

Meeting of West Berkshire District Council

Tuesday 21 May 2019

Summons and Agenda



To: All Members of the Council

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

on

Tuesday 21 May 2019

at the conclusion of the Extraordinary Council
meeting



Sarah Clarke
Head of Legal and Strategic Support
West Berkshire District Council

Date of despatch of Agenda: Monday 13 May 2019

AGENDA

1. **APOLOGIES FOR ABSENCE**

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

2. **CHAIRMAN'S REMARKS**

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

3. **ELECTION OF THE CHAIRMAN FOR THE MUNICIPAL YEAR 2019/20 (C3596)**

To elect the Chairman for the 2019/20 Municipal Year.



WestBerkshire
C O U N C I L

Agenda - Council to be held on Tuesday, 21 May 2019 (continued)

4. APPOINTMENT OF VICE-CHAIRMAN FOR THE MUNICIPAL YEAR 2019/20 (C3597)

To appoint the Vice-Chairman for the 2019/20 Municipal Year.

5. MINUTES

The Chairman to sign as a correct record the Minutes of the Council meeting held on 5 March 2019. **(To Follow)**

6. 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](#).

7. REPORT OF THE RETURNING OFFICER (C3711)

To inform Council of the results of the recent Local Elections and any issues concerning the conduct of the Elections. **(Pages 7 - 10)**

8. ELECTION OF THE STRONG LEADER (C3600)

To elect the Strong Leader for the next four years.

9. APPOINTMENT OF THE EXECUTIVE BY THE LEADER OF THE COUNCIL FOR THE 2019/20 MUNICIPAL YEAR (C3598)

The Leader of the Council to announce the composition of the Executive for the 2019/20 Municipal Year.

10. APPOINTMENT OF AND ALLOCATION OF SEATS ON COMMITTEES FOR THE 2019/20 MUNICIPAL YEAR (C3599)

To consider the appointment and allocation of seats on Committees for the next Municipal Year in accordance with the duty under section 15 of the Local Government Housing Act 1989, whilst recognising that the number of elected Members of the Council has reduced from 52 to 43.

To agree the Council's Policy Framework for 2019/20 as set out in Paragraph 6.1 of Appendix B. **(Pages 11 - 18)**

Agenda - Council to be held on Tuesday, 21 May 2019 (continued)

11. **ADJOURNMENT OF THE MEETING**

At this point, the Council meeting will be adjourned to enable the Committees appointed by the Council to meet to determine their Chairmen and Vice-Chairmen. The order of meetings is set out below:

- (a) Overview and Scrutiny Management Commission
- (b) Licensing Committee
- (c) District Planning Committee
- (d) Eastern Area Planning Committee
- (e) Western Area Planning Committee
- (f) Governance and Ethics Committee
- (g) Personnel Committee

12. **RECOMMENCEMENT OF THE MEETING**

At the conclusion of the meeting of the Personnel Committee, the Council will recommence.

13. **APPOINTMENTS TO OUTSIDE BODIES (C3685)**

To consider and agree West Berkshire Council's nominations to the following Outside Bodies:

- Royal Berkshire Fire Authority
- Thames Valley Police and Crime Panel
- Local Government Association General Assembly

(Pages 19 - 22)

14. **WEST BERKSHIRE COUNCIL STRATEGY: 2019 TO 2023 (C3618)**

To inform Members of the feedback received from the consultation on the Draft Council Strategy 2019 – 2023 and to request that the Strategy, amended in response to the consultation feedback, is adopted. **(Pages 23 - 38)**

15. **MONITORING OFFICER'S ANNUAL REPORT TO THE GOVERNANCE AND ETHICS COMMITTEE - 2018/19 YEAR END (C3424)**

To present the Annual Governance and Ethics Report to Full Council. **(Pages 39 - 48)**

16. **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 April 2019. Copies of the Minutes of this meeting can be obtained from Strategic Support or via the [Council's website](#).

Agenda - Council to be held on Tuesday, 21 May 2019 (continued)

17. LICENSING COMMITTEE

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

18. DISTRICT PLANNING COMMITTEE

The Council is asked to note that since the last meeting of the Council, the District Planning Committee met on 17 April 2019. Copies of the Minutes of this meeting can be obtained from Strategic Support or via the [Council's website](#).

19. GOVERNANCE AND ETHICS COMMITTEE

The Council is asked to note that since the last meeting of Council, the Governance and Ethics Committee met on 15 April 2019. Copies of the Minutes of this meeting can be obtained from Strategic Support or via the [Council's website](#).

20. PERSONNEL COMMITTEE

The Council is asked to note that since the last meeting of the Council, the Personnel Committee met on 15 April 2019. Copies of the Minutes of this meeting can be obtained from Strategic Support or via the [Council's website](#).

21. JOINT PUBLIC PROTECTION COMMITTEE

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

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



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Report of the Returning Officer

Committee considering report: Council on 21 May 2019

Report Author: Nick Carter

Forward Plan Ref: C3711

1. Purpose of the Report

- 1.1 To inform Council of the results of the recent Local Elections and any issues concerning the conduct of the Elections.

2. Recommendation

- 2.1 To note the attached report.

3. Implications

- 3.1 **Financial:** Budgetary provision of £140k has been set aside to fund the costs of this District Council election. The cost of the Town/Parish elections will be recovered from the respective Councils.
- 3.2 **Policy:** This report will not require any policy changes.
- 3.3 **Personnel:** N/A
- 3.4 **Legal:** Ensuring that Elections are conducted in accordance with Representation of the People Act and the EAA 2006.
- 3.5 **Risk Management:** N/A
- 3.6 **Property:** N/A

Executive Summary

4. Introduction / Background

- 4.1 The Local Elections were held on 2nd May 2019 for West Berkshire Council and for contested local Town and Parish Councils. These Elections were conducted whilst staff were preparing for the forthcoming elections for the European Parliament.

District Election

- 4.2 142 candidates contested 43 seats on the District Council in 24 Wards. Of those the representation of the various parties was as follows:

Conservative: 43
Green: 16
Liberal Democrat: 36
Labour: 43
UKIP: 4

- 4.3 Of the 24 wards there are:

10 Single Member Wards
9 Two Member Wards
5 Three Member Wards

Parish/ Town Council Elections

- 4.4 Elections were only held in 14 parishes or parish wards. There were a total of 167 candidates contesting 100 seats.

5. The Election Process

- 5.1 Polling Stations opened at 7.00 am on Thursday 2nd May closing at 10.00 pm. A total of 28,884 ballot papers were issued for the District Election and Town /Parish Elections. This figure includes postal votes received for the District Election and Town/Parish Election. This resulted in a turnout of 36%.
- 5.2 Verification of both Ballots took place on Friday 3rd May (am) and was followed by the District Count. The final declaration for the District count took place around 7.30 pm. The Town and Parish Count commenced at 10.00am on Saturday 4th May and concluded around 3.00pm.

6. Issues relating to the Count

- 6.1 There were no particular issues relating to either Count and both progressed as anticipated. I would like to express my thanks to all those staff that supported both Counts and in particular those staff in Strategic Support who have spent many hours supporting the extensive preparatory work. Some key staff vacancies created particular pressures which have been ably covered. I would also like to express my thanks to Oxford City Council who kindly provided staffing resources to support the in-house team. My thanks also to the Election Agents for their support, humour and patience during the Counts.

7. Election Results

- 7.1 Full details of the election results including the turnout figures in each ward are set out in Appendix 'A'.

8. Conclusion

- 8.1 The Local Elections have been delivered as planned and with little issue. An experienced and committed team has effectively overcome staffing shortages and managed the additional pressure of the forthcoming EU Elections.

9. Appendices

- 9.1 Appendix A – Election 2019 Results

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Appointment of and Allocation of Seats on Committees for the 2019/20 Municipal Year

Committee considering report: Council on 21 May 2019

Portfolio Member: Leader of the Council

Report Author: Moira Fraser

Forward Plan Ref: C3599

1. Purpose of the Report

- 1.1 To consider the appointment and allocation of seats on Committees for the next Municipal Year in accordance with the duty under section 15 of the Local Government Housing Act 1989, whilst recognising that the number of elected Members of the Council has reduced from 52 to 43.
- 1.2 To agree the Council's Policy Framework for 2019/20 as set out in Paragraph 6.1 of Appendix B.

2. Recommendations

- 2.1 That the Council notes that under Paragraph 8 of the Local Government (Committees and Political Groups) Regulations 1990, notice has been received that the Members set out in paragraph 1.1 of Appendix B to this report are to be regarded as Members of the Conservative, Liberal Democrat and Green Party Groups respectively.
- 2.2 That the Council agrees to the appointment of the various Committees and to the number of places on each as set out in paragraph 2.2 of Appendix B (Table A).
- 2.3 That the Council agrees to the allocation of seats to the Political Groups in accordance with section 15(5) of the Local Government Act 1989 as set out in paragraph 3.4 of Appendix B (Table B)
- 2.4 That the number of substitutes on Committees and Commissions be as set out in paragraph 4.1 of Appendix B (Table C).
- 2.5 In respect of the District and Area Planning Committees, the substitute Members are all drawn from Members representing wards within the Committee's area who are not appointed to the Committee. Where substitutes attend the District Planning meeting they need to be drawn from the same Area Planning meeting as the Member they are substituting for.
- 2.6 That the Council approves the appointment of Members to the Committees as set out in Appendix C and notes the appointments set out in Appendix D which are in accordance with the wishes of the Political Groups.
- 2.7 That the Council, in accordance with Regulation 4, Schedule 3 of the Local Authorities (Functions and Responsibilities) (England) Regulations 2000, and the Local Authorities (Functions and Responsibilities) (England) (Amendment No.2)

Regulations 2008, agrees that the Council's Policy Framework for 2019/20 be as set out in paragraph 6.1 of Appendix B and that any appropriate amendments be made to the Council's Constitution (Paragraph 2.5.2) should this be necessary.

- 2.8 That the Council, in accordance with Regulation 5, Schedule 4 of the Local Authorities (Functions and Responsibilities) (England) Regulations 2000, approves that all other plans, policies and strategies requiring approval and not included in the approved Policy Framework be delegated to the Council's Executive.
- 2.9 That the Council agrees that Paragraph 2.6.5 of Article 6, setting out the Executive Portfolios, be amended to reflect any changes made by the Leader of the Council at the Annual Council meeting.
- 2.10 That the appointment of two non-voting co-opted Parish/Town Councillors be made to the Governance and Ethics Committee namely: Barry Dickens (co-opted non-voting Parish Councillor) and Jane Langford (co-opted non-voting Parish Councillor). That two substitute non-voting co-opted Parish/Town Councillors be appointed to the Governance and Ethics Committee
- 2.11 That the appointment of two non-voting co-opted Parish/Town Councillors is made to the Governance and Ethics Committee's Advisory Panel namely Tony Renouf, and another. That two substitute non-voting co-opted Parish/Town Councillors be appointed to the Governance and Ethics Committee's Advisory Panel.
- 2.12 To re-appoint three Independent Persons namely Lindsey Appleton, James Rees and Mike Wall.
- 2.13 To note the membership of the Health and Wellbeing Board as set out in paragraph 9.1 of Appendix B.
- 2.14 That authority be delegated to the Monitoring Officer to make any changes required to the Constitution as a result of the changes to the number of Members of the Council and following the appointments to Committees.

3. Implications

- 3.1 **Financial:** Members Allowances, proposed by the Independent Remuneration Panel, were agreed at the March 2018 Council meeting. All allowances will be met from within existing budgets. [Independent Remuneration Report](#)
- 3.2 **Policy:** The appointments and allocations will be made in accordance with the Council's statutory obligations. The Council's Policy making framework is updated annually.
- 3.3 **Personnel:** None
- 3.4 **Legal:** The allocation of seats to the Political Groups is in accordance with section 15(5) of the Local Government Act 1989 and related regulations mentioned in the report.
- 3.5 **Risk Management:** None

3.6 **Property:** None

3.7 **Other:** None

4. Other options considered:

4.1 Not to change the size of existing committees. This is not recommended for the reasons detailed in the report.

Executive Summary

5. Introduction / Background

5.1 The Council is required to appoint Committees and other Member bodies that are not part of the Executive. Membership of the Council's Committees is agreed annually at the May Council meeting. This report also considers the allocation of seats on each Committee having regard to the fact that the total number of Members has reduced from 52 to 43 Councillors.

5.2 This report sets out the Membership of the Political Groups, the proposed size and Membership of the Committees as well as the number of substitutes to be appointed for each of the bodies. It also sets out the 2019/20 Policy Framework.

5.3 As Members will be aware the Council was subject to Boundary Review between 2016 and 2018. An initial report brought to the 22 November 2016 Council meeting noted that a cross party Working Group had been set up to manage the process and to consider future governance arrangements in the Council. The Working Group comprised the following Members:

Councillor Graham Jones (Chairman)
Councillor Pamela Bale (Vice Chairman)
Councillor Steve Ardagh-Walter
Councillor Adrian Edwards
Councillor Alan Macro

5.4 In order to determine future governance arrangements a survey of Members was undertaken between 19 September and 3 October 2016 to better understand the time commitment of Members in relation to a number of roles that they were required to undertake. 32 (62%) Members completed the survey.

5.5 The Working Group noted that all Members have representational roles and the majority also sit on outside bodies. The report above noted that as the number of members decreased, the number of constituents that each individual Member represented would increase. That report suggested that there were three substantive roles for Members under a reduced total and these are set out below:

- (i) Executive (10)
- (ii) Regulatory (Planning and Licensing) (15)
- (iii) Scrutiny (OSMC and Governance and Ethics) (15)

5.6 Following the Boundary Review (26 April 2018) the number of Councillors on West Berkshire Council was reduced from 52 to 43. This is 3 members more than that which had originally been proposed, and the number which had been considered by the Working Group.

5.7 Appointments to the Executive are a matter reserved to the Leader of Council, and are not therefore considered here. This report proposes that the number of seats on the committees be allocated as detailed in the supporting information.

6. Proposals

- 6.1 In accordance with Regulation 8 of the Local Government (Committees and Political Groups) Regulations 1990, 24 Members wish to be regarded as members of the Conservative Group, 16 Members wish to be regarded as members of the Liberal Democrat Group and 3 Members wish to be regarded as members of the Green Party Group.
- 6.2 Members, and where appropriate substitutes, will be appointed to 8 Committees totalling 76 seats. In this case 43 of these seats will be allocated to Conservative Members, 28 to Liberal Democrat Members and 5 to Green Party Members. The Health and Wellbeing Board is not included in these appointments as it is subject to its own membership requirements.
- 6.3 The Council will continue to appoint two Parish/Town Councillors to the Governance and Ethics Committee, two Parish/ Town Councillors to the Governance and Ethics Committee's Advisory Panel and three Independent Persons. Two substitute Parish/ Town Councillors will be appointed to the Governance and Ethics Committee and two substitute Parish/ Town Councillors will be appointed to the Governance and Ethics Committee's Advisory Panel.

7. Conclusions

- 7.1 Members are asked to agree the appointment of and allocation of seats on the Committees for the 2019/20 Municipal Year.
- 7.2 Members are asked to agree the Council's Policy Framework for 2019/20 as set out in Paragraph 6.1 of Appendix B.

8. Appendices

- 8.1 Appendix A – Equalities Impact Assessment
- 8.2 Appendix B – Supporting Information
- 8.3 Appendix C – Membership of Committees 2019/2020 – to follow
- 8.4 Appendix D - Task Group and Panel Memberships 2019/20 – to follow
- 8.5 Appendix E – Wards covering each Planning Committee

Appendix A

Equality Impact Assessment - Stage One

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

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

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

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

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

What is the proposed decision that you are asking the Executive to make:	To appoint Members to Committees
Summary of relevant legislation:	Local Government (Committees and Political Groups) Regulations 1990 Local Government and Housing Act 1989 Local Authorities (Functions and Responsibilities) (England) Regulations 2000, Local Authorities (Functions and Responsibilities) (England) (Amendment No.2) Regulations 2008. Localism Act 2011
Does the proposed decision conflict with any of the Council's key strategy priorities?	No
Name of assessor:	Moira Fraser
Date of assessment:	08 May 2019

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 appoint Members to the Councils various Committees.
Objectives:	To agree the number and names of members allocated to committees.
Outcomes:	Members are appointed to appropriate committees
Benefits:	An efficiently run Council

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:		
All groups affected equally		

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

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

Name: Moira Fraser

Date: 08 May 2019

Appointments to Outside Bodies

Committee considering report: Council on 21 May 2019

Portfolio Member: Leader of the Council

Report Author: Jo Reeves

Forward Plan Ref: C3685

1. Purpose of the Report

1.1 To consider West Berkshire Council nominations to the following outside bodies:

- Royal Berkshire Fire Authority
- Thames Valley Police and Crime Panel
- Local Government Association General Assembly

2. Recommendation

2.1 To agree the appointment of representatives on the following outside bodies:

- Royal Berkshire Fire Authority
- Thames Valley Police and Crime Panel
- Local Government Association General Assembly

3. Implications

3.1 **Financial:** West Berkshire Council Members are not paid to attend Outside Body meetings but any costs associated with meeting attendance will be met from within existing Members Allowances budget, where the Outside Body does not pay these costs.

3.2 **Policy:** Appointments will be made in accordance with Part 13 Appendix J (Protocol for Council Representation on Outside Bodies) of the Council's Constitution.

3.3 **Personnel:** None.

3.4 **Legal:** None.

3.5 **Risk Management:** None.

3.6 **Property:** None.

3.7 **Other:** None.

4. Other options considered

4.1 Not to appoint representatives.

5. Introduction/Background

- 5.1 The Council is required to appoint representatives to a range of Outside Bodies. The majority of these appointments will be made via an Individual Decision in June 2019 and these appointments will be aligned to the Council's electoral cycle.
- 5.2 Nominations to the three Outside Bodies, Royal Berkshire Health Authority, Thames Valley Police and Crime Panel and Local Government Association General Assembly are required annually. Appointments will be made in accordance with Appendix J to Part 13 of the Constitution (Protocol for Council Representatives on Outside Bodies).

6. Royal Berkshire Fire Authority

- 6.1 Members are responsible for setting the Fire and Rescue Service operating budget and determining how the service is run. Meetings of the Royal Berkshire Fire Authority take place in the evenings, on a quarterly basis, at the authority's Headquarters in Calcot, Reading. It should be noted that a Member appointed to the Fire Authority is expected to attend all Fire Authority meetings and to serve on at least one committee or working party.
- 6.2 Appointments to the Royal Berkshire Fire Authority are made on a proportionality basis based on the electoral roll. The Royal Berkshire Fire and Rescue Service have informed the Council that they require four Member appointments from West Berkshire Council. Under the Local Government and Housing Act 1989 the Council is required to allocate seats on the Fire Authority reflecting the political balance of the whole Council.

7. Thames Valley Police and Crime Panel

- 7.1 The Panel comprises 18 elected members (one from each Authority) and 2 co-optees. Appointments of elected Members to the Panel are made in accordance with each Authority's own procedures, with a view to ensuring that the 'balanced appointment objective' is met, so far as is reasonable practicable.
- 7.2 The balanced appointment objective requires that the Panel should (when taken together):
- Represent all parts of the police area;
 - Represent the political make-up of the Authorities;
 - Have the skills, knowledge and experience necessary for the Panel to discharge its functions effectively.
- 7.3 A Member shall be appointed annually to the Panel to hold office matching the Municipal Year, subject to the following provisos that he/she:
- Shall cease to be a Member of the Panel if he/she ceases to be a member of:
- The Authority;
 - The political group in the Authority when the appointment to hold office was made.

8. Local Government Association General Assembly

- 8.1 The Local Government Association is a politically-led, cross-party organisation that works on behalf of councils to ensure that local government has a voice with national government. It aims to influence and set the political agenda on issues relevant to councils in order to deliver local solutions.
- 8.2 The General Assembly acts as the 'parliament' of local government, with all authorities in LGA membership entitled to have a minimum of one representative. It meets each summer at the LGA's Annual Conference. Membership is reviewed annually.
- 8.3 Four places are available to West Berkshire Council, although only two nominations have been made recently.

9. Proposals

- 9.1 That the Council appoints representatives to the organisations set out in the paragraphs above.

Background Papers:

Appendix J to Part 13 of the Constitution (Protocol for Council Representatives on Outside Bodies).

Subject to Call-In:

Yes: No:

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



Wards affected:

All

Strategic Aims and Priorities Supported:

The proposals will help achieve the following Council Strategy aims

- BEC – Better educated communities**
- SLE – A stronger local economy**
- P&S – Protect and support those who need it**
- HQL – Maintain a high quality of life within our communities**
- MEC – Become an even more effective Council**

Officer details:

Name: Jo Reeves
Job Title: Principal Policy Officer (Executive Support)
Tel No: 01635 519486
E-mail Address: joanna.reeves@westberks.gov.uk

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West Berkshire Council Strategy 2019 - 2023 Consultation Feedback

Committee considering report:	Council on 21 May 2019
Portfolio Member:	Leader of the Council
Report Author:	Catalin Bogos - Performance and Risk Manager
Forward Plan Ref:	C3618

1. Purpose of the Report

- 1.1 To inform Members of the feedback received from the consultation on the Draft Council Strategy 2019 – 2023 and to request that the Strategy amended in response to the consultation feedback is adopted.

2. Recommendations

- (1) To note the feedback received to the draft Council Strategy.
- (2) In response to the feedback received:
- (a) To develop a "Delivery Plan" to support the Council Strategy 2019 – 2023.
- (b) To approve a number of textual changes to aid clarity and a small number of format changes.
- (3) That Council, at its annual meeting, be requested to adopt the West Berkshire Council Strategy for 2019 – 2023 (see Appendix C) subject to the changes identified within this report.

3. Implications

- 3.1 **Financial:** The MTFs will be fully aligned with the new Council Strategy.
- 3.2 **Policy:** The Council Strategy is part of the Council's approved Policy Framework.
- 3.3 **Personnel:** None.
- 3.4 **Legal:** None.
- 3.5 **Risk Management:** None.
- 3.6 **Property:** None.
- 3.7 **Other:** There are no other implications associated with this report.

4. Other options considered

4.1 None.

Executive Summary

5. Introduction / Background

- 5.1 The Council Strategy 2019 - 2023 sets out what the Council aims to achieve as priority areas for improvement over the next four years and highlights the commitments planned for each priority.
- 5.2 The previous Council Strategy expired on 31 March 2019.
- 5.3 Comments were invited on the draft Council Strategy 2019 - 2023 between 11th February and 24th March 2019. Comments were able to be submitted by the public or organisations via an online survey or through paper copies. The consultation was published on the Council's website, Twitter feed, Facebook page and media releases were sent to the local media. Key target groups, organisations and stakeholders were also contacted directly by email and encouraged to comment.

6. Overview

- 6.1 A total of 156 responses were received in response to the consultation exercise. These can be summarised as follows (multiple options selection was allowed):
- (i) 150 (96.8%) from residents of West Berkshire;
 - (ii) 14 (9.0%) from West Berkshire Business owners,
 - (iii) 14 (9.0%) from employees of a West Berkshire Business
 - (iv) The remaining responses were from the West Berkshire Council employees (4.3%), Town and Parish Councillors (4.3%), District Councillors (Shaw-cum-Donnington, Enborne) (1%), partner organisations (1.4%), West Berkshire Council service providers (2.9%), other (Pangbourne and Whitchurch Sustainability group (PAWS), West Berkshire Green Exchange, West Berks Climate Action Network, Archaeology service, Scout Group, Thatcham Flood Forum, NAG.NHW).
- 6.2 Section 149 of the Equality Act 2010 sets out the public sector equality duty which, in the exercise of its functions, includes the requirement to have due regard to eliminate discrimination, to advance equal opportunity and foster good relations. As a result it was decided to offer an opportunity for respondents to provide information on their equalities characteristics.
- 6.3 The age groups 35-44, 45-54 and 55-64 had the highest proportion of respondents (21% - 28%). A total of 91% of the people that responded were from a White ethnic background. Of the total respondents: more females responded to the consultation and 2.1% selected 'Other' for their gender; 8.5% of total respondents consider themselves to have a disability and 6.4% were the primary carer for an elderly or disabled person. Between 61.4% and 63.4% of respondents did not respond to some of the equalities questions.
- ### 7. Themes resulting from the qualitative analysis of the responses to the consultation
- 7.1 A number of distinct themes have resulted from the qualitative analysis of the 156 responses received as part of the consultation activity.

- 7.2 The themes are listed starting with the one that included the highest number of comments/responses.

Theme 1: Clarity about the reassurance provided that the Council will continue to deliver the statutory functions

- 7.3 There was wide support (119 of 153 respondents) about the clarity of the message that in addition to the areas the Council Strategy propose to focus on (Priorities for Improvement), the Council will continue to deliver the statutory functions.

- 7.4 Some of the 34 respondents that disagreed went on to explain their answers by:

- (a) Indicating that some areas should be prioritised (e.g. social mobility and greater skills for employment, reduce cut backs, efficiencies whilst providing better services, maintenance of minor roads) –

Response: these are being addressed in the themes below.

- (b) Saying that in some areas the strategy was vague/not specific enough, jargon is used –

Response: these are being addressed in the themes below.

- (c) The Strategy should better reflect the financial challenges faced by the Council and highlight that only statutory services will be delivered. –

Response: these are being addressed in the themes below.

- (d) Suggesting the Strategy should acknowledge and address the conflicting nature of resolving the housing need versus traffic congestion, poor air quality and green space usage –

Response: the Council Strategy clearly identifies the challenge to strike the right balance between infrastructure developments and protecting and enhancing our environment. The commitments also focus on sustainable solutions and protecting the environment.

Theme 2: Positive feedback on the proposed priorities and commitments

- 7.5 56 of the 126 responses that rated the priorities, 'Agreed' or 'Strongly Agreed' with ALL six priorities for improvement. Individual priorities scored between 108 positive responses for 'Ensure vulnerable people achieve better outcomes' to 84 for 'Develop local infrastructure...' priority.

- 7.6 Comments included: 'All these areas are of importance', 'These are all equally important', 'These are all crucial to a balanced success for the WBC community', 'They are all very worthwhile goals and should rightly be the priority', 'Seems a reasonable structure for the future'.

Theme 3: Climate change/Climate emergency/CO2 reduction/Air pollution

- 7.7 21 of the 156 respondents made reference to climate change, CO2 and air pollution in their comments. These comments covered a broad range and included suggestions or questions about the Council's plans for combating climate change, declaring a climate emergency and adopting a climate emergency mitigation plan, cutting off carbon emissions and targeting carbon zero by 2030. They also

suggested that there was a local planning requirement for higher standards in relation to sustainability and woodland planting, supporting renewable, green and decentralised energy schemes.

- 7.8 A number of organisations offered to collaborate, to provide proposals on addressing climate change locally and to run some of the projects.
- 7.9 **Response:** In 2012 the Council's Core Strategy Policy CS12 was ground breaking in requiring by 2016, all new residential development to be built to the Code for Sustainable Homes level 6 which was Zero Carbon. However, requirements at national level in 2014 determined that such standards should not be part of planning policy but, instead, building regulations.
- 7.10 The Council Strategy is prioritising 'Maintaining a green district' with commitments such as sustainable transport solutions and taking advantage of the production, storage and utilisation of green energy. The priority to 'Develop the local infrastructure' with commitments to develop an integrated infrastructure plan also help to support the priority entitled "Maintaining a green district. The subject of CO2 emissions and air pollution will be picked up once the Local plan is approved.
- 7.11 **Proposal:** It is not proposed to make any changes based on the comments received. Opportunities will be explored to engage with organisations that offered to collaborate on this topic.

Theme 4: Transport infrastructure

- 7.12 21 of 156 respondents commented on transport infrastructure. Comments included suggestions that the Council should seek to improve the transport infrastructure, to provide alternatives to travelling by car, reduce social and economic isolation in some rural areas, to build more pedestrian and cycling routes, requiring that car charging points are built into all new housing, to address traffic congestion, road safety and the maintenance of the minor roads.
- 7.13 **Response:** The annual survey on the road conditions indicates that the quality of our roads is good. However, 'Maintaining our roads', whilst not a priority for improvement, it is part of the Council Strategy as part of the core business of the Council.
- 7.14 The Strategy already acknowledges needs, such as demographic change, connectivity, reduction of traffic congestion, and improvement of the strategic road networks. These needs informed the prioritisation of infrastructure development, including transport. There is also a commitment, included in the Strategy, to develop an integrated infrastructure plan to deliver travel and transport infrastructure. These plans will assess the impact of additional pressures on the highway network from development and the use of public transport and improved cycling and walking infrastructure.

In addition, some of the actions suggested by respondents are already in place, for example, the Council's current residential parking policy requires electric charging points to be installed and we will be looking to strengthen this through the Local Plan and Local Transport Plan refresh work.

- 7.15 **Proposal:** It is not proposed to make any changes based on the comments received.

Theme 5: Priorities and commitments are too generic

- 7.16 21 of 156 respondents expressed views that the way in which the priorities and commitments were written could potentially make it difficult to measure progress towards the delivery of the Council's priorities.
- 7.17 **Response:** These comments are noted and the Strategy includes statements to give reassurance that it will be supported by more specific plans such as the Economic Development Strategy, Workforce Strategy and Housing Strategy etc. In addition, measurable objectives and targets will be included in the Council Strategy Delivery Plan. Each quarter, performance will be reported against these measures and targets as part of the quarterly performance reporting to the Executive and to the Overview and Scrutiny Management Commission (OSMC).
- 7.18 **Proposal:** To develop a "Delivery Plan" to support the Council Strategy 2019 – 2023.

Theme 6: Housing Development / Needs

- 7.19 18 of 156 respondents included comments relating to Housing. These comments varied from suggesting the inclusion of commitments to deliver specific types of housing (e.g. affordable housing, housing for single working people, 'tiny houses with affordable rent for homeless'), build more homes, brownfield development, through to views that further development and expansion is not necessary, and that infrastructure should be developed first before building more housing.
- 7.20 **Response:** Housing development is prioritised as part of the 'Development of local infrastructure...' priority for improvement. However, the Strategy makes clear reference to the Local Plan as the Council's document that sets our planning policies, determining how land is used and what will be built and where. The Strategy also includes the commitment that an Integrated Infrastructure Plan will be developed to deliver amongst others regeneration, housing and transport infrastructure.
- 7.21 **Proposal:** It is not proposed to make any changes based on the comments received.

Theme 7: Waste Management / Recycling

- 7.22 18 of the 156 respondents suggested that recycling needs to be improved and feature more in the Strategy. The improvements suggested relate to comparisons with other council areas where more items can be recycled much easier (with less sorting), achieve plastic free towns, building recycling plants, increase the number of recycling facilities and greater joint working with neighbouring authorities in order to achieve better value for money.
- 7.23 **Response:** The waste management and recycling services are not part of the commitments for improvement included under the 'Maintain a green district' priority. The services are delivered as part of a PFI (private finance initiative) with Veolia. The evidence base shows that West Berkshire is amongst the best 25% of local authorities in England for '% of household waste sent for refuse, recycling and composting' and is performing better than the national targets.

- 7.24 The Council is achieving these results by continuously sharing best practice with neighbouring authorities, adding supplementary collection services when possible (e.g. aerosols, increased size cardboard). The type of recyclable materials that any local authority can collect is determined by the demand from within the reprocessing industry (nationally and internationally). As such the Council is not able to guarantee that if collected it would be able to send such items for recycling.
- 7.25 **Proposal:** The waste management/recycling function is maintained as a core function rather than a Priority for improvement commitment. However, more specific reference is made to recycling in the wording of the Council Strategy. It should be noted that the Council's adopted Waste Strategy is to maximise recycling and composting.

Theme 8: Partnerships / Participation / Empowering residents

- 7.26 15 of the 156 respondents made comments about creating opportunities for working with other organisations in the District, increasing participation and empowering residents so 'it is not all about what the Council will do for them but what can be done together'. Partnership working with police, education and health services, working with other local authorities, with churches and faith organisations, to foster local communities etc were also suggested.
- 7.27 **Response:** The Council has already a strong partnership working approach. The Council is part of a number of partnerships including the Health and Well-Being Partnership, Building Communities Together Partnership, Shared services with other local authorities such as Public Protection Partnership, co-location of Police and Council officers within the Building Communities Together team, partnerships with Town and Parish Councils and also with local volunteers to deliver services such as the library service.
- 7.28 We are confident that the commitments included in the strategy to 'Help people to help themselves and others' and 'Expand our work with partner organisations and communities to improve services for local residents' are addressing the points highlighted as part of the feedback to the consultation.
- 7.29 **Proposal:** It is suggested the text of the Council Strategy be amended to strengthen the Council's approach of working with other public sector organisations, and the voluntary and community sector.

Theme 9: Stop cuts / More efficient working

- 7.30 10 of the 156 responses included comments about stopping the budget cuts to vital services and the need to streamline the Council to provide better services, at reduced costs. Other comments suggested that the Council should make more use of its assets, to consider stopping the increase in spending on vulnerable people whilst decreasing services for everyone else and being a lot clearer that the Council is only able to provide its statutory services.
- 7.31 A small number of respondents also questioned if the commitments in the strategy were properly funded or at risk of budget cuts and did not support the Council taking risks to invest in commercial property in order to generate income.
- 7.32 **Response:** The commitments in the new Strategy focus on further partnership working and generating income. The Strategy has not made reference to initiatives

such as the New Ways of Working service reviews programme or the Financial Challenge Reviews, all of which are approaches which will be continued going forward. In terms of savings delivered over the last few years the approach of the Council was to protect front line services and managed to achieve 70% of savings through efficiencies, transformation and income generation.

- 7.33 **Proposal:** Amendments are included in the text of the Strategy to make it clearer and to highlight that the savings of £60 million over the last nine years have been achieved as a result of becoming more efficient (38% of total savings), 20% as a result of transformation activities and 12% as a result of income generation. In addition, the focus to ensure that statutory services are appropriately delivered is better reflected.

Theme 10: Respondents commented on the numerical order of the Priorities for improvement in the Strategy

- 7.34 10 of the 156 respondents commented on the order of priorities suggesting changes to start with the ones they believe more important.
- 7.35 **Response:** It was not intended to prioritise the priorities for improvement. The association of numbers with the title of the priorities was used only for making it easier to reference them. The approach of the Council Strategy is to highlight interdependent priorities for improvement.
- 7.36 **Proposal:** Numeric labels are removed from the framework diagram. The identified priorities are all equally important.

Theme 11: Economic Development

- 7.37 9 of 156 respondents made comments about economic development. These comments ranged from suggesting that the Council should not be involved in economic development and that businesses should take care of themselves through to there being no need to grow the economy. Other comments remarked on the need to focus on SMEs, retain a high street sector, build skills needed by local businesses and facilitate alternative transport solutions to cars into Newbury through to providing some free car parking.
- 7.38 **Response:** The commitments in the Council Strategy already cover the points received in response to the consultation. They will ensure that there is a focus on helping all types of businesses from new start-ups to existing businesses (including SMEs and high street businesses). They also include an approach to provide incentives to enable businesses to grow.
- 7.39 The priority 'Supporting businesses in West Berkshire' is linked with the one on 'Infrastructure' which aims to ensure the right balance is achieved between development (including economic growth) and the protection of the District's environment. It is also linked with the one on 'Supporting everyone to reach their potential' which includes a commitment to 'Support everyone on their learning journeys to achieve their best' and relates to our efforts to improve some of the areas that negatively impact on West Berkshire's relative position to other local authorities on social mobility.

7.40 There is another direct link between this priority and the commitment to deliver an integrated infrastructure plan of which key elements are the transport and travel developments.

7.41 **Proposal:** It is not proposed to make any changes based on the comments received.

Theme 12: Sport, Leisure and Culture

7.42 9 of 156 respondents mentioned sport, leisure, culture in their response. These comments suggest that sport, leisure or cultural activities have a positive impact on some of the areas prioritised for improvement.

7.43 **Response:** The Strategy includes a number of commitments that reflect the majority of the points highlighted as part of the consultation. It includes a commitment to 'Enhance the arts, culture and leisure offering in the District' but also commitments to 'Improve health and well-being' and to 'Expand our work with partner organisations'.

7.44 **Proposal:** It is not proposed to make any changes based on the comments received.

8. Formatting and wording suggestions

8.1 A number of suggestions have been received on the format of the Strategy and wording and, where appropriate some changes have been made to make the document clearer. Appendix C incorporates all these suggested amendments.

9. Equalities Impact Assessment Outcomes

9.1 This paper reports on the feedback received to a consultation activity. Respondents have been offered the opportunity to provide information on their equalities characteristics.

10. Conclusions

10.1 A good level of response was received to the consultation on the Draft Council Strategy 2019 - 2023 from individuals and on behalf of organisations. A high level summary of these comments has been provided within this report.

10.2 Based on the analysis of the feedback received no substantial changes are suggested and more clarity is included to highlight the fact that the strategy details the priorities for further improvement.

11. Appendices

11.1 Appendix A – Data Protection Impact Assessment

11.2 Appendix B – Equalities Impact Assessment

11.3 Appendix C – Council Strategy 2019 - 2023

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:	Performance, Research and Risk
Lead Officer:	Catalin Bogos
Title of Project/System:	n/a
Date of Assessment:	29/03/2019

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 “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”</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.

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 adopt the Council Strategy 2019 -2023 as amended following public consultation.
Summary of relevant legislation:	n/a
Does the proposed decision conflict with any of the Council’s key strategy priorities?	This Strategy sets the priorities for improvement for the Council for 2019 – 2023.
Name of assessor:	Catalin Bogos
Date of assessment:	29/03/2019

Is this a:		Is this:	
Policy	No	New or proposed	Yes
Strategy	Yes	Already exists and is being reviewed	No
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:	The feedback from public consultation is appropriately reflected in the Council Strategy.
Objectives:	The Strategy informs the work of the Council’s services ensuring strategic prioritisation.
Outcomes:	The Strategy is adopted by Full Council in May 2019 in order to achieve improvements relating to six priorities for improvement and to deliver the core business of the Council.
Benefits:	The Council Strategy sets the strategic direction for Council services and brings clarity to local residents and partner organisations of the Council’s focus over the next four years.

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:		
<p>The new Council Strategy is setting the strategic direction for the next four years with expected improvements on a number of prioritised areas. Changes in policy impacting on groups of population with protected characteristics will involve specific Equality Impact Assessments.</p>		

3 Result	
Are there any aspects of the proposed decision, including how it is delivered or accessed, that could contribute to inequality?	No
<p>Please provide an explanation for your answer: The strategy sets the priorities for improvement, any changes in policy will include specific Equality Impact Assessments.</p>	
Will the proposed decision have an adverse impact upon the lives of people, including employees and service users?	No
<p>Please provide an explanation for your answer: The aim of the new strategy is to deliver better outcomes for people living and working in West Berkshire.</p>	

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: Catalin Bogos

Date: 29/03/2019

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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Monitoring Officer's Annual Report to the Governance and Ethics Committee – 2018/19 Year End

Committee considering report: Council on 21 May 2019

Portfolio Member: Councillor Dominic Boeck

Date Portfolio Member agreed report: 14 March 2019

Report Author: Sarah Clarke

Forward Plan Ref: C3424

1. Purpose of the Report

- 1.1 To provide an update on local and national issues relating to ethical standards and to bring to the attention of Members any complaints or other problems within West Berkshire.
- 1.2 To present the Annual Governance and Ethics Report to Full Council.

2. Recommendation

- 2.1 Members are requested to note the content of the report.
- 2.2 The report to be circulated to all Parish/Town Councils in the District for information.

3. Implications

- 3.1 **Financial:** There are no financial issues arising from this report. However the costs associated with external investigations may lead to a budget pressure.
- 3.2 **Policy:** Revised policy and changes to processes adopted at Council in May 2012 and reviewed in December 2013 and September 2016.
- 3.3 **Personnel:** There are no personnel issues associated with this report
- 3.4 **Legal:** There are no legal issues arising from this report. The matters covered by this report are generally requirements of the Local Government Act 2000 in so far as appropriate and the Localism Act 2011 and its supporting regulations.
- 3.5 **Risk Management:** The benefits of this process are the maintenance of the Council's credibility and good governance by a high standard of ethical behaviour. The threats are the loss of credibility of the Council if standards fall. Adherence to the requirements of the Code of Conduct also reduce the risk of the Council's decisions being subject to legal challenge.

- 3.6 **Property:** There are no property issues associated with this report
- 3.7 **Other:** A diminution in standards of behaviour by elected Members could have a significant reputational impact on the Council

4. Other options considered

- 4.1 Not to produce the report. There is no legal obligation to produce this report, so not doing so would be an option. However, it is considered that an annual report provides a good overview of work being undertaken, and may assist in identifying any significant problems or developing trends. This overview is also helpful in ensuring full transparency regarding complaints. Not producing this report is therefore not recommended as an option.

Executive Summary

5. Introduction / Background

5.1 Following the enactment of the Localism Act 2011 a number of changes were made to the Standards Regime. As part of the governance arrangements adopted by West Berkshire Council, it was agreed that the Monitoring Officer would produce an annual report for the Governance and Ethics Committee and that it would be presented to Full Council at the Annual meeting. The report would also be circulated to all Town and Parish Councils.

5.2 The key issues identified in the report are:

- One dispensation was granted by the Monitoring Officer during 2018/19
- During 2018/19, 22 formal complaints were received by the Monitoring Officer. Of these complaints, 20 were about parish councillors, 1 related to a co-opted councillor and 1 complaint was about a district councillor. This was an increase on the number of complaints received in the previous year 2017/18, when 16 complaints were received.
- No further action was taken on 14 of the complaints following the initial assessment. Of the remainder, 3 complaints were withdrawn, 2 complaints were referred for investigation and one complaint is still being processed and informal resolution was sought in two cases.
- Following two matters that were referred for investigation, changes were made to the Social Media Protocol for Members and the Member Development Programme.
- The Committee on Standards in Public Life have published their report on Ethical Standards in Local Government on 30th January 2019. Legislative changes would be required to enact all of the proposals in that Report.
- The amount of gifts and hospitality received by officers is broadly similar to last year although the total number of items recorded by Members has improved significantly over the past 12 months.

6. Proposal

6.1 Members are asked to note the content of the report and agree that it should be circulated to all Town and Parish Councils for information.

7. Conclusion

7.1 Although there are a relatively high number of complaints, these are limited to related matters at a very small number of parishes. It is of note that only two matters were referred for investigation.

7.2 It is the opinion of the Monitoring Officer that standards of conduct at all levels across the district remain high, which is to be commended.

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 – Members Register of Gifts and Hospitality
- 8.5 Appendix E – Officers Register of Gifts and Hospitality

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
Team:	
Lead Officer:	Sarah Clarke
Title of Project/System:	Governance of the Code of Conduct
Date of Assessment:	15 February 2019

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 “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”</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"/>	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 Council to make:	None. This is a report on work undertaken.
Summary of relevant legislation:	Localism Act 2011 – Requirement to maintain high standards of conduct
Does the proposed decision conflict with any of the Council's key strategy priorities?	No
Name of assessor:	Sarah Clarke
Date of assessment:	15 February 2019

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	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 local arrangements for the regulation and governance of ethical conduct.
Objectives:	To maintain high standards of ethical conduct.
Outcomes:	High standards of conduct achieved in all aspects of conduct.
Benefits:	High levels of trust and confidence in decisions being taken by the Council.

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:		

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 decision for the Council to take.	
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 decision for the Council to take.	

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: Sarah Clarke

Date: 15/02/19

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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