information Management Officer via dp@westberks.gov.uk

Directorate:	Resources
Service:	Legal Services
Team:	
Lead Officer:	Sarah Clarke
Title of Project/System:	Review of Constitution
Date of Assessment:	16 October 2018

Do you need to do a Data Protection Impact Assessment (DPIA)?

	Yes	No
<p>Will you be processing SENSITIVE or “special category” personal data?</p> <p>Note – sensitive personal data is described as “<i>data revealing racial or ethnic origin, political opinions, religious or philosophical beliefs, or trade union membership, and the processing of genetic data, biometric data for the purpose of uniquely identifying a natural person, data concerning health or data concerning a natural person’s sex life or sexual orientation</i>”</p>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
<p>Will you be processing data on a large scale?</p> <p>Note – Large scale might apply to the number of individuals affected OR the volume of data you are processing OR both</p>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
<p>Will your project or system have a “social media” dimension?</p> <p>Note – will it have an interactive element which allows users to communicate directly with one another?</p>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
<p>Will any decisions be automated?</p> <p>Note – does your system or process involve circumstances where an individual’s input is “scored” or assessed without intervention/review/checking by a human being? Will there be any “profiling” of data subjects?</p>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
<p>Will your project/system involve CCTV or monitoring of an area accessible to the public?</p>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
<p>Will you be using the data you collect to match or cross-reference against another existing set of data?</p>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
<p>Will you be using any novel, or technologically advanced systems or processes?</p> <p>Note – this could include biometrics, “internet of things” connectivity or anything that is currently not widely utilised</p>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

If you answer “Yes” to any of the above, you will probably need to complete [Data Protection Impact Assessment - Stage Two](#). If you are unsure, please consult with the Information Management Officer before proceeding.

Equality Impact Assessment - Stage One

We need to ensure that our strategies, policies, functions and services, current and proposed have given due regard to equality and diversity as set out in the Public Sector Equality Duty (Section 149 of the Equality Act), which states:

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

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

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

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

What is the proposed decision that you are asking the Council to make:	The proposal is to make various amendments to the Council's Constitution.
---	---

Summary of relevant legislation:	Various, including Local Government Act 1972
Does the proposed decision conflict with any of the Council's key strategy priorities?	No
Name of assessor:	Sarah Clarke
Date of assessment:	16 October 2018

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

1 What are the main aims, objectives and intended outcomes of the proposed decision and who is likely to benefit from it?	
Aims:	To review the Constitution to ensure that it is up to date.
Objectives:	To ensure that the Council has effective, efficient and lawful decision making systems in place.
Outcomes:	The Council will be able to take effective decisions in a lawful.
Benefits:	The Council can operate in an effective and efficient manner.

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

Sex	None	
Sexual Orientation	None	
Further Comments relating to the item:		
The proposal affects the rules governing how the Council will conduct itself, and includes proposals relating to how some decisions will be made.		

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

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

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

4 Identify next steps as appropriate:	
Stage Two required	No
Owner of Stage Two assessment:	
Timescale for Stage Two assessment:	

Name: Sarah Clarke

Date: 16.10.18

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

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Proposed Member Induction & Development Programme 2019/2020

Committee considering report:	Council on 6 December 2018
Portfolio Member:	Councillor Dominic Boeck
Date Portfolio Member agreed report:	1 November 2018
Report Author:	Moira Fraser
Forward Plan Ref:	C3632

1. Purpose of the Report

- 1.1 To give consideration to, and agree, the proposed Member Induction and Development Programme for 2019/20 following the forthcoming District Council Election in May 2019. The programme was considered and endorsed by the Member Development Group on 24th September 2018.

2. Recommendation

- 2.1 Members are asked to discuss and, if appropriate, agree the proposed Member Induction and Development Programme for 2019/20.

3. Implications

- 3.1 **Financial:** The Member Induction and Development programme will be delivered within the existing budget.
- 3.2 **Policy:** The Member Induction and Development programme will be delivered as part of the Member Development Strategy.
- 3.3 **Personnel:** The Member Induction and Development programme is established, managed and monitored by officers within Strategic Support and the delivery of sessions is cross-service, usually at Head of Service level.
- 3.4 **Legal:** NA
- 3.5 **Risk Management:** NA
- 3.6 **Property:** NA
- 3.7 **Other:** NA

4. Other options considered

- 4.1 Following consultation, various sessions were put forward for inclusion in the programme and were considered by the Member Development Group.
- 4.2 Not to run a Member Induction and Development Programme.

Executive Summary

5. Introduction / Background

- 5.1 District Council Elections will take place in West Berkshire in May 2019. Traditionally, all Members, but particularly newly elected Members, are provided with an initial Induction programme of training following the Election. A shortened programme of Member Development is also run in the latter part of the year to brief all Members on relevant current issues. The programme will remain flexible and if needed additional development sessions can be included at a later date.
- 5.2 The Member Development Group met on 24th September 2018 and gave consideration to the Members Induction Programme that was provided after the District Council Elections in 2015. This was considered alongside feedback received from Members and Heads of Service on the previous Induction Programme and the headline proposals for the 2019 Programme.
- 5.3 All Members will be welcome to attend all sessions but key induction sessions will be mandatory for new Members. Equally, as always, some development sessions remain mandatory for some or all Members. Please see programme for details.
- 5.4 All Members will be offered training on how to make best use of the IT equipment provided to them after the election.

6. Proposal

- 6.1 That the proposed Member Induction and Development Programme (attached at Appendix C) is agreed.

7. Conclusion

- 7.1 The proposed Member Induction and Development Programme once agreed will be in place for May 2019.

8. Appendices

- 8.1 Appendix A – Data Protection Impact Assessment
- 8.2 Appendix B – Equalities Impact Assessment
- 8.3 Appendix C – Proposed Member Induction and Development Programme 2019/20

Appendix A

Data Protection Impact Assessment – Stage One

The General Data Protection Regulations require a Data Protection Impact Assessment (DPIA) for certain projects that have a significant impact on the rights of data subjects.

Should you require additional guidance in completing this assessment, please refer to the Information Management Officer via dp@westberks.gov.uk

Directorate:	Resources
Service:	Strategic Support
Team:	Member Services
Lead Officer:	Jude Thomas
Title of Project/System:	Member Induction and Development Programme 2018/19
Date of Assessment:	16.07.2018

Do you need to do a Data Protection Impact Assessment (DPIA)?

	Yes	No
<p>Will you be processing SENSITIVE or “special category” personal data?</p> <p>Note – sensitive personal data is described as “<i>data revealing racial or ethnic origin, political opinions, religious or philosophical beliefs, or trade union membership, and the processing of genetic data, biometric data for the purpose of uniquely identifying a natural person, data concerning health or data concerning a natural person’s sex life or sexual orientation</i>”</p>	<input type="checkbox"/>	X
<p>Will you be processing data on a large scale?</p> <p>Note – Large scale might apply to the number of individuals affected OR the volume of data you are processing OR both</p>	<input type="checkbox"/>	X
<p>Will your project or system have a “social media” dimension?</p> <p>Note – will it have an interactive element which allows users to communicate directly with one another?</p>	<input type="checkbox"/>	X
<p>Will any decisions be automated?</p> <p>Note – does your system or process involve circumstances where an individual’s input is “scored” or assessed without intervention/review/checking by a human being? Will there be any “profiling” of data subjects?</p>	<input type="checkbox"/>	X
<p>Will your project/system involve CCTV or monitoring of an area accessible to the public?</p>	<input type="checkbox"/>	X
<p>Will you be using the data you collect to match or cross-reference against another existing set of data?</p>	<input type="checkbox"/>	X
<p>Will you be using any novel, or technologically advanced systems or processes?</p> <p>Note – this could include biometrics, “internet of things” connectivity or anything that is currently not widely utilised</p>	<input type="checkbox"/>	X

If you answer “Yes” to any of the above, you will probably need to complete [Data Protection Impact Assessment - Stage Two](#). If you are unsure, please consult with the Information Management Officer before proceeding.

Appendix B

Equality Impact Assessment - Stage One

We need to ensure that our strategies, policies, functions and services, current and proposed have given due regard to equality and diversity as set out in the Public Sector Equality Duty (Section 149 of the Equality Act), which states:

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

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

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

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

What is the proposed decision that you are asking the Executive to make:	To agree the Member Induction and Development Programme for 2019/20
Summary of relevant legislation:	NA
Does the proposed decision conflict with any of the Council's key strategy priorities?	No
Name of assessor:	Jude Thomas
Date of assessment:	16.7.18

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

1 What are the main aims, objectives and intended outcomes of the proposed decision and who is likely to benefit from it?	
Aims:	To inform all
Objectives:	
Outcomes:	For all Members to be fully briefed
Benefits:	

2 Note which groups may be affected by the proposed decision. Consider how they may be affected, whether it is positively or negatively and what sources of information have been used to determine this.		
(Please demonstrate consideration of all strands – Age, Disability, Gender Reassignment, Marriage and Civil Partnership, Pregnancy and Maternity, Race, Religion or Belief, Sex and Sexual Orientation.)		
Group Affected	What might be the effect?	Information to support this
Age		
Disability		
Gender Reassignment		
Marriage and Civil		

Partnership		
Pregnancy and Maternity		
Race		
Religion or Belief		
Sex		
Sexual Orientation		
Further Comments relating to the item:		

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

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

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

4 Identify next steps as appropriate:	
Stage Two required	No
Owner of Stage Two assessment:	
Timescale for Stage Two assessment:	

Name:

Date:

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

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2019/20 West Berkshire Council Timetable of Public Meetings

Committee considering report:	Council on 6 December 2018
Portfolio Member:	Councillor Graham Jones
Date Portfolio Member agreed report:	1 November 2018
Report Author:	Moira Fraser, Democratic and Electoral Services Manager
Forward Plan Ref:	C3658

1. Purpose of the Report

- 1.1 To recommend a timetable of meetings for the 2019/20 Municipal Year.

2. Recommendation

- 2.1 To approve the timetable of public meetings for the 2019/20 Municipal Year.

3. Implications

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

4. Other options considered

- 4.1 None

Executive Summary

4.2 The timetable of meetings for the Municipal Year 2019/20 is attached as Appendix C 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 but are usually held approximately every six weeks;
- Area Planning Committees (both Western and Eastern) to be held on a three weekly cycle with provisional dates included for District Planning Committees. District Planning Committees will only be held if the meetings are required and additional meetings may be arranged to ensure that Planning timescales are adhered to;
- Four Overview and Scrutiny Commission meetings have been scheduled;
- Licensing Committee meetings have been set for June and November 2019 and additional meetings will be arranged on an ad hoc basis;
- Health and Wellbeing Board meetings are held in May, September, November and January. Additional development sessions are also included on the timetable;
- Governance and Ethics Committees have been arranged 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 Induction and Development sessions are scheduled in the timetable. Any changes to the Programme, which will be agreed at this meeting, will be included on this timetable.
- Joint Public Protection Committees have provisionally been included on the timetable but may be subject to change following discussions with colleagues in Bracknell Forest and Wokingham Borough Councils.
- Additional group meetings will be added to the timetable after the May 2019 election.

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

5. Conclusion

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

6. Recommendation

6.1 It is recommended that the schedule for the 2019/20 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

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

Officer details:

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

7. Appendices

- 7.1 Appendix A – Equalities Impact Assessment
- 7.2 Appendix B – Timetable of meetings May 2019 – May 2020

Appendix A

Equality Impact Assessment - Stage One

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

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

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

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

1 What are the main aims, objectives and intended outcomes of the policy, strategy, function or service and who is likely to benefit from it?	
Aims:	To agree a timetable of public meetings for publication.
Objectives:	
Outcomes:	
Benefits:	Agreeing and publishing the timetable in advance of the Municipal Year gives advanced notice of forthcoming public meetings.

2 Note which groups may be affected by the policy, strategy, function or service. Consider how they may be affected, whether it is positively or negatively and what sources of information have been used to determine this.
(Please demonstrate consideration of all strands – Age, Disability, Gender Reassignment, Marriage and Civil Partnership, Pregnancy and Maternity, Race, Religion or Belief, Sex and Sexual Orientation.)

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

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

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

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

4 Identify next steps as appropriate:	
Stage Two required	No.
Owner of Stage Two assessment:	
Timescale for Stage Two assessment:	
Stage Two not required:	

Name: Linda Pye

Date: 10 October 2017

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

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West Berkshire Council – Timetable of Meetings- May 2019 to May 2020

	MAY 2019	JUN 2019	JUL 2019	AUG 2019	SEP 2019	OCT 2019	NOV 2019	DEC 2019	JAN 2020	FEB 2020	MAR 2020	APR 2020	MAY 2020														
Mon			1																								
Tues			2	C				1	OSMC																		
Weds	1		3	W				2	D			1	E														
Thur	2	Election	4		1			3				2															
Fri	3		5		2			4	1			3	1														
Sat	4	1	6		3			5	2			4	2														
Sun	5	2	7		4	1		6	3		1	5	3														
Mon	6	3	8		5	2	G&E	7	4	2	6	3	G&E	2	6	4											
Tues	7	4	9	OSMC	6	3		8	5	DPC	3	7	4	3	C	7	5										
Weds	8	5	E	10	D	7	E	4	W	9	E	6	W	4	D	8	W	6									
Thur	9	6		11		8		5	X	10		7	5	C	9	6	5	7	Election								
Fri	10	7		12		9		6		11		8	6		10	7	6	10	8								
Sat	11	8		13		10		7		12		9	7		11	8	7	11	9								
Sun	12	9		14		11		8		13		10	8		12	9	8	12	10								
Mon	13	10		15		12		9		14		11	9		13	10	9	13	11								
Tues	14	11	JPPC	16		13		10		15		12	10	JPPC	14	OSMC	11	10	14	12	C						
Weds	15	12	W	17	E	14	W	11		16	W	13	D	11	E	15	W	12	11	E	15	D	13	E			
Thur	16	13	X	18		15		12	C	17	X	14		12	X	13	X	12	DPC	16		14					
Fri	17	14		19		16		13		18		15		13		17		14		13		17		15			
Sat	18	15		20		17		14		19		16		14		18		15		14		18		16			
Sun	19	16		21		18		15		20		17		15		19		16		15		19		17			
Mon	20	17	G&E	22		19		16		21		18	LIC	16		20		17		16		20	G&E	18			
Tues	21	C	18		23		20		17	JPPC	22		19		17	CPP	21		18		17	JPPC	21	OSMC	19		
Weds	22	E/W	19		24	W	21	D	18	E	23		20	E	18	W	22	D	19	E	18	W	22	E	20	W	
Thur	23	X	20		25	X	22		19		24		21	X	19	X	23		20		19		23		21	HWBB	
Fri	24		21		26		23		20		25		22		20		24		21		20		24		22		
Sat	25		22		27		24		21		26		23		21		25		22		21		25		23		
Sun	26		23		28		25		22		27		24		22		26		23		22		26		24		
Mon	27		24	LIC	29	G&E	26		23		28		25	G&E	23		27		24		23		27		25		
Tues	28		25	CPP	30		27		24	CPP	29		26		24		28		25		24	CPP	28		26		
Weds	29	D	26	E	31		28	E	25	W	30	E	27	W	25		29	E	26	W	25		29	W	27	D	
Thur	30	HWBB	27				29		26	HWBB	31		28		26		30	HWBB	27		26	X	30	X	28		
Fri	31		28				30		27				29		27		31		28		27				29		
Sat			29				31		28				30		28				29		28				30		
Sun			30						29						29						29					31	
Mon									30												30						
Tues																					31						

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C Council – 7.00pm except Budget meeting which starts at 6.30pm	JPPC Joint Public Protection Committee*	W Western Area Planning Cttee – 6.30pm	1 Bank Holiday
X Executive – 5.00pm	LIC Licensing Committee – 6.30pm	E Eastern Area Planning Cttee – 6.30pm	1 School Holiday
G&E Governance and Ethics Committee – 5.00pm		D District Planning Committee (provisional dates) – 6.30pm	
OSMC Overview & Scrutiny Management Commission – 6.30pm		DPC District/Parish Conference – 6.30pm	
CPP Corporate Parenting Panel – 6.30pm		HWBB Health and Wellbeing Board – 9.30am	

Public Meetings: All meetings are open to the public excluding Member Development Sessions

Venues: All meetings are held at Council Offices, Market Street, Newbury with the exception of: Eastern Area Planning Committee which is usually held at the Calcot Centre, Highview.

Questions to Council and Executive: Questions must be submitted by 10.00am seven clear working days before the meeting.

District Planning: All stated dates are provisional subject to requirement.

* JPPC meetings are held at Wokingham BC and start at 7pm

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Sustainable Drainage Systems Supplementary Planning Document

Committee considering report:	Council on 6 December 2018
Portfolio Member:	Councillor Hilary Cole
Date Portfolio Member agreed report:	15 October 2018
Report Author:	Laila Bassett and Stuart Clark
Forward Plan Ref:	C3660

1. Purpose of the Report

1.1 To:

- (1) Consider the representations (as attached in Appendix C) received in response to the consultation on the Sustainable Drainage Systems Supplementary Planning Document (SuDS SPD) undertaken between 11 June and 23 July 2018.
- (2) Consider whether any revisions need to be made to the SuDS SPD in light of these representations.
- (3) Consider the adoption of the SuDS SPD as attached in Appendix D.

2. Recommendations

2.1 That the SuDS SPD is adopted in accordance with the Town and Country Planning (Local Planning) (England) Regulations 2012.

- (1) No new information or evidence has arisen through the consultation to warrant major changes being made to the SuDS SPD.
- (2) The Council responses to the representations received as set out in Appendix C are agreed.
- (3) The SuDS SPD (as attached at Appendix D) is adopted in accordance with the Town and Country Planning (Local Planning) (England) Regulations 2012.
- (4) Delegated authority is given to the Head of Development and Planning to agree any minor typographical and formatting refinements to the SuDS SPD before publication.

3. Implications

3.1 **Financial:** n/a

3.2 **Policy:** Adopted Core Strategy policy CS16 (Flooding) requires

that on all development sites, surface water will be managed through the implementation of SuDS in accordance with best practice and the proposed national standards and to provide attenuation to greenfield run-off rates and volumes, for all new development and re-development and provide other benefits where possible such as water quality, biodiversity and amenity.

3.3 **Personnel:** n/a

3.4 **Legal:** n/a

3.5 **Risk Management:** n/a

3.6 **Property:** n/a

3.7 **Other:** n/a

4. **Other options considered**

4.1 That a SuDS SPD is not produced, with reliance instead on national guidance and standards.

Executive Summary

5. Introduction / Background

- 5.1. Supplementary Planning Documents (SPDs) are material considerations in the planning process. They provide further information and additional detail to policies within the Local Plan. Adopted Core Strategy policy CS16 (Flooding) sets out the requirement for the use of Sustainable Drainage Systems (SuDS) in new developments.
- 5.2. SuDS mimic natural drainage to manage surface water run-off from a development. SuDS allow for the collection, storage, and treatment of surface water in order to reduce flood risk caused by development. They also help to improve water quality. In addition, SuDS can improve landscape amenity and biodiversity.

6. Proposal

- 6.1. The SuDS SPD sets out how the Council expects SuDS to contribute to sustainable development, and outlines the design principles and standards required to deliver good quality SuDS in West Berkshire. It is primarily aimed at developers, consultants and planning officers, and has been developed in consultation with stakeholders.
- 6.2. The draft SPD was subject to public consultation between 11 June and 23 July 2018, and 21 comments were received from 18 organisations/individuals. All of the comments were supportive of the SPD, and several suggestions were made to enhance the clarity of the document.
- 6.3. On consideration of the representations received, Officers consider that several minor changes should be made to enhance the clarity of the SuDS SPD.

7. Conclusion

- 7.1. It is recommended that Council resolves that:
 - (a) No new information or evidence has arisen through the consultation to warrant major changes being made to the SuDS SPD.
 - (b) The Council's responses to the representations received as set out in Appendix C are agreed.
 - (c) The SuDS SPD (as attached in Appendix D) is adopted in accordance with the Town and Country Planning (Local Planning) (England) Regulations 2012.
 - (d) Delegated authority is given to the Head of Development and Planning to agree any minor typographical and formatting refinements to the SuDS SPD before publication.
- 7.2. Once adopted, the SuDS SPD will be used in conjunction with the Development Plan, holding significant weight as a material consideration in the determination of planning applications and / or appeals.

8. Appendices

- 8.1 Appendix A – Supporting Information
- 8.2 Appendix B – Equalities Impact Assessment
- 8.3 Appendix C – Statement of Consultation
- 8.4 Appendix D – Sustainable Drainage Systems Supplementary Planning Document