

Notice of Meeting

Governance and Audit Committee

Monday, 5th September, 2011 at 6.00 pm
in Council Chamber Council Offices
Market Street Newbury

Date of despatch of Agenda: Friday, 26 August 2011

For further information about this Agenda, or to inspect any background documents referred to in Part I reports, please contact Stephen Chard on (01635) 519462
e-mail: schard@westberks.gov.uk

Further information and Minutes are also available on the Council's website at
www.westberks.gov.uk



Agenda - Governance and Audit Committee to be held on Monday, 5 September 2011
(continued)

To: Councillors Jeff Beck (Chairman), Paul Bryant, David Holtby, Tony Linden, Julian Swift-Hook (Vice-Chairman), Tony Vickers and Quentin Webb

Substitutes: Councillors Brian Bedwell, Adrian Edwards, Alan Macro and David Rendel

Agenda

Part I	Page No.
1. Apologies To receive apologies for inability to attend the meeting (if any).	
2. Minutes To approve as a correct record the Minutes of the meeting of this Committee held on 18 April 2011 and 17 May 2011.	1 - 6
3. Declarations of Interest To receive any Declarations of Interest from Members.	
4. KPMG's External Audit Governance Report (GA2363) <i>Purpose: Greg McIntosh and Joanna Lees (KPMG) to inform Members of KPMG's audit of West Berkshire Council's financial statements.</i>	To Follow
5. Financial Statements 2010-11 (GA2218) <i>Purpose: To inform Members of the Council's Financial Statements for 2010-11.</i>	To Follow
6. Internal Audit Annual Report 2010/11 (GA2056) <i>Purpose: To provide the Committee with an opinion from the "Head of Internal Audit" on the Council's internal control framework, and to support the approval of the Annual Governance Statement.</i>	7 - 12
7. Heads of Service Assurance Statements (GA2344) <i>Purpose: To outline the issues of concern highlighted by the Council's Heads of Service in their Annual Assurance Statements.</i>	To Follow
8. Annual Governance Statement - Statement in Support by the Monitoring Officer (GA2342) <i>Purpose: To provide evidence and independent verification of governance matters which may impact on the Annual Governance Statement from the viewpoint of the Monitoring Officer.</i>	13 - 20

Agenda - Governance and Audit Committee to be held on Monday, 5 September 2011
(continued)

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| 9. | Annual Governance Statement Statement in support by the s151 Officer (GA2343)
<i>Purpose: To provide evidence and independent verification of governance matters which may impact on the Annual Governance Statement from the viewpoint of the Section 151 Officer.</i> | 21 - 28 |
| 10. | Risk Management Annual Report (GA2118)
<i>Purpose: To provide a review of Risk Management work carried out in 2010-11 and outline proposals for 2011-12.</i> | 29 - 38 |
| 11. | Annual Governance Statement (GA2341)
<i>Purpose: To present the Annual Governance Statement for the Council for the year 2010-11.</i> | 39 - 50 |
| 12. | Amendments to the Constitution - Parts 4, 5 & 6 (C2303)
<i>Purpose: To consider any changes required to the Council's Constitution.</i> | 51 - 158 |
| 13. | Recognition of Former Councillors (C2326)
<i>Purpose: To consider introducing a scheme which will enable this Council to recognise former Councillors who have provided eminent service to this Council over a long period of time.</i> | 159 - 166 |
| 14. | Amendment to the Constitution - List of Exemptions to "Key Decisions" (C2338)
<i>Purpose: To seek approval to extend the exception criteria for reports that can be considered as Individual Executive Member Decisions.</i> | 167 - 174 |

Andy Day
Head of Policy and Communication

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

GOVERNANCE AND AUDIT COMMITTEE

**MINUTES OF THE MEETING HELD ON
MONDAY, 18 APRIL 2011**

Councillors Present: Councillors Jeff Beck (Chairman), Adrian Edwards (Substitute) (In place of David Holtby), Tony Linden and Quentin Webb

Also Present: Andy Day (Head of Policy and Communication) and Andy Walker (Head of Finance).

Apologies for inability to attend the meeting: Councillors Paul Bryant, David Holtby, Julian Swift Hook and Tony Vickers.

PART I

42. Minutes

The Minutes of the meeting held on 28 March 2011 were approved as a true and correct record and signed by the Chairman.

It was noted that the action 2 of Minute 41 had been completed since the last meeting.

43. Declarations of Interest

There were no declarations of interest received.

44. Amendments to Part 1, 2, 10 and 11 of the Council's Constitution (C2104)

The Committee considered a report (Agenda Item 4) concerning proposed amendments to Parts 1,2,10 and 11 of the Council's Constitution. Members were asked to review the changes proposed by the Finance and Governance Group which would in turn be referred to Full Council for approval on the 17 May 2011.

Officers informed Members that following an internal audit of the Management of the Constitution in 2010, it was noted that one of the responsibilities of the Finance and Governance Group was to have ownership of the Council's Constitution. They were in the process of reviewing all parts of the Constitution on an annual basis.

The Committee noted that since the agenda had been circulated, a number of further amendments had been suggested. These were set out in Appendix A attached to these minutes. In considering the proposed changes, the Committee also recommended the following amendments:

No	Paragraph No	Proposed Change

GOVERNANCE AND AUDIT COMMITTEE - 18 APRIL 2011 - MINUTES

1.	1.3	To add the following words to the last line of the first paragraph of 1.3 as follows: <i>The Standards Committee recommends appropriate training and advice on the Code of Conduct</i> ”.
2.	1.6	To change the last line of paragraph 1.6 as follows: “and Licensing policies and applications”
3.	2.2.3	Remove reference to Select Committees.
4.	2.2.4	Remove the words “ for approval and consent” on the penultimate bullet point.
5.	2.3.4	Remove reference to Select Committees.
6.	2.5.5	Insert the word “Full” before the word Council in the first sentence.
7.	2.8.2	Reword the first line of the second paragraph to read: “No Member who sits on a Licensing Sub Committee shall be entitled to.....”
8.	10.4.1	Insert brackets around the “s” in the word Committees on the first line.
9.	10.4.4	Insert brackets around the “s” in the word Committees on the first line.
10.	11.8.1	Delete the words “(three to four year) on the second line and insert (minimum of three years).
11.	11.10.2	The words “Invest to save bids” to be lower case.
12.	11.10.3	The words “Invest to save bids” to be lower case.
13.	11.19.4	Delete the words “the post is essential” on the 5 th line and replace with “in exceptional circumstances”.
14.	11.20.1	Change the number “3” on the last line to “2” which makes the requirement to submit claims consistent with Members and Officers.
15.	11.25.3	Change the word “input” on the last line to “inputted”.
16.	11.27.1	Insert brackets around the letter “s” of the word “references” on the third line.

GOVERNANCE AND AUDIT COMMITTEE - 18 APRIL 2011 - MINUTES

RESOLVED that the proposed amendments to Parts 1, 2, 10 and 11 of the Council's Constitution as set out above and in Appendix A be recommended to Council for approval.

(The meeting commenced at 6.00pm and closed at 6.45pm)

CHAIRMAN

Date of Signature

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DRAFT

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

GOVERNANCE AND AUDIT COMMITTEE

MINUTES OF THE MEETING HELD ON TUESDAY, 17 MAY 2011

Councillors Present: Jeff Beck, Paul Bryant, David Holtby, Tony Linden, Julian Swift-Hook, Tony Vickers and Quentin Webb

Apologies for inability to attend the meeting: None.

PART I

1. Election of Chairman

RESOLVED that Councillor Jeff Beck be elected Chairman of the Governance and Audit Committee for the 2011/12 Municipal Year.

2. Apologies for Absence

There were no apologies received for inability to attend the meeting.

3. Appointment of Vice-Chairman

RESOLVED that Councillor Julian Swift-Hook be appointed Vice-Chairman of the Governance and Audit Committee for the 2011/12 Municipal Year.

(The meeting commenced at 8.27pm and closed at 8.28pm)

CHAIRMAN

Date of Signature

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Agenda Item 6.

Title of Report:	Internal Audit Annual Report 10-11
Report to be considered by:	Governance and Audit Committee
Date of Meeting:	05 September 2011
Forward Plan Ref:	GA2056

Purpose of Report: To provide the Committee with an opinion from the "Head of Internal Audit" on the Council's internal control framework, and to support the approval of the Annual Governance Statement

Recommended Action: Note the opinion

Reason for decision to be taken: To provide assurance to the Leader and Chief Executive on the Council's internal control framework and support the Annual Governance Statement

Other options considered:

Key background documentation:

The proposals will also help achieve the following Council Plan Themes:

- CPT13 - Value for Money**
- CPT14 - Effective People**
- CPT16 - Excellent Performance Management**

The proposals contained in this report will help to achieve the above Council Plan Priorities and Themes by:

Supporting the Council's governance arrangements

Portfolio Member Details	
Name & Telephone No.:	Councillor Keith Chopping - (0118) 983 2057
E-mail Address:	kchopping@westberks.gov.uk
Date Portfolio Member agreed report:	18.7.11

Contact Officer Details	
Name:	Ian Priestley
Job Title:	Chief Internal Auditor
Tel. No.:	01635 519253
E-mail Address:	ipriestley@westberks.gov.uk

Implications

Policy: none
Financial: none
Personnel: none
Legal/Procurement: none
Property: none
Risk Management: The internal audit work highlights weaknesses and risks in processes within the Council
Equalities Impact Assessment: not required
Corporate Board's Recommendation: Went to Corporate Board as an information report.

Is this item subject to call-in?	Yes: <input checked="" type="checkbox"/>	No: <input type="checkbox"/>
If not subject to call-in please put a cross in the appropriate box:		
The item is due to be referred to Council for final approval	<input type="checkbox"/>	
Delays in implementation could have serious financial implications for the Council	<input type="checkbox"/>	
Delays in implementation could compromise the Council's position	<input type="checkbox"/>	
Considered or reviewed by Overview and Scrutiny Commission or associated Task Groups within preceding six months	<input type="checkbox"/>	
Item is Urgent Key Decision	<input type="checkbox"/>	

Executive Summary

1. Introduction

- 1.1 This report sets out the Annual Report on the work of Internal Audit as required by the CIPFA Code of Practice for Internal Audit in Local Government.

2. Proposals

- 2.1 This report is intended to provide evidence to support the Council's Annual Governance Statement by setting out the results of the work Internal Audit has done over the last year.
- 2.2 This report builds on the interim report made to Governance and Audit earlier in the year, but does not repeat the detail of that report.
- 2.3 The report highlights the fact that no fundamental weaknesses were identified during the year and that where such were identified then management action has been taken to remedy them.

3. Conclusion

- 3.1 The Council's internal control framework is robust

Executive Report

1. Introduction

1.1 The CIPFA Code of Practice for Internal Audit in Local Government requires the “Head of Internal Audit” to make a formal report annually to the Council. The report should:

- include an opinion on the overall adequacy and effectiveness of the organisation’s risk management systems and internal control environment.
- disclose any qualifications to that opinion, together with the reasons for the qualification.
- present a summary of the audit work from which the opinion is derived, including reliance placed on work by other assurance bodies.
- draw attention to any issues the “Head of Internal Audit” judges particularly relevant to the preparation of the Annual Governance Statement.
- compare the work actually undertaken with the work that was planned and summarise the performance of the Internal Audit function against its performance measures and criteria.

1.2 In addition to the formal annual report, the Head of Internal Audit should make arrangements for interim reporting to the organisation in the course of the year. Such interim reports should address emerging issues in respect of the whole range of areas to be covered in the formal annual report. An interim report was made to the Governance and Audit Committee at the January meeting of the Committee.

1.3 This annual report meets the requirements of the CIPFA Code of Practice.

2. Opinion on the “Internal Control Framework”

2.1 No fundamental weaknesses were identified in Council’s internal control framework through the work carried out by Internal Audit. Where audit work identified weaknesses then management action has been or is being taken to resolve issues identified.

2.2 Overall the internal control framework remains robust.

3. Issues identified in the course of the year

3.1 The following summarises the results of the audit work where an opinion was given, and this table demonstrates that, in particular, the main financial systems of the Council are robust. In addition it should be noted that the identification of weaknesses is an inevitable part of the auditing process. What is then key is that Management responds positively by implementing agreed recommendations.

Type	Very weak	Weak	Satisfactory	Well Controlled	Very Well Controlled
Key Financial System	0	0	0	6	3
Other systems	0	3	6	2	2

3.2 The following paragraphs highlight the issues raised in respect of the weak opinion audits noted above. All three of these audits were finalised in the second half of the year.

- (1) Agency Staff in Adult Social Care – The main issues of concern are that the Service has not established a standard approach across all teams to manage the use of agency staff. There are contracts in place covering four agencies, however there are no procedures to ensure that all agencies used have been selected taking into account quality of service provision together with cost. Also, that purchase orders are not being raised at the point that agency workers are booked, therefore the predicted costs are not being committed to the relevant service budgets. The Head of Adult Social Care has confirmed that procedures are now in place to ensure a standard approach.
- (2) Leisure Centre Management in Cultural Services – The main issues of concern are that the overall management framework is not sufficiently robust to ensure that all of the key aspects / areas of the contract and operational performance are being effectively monitored. We also found that the processes and procedures for monitoring the contract have not been clearly defined and documented to ensure that standard processes have been specified and a consistent approach is followed by all members of staff involved. The Head of Culture has commented that the "client" team for this contract is fewer than 2.6 f.t.e. employees. The report was issued at a time when the team manager role was vacant and the 0.6 employee was on maternity leave. A new manager was appointed in April 2011 and the maternity leave finished in July 2011. Despite the lack of personnel, many of the recommended actions have been put into place and the newly appointed Arts and Leisure Manager has prioritised the implementation of the remaining actions within his personal work programme.
- (3) Enforcement in Planning and Countryside - the main issue identified was that the team should review and document its existing planning enforcement policy and procedures including the use of the Uniform database. The Head of Planning and Countryside has confirmed that this work is being done.

- 3.3 The following summarises the results of follow up audit work. A follow up review is carried out, usually six months after the audit has been finalised. The purpose of this review is to assess the extent to which agreed recommendations have been implemented by management.
- 3.4 This table demonstrates that the Council has responded effectively where weaknesses were identified in 24 out of 27 audits. Overall this represents very good performance.

Type	Unsatisfactory	Satisfactory
Key Financial System	0	8
Other systems	3	16

- 3.5 The following paragraph highlights the concerns related to the unsatisfactory follow up that took place in the second half of the year. The other two unsatisfactory follow ups were considered in detail in the interim report to the Governance and Audit Committee.

- (1) Carers Grant in Adult Social Care - we found that the Service has made good progress on defining the use of the carers grant together with the records that need to be maintained. However, we were concerned to find a lack of compliance with some key areas of the procedures, i.e. need to obtain evidence of the appropriateness of expenditure being incurred together with carrying out a reconciliation between records on RAISE and those on Agresso. The Head of Adult Social Care has confirmed that procedures are now in place and managers have been advised of the need to request receipts.

- 3.6 What the above demonstrates is that the Council has responded quickly and effectively to the items of concern identified. This provides further evidence of the robust nature of the system of internal control within the Council.

4. Performance of Internal Audit

- 4.1 Delivery of the audit plan was within target in the current year, 71% against a target of 80%. This is a drop in output against previous years and is due to the level of vacancies within the section that arose during the year.

Appendices

There are no appendices to this report.

Consultees

Local Stakeholders: Not consulted
Officers Consulted: Corporate Board
Trade Union: Not consulted

Title of Report:	ANNUAL GOVERNANCE STATEMENT - STATEMENT IN SUPPORT BY THE MONITORING OFFICER
Report to be considered by:	Governance and Audit Committee
Date of Meeting:	5 September 2011
Forward Plan Ref:	GA2342

Purpose of Report: To provide evidence and independent verification of governance matters which may impact on the Annual Governance Statement from the viewpoint of the Monitoring Officer

Recommended Action: To note the report

Reason for decision to be taken: In accordance with CIPFA Guidance and current policy of the Council

Other options considered:

Key background documentation:

- Reports to Standards Committee relating to alleged breaches of the Code of Conduct during 2010/2011
- Action plans relating to risk
- Updates to the constitution
- Other reports on potential impacts of legislation

The proposals will also help achieve the following Council Plan Theme:

CPT16 - Excellent Performance Management

The proposals contained in this report will help to achieve the above Council Plan Priorities and Themes by:
Reviewing and providing assurance on the effectiveness of the Council's governance and other arrangements which may impact on the Annual Governance Statement

Contact Officer Details	
Name:	David Holling
Job Title:	Head of Legal & Electoral Services/Monitoring Officer
Tel. No.:	01635 519422
E-mail Address:	dholling@westberks.gov.uk

Implications

- Policy:** Established as part of CIPFA guidance and reporting arrangements adopted by Council in connection with the Annual Governance Statement.
- Financial:** No financial implication associated with this report.
- Personnel:** N/a
- Legal/Procurement:** In accordance with the provisions of the Local Government Acts 1972 and 2000 and the Local Government and Housing Act 1985 together with any amendments thereto. In addition the Local Government & Public Involvement in Health Act 2007 is applicable.
- Property:**
- Risk Management:** Insofar as is possible any risks have been assessed in accordance with the Risk Strategy.
- Equalities Impact Assessment:** Stage 1 completed as appendix A.
- Corporate Board's Recommendation:** The report was noted.

Is this item subject to call-in?	Yes: <input checked="" type="checkbox"/>	No: <input type="checkbox"/>
If not subject to call-in please put a cross in the appropriate box:		
The item is due to be referred to Council for final approval		<input type="checkbox"/>
Delays in implementation could have serious financial implications for the Council		<input type="checkbox"/>
Delays in implementation could compromise the Council's position		<input type="checkbox"/>
Considered or reviewed by Overview and Scrutiny Management Commission or associated Task Groups within preceding six months		<input type="checkbox"/>
Item is Urgent Key Decision		<input type="checkbox"/>

Executive Summary

1. Introduction

- 1.1 As part of the Annual Governance statement, CIPFA guidance recommends that the S151 and Monitoring Officers give assurance that the Council's systems and procedures for which they have responsibility regarding internal controls are effective and being complied with. The Monitoring Officer looks at the legality of actions by bodies within the Council as part of duties under Section 5 of the Local Government and Housing Act 1989 (the 1989 Act).

2. Proposals

- 2.1 Throughout the year the Governance and Audit Committee is referred to amendments to the Council's constitution and its rules of procedure where amendment is necessary. Subject to its view, matters are then referred to Council for adoption. This ensures that administrative processes remain effective, efficient and pertinent.
- 2.2 Ethics and matters of probity are covered by Standards Committee. The development the complaints regime as regards complaints about District and Parish Members has been reviewed and during the passage of the Localism Bill members have been updated on potential changes which may occur to Standards arrangements.
- 2.3 Reviews of risk registers have been carried out by the Monitoring Officer and S151 Officer in their roles as members of the Council's Corporate Board. In addition, liabilities likely to impact upon the Council's operations from a legal perspective where appropriate have been identified.

3. Conclusion

- 3.1 The Monitoring Officer's view of the Council's governance arrangements are that they are robust and effective. There has been no necessity to report formally to Council under Section 5 of the 1989 Act. Ethical matters are managed by the Standards Committee. The report is to be noted.

Executive Report

1. Background

- 1.1 As part of the Annual Governance Statement, CIPFA guidance recommends that the Monitoring Officer and Section 151 Officer provide "a key source of assurance that the Council's systems and procedures of internal control which are in operation are effective, efficient and being complied with". In essence this requires the Monitoring Officer, as the Officer charged with ensuring that the Council, and every part of it, acts legally and is not acting in a manner thought to constitute maladministration or injustice. In addition, the Chief Financial Officer/S151 Officer similarly ensures that all parts of the Council act in accordance with the budgetary and policy requirements in connection with the setting of the budget and financial administration standards within the Council.
- 1.2 This report reviews the Annual Governance Statement and its requirements, in particular relating to ethical and probity matters, any changes to the Constitution regarding regulation and guidance, together with an assessment of risks and liabilities.

2. The Role of the Monitoring Officer

- 2.1 Section 5 of the Local Government and Housing Act 1989 requires the Monitoring Officer to prepare a formal report to full Council where it appears that the Council, a committee or an Officer has acted or is likely to act illegally, or in a manner such as to constitute maladministration or injustice. The Monitoring Officer's role in essence is to ensure the legality of local governance arrangements based upon statutory requirements and guidance from Government and other outside bodies. As mentioned above, this role complements that of the Section 151 Officer and the Head of Paid Service (the Chief Executive) whose roles are also established by statute. The Monitoring Officer is part of the Council's Corporate Board and attends meetings of the Finance and Governance Group which looks at use of resources and has taken on the role of reviewing the constitution in a systematic way. If changes are necessary due to legislative impacts or administrative arrangements these are reported to Corporate Board, the Governance and Audit Committee and ultimately Council for member adoption. The process is open and transparent.
- 2.2 The formal report process under Section 5 is one which should be approached with extreme caution and should not be undertaken lightly. If such action is proposed it is generally the view that outside advice from Counsel should be sought by the Monitoring Officer. During 2010/11 there have been no reports or investigations necessary which fall within the requirements of Section 5 of the 1989 Act.
- 2.3 The Monitoring Officer's advice has been sought in connection with a number of day-to-day administrative matters and in particular advice in connection with the Code of Conduct for Members and Officers. Training has been provided for Members and Officers on the Council's Code of Conduct and Officer Code. In addition there have been several sessions arranged for Town and Parish Councils and on occasion for individual parishes following recommendations from Standards Committee if considered appropriate.

3. Robustness of corporate governance arrangements

- 3.1 As Members will be aware, this Committee considers reports throughout the year regarding certain amendments which have been required in connection with changes to the Constitution.
- 3.2 During 2010/11 following an audit of the Constitution and its processes the Finance and Governance Group of Officers which includes the Monitoring Officer, S151 Officer, Chief Internal Auditor and Head of Policy and Communication began a systematic review of each part of the Constitution. This process has resulted in a number of changes to various parts some brought about due to legislative changes and others as a result of administrative arrangements within the Council. This process will continue into 2011/12 and will undoubtedly take into account implications arising from the Localism Bill and other legislation proposed by the Coalition Government.
- 3.3 This systematic review of the Constitution will ensure that the Council's administrative arrangements remain effective and efficient bearing in mind changes imposed by government and other bodies as well as improving transparency and openness.

4. Ethics & Probity

- 4.1 As in previous years, ethics and probity matters were considered by the Council's Standards Committee. Training sessions for Members of West Berkshire Council and Parish and Town Councils have been held in order that the Council fulfilled its role as "Responsible Authority" under the Local Government Act 2000.
- 4.2 Whilst there were complaints and references to the Standards Committee throughout 2010/11 none of them required full investigation either by an Ethical Standards Officer on behalf of standards for England or by reference to the First Tier Tribunal. All complaints have been considered at local level although one matter was appealed successfully to the First Tier Tribunal.
- 4.3 The number of complaints has remained relatively static. The Council's website provides a complaints form which is initially referred to an Assessment Sub-Committee. It determines if there is any breach of the Code and if so can refer matters for investigation by the Monitoring Officer, or his representative, or take no further action. If an investigator is appointed the individual reports back to a separate Hearing Sub-Committee to determine the matter. The expertise is developing and a review of practice and process has occurred during the year. As a result additional training is being arranged for members of the Committee.
- 4.4 Changes to the Standards arrangements within District and Parish Councils proposed in the Localism Bill will have an impact on processes and procedures during 2011/12 (subject to enactment of the legislation). Discussion within the Standards Committee and with other bodies has already started in order to try and ensure an effective transition to the recommended regime in future. Members are being updated as and when information is received.

5. Implementation of Action Plans from Strategic Risk Register

- 5.1 All strategic risks are placed on a risk register and reviewed by Corporate Board and Management Board throughout the year. All major risks were considered by

individual groups of Officers dealing with particular projects and actions arising from the “red risks” on service risk registers have been reviewed to ensure that the council’s risks items are considered at the highest level. Both the Monitoring Officer and S151 Officer sit on the Corporate Board and attend Management Board.

- 5.2 Governance arrangements in respect of partnerships have been monitored during the year and Officer Groups have looked at risk registers for the local strategic partnership and its sub-groups where appropriate.

6. Potential Liabilities

- 6.1 Whilst there have been cases considered by various courts during the year, none of these were of significance to warrant particular risks being identified. There have been major cases in the Crown Court and judicial reviews of certain decisions. These cases will be closely monitored by Legal staff and where appropriate referred to the relevant Risk Register. As a result of reductions in funding in certain areas there has been a slight increase in threats of Judicial Review and overall there has been an increase in the number of instructions received by Legal Services from services throughout the Council.

7. Conclusion

- 7.1 It is the Monitoring Officer’s assessment that the Council’s governance arrangements are robust and effective. Due to regular reviews of legislation, from Government which are covered off either by Governance and Audit Committee or the Standards Committee, the Constitution and its associated rules are pertinent and up to date. There have been no formal reports required by either the Monitoring Officer or S151 Officer to Council under the relevant legislation. Ethical matters relating to probity are being managed on a day to day basis by the Monitoring Officer and the Standards Committee. This will require updating as a result of proposals in the Localism Bill once the legislation is enacted and will require monitoring in future. The Risk Register does not highlight any specific legal or procedural matters which require investigation.

Appendices

Appendix A – Equality Impact Assessment.

Consultees

Local Stakeholders: N/a

Officers Consulted: Andy Day, Ian Priestley, Andy Walker, Corporate Board

Trade Union: N/a

APPENDIX A

Equality Impact Assessment – Stage One

Name of item being assessed:	Annual Governance Statement – Statement in Support by the Section 151 Officer
Version and release date of item (if applicable):	
Owner of item being assessed:	David Holling
Name of assessor:	David Holling
Date of assessment:	25/07/2011

1. What are the main aims of the item?
To provide evidence and independent verification of governance matters which may impact on the Annual Governance Statement from the viewpoint of the Monitoring Officer.

2. Note which groups may be affected by the item, consider how they may be affected and what sources of information have been used to determine this. (Please demonstrate consideration of all strands – Age, Disability, Gender, Race, Religion or Belief and Sexual Orientation.)
--

Group Affected	What might be the effect?	Information to support this.
None		

Further comments relating to the item:

3. Result (please tick by double-clicking on relevant box and click on 'checked')
<input type="checkbox"/> High Relevance - This needs to undergo a Stage 2 Equality Impact Assessment
<input type="checkbox"/> Medium Relevance - This needs to undergo a Stage 2 Equality Impact Assessment
<input type="checkbox"/> Low Relevance - This needs to undergo a Stage 2 Equality Impact Assessment
<input checked="" type="checkbox"/> No Relevance - This does not need to undergo a Stage 2 Equality Impact Assessment

For items requiring a Stage 2 equality impact assessment, begin the planning of this now, referring to the equality impact assessment guidance and Stage 2 template.

4. Identify next steps as appropriate:	
Stage Two required	
Owner of Stage Two assessment:	
Timescale for Stage Two assessment:	
Stage Two not required:	

Name: David Holling

Date: 25th July 2011

Title of Report:	Annual Governance Statement - Statement in Support by the Section 151 Officer
Report to be considered by:	Governance and Audit Committee
Date of Meeting:	5 September 2011
Forward Plan Ref:	GA2343

Purpose of Report: To provide evidence and independent verification of governance matters which may impact on the Annual Governance Statement from the viewpoint of the Section 151 Officer.

Recommended Action: To note the report.

Reason for decision to be taken: In accordance with CIPFA Guidance and current policy of the Council.

Other options considered:

Key background documentation: Action plans relating to risk.

The proposals will also help achieve the following Council Plan Theme:	
<input checked="" type="checkbox"/>	CPT16 - Excellent Performance Management
The proposals contained in this report will help to achieve the above Council Plan Priorities and Themes by: Reviewing and providing assurance on the effectiveness of the Council's governance and other arrangements which may impact on the Annual Governance Statement.	

Portfolio Member Details	
Name & Telephone No.:	Councillor Keith Chopping - (0118) 983 2057
E-mail Address:	kchopping@westberks.gov.uk
Date Portfolio Member agreed report:	04 August 2011

Contact Officer Details	
Name:	Andy Walker
Job Title:	Head of Finance / Section 151 Officer
Tel. No.:	01635 519433
E-mail Address:	awalker@westberks.gov.uk

Implications

- Policy:** Established as part of CIPFA guidance and reporting arrangements adopted by Council in connection with the Annual Governance Statement.
- Financial:** No financial implication associated with this report.
- Personnel:** N/A
- Legal/Procurement:** In accordance with the provisions of the Local Government Acts 1972 and 2000 and the Local Government and Housing Act 1985 together with any amendments thereto.
- Property:**
- Risk Management:** Insofar as is possible any risks have been assessed in accordance with the Risk Strategy.
- Equalities Impact Assessment:** Stage One completed.
- Corporate Board's Recommendation:** Report agreed with additional paragraph regarding the Council's financial system to be included in the report.

Is this item subject to call-in?	Yes: <input checked="" type="checkbox"/>	No: <input type="checkbox"/>
If not subject to call-in please put a cross in the appropriate box:		
The item is due to be referred to Council for final approval		<input type="checkbox"/>
Delays in implementation could have serious financial implications for the Council		<input type="checkbox"/>
Delays in implementation could compromise the Council's position		<input type="checkbox"/>
Considered or reviewed by Overview and Scrutiny Management Commission or associated Task Groups within preceding six months		<input type="checkbox"/>
Item is Urgent Key Decision		<input type="checkbox"/>

Executive Summary

1. Introduction

- 1.1 As part of the Annual Governance Statement, CIPFA guidance recommends that the Section 151 Officer provides "a key source of assurance that the Council's systems and procedures of internal control which are in operation are effective, efficient and being complied with". The Chief Financial Officer/ s151 Officer is to ensure that all parts of the Council act in accordance with the budgetary and policy requirements in connection with the setting of the budget and financial administration standards within the Council.

2. Proposals

- 2.1 The definitive Statement on the Role of the Finance Director in Local Government is set out in a CIPFA publication of 2003. This identifies 5 key roles:

- Maintaining strong financial management underpinned by effective financial controls;
- Contributing to corporate management and leadership;
- Supporting and advising democratically elected representatives;
- Supporting and advising officers in their operational roles; and
- Leading and managing an effective and responsive financial service.

- 2.2 The s151 Officer is required to report to all the local authority's Members, in consultation with the Head of Paid Service and the Monitoring Officer if there is, or there is likely to be, unlawful expenditure or an unbalanced budget. Such a report known as a Section 114 report derives from the Local Government Finance Act 1998 as updated by the 2000 Act and Members of the Council are required to have regard to the s151 Officer's advice. Not to do so would be a breach of the Code of Conduct for Members which is enforceable by the Standards Board for England. Specified and explicit provision is now included in the Revised Code.

3. Conclusion

- 3.1 Overall it is the s151 Officer's assessment that all parts of the Council acts in accordance with the budgetary and policy requirements in connection with the setting of the budget and meets financial administration standards as set out in legislation. There have been no formal reports required by the s151 Officer to Council under the relevant legislation. The report is to be noted.

Executive Report

1. Background

1.1 As part of the Annual Governance Statement, CIPFA guidance recommends that the Section 151 Officer provides "a key source of assurance that the Council's systems and procedures of internal control which are in operation are effective, efficient and being complied with". The Chief Financial Officer/ s151 Officer is to ensure that all parts of the Council act in accordance with the budgetary and policy requirements in connection with the setting of the budget and financial administration standards within the Council.

2. Role of the Section 151 Officer

2.1 The definitive Statement on the Role of the Finance Director in Local Government is set out in a CIPFA publication of 2003. This identifies 5 key roles:

- Maintaining strong financial management underpinned by effective financial controls;
- Contributing to corporate management and leadership;
- Supporting and advising democratically elected representatives;
- Supporting and advising officers in their operational roles; and
- Leading and managing an effective and responsive financial service.

2.2 The s151 Officer is required to report to all the local authority's Members, in consultation with the Head of Paid Service and the Monitoring Officer if there is, or there is likely to be, unlawful expenditure or an unbalanced budget. Such a report known as a Section 114 report derives from the Local Government Finance Act 1998 as updated by the 2000 Act and Members of the Council are required to have regard to the s151 Officer's advice. Not to do so would be a breach of the Code of Conduct for Members which is enforceable by the Standards Board for England. Specified and explicit provision is now included in the Revised Code.

2.3 Each year the s151 Officer reports as part of the budget decision making process his opinion on the adequacy of reserves and robustness of the budget estimates.

2.4 The s151 Officer is consulted about a wide range of discretions under the Council's constitution, in particular exceptions to standing orders and contract rules of procedures. The s151 Officer maintains a file of all such exemptions given and discretions sought and granted. From a legal perspective the Monitoring Officer is also involved in certain decisions and records such involvement.

2.5 During the year the Council's integrated financial management system Agresso was upgraded to the latest version 5.5 on time and within budget. This will allow greater system functionality and will strengthen our financial management arrangements whilst delivering further efficiency opportunities.

2.6 Throughout the year expenditure monitoring ensures that any budget overspends or income shortfalls are identified and corrective measures can be put in place to ensure that the overall council revenue budget keeps within the policy and budgetary framework agreed at the annual budget setting process. In 2010/11 the

outturn has delivered an underspend of circa £680k against the budget. This result only represented a 0.6% variance to the revised Council Budget for 2010/11 and which is considered reasonable given the unprecedented changes to the Council's financial position as a result of central Government funding reductions announced during the year.

- 2.7 All Executive or other decision making body reports have clearly set out financial recommendations. It is the responsibility of the s151 Officer to ensure that the financial implications of all such decisions are adequately considered and that recommendations are based upon prudent financial advice. The s151 Officer is a member of Corporate Board and involved in all significant resource decisions of the authority.
- 2.8 The Council has a Medium Term Financial Strategy in place and has set up a Transformation and Efficiency Programme to assist the delivery of the Strategy. There is also a Finance and Governance Group of Officers whose membership includes both the s151 Officer and Monitoring Officer overseeing and monitoring all aspects of financial governance and escalating where necessary any issues that need Corporate Board action and support.
- 2.9 The Council's 2010/11 Statement of Accounts have been prepared for the first time using International Financial Reporting Standards (IFRS), as interpreted for the Public sector in the Code of Practice on Local Authority Accounting 2010/11 issued by the Chartered Institute of Public Finance and Accountancy (CIPFA).
- 2.10 There has been no necessity to implement the Section 114 process during 2010/11 and the s151 Officer confirms the robustness of the financial and budgetary frameworks.

3. Conclusion

- 3.1 Overall it is the s151 Officer's assessment that all parts of the Council acts in accordance with the budgetary and policy requirements in connection with the setting of the budget and meets financial administration standards as set out in legislation. There have been no formal reports required by the s151 Officer to Council under the relevant legislation.

Appendices

Appendix A – Equality Impact Assessment

Consultees

Local Stakeholders: N/A

Officers Consulted: Ian Priestley, David Holling and Corporate Board

Trade Union: N/A

APPENDIX A

Equality Impact Assessment – Stage One

Name of item being assessed:	Annual Governance Statement - Statement in Support by the Section 151 Officer
Version and release date of item (if applicable):	
Owner of item being assessed:	Andy Walker
Name of assessor:	Andy Walker
Date of assessment:	20/7/11

1. What are the main aims of the item?
To provide evidence and independent verification of governance matters which may impact on the Annual Governance Statement from the viewpoint of the Section 151 Officer.

2. Note which groups may be affected by the item, consider how they may be affected and what sources of information have been used to determine this. (Please demonstrate consideration of all strands – Age, Disability, Gender, Race, Religion or Belief and Sexual Orientation.)
--

Group Affected	What might be the effect?	Information to support this.
none		

Further comments relating to the item:

3. Result (please tick by double-clicking on relevant box and click on 'checked')
<input type="checkbox"/> High Relevance - This needs to undergo a Stage 2 Equality Impact Assessment
<input type="checkbox"/> Medium Relevance - This needs to undergo a Stage 2 Equality Impact Assessment
<input type="checkbox"/> Low Relevance - This needs to undergo a Stage 2 Equality Impact Assessment
<input checked="" type="checkbox"/> No Relevance - This does not need to undergo a Stage 2 Equality Impact Assessment

For items requiring a Stage 2 equality impact assessment, begin the planning of this now, referring to the equality impact assessment guidance and Stage 2 template.

4. Identify next steps as appropriate:	
Stage Two required	
Owner of Stage Two assessment:	
Timescale for Stage Two assessment:	
Stage Two not required:	

Name: Andy Walker

Date: 20th July 2011

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Title of Report:	Risk Management Annual Report
Report to be considered by:	Governance and Audit Committee
Date of Meeting:	5 September 2011
Forward Plan Ref:	GA2118

Purpose of Report: To provide a review of Risk Management work carried out in 2010-11 and outline proposals for 2011-12.

Recommended Action: Agree proposed work programme for 2011-12.

Reason for decision to be taken: To ensure the Council continues to have a robust Risk Management framework in place.

Other options considered: None.

Key background documentation: None.

The proposals will also help achieve the following Council Plan Themes:

- CPT13 - Value for Money**
- CPT14 - Effective People**
- CPT16 - Excellent Performance Management**

The proposals contained in this report will help to achieve the above Council Plan Priorities and Themes by:

providing an effective risk management framework the Council is better placed to be able to deliver its objectives.

Portfolio Member Details	
Name & Telephone No.:	Councillor Anthony Stansfeld - Tel (01488) 658238
E-mail Address:	astansfeld@westberks.gov.uk
Date Portfolio Member agreed report:	6 June 2011

Contact Officer Details	
Name:	Ian Priestley
Job Title:	Chief Internal Auditor
Tel. No.:	01635 519253
E-mail Address:	ipriestley@westberks.gov.uk

Implications

Policy: none

Financial: none

Personnel: none

Legal/Procurement: none

Property: none

Risk Management: The report outlines a work programme to support the risk management framework of the Council.

Equalities Impact Assessment: none

Executive Summary

1. Introduction

- 1.1 This report outlines the results of work on Risk Management carried out in 2010-11 and outlines proposals for the work programme for 2011-12.
- 1.2 The report replaces the four quarterly reports previously produced in relation to Risk Management and the annual risk strategy report.

2. Proposals

- 2.1 The report sets out an updated action plan designed to capitalise on the work that was carried out in 2010-11.
- 2.2 There are two key areas for further development.
 - (a) Completing the process of shifting the emphasis towards Action Planning for Strategic Risk by Corporate Board.
 - (b) Implementing the changes to insurance processes.

3. Conclusion

- 3.1 The Risk Management framework remains robust. A number of areas of work were not completed during 2010-11 following changes to the resourcing of risk management work. However, the processes for managing risk have continued to function.
- 3.2 With the Risk and Safety Manager now in place the support to Heads of Service and Project Managers in handling risk can be resumed, albeit at a more cost effective level.

Executive Report

1. Introduction

- 1.1 The purpose of this report is to outline both the work that has been done over the last year to support the Council's Risk Management Policy and to proposals for work that will be carried out over the coming year.
- 1.2 This report replaces the quarterly reporting previously undertaken and also incorporates the annual review of the Council's Risk Management Strategy.
- 1.3 The post of Risk Manager was responsible for the delivery of the Risk Management work programme in the past. However, this post was deleted in March 2010. Consequently the level of Risk Management work carried out by the Assurance Team has reduced significantly.
- 1.4 The ending of the Use of Resources assessment will allow the Council to develop Risk Management arrangements that can be tailored to the Council's needs rather than having to follow Audit Commission requirements. Best practice guidance is available through the CIPFA benchmarking club for Risk Management.

2. Achievements – 2010-11

- 2.1 A key area of development during 2010-11 involved revisions to the format and function of the Council's Strategic Risk Register. The aim of the changes has been to provide more focus on the action planning to mitigate key risks that the Council is facing. Further work needs to be done on refining the process by bringing the owners of the actions into the process of preparing the Action Plan for review by Corporate Board.
- 2.2 The Risk Strategy Group (RSG) carried out a review of its function to consider whether it is still needed or not. The RSG will continue to meet quarterly and will continue to cover the key areas of:
 - (a) Business Risk
 - (b) Health and Safety
 - (c) Security Management
 - (d) Business Continuity Management
 - (e) Civil Contingencies
- 2.3 The RSG is chaired by the Chair of the Governance and Audit Committee. One area where the RSG felt that its effectiveness may be improved is through providing a formal link between the RSG and Management Board through the role of the Chair. This will require the Leader of the Council to have the Chair of G&A as a permanent member of Management Board. To support this, the Chair of the RSG will provide a half yearly report from the RSG to Management Board, outlining issues of concern.

- 2.4 The work of the Insurance Team in managing liability claims in particular and also property claims was reviewed during the year with the Portfolio Holders for Insurance and Finance. One of the key aims of this review was to consider the impact of the decision to raise the level of excess on liability claims from £25,000 to £100,000 that was taken on renewal in November 2006. The conclusion of the review was that significant savings of £650,000, net of additional claims exposure, in reduced premium costs had been made. However, some changes needed to be made to process and resourcing to minimise the impact created by the additional risk that the Council had taken on.
- 2.5 Some areas of risk management have been had reduced cover however. These include the review of individual service risk registers, with Heads of Service. This could not be resourced with the loss of the Risk Manager post. However, going forwards it is anticipated that the Risk and Safety Manager, whose main focus is Health and Safety, will start to pick this work up in 2011-12.
- 2.6 The other area that has not been covered is providing support to reviewing the risks relating to major projects. Again it is anticipated that the Risk and Safety Manager will be able to provide some support to Project Managers in 2011-12.

3. Risk Management Strategy for 2011-12

Risk Management Policy Statement

- 3.1 The Risk Management Policy Statement provides a clear steer for officers and Members on the continuing need for and commitment to effective risk management. The Policy Statement was prepared in 2009 but still remains fit for purpose. However, a review will be carried out in 2011-12 to identify any changes that may need to be made to the Policy Statement to ensure it continues to be best practice. A copy of the Policy Statement is at Appendix A.

Best Practice – CIPFA Benchmarking

- 3.2 The CIPFA benchmarking process will be completed to allow the Council to measure present processes against best practice recommendations. The results of the benchmarking will be analysed to determine if there are any cost effective improvements that can be made to the Council's processes.

Annual Governance Statement

- 3.3 The Council is obliged to issue an Annual Governance Statement. This is designed to demonstrate that:
- (a) the Council has an effective Internal Control Framework (ICF) in place
 - (b) the ICF has been reviewed in the preceding year.
 - (c) that any weaknesses that have been identified in the ICF are being dealt with through an appropriate action plan.
- 3.4 The Risk Management framework is a key mechanism for delivering the assurance that underpins the Annual Governance Statement. In particular risk registers are key evidence that Risk Management is embedded in the Council. Each year all

Heads of Service sign an Assurance Statement for their service which is countersigned by their Director and Portfolio Holder..

Strategic Risk

- 3.5 The Action Plan for the Strategic Risk Register is monitored and reviewed on a regular basis by Corporate Board. The Governance and Audit Committee review and comment on the effectiveness of the Council's Risk Management arrangements. Members of the Executive are specifically identified as being responsible for risks together with relevant officers.
- 3.6 All major projects are included in the Strategic Risk Register and regular reports on risks associated with these projects are made to Corporate Board.
- 3.7 It is intended that Management Board will receive a summary of the updated Action Plan for the Strategic Risk Register at each meeting in future.

Service Risk

- 3.8 Service Risk Registers are designed to reflect the objectives set out in Service Plans. The Service Risk Registers will then play a key part in helping to ensure services are able to deliver their objectives.
- 3.9 Corporate Directors and Heads of Service need to continue to focus on Service Action Plans. Corporate Directors should have confidence that action plans are moving forwards and that mitigation is being put in place for red risks. Where actions are not progressing these should be brought to the attention of Corporate Board. This is particularly important given the downsizing that is currently taking place.
- 3.10 The Risk and Safety Manager will review all service risk registers on a rolling basis, with relevant Heads of Service during 2011-12. An annual report for Corporate Board will be prepared that will highlight any Service Red Risks so that these can be reviewed formally by Corporate Board to determine whether note should be made of the risk in the Annual Governance Statement. The report will note any actions that have not moved forwards during the preceding 12 months.
- 3.11 Heads of Service should review risk registers following the outcome of any internal / external audit or inspection work in their service. This will ensure that any weaknesses identified in this work is picked up and action taken to improve controls.

Project Risk

- 3.12 Workshops will be reintroduced for large projects, with support being provided by the Risk and Safety Manager. These are usually reviewed on a quarterly basis. This process is also a useful form of training, by giving colleagues an opportunity to talk about their objectives for the project, and the activities they undertake and the resulting risks.

Insurance

- 3.13 A key aspect of risk management is the transfer of risks to an insurance company where the Council does not wish to retain the risk. The monitoring of insurance

claims and costs was in the past covered in the quarterly risk management reports to Management Board. However, as these reports are no longer produced, quarterly monitoring takes place with the Portfolio Holders for Insurance and Finance.

- 3.14 The recent review of insurance arrangements made a number of recommendations to change processes around handling insurance. These will be implemented over 2011-12 once agreed by Management Board.

Governance and Audit Committee

- 3.15 The Governance & Audit Committee's terms of reference include the review of Risk Management arrangements, including Strategy / Strategic Risk Register / Service Risk Registers and Partnership Risk.
- 3.16 The Governance & Audit Committee will monitor and review Service and Project Risk Registers and Action Plans as required, to ensure that they are being managed by Corporate Directors and Heads of Service, and will ask Heads of Service / Project sponsors to attend the Committee from time to time to update the Committee on progress with managing risks.

Training

- 3.17 Training needs for Risk Management will reviewed during 2011-12 to look at options for delivery, including the use of e-learning. However, the most useful training comes from giving colleagues an opportunity to talk through their objectives, the activities they undertake and the resulting risks.

Action Plan

- 3.18 The Action Plan sets out key actions for risk management over the next 12 months. (Appendix B)

Appendices

Appendix A – Risk Management Policy
Appendix B – Risk Management Action Plan

Consultees

Local Stakeholders: Not consulted.
Officers Consulted: Corporate Board.
Trade Union: Not consulted.

Appendix A

West Berkshire Council

RISK MANAGEMENT POLICY STATEMENT

The Council provides a diverse range of services, both to the community and to visitors to the area. It is essential that the Council protects and preserves its ability to continue to provide these services, by ensuring that it can manage its assets through cost effective control mechanisms. The very nature of the services provided presents a vast potential for losses and lost opportunities. This potential must be controlled to enable the Council to discharge its responsibilities to the community and its employees.

The Council is fully committed at the highest level to the management of risk. This forms an integral part of our approach to Corporate Governance.

Risk Management aims to:

- Help the Council achieve its overall aims and objectives
- Manage the significant risks the Council faces to an acceptable level
- Support the quality of the environment
- Assist with the decision making process
- Preserve & enhance service delivery
- Implement the most cost effective measures to avoid, reduce and control those risks
- Balance risk with opportunity
- Manage risk and internal controls in the most effective way
- To allow the Council to take opportunities, by dealing with / mitigating positive risks
- To allow the Council to work more effectively with their Partners by taking a shared approach to the management of risk.

The Council seeks to undertake to protect and preserve its assets from any loss, damage or interruption, which could materially affect its ability to discharge its responsibilities to the community it serves and to its employees. People (employees and residents) property and information are the most important assets in West Berkshire. Their protection and security are essential for the future.

It is the responsibility of every Service to have regard to the Council's Risk Management Policy. Heads of Service and Budget Managers are accountable for managing the risks to which their area is exposed whilst all employees have a duty to support the Council by recognising and managing risks within their control which may cause harm.

Appendix B

	Key Risk Management Issues	Responsible Officer	Deadline for delivery
1	<p>Risk Strategy / Risk Management Policy Statement Risk Management is an integral part of West Berkshire Council's Corporate Governance framework. Risk Management needs to remain embedded in the decision making process</p>	Chief Internal Auditor	March 2013
2	<p>Annual Governance Statement The AGS should ensure & review annually</p> <ul style="list-style-type: none"> • The Council has effective internal controls • Any weaknesses' to be identified and dealt with 	Chief Internal Auditor	June 2013
3	<p>Risk Strategy Group The Group meets on a quarterly basis and has a strategic co-ordinating role covering a broad range of risk related activities.</p>	Risk and Safety Manager	Quarterly meetings
4	<p>Strategic Risk Register Embed the Strategic Risk Register Action Plan in the Corporate Board</p>	Chief Internal Auditor	31 st March 2012
5	<p>Service Risk Registers Revise risk registers with Heads of Service</p>	Heads of Service and Risk and Safety Manager	March 2013
6	<p>Project / Major Change Risks Quarterly workshops for large projects or projects involving major change – process viewed as part of training</p>	Project Sponsors / Managers and Risk and Safety Manager	Summary produced for quarterly reports
7	<p>Training Develop E-learning package for Risk Management</p>	Chief Internal Auditor	March 2013
8	<p>Insurance Review areas where the Council has or may suffer loss. Implement recommendations contained in the Insurance Review report to Management Board.</p>	Chief Internal Auditor	31 st March 2011

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Agenda Item 11.

Title of Report:	Annual Governance Statement
Report to be considered by:	Governance and Audit Committee
Date of Meeting:	05 September 2011
Forward Plan Ref:	GA2341

Purpose of Report: To present the Annual Governance Statement for the Council for the year 2010-11.

Recommended Action: To review the Annual Governance Statement.

Reason for decision to be taken: To allow the Chief Executive and Leader of the Council to sign the Annual Governance Statement .

Other options considered: none

Key background documentation: none

The proposals will also help achieve the following Council Plan Themes:

- CPT14 - Effective People**
- CPT16 - Excellent Performance Management**

The proposals contained in this report will help to achieve the above Council Plan Priorities and Themes by:

Helping to ensure that the Council's internal control framework is robust

Portfolio Member Details	
Name & Telephone No.:	Councillor Anthony Stansfeld - Tel (01488) 658238
E-mail Address:	astansfeld@westberks.gov.uk
Date Portfolio Member agreed report:	Emailed 04 August 2011

Contact Officer Details	
Name:	Ian Priestley
Job Title:	Chief Internal Auditor
Tel. No.:	01635 519253
E-mail Address:	ipriestley@westberks.gov.uk

Implications

Policy:	none
Financial:	none
Personnel:	none
Legal/Procurement:	none
Property:	none
Risk Management:	The report provides a summary of the review the Council has carried out in its internal control framework
Equalities Impact Assessment:	Stage 1 completed
Corporate Board's Recommendation:	Report to include service resilience and increased risk of Judicial Review.

Is this item subject to call-in?	Yes: <input checked="" type="checkbox"/>	No: <input type="checkbox"/>
If not subject to call-in please put a cross in the appropriate box:		
The item is due to be referred to Council for final approval	<input type="checkbox"/>	
Delays in implementation could have serious financial implications for the Council	<input type="checkbox"/>	
Delays in implementation could compromise the Council's position	<input type="checkbox"/>	
Considered or reviewed by Overview and Scrutiny Management Commission or associated Task Groups within preceding six months	<input type="checkbox"/>	
Item is Urgent Key Decision	<input type="checkbox"/>	

Executive Summary

1. Introduction

- 1.1 This report sets out the Annual Governance Statement of the Council for year 2010-11

2. Proposals

- 2.1 The Annual Governance Statement for 2009-10 outlined two areas where action was required. These were:

- (1) Data Security
- (2) Health and Safety

- 2.2 In both the above cases a number of initiatives have been undertaken in 2010-11 to move these issues forwards. It is now felt that effective improvements have been made to the processes so that these issues no longer require close monitoring.

- 2.3 The Annual Governance Statement for 2010-11 has outlined two areas of concern. These are:

- (1) Service resilience
- (2) Judicial review / legal challenge.

- 2.4 In both cases the Council is putting in place actions to mitigate the risks posed by these issues.

3. Conclusion

- 3.1 Overall the Council's governance arrangements remain robust.

Executive Report

1. Introduction

- 1.1 The purpose of this report is to outline the purpose of the Annual Governance Statement (AGS) and explain how the necessary assurance to support the AGS has been obtained. This will enable the Committee to make an informed judgement as to the effectiveness of the process that the Council has followed in conducting the annual review of the system of internal control within the Council.

2. Purpose of the AGS

- 2.1 The AGS is designed to provide stakeholders of the Council with assurance that the Council has operated within the law and that the Council has met the requirements of the Accounts and Audit Regulations 2003:

“The Council shall conduct a review at least once in a year of the effectiveness of its system of internal control”.

A copy of the AGS for 2010-11 is attached to this report for review, at Appendix B.

- 2.2 The approach taken by the Council to carrying out the review of the system of internal control was set out in the report to Corporate Board in December 2005. This report identified the sources of assurance that underpin the review. These are:

- The Risk Management framework of the Council
- Head of Service Assurance Statements and service risk registers
- The Internal Audit annual report
- The Monitoring Officer’s annual report
- The s151 Officer’s annual report

This evidence provides the assurance that enables the Leader and Chief Executive to sign the AGS with confidence.

- 2.3 The Annual Governance Statement was prepared by the Finance and Governance Group and reviewed by Corporate Board.

3 Role of Governance and Audit Committee re the AGS for 2010-11

- 3.1 A key function of the Governance and Audit Committee is to review and approve the AGS for 10-11 prior to it being signed off by the Chief Executive and Leader of the Council.
- 3.2 In order to be able to review the AGS the Committee needs to examine the evidence, noted in 2.2 above, that supports the AGS.

4. Significant governance issues

- 4.1 A key purpose of the AGS is to identify any significant issues that need to be addressed by the Council in order to ensure that governance arrangements of the Council remain robust.

- 4.2 The Annual Governance Statement for 2009-10 outlined two areas where action was required. These were:
- (1) Data Security
 - (2) Health and Safety
- 4.3 In both the above cases a number of initiatives have been undertaken in 2010-11 to move these issues forwards. It is now felt that effective improvements have been made to the processes so that these issues no longer require close monitoring.
- 4.4 The Annual Governance Statement for 2010-11 has outlined two areas of concern. These are:
- (1) Service resilience – this relates to the impact that the cost reductions, that the Council is having to make, will have on the Council’s key business processes.
 - (2) Judicial review / legal challenge – this relates to the impact that the cost reductions will have on service delivery that may give rise to challenge to the council through judicial review or through the Courts.
- 4.5 In both cases the Council is putting in place actions to mitigate the risks posed by these issues.
- (1) Heads of Service have been asked to give consideration to the impact of cost reductions to ensure that business critical functions are not compromised.
 - (2) The Legal Services team will monitor any such cases considered by the Courts and liaise with relevant services to ensure that any risks posed to this Council by the decisions of the courts are understood and managed.

Appendices

Appendix A – EIA

Appendix B – Annual Governance Statement

Consultees

Local Stakeholders: Not consulted

Officers Consulted: Finance and Governance Group, Corporate Board

Trade Union: Not consulted

Equality Impact Assessment – Stage One

Name of item being assessed:	Annual governance Statement
Version and release date of item (if applicable):	
Owner of item being assessed:	Ian Priestley
Name of assessor:	Ian Priestley
Date of assessment:	18.7.11

1. What are the main aims of the item?
Results of a review of the Council's internal control framework

2. Note which groups may be affected by the item, consider how they may be affected and what sources of information have been used to determine this. (Please demonstrate consideration of all strands – Age, Disability, Gender, Race, Religion or Belief and Sexual Orientation.)		
Group Affected	What might be the effect?	Information to support this.
none		
Further comments relating to the item:		

3. Result (please tick by double-clicking on relevant box and click on 'checked')	
<input type="checkbox"/>	High Relevance - This needs to undergo a Stage 2 Equality Impact Assessment
<input type="checkbox"/>	Medium Relevance - This needs to undergo a Stage 2 Equality Impact Assessment
<input type="checkbox"/>	Low Relevance - This needs to undergo a Stage 2 Equality Impact Assessment
<input checked="" type="checkbox"/>	No Relevance - This does not need to undergo a Stage 2 Equality Impact Assessment

For items requiring a Stage 2 equality impact assessment, begin the planning of this now, referring to the equality impact assessment guidance and Stage 2 template.

4. Identify next steps as appropriate:	
Stage Two required	
Owner of Stage Two assessment:	
Timescale for Stage Two assessment:	
Stage Two not required:	

Name: Ian Priestley

Date:

Annual Governance Statement for the year 2010-2011

1 Scope of responsibility

- 1.1 West Berkshire Council is responsible for ensuring that its business is conducted in accordance with the law and proper standards, and that public money is safeguarded and properly accounted for, and used economically, efficiently and effectively. West Berkshire Council also has a duty under the Local Government Act 1999 to make arrangements to secure continuous improvement in the way in which its functions are exercised, having regard to a combination of economy, efficiency and effectiveness.
- 1.2 In discharging this overall responsibility, West Berkshire Council is responsible for putting in place proper arrangements for the governance of its affairs and facilitating the effective exercise of its functions, which includes arrangements for the management of risk.
- 1.3 West Berkshire Council has approved and adopted a code of corporate governance, which is consistent with the principles of the CIPFA/SOLACE Framework Delivering Good Governance in Local Government.
- 1.4 This statement explains how West Berkshire Council has complied with the code and also meets the requirements of regulation 4(2) of the Accounts and Audit Regulations 2003 as amended by the Accounts and Audit (Amendment) (England) Regulations 2006 in relation to the publication of a statement on internal control.

2 The purpose of the governance framework

- 2.1 The governance framework comprises the systems and processes, and culture and values, by which West Berkshire Council is directed and controlled and its activities through which it engages with, leads and accounts to the community. It enables West Berkshire Council to monitor the achievement of its strategic objectives and to consider whether those objectives have led to the delivery of appropriate, cost effective services.
- 2.2 The system of internal control is a significant part of that framework and is designed to manage risk to a reasonable level. It cannot eliminate all risk of failure to achieve policies, aims and objectives and can therefore only provide reasonable and not absolute assurance of effectiveness. The system of internal control is based on an ongoing process designed to identify and prioritise the risks to the achievement of West Berkshire Council's policies, aims and objectives, to evaluate the likelihood of those risks being realised and the impact should they be realised, and to manage them efficiently, effectively and economically.
- 2.3 The governance framework has been in place at West Berkshire Council for the year ended 31 March 2011 and up to the date of approval of the annual report and statement of accounts.

3 The governance framework

3.1 The key elements of the systems and processes that comprise West Berkshire Council's governance arrangements are set out below and include arrangements for:

- identifying and communicating West Berkshire Council's vision of its purpose and intended outcomes for citizens and service users
- reviewing West Berkshire Council's vision and its implications for West Berkshire Council's governance arrangements
- measuring the quality of services for users, ensuring they are delivered in accordance with West Berkshire Council's objectives and ensuring that they represent the best use of resources
- defining and documenting the roles and responsibilities of the executive, non-executive, scrutiny and officer functions, with clear delegation arrangements and protocols for effective communication
- developing, communicating and embedding codes of conduct, defining the standards of behaviour for members and staff
- reviewing and updating the Constitution including Contracts Rules of Procedure and Financial Rules of Procedure, the scheme of delegation, which clearly define how decisions are taken and the processes and controls required to manage risks
- the Governance and Audit Committee which performs the core functions of an audit committee, as identified in CIPFA's Audit Committees – Practical Guidance for Local Authorities
- the Finance and Governance Group which helps to ensure compliance with relevant laws and regulations, internal policies and procedures, and that expenditure is lawful
- conducting an annual review of the effectiveness of Internal Audit
- whistle-blowing and for receiving and investigating complaints from the public
- identifying the development needs of Members and senior officers in relation to their strategic roles, supported by appropriate training
- establishing clear channels of communication with all sections of the community and other stakeholders, ensuring accountability and encouraging open consultation

4 Review of effectiveness

4.1 West Berkshire Council has responsibility for conducting, at least annually, a review of the effectiveness of its governance framework including the system of internal control. The review of effectiveness is informed by the work of all managers within West Berkshire Council who have responsibility for the development and maintenance of the governance environment.

4.2 The following process has been applied in maintaining and reviewing the effectiveness of the governance framework, and includes

- The work of the Finance and Governance Group
- The work of the Risk Strategy Group and the Risk Management framework.
- The annual assurance statements produced by all Heads of Service
- The work of the Governance and Audit Committee
- The work of the Standards Committee
- The work of Internal Audit
- The work of the Overview and Scrutiny Commission.

4.3 We have been advised of the implications of the result of the review of the effectiveness of the governance framework by the Governance and Audit committee and a plan to address weaknesses and ensure continuous improvement of the system is in place.

5 Significant governance issues identified in the AGS for 2009-10

5.1 The following is an outline of the significant governance issues that were identified in the 2009-10 AGS.

- Further work remains to be done on the governance of Health and Safety.
- Work needs to be done to tighten the management of sensitive information

5.2 The following measures were implemented during 2010-11:

- The Health and Safety Strategy was updated and monitoring system introduced to support the “Responsible Person” for each Council building, known as FLASH (covering Fire, Legionnella, Asbestos and general Safety and Health). Better accident investigation and risk assessment processes have been put in place.
- The Council introduced mandatory training for all staff on data security and published advice and guidance. In addition a quarterly report on security issues was made to Corporate Board to ensure effective monitoring of progress.

6 Significant Governance Issues identified in 2010-11

6.1 The following is an outline of the significant governance issues that have been identified in preparing the 2010-11 AGS.

- Service resilience – may lead to failures in critical systems
- Judicial review / legal challenge

6.2 We propose over the coming year to take steps to address the above matters to further enhance our governance arrangements. We are satisfied that these steps will address the need for improvements that were identified in our review of

effectiveness and will monitor their implementation and operation as part of our next annual review.

- Ensure that as part of ongoing service reductions that a risk assessment is carried out to ensure that business critical functions and processes are not threatened.
- Review Court judgements in order to minimise the risk of similar challenge to the Council..

Signed:

Nick Carter – Chief Executive

Graham Jones – Leader of the Council

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Title of Report:	Amendments to Parts 4, 5 and 6 of the Council's Constitution
Report to be considered by:	Council
Date of Meeting:	22 September 2011
Forward Plan Ref:	C2303

Purpose of Report: To consider the amendments to Parts 4, 5 and 6 of the Constitution following a review of the sections of the Constitution by the Finance and Governance Group.

Recommended Action: To discuss the proposed and any additional revisions to Parts 4, 5 and 6 of the Constitution and to recommend the agreed amendments to full Council for approval.

Reason for decision to be taken: To ensure that the Council has established a Constitution that is in accordance with statutory requirements / good practice and that there are processes in place ensuring the effective management and maintenance of the Constitution in accordance with good practice guidelines (e.g. CIPFA / SOLACE Code of practice for Corporate Governance)

Other options considered: None

Key background documentation: The Local Government Act 2000 (Constitution) (England) Direction 2000

The proposals will also help achieve the following Council Plan Themes:

- CPT12 - Including Everyone**
- CPT13 - Value for Money**
- CPT14 - Effective People**
- CPT15 - Putting Customers First**

The proposals contained in this report will help to achieve the above Council Plan Priorities and Themes by:

Ensuring that the Constitution is up to date and applies with legislation

Member Details

Name & Telephone No.:	Councillor Jeff Beck (Chairman of Governance and Audit Committee)
E-mail Address:	jbeck@westberks.gov.uk
Date Portfolio Member agreed report:	23 August 2011

Contact Officer Details

Name:	Andy Day/ David Holling
Job Title:	Head of Policy and Communication/ Head of Legal and Electoral Services
Tel. No.:	01635 519459/519422
E-mail Address:	aday@westberks.gov.uk dholling@westberks.gov.uk

Implications

Policy: Will include changes to the Constitution
Financial: None – will be undertaken within existing resources
Personnel: None
Legal/Procurement: Will include changes to the Constitution
Property: None
Risk Management: None
Equalities Impact Assessment: Stage one EIA completed

Is this item subject to call-in?	Yes: <input type="checkbox"/>	No: <input checked="" type="checkbox"/>
If not subject to call-in please put a cross in the appropriate box:		
The item is due to be referred to Council for final approval	<input checked="" type="checkbox"/>	
Delays in implementation could have serious financial implications for the Council	<input type="checkbox"/>	
Delays in implementation could compromise the Council's position	<input type="checkbox"/>	
Considered or reviewed by Overview and Scrutiny Commission or associated Task Groups within preceding six months	<input type="checkbox"/>	
Item is Urgent Key Decision	<input type="checkbox"/>	

Executive Summary

1. Introduction

- 1.1 Following an internal audit of the Management of the Constitution in 2010 it was noted that one of the responsibilities of the Finance and Governance Group is to have ownership of the Council's Constitution. The content of the Local Code of Corporate Governance says that there will be an annual review of the operation of the Constitution.
- 1.2 A timetable has now been established for the Finance and Governance Group to review individual sections of the Constitution and a number of Officers have been involved in revising specific parts of the Constitution. This report proposes amendments to Parts 4, 5 and 6 of the Constitution. Full Council will be asked to ratify these amendments at the meeting on the 22 September 2011.

2. Proposals

- 2.1 That the amendments to Parts 4, 5 and 6 of the Council's Constitution are approved in order to ensure that the Council has established a Constitution that is in accordance with statutory requirements / good practice and that there are processes in place ensuring the effective management and maintenance of the Constitution in accordance with good practice guidelines (e.g. CIPFA / SOLACE Code of Corporate Governance).

3. Conclusion

- 3.1 The report is a required update, due to the changes in service areas, governance arrangements and changes to legislation and good practice guidelines.

Executive Report

1. Introduction

- 1.1 The internal audit review of the Constitution made a number of recommendations to enhance the management of the Constitution including:
- (1) That the Governance Group should establish a process to review the content and application of the Constitution on an annual basis in accordance with the requirements of the Council's Local Code of Corporate Governance.
 - (2) That members of the Governance Group are allocated responsibility for maintaining specific Articles and Rules of the Constitution.
 - (3) That the Governance Group should monitor progress of proposed amendments to the Constitution to ensure that they are appropriately approved and published.
- 1.2 A timetable was established for the Finance and Governance Group to review individual sections of the Constitution and relevant Officers have been allocated responsibility for maintaining specific parts of the Constitution. Given the wide ranging nature of the Constitution a number of Officers have contributed to the review of each Part.
- 1.3 This report proposes amendments to Parts 4, 5 and 6 of the Constitution. The review has been comprehensive and has led to a rewriting of sections of the Constitution. This is largely because no formal review process has been in place previously and a number of changes have been made in the way the Council's procedures operate.
- 1.4 Full Council will be asked to ratify these amendments at the meeting on the 22 September 2011.

2. Outline of the main changes

2.1 Part 4 – Council Rules of Procedure

- (1) Revised Scrutiny arrangements have been put in place.
- (2) The procedure for receiving and dealing with Petitions has been amended in line with the previously agreed changes to the protocol.
- (3) Additional detail has been included on the scope of questions that can be received from members of the public and Council Members.

2.2 Part 5 – Executive Rules of Procedure

- (1) Revised Scrutiny arrangements have been put in place.
- (2) Reference is made to the incorporation of the Stronger Leader and Cabinet Model.
- (3) An additional consideration has been added to the Call-In procedure.
- (4) The procedure for receiving and dealing with Petitions has been amended in line with the previously agreed changes to the protocol.
- (5) Additional detail has been included on the scope of questions that can be received from members of the public and Council Members.

2.3 Part 6 – Overview and Scrutiny Rules of Procedure

- (1) Revised Scrutiny arrangements have been put in place.
- (2) An additional consideration has been added to the Call-In procedure.
- (3) The procedure for receiving and dealing with Petitions has been amended in line with the previously agreed changes to the protocol.

3. Conclusion

- 3.1 Given the wide ranging nature of the changes made Management Board are asked to review the documents as a whole, rather than to focus on changes made.

Appendices

Appendix A – Equality Impact Assessment

Appendix B - Part 4 of the Constitution

Appendix C - Part 5 of the Constitution

Appendix D - Part 6 of the Constitution

Consultees

Local Stakeholders: Not consulted

Officers Consulted: Finance and Governance Group

Trade Union: Not consulted

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Equality Impact Assessment Template – Stage One

Name of item being assessed:	Amendments to Parts 4, 5, 6 of the Council's Constitution
Version and release date of item (if applicable):	
Owner of item being assessed:	Moira Fraser
Name of assessor:	Lydia Mather
Date of assessment:	27/07/11

1 What are the main aims of the item?

The item is to approve the amendments to Parts 4, 5, 6 to the Council's constitution.

2 Note which groups may be affected by the item, consider how they may be affected and what sources of information have been used to determine this.

(Please demonstrate consideration of all strands – Age, Disability, Gender, Race, Religion or Belief and Sexual Orientation.)

Group Affected	What might be the effect?	Information to support this.

Further Comments relating to the item:

There are not believed to be any implications affecting any groups with this item. The item is to discuss the proposed amendments to Parts 4, 5, and 6 of the Council's constitution. This means that Officers making decisions will be required to act accordingly to Council Policy already in place, and remain neutral when making a decision.

3 Result (please tick)	
	High Relevance This needs to undergo a Stage 2 Equality Impact Assessment.
	Medium Relevance This needs to undergo a Stage 2 Equality Impact Assessment
	Low Relevance This needs to undergo a Stage 2 Equality Impact Assessment
x	No Relevance This does not need to undergo a Stage 2 Equality Impact Assessment

For items requiring a Stage 2 equality impact assessment, begin the planning of this now, referring to the equality impact assessment guidance and Stage 2 template.

4 Identify next steps as appropriate:	
Stage Two required	
Owner of Stage Two assessment:	
Timescale for Stage Two assessment:	
Stage Two not required:	

Signed: Lydia Mather

Date: 27 July 2011

Part 4

Council Rules of Procedure

Document Control

Document Ref:	WB/P&C/MF/2008-11	Date Created:	
Version:	1	Date Modified:	23 September 2010
Revision due			
Author:	Moira Fraser – Democratic Services Manager		
Owning Service	Policy and Communication		

Change History

Version	Date	Description	Change ID
1	23 Sept 2010	Change to paragraph 4.1.3	
2			
3			



Any Acts, Rules or Regulations mentioned in the text of this document can be accessed on the Office of Public Sector Information website at:

<http://www.opsi.gov.uk/legislation/uk>

If you require this information in a different format, such as audio tape or in another language, please ask an English speaker to contact Moira Fraser on 01635 519045 who will be able to help.

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4.1 **Council Meetings**

Council meetings will be conducted in accordance with all relevant legislation including the relevant provisions of the Local Government Act 1972, Local Government and Housing Act 1989 and the Local Government Act 2000.

There are three different types of Council meeting:

- (a) Annual Meeting
- (b) Ordinary Meeting
- (c) Extraordinary Meetings.

The rules of procedure for each of these types of meetings is set out below.

4.2 **Annual Meeting**

In a year when there is an ordinary election of Councillors, the Annual Meeting will take place within twenty one days of the retirement of the outgoing Councillors. In any other year, the annual meeting will take place in March, April or May.

4.2.1 **Order of Business - Annual Meeting**

The order of business at the annual meeting of the Council shall be to:

- (a) elect a person to preside if the Chairman or Vice-Chairman is not present;
- (b) receive apologies for inability to attend the meeting;
- (c) elect the Chairman of Council;

[Note: In accordance with Section 3 of the Local Government Act 1972, the Chairman shall, unless he/she resigns or becomes disqualified, continue in office until his/her successor becomes entitled to act as Chairman.]

- (d) appoint the Vice-Chairman of Council;
- (e) approve the Minutes of the last meeting;
- (f) receive any declarations of interest;
- (g) receive any announcements from the Chairman;
- (h) elect the Executive Leader for a four year term following the first ordinary election;
- (i) receive notification from the Executive Leader of the number of Members appointed to the Executive and the Leader to appoint Members to the Executive;
- (j) appoint all Committees the Council considers appropriate to deal with matters which are neither reserved to the Council nor are Executive functions (see rule 4.2.2 – Appointments to Standing Committees);
- (k) decide the size and terms of reference for those Committees;

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- (l) decide the allocation of seats to political groups in accordance with the political balance rules;
- (m) receive nominations of Councillors to serve on each Committee and outside body except where appointment to those bodies has been delegated by the Council;
- (n) appoint to those Committees and outside bodies except where appointment to those bodies has been delegated by the Council;
- (o) agree any amendments to the Scheme of Delegation and any amendments to the Constitution;
- (p) approve a programme of Ordinary Meetings of the Council for the year;
- (q) consider any business set out in the notice convening the meeting.

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[Note: No Public or Member Questions, Petitions or Motions may be dealt with at the Annual Meeting.]

4.2.2 Appointment to Standing Committees

At the Annual Meeting of the Council or as soon as possible afterwards, the Council shall appoint the following Standing Committees:

- Licensing Committee
- Eastern Area Planning Committee
- Western Area Planning Committee
- District Planning Committee
- Overview and Scrutiny Management Commission
- Standards Committee
- Governance and Audit Committee
- Personnel Committee
- Appeals Panel

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The Chairman of Council shall not be elected Chairman or Vice-Chairman of any Standing Committee during their period of office.

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4.2.3 Appointment of Other Committees

At any time the Council may appoint such other Committees as are necessary to carry out the work of the Council.

4.2.4 Dissolution

The Council may at any time dissolve or alter the size of a Committee.

4.2.5 Appointment of Members

Where a seat on a Committee, Commission, Panel, Task Group or outside body has been allocated to a political group, the Head of Policy and Communication may make an appointment to that seat in accordance with the wishes of the relevant political group.

4.2.6 Sub-Committees

In these Rules of Procedure references to Committees shall include references to Sub-Committees unless the contrary is indicated.

During the course of a Municipal Year each Committee may appoint special Sub-Committees for purposes specified by the Committee and within its own terms of reference. Unless previously discontinued, each Sub-Committee shall cease at the same time as the Committee which appointed it.

Members of the Council may be appointed to serve on a Sub-Committee even though they are not members of the parent Committee.

4.3 Ordinary Meetings

Meetings for the transaction of general business shall be held on such days as the Council decides and as specified in the timetable of meetings.

4.3.1 Order of Business - Ordinary Meetings

The order of business at an ordinary meeting of the Council shall be to:

- (a) elect a person to preside if the Chairman and Vice-Chairman are not present;
- (b) receive apologies for inability to attend the meeting;
- (c) approve the Minutes of the last meeting;
- (d) receive any declarations of interest from Members;
- (e) receive any announcements from the Chairman, Executive Leader, Members of the Executive or the Head of Paid Service;
- (f) deal with business expressly required by statute;
- (g) receive petitions;
- (h) receive written questions from and provide answers to the public in relation to any business of the Council which in the opinion of the person presiding at the meeting is relevant to the business of the Council;
- (i) deal with any business from the last Council meeting;
- (j) receive reports from the Executive and the Council's Overview and Scrutiny Management Commission or its Sub-Committees and receive questions and provide answers on any of those reports;
- (k) receive reports about and receive questions and answers on the business of joint arrangements and external organisations;
- (l) receive any annual reports of the Overview and Scrutiny Management Commission;
- (m) consider any other business specified in the Summons to the meeting including consideration of proposals from the Executive in relation to the Council's Budget and Policy Framework and reports of the [Overview and Scrutiny Management Commission](#) for debate and any reports from Officers;
- (n) consider any Motions;

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- (o) receive written questions from and provide answers to Members in relation to matters relating to the business of the Council.

4.4 Extraordinary Meetings

Extraordinary meetings may be convened by the Chairman of Council, the Monitoring Officer or by Members (providing that 25% of eligible Members of the Council present a signed requisition that there is a need to hold an Extraordinary Meeting of the Council). Such a meeting shall be called by the Chairman as soon as is practicably possible but not later than 15 working days from the date that the requisition is presented to the Chairman.

4.4.1 Order of Business - Extraordinary Meetings

The order of business at an extraordinary meeting shall be to:

- (a) elect a person to preside if the Chairman or Vice-Chairman is not present;
- (b) receive apologies for the inability to attend the meeting;
- (c) receive any declarations of interest from Members;
- (d) consider any business specified in the Summons to the meeting.

[Note: No Public or Member Questions, Petitions or Motions may be dealt with at an Extraordinary Meeting.]

4.5 Variation

With the exception of business specified in (a)–(g) of Rule 4.2.1, (a)–(f) of Rule 4.3.1 and (a)–(c) of Rule 4.4.1 above, the order of business may be varied:

- (a) at the discretion of the Chairman; or
- (b) by a resolution passed on a Motion (which need not be in writing).

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[Note: In relation to (b) above items which are deemed to be of public concern can be discussed and debated earlier in the meeting.]

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4.6 Meetings of the Council

4.6.1 Adjustment to Dates

In the event that any adjustment to the date of a Council meeting is found to be necessary, the following procedure shall be adhered to:

- The appropriate Proper Officer should contact the Head of Policy and Communication or Democratic Services Manager to make them aware of the circumstances requiring a change of date.
- Communication should then be undertaken between the Proper Officer (or their representative) and the Group Leaders to articulate the need for the change of date.
- Should the Group Leaders not be available, the Deputy Group Leaders should then be the point of contact.
- The Group Leaders should be asked their views on the proposal. The resultant conversation needs to be recorded in writing, dated

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and timed. A copy should then be e-mailed to the Group Leaders and made available to the Head of Policy and Communication or Democratic Services Manager.

- Contact with the Chairman should then be made by the appropriate Proper Officer (or their representative) to articulate the need for the change of date. The Chairman will be given the views of the Group Leaders and will then make a decision on how to proceed.
- The result of that discussion will then be confirmed to the Group Leaders in writing and to the Head of Policy and Communication or Democratic Services Manager.

4.6.2 Electronic Communication Devices

There shall be a ban on the use of electronic communication devices at all meetings.

4.6.3 Quorum

The quorum of all Council meetings will be one quarter of the whole number of Members. During any meeting if the Chairman counts the number of Members present and declares there is not a quorum present, then the meeting will adjourn immediately. Remaining business will be considered at a time and date fixed by the Chairman. If the Chairman does not fix a date, the remaining business will be considered at the next ordinary meeting.

4.6.4 Continuation of Meeting

Meetings of the Council should not normally continue past 10.00pm. If however the Chairman believes that business could be concluded by 10.30pm, a Motion under Rule 4.8.12 (Motions which may be Moved without Notice) must be moved and supported by a majority of those Members present. All meetings will conclude by 10.30pm at the latest.

4.6.5 Council Summons

The Head of Policy and Communication will give notice to the public of the time and place of any meeting in accordance with the Access to Information Rules of Procedure (Part 8). The Head of Policy and Communication will send a Summons by post to every Member of the Council, or leave it at their usual place of residence, at least five clear working days before a meeting, unless the meeting is convened at shorter notice as a matter of urgency. The Summons will give the date, time and place of the meeting and specify the business to be transacted, and will be accompanied by such reports as are available.

[Note: Clear working days do not include day of agenda despatch or day of meeting.]

4.6.6 Themed Debates

Speakers from outside the Council may be invited to address the Council for themed debates.

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<#>There shall be a ban on smoking at all meetings.¶

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If the Chairman and Vice-Chairman of Council are absent from a meeting of the Council, another Member of the Council chosen by the Members of the Council present shall preside.¶
<#>Powers of Chairman ¶
Any power or duty assigned to the Chairman of Council in relation to the conduct of a meeting may be exercised by the person presiding at the meeting.¶

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4.6.7 Absence of Chairman and Vice-Chairman

If the Chairman and Vice-Chairman of Council are absent from a meeting of the Council, another Member of the Council chosen by the Members of the Council present shall preside.

4.6.8 Powers of Chairman

Any power or duty assigned to the Chairman of Council in relation to the conduct of a meeting may be exercised by the person presiding at the meeting.

4.7 Council Minutes

4.7.1 Approval

The Chairman of Council shall move "that the Minutes of the meeting of the Council held on (date) be signed as a correct record".

4.7.2 Accuracy

Only the accuracy of the Council Minutes may be raised and this may only be done by a Motion which shall propose a change in wording. As soon as any such Motions have been dealt with the Chairman will sign the Minutes.

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[Note: Any amendments to the Minutes should be set out in the Minutes of the subsequent meeting and not marked on the original set of Minutes under discussion. However, if the Minutes are amended they should be annotated with the words "These Minutes have been amended".]

4.7.3 Signing Minutes

Minutes shall be submitted to and signed at the next meeting of Council which is not an extraordinary meeting.

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4.8 Petitions

4.8.1 Scope of Petitions

The Council welcomes petitions and recognises that they are one way in which people can let the Council know about their concerns. Petitions must relate to Council business or to matters of concern to the District of West Berkshire and fall within the terms of the body to which they are presented. Petitions will be dealt with in accordance with Appendix C to Part 13 of the Constitution (Procedure Rules for Dealing with Representations). Petitions may only be presented at one forum of the Council which will include petitions handed directly to the appropriate Council Officers.

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<#>Petitions may only be presented at one forum of the Council which will include petitions handed direct to the appropriate Council Officers.¶
<#>Petitions requesting the Council to review a decision or policy in relation to a quasi-judicial matter (Licensing, Planning etc.) shall not be presented to the Council, Executive, Overview and Scrutiny, Regulatory and other Committees until and unless the other means of appeal available to an appellant (Magistrates and County Court) have been activated.¶
<#>The presentation of petitions is subject to the Procedure Rules covering the Six Month Rule (4.14.1) and may not therefore be resubmitted to a Council forum unless the provisions of the Six Month Procedure Rule are met.¶

4.8.2 Inspection of Petitions

Paper petitions received by the Council will be available for public inspection during the Council's opening hours from the Policy and Communication Service Unit. Copies of the nature of paper petitions submitted at Council meetings will also be placed on the Council's website. The Council's website also hosts ePetitions available for public inspection

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4.8.3 Notice of Petitions

Where notice of a petition is given to the Head of Policy and Communication by 10.00am seven clear working days before the meeting details will be included in the Summons or agenda.

4.8.4 Presentation of Petitions by Members of Council

Members of Council who receive a petition from a member of the public can either:

- (a) present it at the appropriate meeting; or
- (b) pass it to the appropriate Officer.

Only Members of Council may present petitions to Council, and must do so by formally reading or summarising the petition, giving details of the number of signatures and stating its purpose. They must not otherwise address the Council unless the Chairman so consents.

The Chairman of Council will advise the Councillor presenting the petition as to where the petition will be referred. However, if the petition relates to a matter on the agenda for the meeting of Council at which it is presented it shall be dealt with at that meeting.

Members of the Council may present petitions directly to the Executive, a Committee, Commission or Sub-Committee and speak for up to five minutes on that petition. No further debate shall take place unless the relevant body receives a report on the matter.

Petitions relating to licensing or planning applications will normally be received by Officers during the Licensing or Planning consultation process. Petitions relating to a specific application under the Licensing Act 2003 or the gambling Act 2005 must be submitted within the statutory consultation period if it is to be considered by the Sub-Committee determining the application.

4.8.5 Presentation of Petitions by Members of the Public

Petitions will be dealt with in accordance with Appendix C to Part 13 of the Constitution (Procedure Rules for Dealing with Representations).
Members of the public are not able to present petitions to Full Council.
Members of the public are permitted to invite a Councillor to submit a petition on their behalf to Full Council.

4.8.6 Petitions received outside of the Council’s meetings

Petitions received outside of the Council’s meetings (i.e. presented to an Officer), will also be dealt with in accordance with Appendix C to Part 13 of the Constitution (Procedure Rules for Dealing with Representations).

The Officer receiving the petition will acknowledge the petition and send a copy to the Ward Members and notify the Policy and Communication Service for inclusion on the petitions website and the Forward Plan.

Policy and Communication will invite the petition organiser to attend the meeting at which their petition is to be answered where this response is not made by Individual Decision. A copy of the appropriate agenda and report will be sent with the letter and a copy will be sent to the Ward Member(s).

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<#>If the petition has more than 10 signatures, then the Officer will complete a 'Petition Submission Form' and send a copy of the petition, the submission form and the acknowledgement letter to the Policy and Communication Service Unit. The Submission Form will identify to which decision-making body the response will be tabled and on which date.¶

<#>The Policy and Communication Service Unit will record centrally the petition and, using the information provided on the Submission Form, will ensure that the item is included on the West Berkshire Council Forward Plan.¶

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4.9 Motions

4.9.1 Scope of Motion

Motions must relate to matters of concern to the District of West Berkshire.

4.9.2 Submission of Motion

At any meeting of the Council except the Annual Meeting or an Extraordinary Meeting that does not appear in the timetable of meetings, a notice of Motion may be submitted under this Rule for consideration.

4.9.3 Receipt of Motion

Notice of every Motion, except those moved under Rule 4.9.12 (Motions which may be Moved without Notice), shall be submitted to the Head of Policy and Communication by 10.00am, seven clear working days before the Council meeting to which it is to be submitted. The Notice of Motion should clearly indicate the name of the person(s) submitting it. A Motion may be delivered in writing, by fax or by electronic mail.

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4.9.4 Urgent Motion

Subject to the consent of the Chairman of Council, a Motion may be considered by the Council if it is submitted to the Head of Policy and Communication by 10.00am on the day of the meeting.

4.9.5 Inclusion in Summons and Possible Amendments of Motion

Motions submitted in accordance with Rule 4.9.3 (Receipt of Motions) will be included in the Summons for the next Council meeting in the order in which they are received (unless the person submitting the Motion requests it be withdrawn or considered at a later meeting) and may be:

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- amended by the Head of Policy and Communication for the purpose of clarification, in consultation with the person who submitted the Motion; or
- amended or withdrawn by the Chairman, after consulting the person who submitted the Motion, if it appears the wording is not in order or is framed in improper or unbecoming language.

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4.9.6 Record of Motion

All Motions shall be dated, numbered and entered onto a database in the order in which they are received. The log may be inspected by Members and should be open to inspection by the public.

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4.9.7 Procedure at Council

The Member who submitted the Motion or another Member nominated by them shall move the Motion “as stated in the Summons”. If the Motion is not to be considered at that meeting the mover of the Motion will be permitted to speak on the Motion for a maximum of three minutes.

4.9.8 Reference or Non-Reference to Committee

Once moved and seconded the Chairman will indicate that the Motion will be dealt with in one of the following ways:

- be referred to the Executive without discussion, notwithstanding Rule 4.9.7 (Procedure at Council), for determination because the subject matter falls within their remit. A report will be included on the next Council agenda on the outcome of the decision;
- be referred to the appropriate Committee(s), Commissions or Sub-Committee(s) without discussion for consideration and report back to Council because the subject matter falls within their remit;
- unless the matter relates to an Executive function, be considered at the meeting because in the opinion of the Chairman the matter is urgent, of great local concern or such consideration would facilitate the discharge of business.

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4.9.9 Consideration of Referred Motion

The Motion shall be considered at the next Executive meeting or special meeting (as appropriate) Committee(s), Commissions or Sub-Committee(s) unless the mover of the Motion requests in writing to the Head of Policy and Communication that it be considered at a later meeting. The mover of the Motion shall receive a copy of the agenda for the meeting to which the Motion has been referred and shall be entitled to attend that meeting to explain the Motion.

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4.9.10 Abandonment of Motion

If a Motion specified in the Summons is not moved it shall, unless postponed by consent of the Council, be treated as abandoned and shall not be moved without fresh notice.

4.9.11 Mover of Motion ceasing to be a Member

If the mover of a Motion ceases to be a Member of Council after the Motion has been formally moved and seconded, the seconder or any other Member may progress the Motion.

4.9.12 Motions which may be moved without Notice

The following Motions may be moved without notice:

- To appoint a Chairman of the meeting if the Chairman and Vice-Chairman of Council are absent.
- Motions relating to:
 - accuracy of Minutes;
 - closure or adjournment of the meeting;
 - order of or next business.
- To refer any matter to the Executive or a Committee, or a Statutory Officer.
- To appoint a Committee or Members of a Committee if it arises from an item mentioned in the Council Summons.
- To receive minutes and reports and adopt recommendations of Committees and Officers and any consequential Motions.
- To withdraw a Motion or amendment with leave of the Chairman.

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- (g) To amend a Motion.
- (h) To extend the time limit for speeches.
- (i) To allow continuation of a meeting past 10.00pm.
- (j) To suspend a Procedure Rule in accordance with Rules 4.10.1 (Suspension Rules of Procedure) and 4.10.2 (Variation /Revocation of Rules of Procedure).
- (k) To exclude the press and public in accordance with the statutory provisions.
- (l) That the question be now put.
- (m) That a Member named under Rule 4.15 (Behaviour of Members) be not further heard or leave the meeting.
- (n) Giving consent of the Council where consent of the Council is required by these Rules of Procedure.
- (o) To allow a member of the public to speak in accordance with Rule 4.18.4 (Speaking).

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[Note: Any Procedure Rule may be suspended in accordance with Procedure Rules 4.9.12 (Motions which may be moved without notice) and 4.10.1 (Suspension Rules of Procedure) and 4.10.2 (Variation /Revocation of Rules of Procedure) provided the effect either individually or cumulatively is not to suspend all Procedure Rules.]

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4.9.13 Motions on Expenditure or Revenue

Any Motion which would materially increase expenditure, involves capital expenditure, or materially reduces the revenue of the Council, or involves the disposal of a significant asset, shall when seconded stand adjourned without discussion to the next meeting of the Executive, with a report back to the next ordinary meeting of the Council. This Rule does not apply to any Motion proposed at the Budget meeting of the Council.

4.10 Suspension, Variation and Revocation of Rules of Procedure

4.10.1 Suspension of Rules of Procedure

With the exception of Rules 4.7.1 (Approval of Minutes) and 4.17.3 (Recording of Votes) any Procedure Rule may be suspended for any business at a meeting where its suspension is moved provided either:

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- notice of Motion has been given; or
- at least one half of the whole number of members of the Council, Committee or Sub-Committee are present.

[Note: See Rule 4.9.12 (Motions which may be moved without notice) above.]

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4.10.2 Variation/Revocation of Rules of Procedure

Except at an Annual Meeting of the Council any Motion to vary or revoke the Rules of Procedure shall when proposed and seconded stand referred without discussion to the next ordinary meeting of the Council.

4.11 Procedure for Reports at Council Meetings

4.11.1 Executive Report

The Executive Leader or relevant Member of the Executive shall present the report and move the recommendation requiring the Council’s approval. Upon being seconded the matter is open for debate, and Members of the Council may make statements and ask questions of the Mover as appropriate. The Rules of Debate set out in Rule 4.13 will apply.

4.11.2 Committee Report

The Chairman, or other Member, of the relevant Committee will present the report and move the recommendations requiring the Council’s approval. Upon being seconded, the matter is open for debate and Members of the Council may make statements and ask questions of the Mover as appropriate. The Rules of Debate set out in Rule 4.13 will apply.

4.11.3 Reports for Information

In the case of any reports submitted to the Council for information, a Member may ask the relevant Chairman or Executive Member a question or may make a statement lasting no longer than three minutes. The relevant Chairman or Executive Member is entitled to reply.

4.11.4 Confidentiality and Non-Disclosure of Reports

Reports to Committees, Sub-Committees, Panels or Task Groups which are "not for publication" in accordance with the statutory provisions on the grounds that they contain confidential or exempt information shall be treated as confidential and shall not be disclosed by a Member or Officer of the Council unless the Committee, Sub-Committee, Panel or Task Group decides otherwise.

After the meeting of the Committee, Sub-Committee, Panel or Task Group the information shall continue to be treated as confidential except insofar as it ceases to be confidential by virtue of the statutory provisions or its inclusion in the Minutes of the meeting which are made available for public inspection.

4.11.5 Record of Opposition

A Member may request that their opposition to a decision be recorded in the Minutes (see rule 4.17.3(Recording of Votes)).

4.12 Questions

4.12.1 Public Written Questions

Members of the public residing or working in the District, or their representative, may ask a question. The Chairman of Council will nominate an appropriate person to provide an answer if the questioner has not indicated from whom they would prefer to receive a response.

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<#>Petitions must relate to Council business or to matters of concern to the District of West Berkshire and fall within the terms of the body to which they are presented.¶
<#>[Note:¶
<#>Petitions may only be presented at one forum of the Council which will include petitions handed direct to the appropriate Council Officers.¶
<#>Petitions requesting the Council to review a decision or policy in relation to a quasi-judicial matter (Licensing, Planning etc.) shall not be presented to the Council, Executive, Overview and Scrutiny, Regulatory and other Committees until and unless the other means of appeal available to an appellant (Magistrates and County Court) have been activated.¶
<#>The presentation of petitions is subject to the Procedure Rules covering the Six Month Rule (4.14.1) and may not therefore be resubmitted to a Council forum unless the provisions of the Six Month Procedure Rule are met.¶
<#>Inspection of Petitions¶
<#>Petitions received by the Council will be available for public inspection during the Council’s opening hours from the Policy and Communication Service Unit.¶
<#>Notice of Petitions¶
<#>Where notice of a petition is given to the Head of Policy and Communication by 10.00am seven clear working days before the meeting details will be included in the Summons or agenda.¶
<#>Presentation of Petitions by Members of Council¶
<#>Members of Council who receive a petition from a member of the public can either:¶

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Questions must relate to the business of the Council, be a matter for which the Council has responsibility or related to the wellbeing of West Berkshire. Such questions may only be asked at ordinary meetings of the Council.

Questions must be submitted in writing by post, fax or electronic mail to the Head of Policy and Communication and must specify the name, address and contact telephone number of the person asking the question.

Questions that do not relate to an item for business for that meeting of Council must be submitted no later than 10.00am, seven clear working days before the meeting.

Questions relating to an item of business for that meeting of Council must be submitted no later than 10.00am, one working day before the meeting.

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4.12.2 Members' Written Questions

Members may ask any Member of the Executive and any Chairman of a Committee of the Council any question relating to the business of the Council, a matter over which the Council has responsibility or relate to the wellbeing of the West Berkshire. Such questions may only be asked at ordinary meetings of the Council.

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Questions indicating the name of the person submitting it, must be submitted in writing by post, fax or electronic mail to the Head of Policy and Communication.

Questions must be submitted no later than 10.00am, seven clear working days before the Council meeting.

Subject to the consent of the Chairman of Council where a question relates to an urgent matter it may be considered by the Council if it is submitted to the Head of Policy and Communication by 10.00am on the day of the meeting.

Councillors must confine their contributions to questions and answers and must not make statements or attempt to debate the matter. Where the Chairman feels that a Councillor is contravening this rule they will stop the Councillor concerned from speaking on this matter.

4.12.3 Scope of Questions

The Monitoring Officer or Head of Policy and Communication may reject a question or a supplementary question, if it is not about a matter over which the Council has responsibility, it is defamatory, frivolous, it is abusive, it is substantially the same as a question which has been put at a meeting of the Council in the past six months, it requires the disclosure of confidential or exempt information or relates to a licensing or planning application.

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Where a question has been rejected a letter will be sent to the questioner setting out the reasons for the rejection.

4.12.4 Written Questions concerning the Thames Valley Police Authority (TVPA) and Royal Berkshire Fire and Rescue Service (RBFRS)

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Subject to the Rules of Procedure on receipt, a Member may also ask the person nominated to the TVPA a question on the functions or performance

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of that Authority or one of the Council’s representatives on the RBFRS a question in relation to the functions or performance of the RBFRS.

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4.12.5 Member and Public Written Questions - Procedure at Council

Subject to Rule 4.12.9 (Multiple Member and Public Questions), questions shall be taken in order of receipt and shall be asked by saying ‘I ask my question as set out in the Summons’, and then answered without discussion.

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Any Executive Member or Chairman may decline to answer a question or nominate another Member to answer a question on their behalf.

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4.12.6 Answers to Questions

An answer may take the form of:

- (a) a direct oral answer;
- (b) a reference to a Council publication containing the desired information;
- (c) a written answer where a reply cannot conveniently be given orally or because of a lack of time.

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The Chairman in consultation with the Monitoring Officer may reject any supplementary questions on any of the grounds in rule 4.12.3 (Scope of Questions).

4.12.7 Supplementary Questions

A person asking a written question may ask one supplementary question arising directly out of the answer given to the original question but the supplementary question shall be relevant to the original question and shall not introduce any new subject matter. For the avoidance of any doubt the Chairman will invite the questioner to ask a supplementary question if the questioner has one.

4.12.8 Time Limit on Questions

The time allowed for written and supplementary questions at any meeting shall not exceed thirty minutes for public questions or one hour for Members’ questions or such longer period as the Chairman of Council may permit. Questions not answered within that period will receive a written reply.

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4.12.9 Multiple Member and Public Questions

If any person(s) submit(s) more than one question at any meeting only their first question shall be asked and answered. If after all other questions have been asked and answered there is sufficient time available the Chairman of Council may ask the questioner(s) to ask their further question(s) in such order as the Chairman determines.

4.12.10 Order of Questions

The Chairman has the discretion to alter the order in which questions are asked.

4.12.11 Absence of Questioner

If a person who has submitted a question is not present when the question is called, the question may, with the consent of the Chairman of Council, be asked by any other person.

4.13 Rules of Debate

4.13.1 Seconding

A Motion or amendment shall not be discussed until it has been formally moved and seconded. When seconding a Motion or amendment, a Member may reserve his/her speech until a later period in the debate.

4.13.2 Writing

The Chairman of Council may require a Motion or amendment to be put into writing before it is discussed or voted upon.

4.13.3 Standing

Members shall, ~~if able, stand when speaking and address the Chairman of Council. The Chairman shall decide the order of speakers if more than one Member wishes to speak.~~

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4.13.4 Speech Content

Members shall direct speeches to the matter under discussion, a point of order or personal explanation.

4.13.5 Speech Length

Speeches shall not exceed five minutes, unless Council consents or another time limit is specified in these Procedure Rules.

4.13.6 Closing Speeches

Members exercising a right of speech under Rule 4.13.15 (Close of Debate) or reply at the end of a debate shall not introduce new matter.

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4.13.7 Amendments to Motions

An amendment to a Motion must be relevant to the Motion and will either be:

- (a) to refer the matter to the Executive, Individual Portfolio Holder, a Committee, Commission or Statutory Officer for consideration or reconsideration unless the Chairman of the Council rules otherwise in the interests of expediency; or
- (b) to leave out words; or
- (c) to leave out words and insert or add others; or
- (d) to insert or add words as long as the effect of (b) to (d) is not to negate the Motion or to introduce a new subject matter.

Only one amendment may be moved and discussed at any one time. No further amendment may be moved until the amendment under discussion has been disposed of.

If an amendment is not carried, other amendments to the original Motion may be moved.

If the amendment is carried, the Motion, as amended, takes the place of the original Motion. This becomes the Substantive Motion to which any further amendments are moved. The Chairman will read out the Substantive Motion before accepting any further amendments, or if there are none, put the Substantive Motion to the vote.

Amendments relating to in year reports or motions to Council which have financial implications should be the subject of discussions with and receive the approval of the Council's Section 151 Officer in advance of the meeting to ensure that the amendment does not compromise the Council's financial position.

4.13.8 Single Speech

A Member shall speak only once on any Motion and/or amendment except:

- (a) to move or speak to a further amendment;
- (b) to move that the press and public be excluded;
- (c) to exercise a right of reply;
- (d) on a point of order or personal explanation; or
- (e) to move that the question be put.

4.13.9 Minor Alteration to Motions or Amendments

The proposer of a Motion may make a minor alteration to a Motion with the consent of the seconder and with the consent of the Council. The Council's consent will be sought by the Chairman of the meeting. Only alterations which could be made as an amendment may be made.

4.13.10 Withdrawal of Motion or Amendment

A Motion or amendment may be withdrawn by the proposer if the seconder and the Council consent. The Council's consent will be sought by the Chairman of the meeting. Unless consent is refused, no Member may then speak on the Motion or amendment.

4.13.11 Acceptance of Other Motions

When a Motion is under debate no other Motion shall be moved except:

- (a) to withdraw the motion;
- (b) to amend the Motion;
- (c) to adjourn the meeting to a specified time and place;
- (d) to adjourn or postpone the debate to a specified time and place;
- (e) to proceed to the next business;
- (f) to put the question immediately to the vote;
- (g) that the meeting continue past 10pm (see rule 4.6.4 (Continuation of Meeting));
- (h) not to hear a Member further;
- (i) to exclude the press and public;
- (j) that a Member shall immediately leave the meeting.

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4.13.12 Closure Motions

At the conclusion of a speech of another Member, a Member may move without comment that:

- (a) the debate be adjourned;
- (b) the meeting be adjourned;
- (c) the Council proceed to the next business; or
- (d) the question be put.

4.13.13 Seconding of Closure Motion

Should the Closure Motion be seconded, the Chairman of Council shall proceed as follows if in their opinion the question before the meeting has been sufficiently discussed:

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- in the case of a Motion under (a) to (c) in rule 4.13.12 (Closure Motions) above, invite the mover of the original Motion to reply and then put the Closure Motion to the vote; or
- in the case of a Motion under (d) in rule 4.13.12 (Closure Motions) above, put the closure Motion to the vote.

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4.13.14 Carrying of Closure Motion

Should the Closure Motion be carried, the question before the meeting shall (subject to the rights of speech or reply) be put to the vote or be deemed to be disposed of or the meeting or debate shall stand adjourned as the case may be.

4.13.15 Close of Debate

At the close of the debate on the original or substantive Motion, the undermentioned shall have the right of speech or reply in the following order:

- the Secunder, if he/she has not already spoken;
- the relevant Executive Member or Chairman of the appropriate Committee if he/she has not already spoken;
- the mover of the original Motion.

If an amendment is moved, the undermentioned shall have the right of speech or reply at the close of the debate on the amendment in the following order:

- the relevant Executive Member or Chairman of the appropriate Committee if he/she has not already spoken;
- the mover of the amendment;
- the mover of the original Motion who shall not otherwise speak on the amendment.

4.13.16 Points of Order/Explanation

A Member may rise and shall:

- be heard ~~immediately~~ on a point of order, relating to an alleged breach of a Procedure Rule or statutory provision. ~~The Councillor must indicate the rule or law and the way in which they consider it has been broken. The ruling of the Chairman on the matter will be final.~~
- be heard when the Chairman decides it is relevant, on a point of personal explanation, concerning some material part of a preceding speech by them in the present debate which appears to have been misunderstood. ~~The ruling of the Chairman on the matter will be final.~~

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4.13.17 Respect for Chair

If the Chairman of Council stands during a debate any Member then standing shall resume ~~their~~ seat and the Council shall be silent.

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4.13.18 Officers' Advice

The Chairman of Council may request the Chief Executive or appropriate Officer to speak by way of explanation of or to draw the attention of the Council to any legal, technical or administrative matters.

4.14 State of the District Debate

4.14.1 Calling of Debate

The Executive Leader may call a State of the District debate annually on a date and in a form to be agreed with the Chairman.

4.14.2 Form of Debate

The Executive Leader will decide the form of debate with the aim of enabling the widest possible public involvement and publicity. This may include holding workshops and other events prior to or during the State of the District debate.

4.14.3 Results of Debate

The results of the debate will be disseminated as widely as possible within the community and to agencies and organisations in the district and considered by the Executive Leader in proposing the Budget and Policy Framework to the Council.

4.15 Behaviour of Members

4.15.1 Disorderly Conduct

If, at a meeting of Council, a Member:

- persistently disregards the ruling of the Chairman of Council; or
- behaves irregularly, improperly or offensively; or
- wilfully obstructs the business of Council;

any Member may move:

- that the Member named not be heard any further;
- that the Member named shall leave the meeting; and
- if the Motion is seconded, it be put to the vote without discussion.

4.15.2 Suspension of Sitting

If there is a general disturbance or if the named Member or member of the public continues to misbehave after a Motion under Rule 4.9.12 (Motions which may be Moved without Notice) has been carried and orderly business is prevented, the Chairman of Council may adjourn the meeting for as long as they consider necessary.

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4.16 Rescinding an Earlier Resolution

4.16.1 Six Months Rule

A Motion may not be moved to rescind a decision made at a meeting of the Council within the preceding six months unless notice of the Motion is given under Rule 4.9 (Motions) and is signed by at least one-quarter of all Members of Council. See Rule 4.16.3 (Committee Decision) below.

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4.16.2 Rejected Motion

A Motion or amendment in similar terms to one that has been rejected at a meeting of the Council in the past six months cannot be moved.

4.16.3 Committee Decision

A Committee or Sub-Committee may, by a majority of those voting, rescind a decision that it has previously made.

4.17 Voting

4.17.1 Method of Voting

Voting shall be by show of hands. Unless the Constitution or the law provides otherwise any matter will be decided by a simple majority of those present and permitted to vote on the matter at the time the question is put.

4.17.2 Chairman's Casting Vote

If there are equal numbers of votes for and against the Chairman will have a second or casting vote. There will be no restriction on how the Chairman exercises their vote.

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4.17.3 Recording of Votes

A record of how a vote is or votes are cast (as the case may be) will be made if:

- before a vote is taken any Member requests that the vote be recorded and three other Members support that request by standing in their places. In these circumstances the Monitoring Officer or his/her representative will call the name of each Member present and each Member will respond for or against the Motion or abstaining;
- immediately after a vote has been taken any Member requests that their vote for or against or their abstention be recorded.

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4.18 Press and Public

4.18.1 Admission

The press and public shall be permitted to attend meetings of Council unless excluded under provisions contained in Part 1 Schedule 12A of the Local Government Act 1989 and in accordance with Part 8 of the Access to Information Rules of Procedure.

4.18.2 Exclusion of Employee

During any discussion on the appointment, promotion, dismissal, salary, conditions of service or conduct of a Council employee, the employee shall not be present except to make representations on his/her own behalf either personally or by or with such representatives as the Council may agree to receive.

4.18.3 Removal

If a member of the public interrupts the proceedings at any meeting the Chairman may, after warning, order their removal from the Council meeting. If there is a general disturbance the Chairman shall order that the part of the room open to the public be cleared.

4.18.4 Speaking

Members of the public may only speak at a meeting if the Council so resolves when asking a question in accordance with these Rules of Procedure.

4.18.5 Televising and Sound Recording of Meeting

The televising and sound recording of meetings will be permitted in accordance with the protocol relating to this matter. The protocol can be found at Appendix A to Part 4.

Deleted: <#>Equality of Votes¶
<#>In the event of an equality of votes the Chairman shall have a second or casting vote.¶
<#>Appointments to Outside Bodies¶
If more than two persons are nominated for any position to be filled by the Council the outcome shall be determined by a simple majority of votes. If there is no majority the Council can decide not to appoint. Protocol.¶

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Deleted: <#>Where the Council is meeting to determine a planning application, then **Rule 4.17** (Planning Applications) will apply.¶

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Appendix A

Code of Practice Relating to Televising and Sound Recording of Meetings

The televising or sound recording of meetings of the Council, Executive, Committees or Commissions will be permitted, subject to the Code of Practice set out below:

1. Requests for permission to film or take sound recordings should be submitted 24 hours before the start of the meeting to the Head of Policy and Communication and may be refused if it is considered that the meeting room is not of an adequate size or because of reasons specified by the Head of Policy and Communication.
2. The Head of Policy and Communication shall consult the Chairman or Vice-Chairman of the meeting regarding a request to film or record a meeting.
3. Filming or recording will only be permitted for a public purpose.
4. Television crews or persons undertaking sound recording shall comply with the requests of the Head of Policy and Communication or his/[her](#) representatives as to arrangements for filming and recording.
5. No filming or recording will be permitted, and persons present for those purposes will be required to leave the meeting, if a resolution is passed under Section 100A of the Local Government Act 1972 excluding the press and public from the meeting.
6. Filming or recording of a member of the public will only be permitted if the Executive, Committee, [Commission](#), etc agrees.
7. Filming or sound recording must not cause any nuisance or interfere with any electronics or with the conduct of the meeting.
8. No link will be permitted to the Council's sound recording equipment, neither may any equipment be placed on tables within the area occupied by Members or Officers.
9. If there is a breach of this Code of Practice, the Chairman may at his or her discretion, after a warning, order that no further sound recording or filming shall take place during the meeting.

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Petitions

Scope of Petitions

Petitions must relate to Council business or to matters of concern to the District of West Berkshire and fall within the terms of the body to which they are presented.

[Note:

Petitions may only be presented at one forum of the Council which will include petitions handed direct to the appropriate Council Officers.

Petitions requesting the Council to review a decision or policy in relation to a quasi-judicial matter (Licensing, Planning etc.) shall not be presented to the Council, Executive, Overview and Scrutiny, Regulatory and other Committees until and unless the other means of appeal available to an appellant (Magistrates and County Court) have been activated.

The presentation of petitions is subject to the Procedure Rules covering the Six Month Rule (4.14.1) and may not therefore be resubmitted to a Council forum unless the provisions of the Six Month Procedure Rule are met.]

Inspection of Petitions

Petitions received by the Council will be available for public inspection during the Council's opening hours from the Policy and Communication Service Unit.

Notice of Petitions

Where notice of a petition is given to the Head of Policy and Communication by 10.00am seven clear working days before the meeting details will be included in the Summons or agenda.

Presentation of Petitions by Members of Council

Members of Council who receive a petition from a member of the public can either:

**present it at the appropriate meeting; or
pass it to the appropriate Officer.**

Only Members of Council may present petitions to Council, and must do so by formally reading or summarising the petition, giving details of the number of signatures and stating its purpose. They must not otherwise address the Council unless the Chairman so consents.

The Chairman of Council will advise the Councillor presenting the petition as to where the petition will be referred. However, if the petition relates to a matter on the agenda for the meeting of Council at which it is presented it shall be dealt with at that meeting.

Members of the Council may present petitions directly to the Executive, a Committee, Commission or Sub-Committee and speak for up to five minutes on that petition. No further debate shall take place unless the relevant body receives a report on the matter.

Petitions relating to planning applications will normally be received by Officers during the Planning Consultation Process.

Presentation of Petitions by Members of the Public

Members of the public may either present petitions directly to an Officer or to the Executive, a Committee, Commission or Sub-Committee and may speak for up to five minutes on that petition. No further debate

shall take place unless the relevant body receives a report on the matter.

The petitioner will be advised either by the Chairman of the body where the petition was presented, or by the Head of Policy and Communication, within three clear working days, as to where the petition will be referred. However, if the petition relates to a matter on the agenda of the body at which it is presented, it shall be dealt with at that meeting.

Petitions relating to planning applications will normally be received by Officers during the planning consultation process.

Petitions received outside of the Council's meetings

Petitions received outside of the Council's meetings (i.e. presented to an Officer), should abide by the following procedure:

The Officer receiving the petition will acknowledge the petition and send a copy to the appropriate Ward Member(s).

If the petition has less than 10 signatures, then the matter will be dealt with by the appropriate Officer.

If the petition has more than 10 signatures, then the Officer will complete a 'Petition Submission Form' and send a copy of the petition, the submission form and the acknowledgement letter to the Policy and Communication Service Unit. The Submission Form will identify to which decision-making body the response will be tabled and on which date.

The Policy and Communication Service Unit will record centrally the petition and, using the information provided on the Submission Form,

will ensure that the item is included on the West Berkshire Council Forward Plan.

The Policy and Communication Service Unit will invite the petitioner to attend the meeting at which their petition is timetabled. A copy of the appropriate agenda and report will be sent with the letter and a copy will be sent to the Ward Member(s).

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Part 5

Executive Rules of Procedure

Document Control

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2			
3			



Any Acts, Rules or Regulations mentioned in the text of this document can be accessed on the Office of Public Sector Information website at:

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If you require this information in a different format, such as audio tape or in another language, please ask an English speaker to contact Moira Fraser on 01635 519045 who will be able to help.

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5.1 How the Executive Operates

5.1.1 Function and Composition of the Executive

The Executive is the part of the Council which is responsible for making all key decisions within the approved Budget and Policy Framework.

The Executive has to make decisions which are in accordance with the Council's overall policies and budget. If the Executive wishes to make a decision outside the Budget and Policy Framework (Part 9 refers), this must be referred to the Council as a whole to decide.

The Executive will consist of an Executive Leader, [appointed under the Stronger Leader and Cabinet Model](#), who shall be a Member elected [for a four year period](#) at the Annual Meeting of the Council [following local elections](#). The Executive Leader will then appoint a Cabinet of at least two but no more than nine Members.

The Executive cannot include the Chairman or Vice-Chairman of the Council and there will be no substitutes or co-optees for Executive Members.

Members of the Executive cannot be Members of the Council's Overview and Scrutiny Management Commission but may be Members of Task Groups.

5.1.2 Appointment of Chairman and Vice-Chairman

The Executive Leader will chair the Executive and will appoint a Deputy Leader to act as Vice-Chairman in ~~their~~ absence.

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5.1.3 Who may make Executive Decisions

The arrangements for the discharge of Executive functions are set out in the Executive arrangements adopted by the Council. The Executive Leader can provide for Executive functions to be discharged by:

- the Executive as a whole;
- a Committee of the Executive;
- an individual Member of the Executive;
- an Officer;
- joint arrangements; or
- another local authority.

5.1.4 Delegation by the Executive Leader

At the Annual Meeting of the Council, the Executive Leader will present to the Council a written record of delegations ~~they have~~ made for inclusion in Part 3 of this Constitution. The document presented by the Executive Leader will contain the following information about Executive functions in relation to the coming year:

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- The names, addresses and wards of the people appointed to the Executive by the Executive Leader.
- The extent of any authority delegated to Executive Members individually, including details of the limitation on their authority.

- The terms of reference and constitution of such Executive Committees as the Executive Leader appoints and the names of Executive Members appointed to them.
- The nature and extent of any delegation of Executive functions to any other authority or any joint arrangements and the names of those Executive Members appointed to any Joint Committee for the coming year.
- The nature and extent of any delegation to Officers with details of any limitation on that delegation, and the title of the Officer to whom the delegation is made.

5.1.5 Sub-Delegation of Executive Functions

Where the Executive, a Committee of the Executive or an individual Member of the Executive is responsible for an Executive function, they may delegate further to a joint arrangement, or an Officer.

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Unless the Council directs otherwise, if the Executive Leader delegates functions to the Executive, then the Executive may delegate further to a Committee of the Executive or to an Officer.

Unless the Executive Leader directs otherwise, a Committee of the Executive to whom functions have been delegated by the Executive Leader may delegate further to an Officer.

Even where Executive functions have been delegated, that fact does not prevent the discharge of delegated functions by the person or body who delegated.

The Chief Executive will maintain a written record of delegations made by the Executive Leader, or an Executive Member or Committee.

5.1.6 Decisions by Individual Portfolio Members of the Executive

Where an individual Member of the Executive receives a report which they intend to take into account in making any decision, they will not make the decision until at least five clear working days after receipt of that report.

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Any report prepared for an individual decision-maker will be circulated to all Members of the Council in accordance with the approved protocol, subject to the exceptions referred to in Rule 5.6.6 below (Executive Agenda). The report will also be made available to the public subject to any legal restrictions and the Rules outlined in the Constitution.

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Decisions taken by individual Executive Members will be published by the Head of Policy and Communication within three clear working days of the decision being taken. Decisions will generally be published the day after the meeting, but no later than three days after the meeting. In publishing relevant decisions the Head of Policy and Communication will prepare a record of the decision, a statement of the reason for it and any alternative options considered and rejected. The provision of Rule 8.8 Part 8 of the Access to Information Procedural Rules(Access to Minutes, etc., after the Meeting) and Rule 8.9 (Background Papers) will also apply to the making of decisions by individual Members of the Executive. This does not require the disclosure of exempt or confidential information or advice from a political assistant.

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5.2 The Council’s Scheme of Delegation and Executive Functions

5.2.1 Scheme of Delegation

The Council's Scheme of Delegation will be dealt with as follows:

- The Council will adopt the Scheme of Delegation and this will include the details required in Article 6 and set out in Part 3 of the Constitution relating to responsibility for functions. Subject to (b) below, this may only be amended by the Council.
- The Executive Leader may amend the Scheme of Delegation in respect to Executive functions at any time by giving written notice to the Chief Executive and to the person, body or Committee concerned. The notice must set out the extent of the amendment, and whether it entails the addition or withdrawal of delegation from any person, body, Committee or the Executive as a whole. The notice is effective when it is received by the Chief Executive. The Chief Executive will present a report to the next ordinary meeting of the Council setting out the changes made by the Executive Leader, and will produce a revised statement of delegation arrangements for inclusion in Part 3 of this Constitution.
- Where the Executive Leader seeks to withdraw delegation from a Committee, notice will be deemed to be served on that Committee when it has been served on its Chairman.

5.2.2 Conflicts of Interest

Conflicts of interest will be dealt with as follows:

- Where the Executive Leader has a conflict of interest this should be dealt with as set out in the Council's Code of Conduct for Members in Part 13 of this Constitution.
- If every Member of the Executive has a conflict of interest this should be dealt with as set out in the Council's Code of Conduct for Members in Part 13 of this Constitution.
- If the exercise of an Executive function has been delegated to a Committee of the Executive, an individual Member or an Officer, and should a conflict of interest arise, then the function will be exercised in the first instance by the person or body by whom the delegation was made and otherwise as set out in the Council's Code of Conduct for Members in Part 13 of this Constitution or in relation to decisions made by Individual Members to the Individual Decision Making Protocol (as set out in Part 13 of the Constitution).

5.3 Call-In

5.3.1 Publication of Decisions

The Head of Policy and Communication will publish all decisions of the Executive, Committees of the Executive, individual Members of the Executive and 'key decisions' taken under delegated powers of Officers ("Executive decisions") to all Members of Council normally within three

clear working days of the decision. Decisions will generally be published the day after the meeting, but no later than three days after the meeting. If the body taking the decision reasonably considers that, for reasons of expediency which shall be stated in the notice of decision, a decision should not be subject to call-in procedures, the procedure outlined in Rule 5.3.5 (procedure Following Call-In), shall not apply to that decision.

- Deleted:** Decisions will generally be published by
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5.3.2 Decisions not Subject to Call-In

The call-in procedure as set out below shall not apply where the decision taken by the Executive has to be implemented before the expiry of the call-in period. This will only be the case if one of the following applies:

- The item is due to be referred to Council for final approval, e.g. budget.
- If there were a delay in implementing the decision, this would have serious financial implications for the Council or could compromise the Council's position.
- The item has been considered by the Overview and Scrutiny Management Commission, or has been the subject of a review undertaken by another body e.g. Task Group, within the preceding six months.
- The item is deemed an Urgent Key Decision as set out in Rule 5.4.7 (Special Urgency – Key Decision).

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- Deleted:** associated with the Overview and Scrutiny Management Commission

Reports that do not require a decision and are for information only will not be subject to 'call-in'.

The reason why the item is "not subject to call-in" must be specified in the report. In the event of a dispute over the reason why the item is "not subject to call-in" the Monitoring Officer or the Section 151 Officer will be the final arbiter.

5.3.3 Non-Implementation of Decisions

Except as outlined in Rule 5.3.1 (Publication of Decisions) above, or an item that is not subject to call-in (see Rule 5.3.2 – Decisions not subject to Call-In), Executive decisions shall not be capable of implementation until either:

- (a) the time for a call-in request has expired without such a request being made; or
- (b) the procedure in the following Rules has been followed.

5.3.4 Review of Decision

Any five Members of Council (excluding any Members involved in making the original decision) may by 5pm on the fifth clear working day following the publication of the decision give notice in writing or by fax or e-mail to the Head of Policy and Communication requesting that the decision be reviewed by the Overview and Scrutiny Management Commission. The notice shall give reasons for the request ('call-in request'), together with a proposal for an alternative course of action and states whether or not those Members believe that the decision is contrary to the policy framework or contrary to or not wholly in accordance with the budget.

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5.3.5 Procedure Following Call-In

When a call-in request is duly made, the Head of Policy and Communication shall inform the Executive Leader and the Chairman of the Overview and Scrutiny Management Commission, and shall convene a special meeting of the Commission as soon as reasonably practicable for the purpose of reviewing the decision unless the matter can conveniently be reviewed at the next scheduled meeting of the Commission.

If the request for a call-in states that the reason for it being called-in is that the decision is outside the budget or policy framework it will be referred to the Monitoring or Section 151 Officer who shall decide if this is the case.

5.3.6 Review of Decision

Any Member of Council who has signed a call-in request may attend the meeting of the Overview and Scrutiny Management Commission when the decision is reviewed and may speak to that item of business. If a Member of Council wishes to speak to a called-in item, but has not signed the call-in request, they can request the permission of the Chairman of the Commission to speak to the item, giving 24 hours notice in advance of the meeting in question.

The Overview and Scrutiny Management Commission cannot overturn the decision which it is reviewing but may either concur with the decision (in which case it will take immediate effect) or refer it back to the Executive for further consideration. If the Commission is of the opinion, having taken advice from the Council's Section 151 Officer that a decision is outside the Budget and Policy Framework approved by the Council, the Commission may refer the decision to the Council. The Council may concur with the decision (in which case it will take immediate effect) or refer it back to the Executive for further consideration.

5.3.7 Referral Back to Executive

The Overview and Scrutiny Management Commission will produce a report with its findings to the next meeting of the Executive (i.e. the meeting following the call-in request) unless there are exceptional circumstances why this cannot be achieved. In these circumstances the Chairman of the Commission and the Leader of the Council will agree a revised timetable. The report will either confirm the original decision or propose amendments to it in any way it thinks fit and shall give reasons for its final decision. If the Overview and Scrutiny Management Commission upholds the Executive decision, that decision shall take immediate effect (Rule 5.3.6 [Review of Decision] above refers).

Any matter which has been the subject of a call-in request may not be the subject of a further call-in request.

5.4 The West Berkshire Council Forward Plan

5.4.1 Period of the Forward Plan

A Forward Plan will be prepared by the Executive Leader to cover a period of four months, beginning with the first day of any month. The Forward Plan will be prepared on a monthly basis and any subsequent Plan will cover a period beginning with the first day of the second month covered in

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If the Overview and Scrutiny Management Commission is of the opinion that a decision is outside the Budget and Policy Framework approved by the Council, the Overview and Scrutiny Management Commission may refer the decision to the Council.

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the preceding plan. The Plan will be published at least fourteen days prior to it coming into force.

5.4.2 Contents of the Forward Plan

The Forward Plan will contain matters which the Executive Leader has reason to believe will be [the](#) subject of a 'key decision' to be taken by the Executive, a Committee of the Executive, individual Members of the Executive or under joint arrangements in the course of the discharge of an Executive function during the period covered by the Plan. The Forward Plan will also contain details of intended review activity by the Overview and Scrutiny Management Commission [or another body e.g. Task Group associated with the Overview and Scrutiny Management Commission.](#)

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It will describe the following particulars insofar as the information is available, applicable or might reasonably be obtained:

- the matter in respect of which a decision is to be made;
- where the decision taken is by an individual, his/her name and title, if any, and where the decision-taker is a body, its name and details of membership;
- the date on which, or the period within which, the decision will be taken;
- the identity of the principal groups whom the decision-taker proposes to consult before taking the decision;
- the means by which any such consultation is proposed to be undertaken;
- The steps any person might take who wishes to make representations to the Executive or decision-taker about the matter in respect of which the decision is to be made, and the date by which those steps must be taken; and
- a list of the documents submitted to the decision-taker for consideration in relation to the matter.

5.4.3 Publication of the Forward Plan

The Head of Policy and Communication will publish once a year a notice in at least one newspaper circulating in the area, stating:

- that 'key decisions' are to be taken on behalf of the Council;
- that a Forward Plan containing particulars of the matters on which decisions are to be taken will be prepared on a monthly basis;
- that the Plan will contain details of the key decisions to be made for the four month period following its publication;
- that the Plan will be available for inspection, free of charge, at the Council's offices during normal office hours;
- the address from which, subject to any prohibition or restriction on their disclosure, copies of, or extracts from, any document listed in the Forward Plan is available;
- that other documents may be submitted to decision-takers;

- the procedure for requesting details of documents (if any) as they become available; and
- the dates on each month in the following year on which each Forward Plan will be published and available to the public at the Council's offices.

Exempt information need not be included in a Forward Plan and confidential information cannot be included.

5.4.4 Application of Rules to the Executive

If the Executive or its Committees (if appointed) meet to discuss a 'key decision' to be taken collectively, with an Officer (other than a political assistant) present, within twenty eight days of the date according to the Forward Plan by which it is to be decided, then it must also comply with Rules 8.1 to 8.3 inclusive ([Part 8 of the Constitution](#)), unless Rule 5.4.6 (General Exception) or Rule 5.4.7 (Special Urgency) below apply. A 'key decision' is as described in Rule 2.4.3 (b) of Article 4 of this Constitution.

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5.4.5 Procedure Before Taking Key Decisions

Subject to Rule 5.4.6 (General Exception) and Rule 5.4.7 (Special Urgency) below, a 'key decision' may not be taken unless:

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- a notice (called here a Forward Plan) has been published in connection with the matter in question;
- at least three clear working days have elapsed since the publication of the Forward Plan; and
- where the decision is to be taken at a meeting of the Executive or its Committees, notice of the meeting has been given in accordance with Rule 5.6.6 (Executive Agenda).

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5.4.6 General Exception – 'Key Decision'

If a matter which is likely to be a 'key decision' has not been included in the Forward Plan, then subject to Rule 5.4.7 (Special Urgency) below, the decision may still be taken if:

- the decision must be taken by such a date that it is impracticable to defer the decision until it has been included in the next Forward Plan and until the start of the first month to which the next Forward Plan relates;
- the Head of Policy and Communication has informed the Chairman of the Overview and Scrutiny Management Commission, or if there is no such person, each Member of the Commission in writing, by notice, of the matter on which the decision is to be made;
- the Head of Policy and Communication has made copies of that notice available to the public at the offices of the Council; and
- at least three clear working days have elapsed since the Head of Policy and Communication complied with (a) and (b).

Where such a decision is taken collectively, it must be taken in public except for items deemed exempt information as set out in Rule 8.10.3 ([Part 8 of the Constitution](#)).

5.4.7 Special Urgency – ‘Key Decision’

An urgent item of business, which is deemed to be a ‘key decision’, that needs to be determined before the next scheduled meeting of the Executive and which cannot be dealt with under the existing Scheme of Delegation to Officers may be considered if the conditions set out below are followed.

The ‘key decision’ can only be taken if:

(a) agreement is obtained from the Chairman of the Overview and Scrutiny Management Commission, that the taking of the decision cannot be reasonably deferred; or

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(b) in the absence of the Chairman of the Overview and Scrutiny Management Commission, agreement may be obtained from the Chairman of the Council; or in his/her absence, the Vice-Chairman.

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Where such a decision is taken by the Executive, it must be taken in public, except for items that are deemed Exempt Information as set out in Rule 8.10.3 ([Part 8 of the Constitution](#)).

5.4.8 Report to Council – ‘Key Decision’

The Overview and Scrutiny Management Commission can require a report if it thinks that a ‘key decision’ has been taken which was not:

- included in the Forward Plan; or
- the subject of the general exception procedure; or
- the subject of an agreement with the Overview and Scrutiny Management Commission Chairman, or the Chairman/Vice-Chairman of the Council.

The Overview and Scrutiny Management Commission may then require the Executive to submit a report to the Council within such reasonable time as the Commission specifies. The power to require a report rests with the Commission, but is also delegated to the Head of Policy and Communication, who shall require such a report on behalf of the Commission when so requested by the Chairman or any five Members. Alternatively the requirement may be raised by resolution passed at a meeting of the Overview and Scrutiny Management Commission.

5.4.9 Executive’s Report to Council

The Executive will prepare a report for submission to the next available meeting of the Council. However, if the next meeting of the Council is within seven clear working days of receipt of the written notice, or the resolution of the Committee, then the report may be submitted to the meeting after that. The report to Council will set out particulars of the decision, the individual or body making the decision, and if the Executive Leader is of the opinion that it was not a ‘key decision’ the reasons for that opinion.

5.4.10 Quarterly Reports on Special Urgency Decisions

In any event the Executive Leader will submit quarterly reports to the Council on the Executive decisions taken in the circumstances set out in

Rule 5.4.7 (Special Urgency) in the preceding three months. The report will include the number of decisions so taken and a summary of the matters in respect of which those decisions were taken.

5.4.11 Record of Decisions

After any meeting of the Executive or any of its Committees, whether held in public or private, the Head of Policy and Communication, or, where no Officer was present, the person presiding at the meeting, will produce a record of every decision taken at that meeting as soon as practicable, usually within 3 working days. The record will include a statement of the reasons for each decision and any alternative options considered and rejected at that meeting.

5.4.12 Executive Meetings relating to matters which are not 'Key Decisions'

The Executive will decide whether meetings relating to matters which are not 'key decisions' will be held in public or private.

5.5 Order of Business

5.5.1 Ordinary Meetings

Meetings for the transaction of general business shall be held on such days as the Council decides and as specified in the timetable of meetings.

5.5.2 Order of Business - Ordinary Meetings

The order of business at an ordinary meeting of the Executive shall be to:

- (a) elect a person to preside if the Executive Leader or Deputy Leader are not present;
- (b) receive apologies for inability to attend the meeting;
- (c) approve the Minutes of the last meeting;
- (d) receive any declarations of interest from Members;
- (e) receive written questions from and provide answers to the public in relation to matters relating to the business of the Council;
- (f) receive petitions;
- (g) provide a response to petitions previously received;
- (h) deal with matters referred to the Executive (whether by the Overview and Scrutiny Management Commission or by the Council) for reconsideration by the Executive in accordance with the provisions contained in the Overview and Scrutiny Rules of Procedure set out in Part 6 of this Constitution, or the Budget and Policy Framework Rules of Procedure as set out in Part 9 of this Constitution;
- (i) deal with matters set out in the agenda for the meeting, which shall indicate which are 'key decisions' and which are not in accordance with the Access to Information Rules of Procedure as set out in Part 8 of this Constitution;
- (j) consider reports from the Overview and Scrutiny Management Commission;

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<#>The Executive will normally meet on a six-weekly basis at times to be agreed by the Executive Leader. The Executive shall meet at the Council's main offices or another location to be decided by the Executive Leader.¶

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- (k) receive written questions from and provide answers to Members in relation to matters relating to the business of the Council prior to Part II matters;
- (l) exclude members of the public and the press and consider any Part II or confidential matters.

5.5.3 Extraordinary Meetings

Extraordinary meetings of the Executive may be called at any time by the Executive Leader, or in his/her absence, the Deputy Leader, or by the Head of Policy and Communication if ~~they~~ consider it necessary or appropriate.

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5.5.4 Order of Business - Extraordinary Meetings

The order of business at an extraordinary meeting shall be to:

- (a) elect a person to preside if the Executive Leader or Deputy Leader is not present;
- (b) receive apologies for inability to attend the meeting;
- (c) receive any declarations of interest from Members;
- (d) consider any business specified in the Summons to the meeting.

[Note: No Public or Member Questions, Petitions or Motions may be dealt with at an Extraordinary Meeting.]

5.5.5 Variation

With the exception of business specified in (a)–(d) of Rule 5.5.2 (Order of Business – Ordinary Meetings) and (a)-(c) of Rule 5.5.4 (Order of Business – Extraordinary Meetings) above, the order of business may be varied at the discretion of the Executive Leader.

5.6 Meetings of the Executive

5.6.1 Frequency of Meetings of the Executive

The Executive will normally meet on a six-weekly basis at times to be agreed by the Executive Leader. The Executive shall meet at the Council’s main offices or another location to be decided by the Executive Leader.

5.6.2 Adjustment to Dates

The Executive Leader or Deputy Leader, in consultation with the Head of Policy and Communication, may make any adjustments to the date, time and place of meetings considered necessary or desirable.

5.6.3 Electronic Communication Devices

There shall be a ban on the use of electronic communication devices at all meetings.

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5.6.4 Quorum

The quorum for a meeting of the Executive, or a Committee of it, shall be four Members of the Executive.

5.6.5 Continuation of Meeting

Meetings of the Executive should not normally continue past 10.00pm. If however the Executive Leader believes that business could be concluded by 10.30pm, a Motion under Rule 5.9.4 (Motions which may be Moved without Notice) must be moved and supported by a majority of those Executive Members present. All meetings will conclude by 10.30pm at the latest.

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5.6.6 Executive Agenda

The Head of Policy and Communication will give notice to the public of the time and place of any meeting in accordance with the Access to Information Rules of Procedure (Part 8). The Head of Policy and Communication will provide to every Member of the Executive an agenda at least five clear working days before a meeting unless the meeting is convened at shorter notice as a matter of urgency. The agenda will give the date, time and place of the meeting and specify the business to be transacted, and will be accompanied by such reports as are available.

[Note: Clear working days do not include day of agenda despatch or day of meeting.]

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The agenda and reports for meetings of the Executive will also be circulated electronically to all Members of the Council unless:

- any individual Member indicates that they do not wish to receive specified papers; or
- a report contains information or advice which the Council is unable to supply to Members not involved in the making of a decision because of any statutory provision or the terms of any agreement.

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5.6.7 Presiding over Executive Meetings

If the Executive Leader is present they will preside. In their absence, then the Deputy Leader will preside. If neither the Executive Leader nor Deputy Leader are present then a person appointed to do so by the Executive Leader, shall preside. In the latter case, the Executive Leader will notify the Head of Policy and Communication before the meeting about who will preside.

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5.6.8 Substitutes

There will be no substitutes or co-optees for Executive Members.

5.6.9 Members' Attendance at Meetings of the Executive

Members of the Council who are not Members of the Executive may attend meetings of the Executive and any Committee of the Executive. There is a general assumption that they will have the right to speak and be allowed to join in debates on any item on the agenda but this will be subject to the discretion of the Member presiding over the meeting. Only Members of the Executive may vote on items on the agenda.

5.6.10 Who can put Items on the Executive Agenda

The Executive Leader may put on the agenda any item which he/she wishes whether or not authority has been delegated to the Executive, a Committee or any Member or Officer in respect of that item.

The Council, the Overview and Scrutiny Management Commission or any other Committee of the Council may place an item on the agenda of a meeting of the Executive.

Items may also be placed on the agenda of the Executive by the Chief Executive, Corporate Board and any Statutory Officer. Reports of Statutory Officers may not be deferred if, in the opinion of the Officer concerned, it is necessary for the report to be considered at the next meeting.

The Executive Leader and the Chief Executive will agree the agenda for each meeting of the Executive to ensure that the volume of business is manageable and appropriate information is available about any item placed on the agenda.

5.7 Executive Minutes

5.7.1 Approval

The Executive Leader shall move “that the Minutes of the meeting of the Executive held on (date) be signed as a correct record”.

5.7.2 Accuracy

Only the accuracy of the Minutes may be questioned and an amendment put forward to propose a change of wording. As soon as any such amendment has been agreed, the Executive Leader will sign the Minutes.

[Note: Any amendments to the Minutes should be set out in the Minutes of the subsequent meeting and not marked on the original set of Minutes under discussion. However, if the Minutes are amended they should be annotated with the words "These Minutes have been amended".]

5.7.3 Signing Minutes

Minutes shall be submitted to and signed at the next meeting of the Executive which is not an extraordinary meeting.

5.8 Petitions

5.8.1 Scope of Petitions

The Council welcomes petitions and recognised that they are one way in which people can let the Council know about their concerns. Petitions must relate to Council business or to matters of concern to the District of West Berkshire and fall within the terms of the body to which they are presented. Petitions will be dealt with in accordance with Appendix C to Part 13 of the Constitution (Procedure Rules for Dealing with Representations). Petitions may only be presented at one forum of the Council which will include petitions handed directly to the appropriate Council Officer.

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<#>Ordinary Meetings¶
 The order of business at an ordinary meeting of the Executive shall be to:¶
 (a) . elect a person to preside if the Executive Leader or Deputy Leader are not present;¶
 (b) . receive apologies for inability to attend the meeting;¶
 (c) . approve the Minutes of the last meeting;¶
 (d) . receive any declarations of interest from Members;¶
 (e) . receive written questions from and provide answers to the public in relation to matters relating to the business of the Council;¶
 (f) . receive petitions;¶
 (g) . provide a response to petitions previously received;¶
 (h) . deal with matters referred to the Executive (whether by the Overview and Scrutiny Management Commission or by the Council) for reconsideration by the Executive in accordance with the provisions contained in the Overview and Scrutiny Rules of Procedure set out in Part 6 of this Constitution, or the Budget and Policy Framework Rules of Procedure as set out in Part 9 of this Constitution;¶
 (i) . deal with matters set out in the agenda for the meeting, which shall indicate which are 'key decisions' and which are not in accordance with the Access to Information Rules of Procedure as set out in Part 8 of this Constitution;¶
 (j) . consider reports from the Overview and Scrutiny Management Commission;¶
 (k) . receive written questions from (... [1])

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 (l) . exclude members of the public and the press and consider any Part II or confidential matters.¶ (... [2])

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 (b) . receive apologies for inability to attend the meeting;¶
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5.8.2 **Inspection of Petitions**

Paper petitions received by the Council will be available for public inspection during the Council's opening hours from Policy and Communication Service Unit. Copies of the nature of paper petitions submitted at Executive meetings will also be placed on the Council's website. The Council's website also hosts ePetitions available for public inspection.

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5.8.3 **Notice of Petitions**

Where notice of a petition is given to the Head of Policy and Communication by 10.00am seven clear working days before the meeting details will be included in the summons or agenda.

5.8.4 **Presentation of Petitions by Members of Council**

Members of Council who receive a petition from a member of the public can either:

- (a) present it at the appropriate meeting; or
- (b) pass it to the appropriate Officer.

The Executive Leader will advise the Councillor presenting the petition how it will be dealt with. However, if the petition relates to a matter on the agenda for the meeting of the Executive at which it is presented it shall be dealt with at that meeting.

Members of the Council may present petitions directly to the Executive, a Committee or Sub-Committee and speak for up to five minutes on that petition. No further debate shall take place unless the relevant body receives a report on the matter.

Petitions relating to licensing or planning applications will normally be received by Officers during the Licensing or Planning consultation process.

5.8.5 **Presentation of Petitions by Members of the Public**

Petitions will be dealt with in accordance with Appendix C to Part 13 of the Constitution (Procedure Rules for Dealing with Representations).

Members of the public may present petitions directly to the Executive and may speak for up to five minutes on that petition where notice has been given as outlined in 5.10.3. No further debate shall take place unless the relevant body receives a report on the matter.

The petitioner will be advised either by the Chairman of the body where the petition was presented, or by the Head of Policy and Communication, within three clear working days, as to where the petition will be referred. However, if the petition relates to a matter on the agenda for the meeting of the Executive, it shall be dealt with at that meeting.

Petitions relating to licensing or planning applications will normally be received by Officers during the licensing or planning consultation process. ~~Petitions relating to a specific application under the licensing Act 2003 or the Gambling Act 2005 must be submitted within the statutory consultation period if it is to be considered by the sub-Committee determining the application.~~

5.8.6 Petitions Received Outside of the Council's Meetings

Petitions received outside of the Council's meetings (i.e. presented to an Officer), will also be dealt with in accordance with Appendix C to Part 13 of the Constitution (Procedure Rules for Dealing with Representations).

The Officer receiving the petition will acknowledge the petition and send a copy to all Members and notify the Policy and Communication Service for inclusion on the petitions website and the Forward Plan.

Policy and Communication will invite the petition organiser to attend the meeting at which their petition is to be answered, where this response is not made by Individual Decision. A copy of the appropriate agenda and report will be sent with the letter and a copy will be sent to the Ward Member(s).

5.9 Motions

5.9.1 Scope of Motion

Motions must relate to matters of concern to the District of West Berkshire.

5.9.2 Submission of Motion

At any meeting of the Executive, except an Extraordinary Meeting that does not appear in the timetable of meetings, a Notice of Motion may be submitted under this Rule for consideration.

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5.9.3 Consideration of Motion

The Executive can debate the Motion at the meeting, or if deemed appropriate, refer the Motion to Officers for a report to be considered at a subsequent meeting.

5.9.4 **Motions which may be Moved without Notice**

The following Motions may be moved without notice:

- To appoint a Chairman of the meeting if the Executive Leader or Deputy Leader are absent.
- Motions relating to:
 - accuracy of Minutes;
 - closure or adjournment of the meeting;
 - order of or next business.
- To refer any matter to the Council or a Committee, or a Statutory Officer.
- To receive minutes and reports and adopt recommendations of Committees and Officers and any consequential Motions.
- To withdraw a Motion or amendment with leave of the Executive Leader.
- To amend a Motion.
- To extend the time limit for speeches.
- To allow the continuation of a meeting past 10.00pm.

- To suspend a Procedure Rule in accordance with Rule 5.10.1, (Suspension of Rules of Procedure) below.
- To exclude the press and public in accordance with the statutory provisions.
- That the question be now put.
- That a Member named under Rule 5.14, (Behaviour of Members) be not further heard or leave the meeting
- To allow a member of the public to speak in accordance with Rule 5.17.4. (Speaking).

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[Note: Any Procedure Rule may be suspended in accordance with Procedure Rules 5.10.1 (Suspension of Rules of Procedure) and 5.10.2 (Variation/ Revocation of Rules of Procedure) provided the effect either individually or cumulatively is not to suspend all Procedure Rules.]

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5.9.5 Motions on Expenditure or Revenue

Any Motion which would materially increase expenditure, involves capital expenditure, or materially reduces the revenue of the Council, or involves the disposal of a significant asset, shall when seconded stand adjourned without discussion to the next meeting of the Executive, with a report back to the next ordinary meeting of the Executive. This Rule does not apply to any Motion proposed at the Budget meeting of the Executive.

5.10 Suspension, Variation and Revocation of Rules of Procedure

5.10.1 Suspension of Rules of Procedure

With the exception of Rules 5.7.1, (Approval of Minutes) and 5.16.3, (Recording of Votes) any Procedure Rule may be suspended for any business at a meeting where its suspension is moved provided either:

- notice of Motion has been given; or
- at least one half of the whole number of Members of the Executive are present.

[Note: See Rule 5.9.4 (Motions which May be Moved Without notice) above.]

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5.10.2 Variation/Revocation of Rules of Procedure

Any Motion to vary or revoke the Rules of Procedure shall when proposed and seconded stand referred without discussion to the next ordinary meeting of the Executive.

5.11 Procedure for Reports at Executive Meetings

5.11.1 Executive Report

The Executive Leader or relevant Member of the Executive shall present the report and move the recommendation requiring the Executive's approval. Upon being seconded the matter is open for debate, and

Members of the Executive may make statements and ask questions of the Mover as appropriate. The Rules of Debate set out in 5.13 will apply.

5.11.2 Confidentiality and Non-Disclosure of Reports

Reports to Committees, Sub-Committees, Panels or Task Groups which are "not for publication" in accordance with the statutory provisions on the grounds that they contain confidential or exempt information shall be treated as confidential and shall not be disclosed by a Member or Officer of the Council unless the Committee, Sub-Committee, Panel or Task Group decides otherwise.

After the meeting of the Committee, Sub-Committee, Panel or Task Group the information shall continue to be treated as confidential except insofar as it ceases to be confidential by virtue of the statutory provisions or its inclusion in the Minutes of the meeting which are made available for public inspection.

5.12 Questions

5.12.1 Public Written Questions

Members of the public residing or working in the District, or their representative, may ask the appropriate Member of the Executive any question relating to the business of the Council, a matter for which the Council has responsibility or the wellbeing of West Berkshire. The Executive Leader will nominate an appropriate person to provide an answer if the questioner has not indicated from whom they would prefer to receive a response. Such questions may only be asked at ordinary meetings of the Executive.

Questions must be submitted in writing by post, fax or electronic mail to the Head of Policy and Communication and must specify the name, address and contact telephone number of the person asking the question.

Questions that do not relate to an item of business for that meeting of the Executive must be submitted no later than 10.00am, seven clear working days before the meeting.

Questions relating to an item of business for that meeting of the Executive must be submitted no later than 10.00am, one working day before the meeting.

5.12.2 Members' Written Questions

Members may ask any Member of the Executive any question relating to the business of the Council or the wellbeing of the West Berkshire. Such questions may only be asked at ordinary meetings of the Executive.

Questions indicating the name of the person submitting it, must be submitted in writing by post, fax or electronic mail to the Head of Policy and Communication.

Questions must be submitted no later than 10.00am, seven clear working days before the Executive meeting.

Subject to the consent of the Executive Leader a question may be considered by the Executive if it is submitted to the Head of Policy and Communication by 10.00am on the day of the meeting.

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 The Council welcomes petitions and recognised that they are one way in which people can let the Council know about their concerns. Petitions must relate to Council business or to matters of concern to the District of West Berkshire and fall within the terms of the body to which they are presented. Petitions will be dealt with in accordance with Appendix C to Part 13 of the Constitution (Procedure Rules for Dealing with Representations).¶

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Petitions may only be presented at one forum of the Council which will include petitions handed direct to the appropriate Council Officers.¶
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Councillors must confine their contributions to questions and answers and must not make statements or attempt to debate the matter. Where the Executive Leader feels that a Councillor is contravening this rule they will stop the Councillor concerned from speaking on this matter.

5.12.3 **Scope of Questions**

The Monitoring Officer or Head of Policy and Communication may reject a question or a supplementary question if it is not about a matter over which the Council has responsibility, it is defamatory, frivolous, it is abusive, it is substantially the same as a question which has been put at a meeting of the Executive in the past six months, it requires the disclosure of confidential or exempt information or relates to a licensing or planning application.

Where a question has been rejected a letter will be sent to the questioner setting out the reasons for the rejection.

5.12.4 **Written Questions concerning the Thames Valley Police Authority (TVPA) and Royal Berkshire Fire and Rescue Service (RBFRS)**

Subject to the Rules of Procedure on receipt, a Member may also ask the person nominated by the TVPA a question on the functions or performance of that Authority or one of the Council's representatives on the RBFRS a question in relation to the functions or performance of the RBFRS.

5.12.5 **Member and Public Written Questions – Procedure at Executive**

Subject to Rule 5.12.9 (Multiple Member and Public Questions) below, questions shall be taken in order of receipt and shall be asked by saying "I ask my question as set out in the Agenda" and then answered without discussion.

Any Executive Member may decline to answer a question or may nominate another Member to answer a question on their behalf.

5.12.6 **Answers to Questions**

An answer may take the form of:

- a direct oral answer;
- a reference to a Council publication containing the desired information;
- a written answer where a reply cannot conveniently be given orally or because of a lack of time.

The Executive Leader in consultation with the Monitoring Officer may reject any supplementary questions on any of the grounds in rule 5.12.3 (Scope of Questions).

5.12.7 **Supplementary Questions**

A person asking a written question may ask one supplementary question arising directly out of the answer given to the original question but the

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<#>Questions indicating the name of the person submitting it must be submitted in writing by post, fax or electronic mail to the Head of Policy and Communication.¶
<#>Questions must be submitted no later than 10.00am, seven clear working days before the Executive meeting.¶

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supplementary question shall be relevant to the original question and shall not introduce any new subject matter. For the avoidance of any doubt the Executive Leader will invite the questioner to ask a supplementary question if the questioner has one.

5.12.8 Time Limit on Questions

The time allowed for written and supplementary questions at any meeting shall not exceed thirty minutes for public questions or one hour for Members' questions or such longer period as the Executive Leader may permit. Questions not answered within that period will receive a written reply.

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5.12.9 Multiple Member and Public Questions

If any person(s) submit(s) more than one question at any meeting only their first question shall be asked and answered. If after all other questions have been asked and answered there is sufficient time available the Executive Leader may ask the questioner(s) to ask their further question(s) in such order as the Executive Leader determines.

5.12.10 Order of Questions

The Executive Leader has the discretion to alter the order in which questions are asked.

5.12.11 Absence of Questioner

If a person who has submitted a question is not present when the question is called, the question may, with the consent of the Executive Leader, be asked by any other person.

5.13 Rules of Debate

5.13.1 Seconding

A Motion or amendment shall not be discussed until it has been formally moved and seconded. When seconding a Motion or amendment, a Member may reserve his/her speech until a later period in the debate.

5.13.2 Writing

The Executive Leader may require a Motion or amendment to be put into writing before it is discussed or voted upon.

5.13.3 Speech content

Members shall direct speeches to the matter under discussion, a point of order or personal explanation.

5.13.4 Speech length

The Chairman may terminate a speech by a Member if he/she considers that it is not contributing to the effective working of the meeting.

5.13.5 Amendments

An amendment to a Motion must be relevant to the Motion and will either be:

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(a) to refer a subject of debate to Council, a Committee or Statutory Officer for consideration or reconsideration unless the Executive Leader rules otherwise in the interests of expedience; or

(b) to leave out words; or

(c) to leave out words and add others; or

(d) to insert or add words;

as long as the effect of (b) to (d) is not to negate the Motion or to introduce a new subject matter.

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5.14 Behaviour of Members

5.14.1 Disorderly Conduct

If, at a meeting of the Executive, a Member:

- persistently disregards the ruling of the Executive Leader; or
- behaves irregularly, improperly or offensively; or
- wilfully obstructs the business of the Executive;

any Member may move:

- that the Member named not be heard any further;
- that the Member named shall leave the meeting; and
- if the Motion is seconded, it be put to the vote without discussion.

5.14.2 Suspension of Sitting

If there is a general disturbance or if the named Member or member of the public continues to misbehave after a Motion under Rule 5.9.4 (Motions which may be Moved without Notice) has been carried and orderly business is prevented the Executive Leader may adjourn the meeting for as long as they consider necessary.

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5.15 Rescinding an Earlier Resolution

5.15.1 Six Months Rule

A Motion may not be moved to rescind a decision made at a meeting of the Executive within the preceding six months.

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5.15.2 Rejected Motion

A Motion or amendment in similar terms to one that has been rejected at a meeting of the Council in the last six months cannot be moved.

5.15.3 Executive Decision

The Executive may, by a majority of those voting, rescind a decision that it has previously made.

5.16 Voting

5.16.1 Method of Voting

Voting shall be by show of hands. Unless the Constitution or the law provides otherwise any matter will be decided by a simple majority of

[those present and permitted to vote on the matter at the time the question is put.](#)

5.16.2 **Chairman's Casting Vote**

[In the event of equal numbers of votes for and against the Executive Leader \(or standing Chairman\) will have a second or casting vote.](#)

5.16.3 **Recording of Votes**

A record of how a vote is or votes are cast (as the case may be) will be made if:

- before a vote is taken any Member requests that the vote be recorded and three other Members support that request by standing in their places. In these circumstances the [Monitoring Officer](#) or his/her representative will call the name of each Member present and each Member will respond for or against the Motion or abstaining;
- immediately after a vote has been taken any Member requests that their vote for or against or their abstention be recorded.

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5.16.4 **Appointments to Outside Bodies**

If more than two persons are nominated for any position to be filled by the Executive [on an outside body](#) the outcome shall be determined by a simple majority of votes. If there is no majority the Executive can decide not to appoint. [Appointments to Outside Bodies will be made in accordance with Appendix J to Part 13 of the Constitution \(Protocol for Council Representation on Outside Bodies\).](#)

[Note: Appointments to Outside Bodies have been delegated to the Leader of the Council.](#)

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In the event of an equality of votes the Executive Leader shall have a second or casting vote.¶

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5.17 **Press and Public**

5.17.1 **Admission**

The press and public shall be permitted to attend meetings of the Executive unless excluded under [the relevant provisions](#) of the Local Government Act 1972 [and in accordance with Part 8 of the Access to Information Rules of Procedure or any other legislative provision.](#)

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5.17.2 **Exclusion of Employee**

During any discussion on the appointment, promotion, dismissal, salary, conditions of service or conduct of a Council employee, the employee shall not be present except to make representations on his/[her](#) own behalf either personally or by or with such representatives as the Executive may agree to receive.

5.17.3 **Removal**

If a member of the public interrupts the proceedings at any meeting the Executive Leader may, after warning, order their removal from the meeting of the Executive. [If there is a general disturbance the Executive Leader shall order that the part of the room open to the public be cleared.](#)

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5.17.4 Speaking

Members of the public may only speak at a meeting if the Executive so resolves or when presenting a petition or asking a question in accordance with these Rules of Procedure.

5.17.5 Televising and Sound Recording of Meeting

The televising and sound recording of meetings will be permitted in accordance with the protocol relating to this matter. The protocol is available below at Appendix A to Part 5.

Appendix A

Code of Practice Relating to Televising and Sound Recording of Meetings

The televising or sound recording of meetings of the Council, Executive, Committees or ~~Commission~~ will be permitted, subject to the Code of Practice set out below:

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1. Requests for permission to film or take sound recordings should be submitted 24 hours before the start of the meeting to the Head of Policy and Communication and may be refused if it is considered that the meeting room is not of an adequate size or because of reasons specified by the Head of Policy and Communication.
2. The Head of Policy and Communication shall consult the Chairman or Vice-Chairman of the meeting regarding a request to film or record a meeting.
3. Filming or recording will only be permitted for a public purpose.
4. Television crews or persons undertaking sound recording shall comply with the requests of the Head of Policy and Communication or his/her representative as to arrangements for filming and recording.
5. No filming or recording will be permitted, and persons present for those purposes will be required to leave the meeting, if a resolution is passed under Section 100A of the Local Government Act 1972 excluding the press and public from the meeting.
6. Filming or recording of a member of the public will only be permitted if the Executive, Committee, ~~Commission~~, etc., agrees.
7. Filming or sound recording must not cause any nuisance or interfere with any electronics or with the conduct of the meeting.
8. No link will be permitted to the Council's sound recording equipment, neither may any equipment be placed on tables within the area occupied by Members or Officers.
9. If there is a breach of this Code of Practice, the Chairman may at his or her discretion, after a warning, order that no further sound recording or filming shall take place during the meeting.

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Order of Business

Ordinary Meetings

The order of business at an ordinary meeting of the Executive shall be to:

- (a) elect a person to preside if the Executive Leader or Deputy Leader are not present;
 - (b) receive apologies for inability to attend the meeting;
 - (c) approve the Minutes of the last meeting;
 - (d) receive any declarations of interest from Members;
 - (e) receive written questions from and provide answers to the public in relation to matters relating to the business of the Council;
 - (f) receive petitions;
 - (g) provide a response to petitions previously received;
 - (h) deal with matters referred to the Executive (whether by the Overview and Scrutiny Management Commission or by the Council) for reconsideration by the Executive in accordance with the provisions contained in the Overview and Scrutiny Rules of Procedure set out in Part 6 of this Constitution, or the Budget and Policy Framework Rules of Procedure as set out in Part 9 of this Constitution;
 - (i) deal with matters set out in the agenda for the meeting, which shall indicate which are 'key decisions' and which are not in accordance with the Access to Information Rules of Procedure as set out in Part 8 of this Constitution;
 - (j) consider reports from the Overview and Scrutiny Management Commission;
- (k) receive written questions from and provide answers to Members in relation to matters relating to the business of the Council prior to Part II matters;**

- (l) exclude members of the public and the press and consider any Part II or confidential matters.

Extraordinary Meetings

The order of business at an extraordinary meeting shall be to:

- (a) elect a person to preside if the Executive Leader or**

- (b) receive apologies for inability to attend the meeting;
- (c) receive any declarations of interest from Members;
- (d) consider any business specified in the Summons to the meeting.

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Variation

With the exception of business specified in (a)–(d) of Rule 5.6.1 and (a)-(c) of Rule 5.6.2 above, the order of business may be varied at the discretion of the Executive Leader.

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(Note:

Petitions may only be presented at one forum of the Council which will include petitions handed direct to the appropriate Council Officers.

Petitions requesting the Council to review a decision or policy in relation to a quasi-judicial matter (Licensing, etc.) shall not be presented to the Council, Executive, Overview and Scrutiny Management Commission, Regulatory and other Committees until and unless the other means of appeal available to an appellant (Magistrates and County Court) have been activated.

The presentation of petitions is subject to the Procedure Rules covering the Six Month Rule (4.13.1) and may not therefore be re-submitted to a Council forum unless the provisions of the Six Month Procedure Rule are met.)

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Inspection of Petitions

Petitions received by the Council will be available for public inspection during the Council's opening hours from Policy and Communication Service Unit. Copies of all petitions submitted at Council meetings will also be placed on the Council's website for inspection.

Notice of Petitions

Where notice of a petition is given to the Head of Policy and Communication by 10.00am seven clear working days before the meeting details will be included in the summons or agenda.

Presentation of Petitions by Members of Council

Members of Council who receive a petition from a member of the public can either:

- (a) present it at the appropriate meeting; or
- (b) pass it to the appropriate Officer.

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The Executive Leader will advise the Councillor presenting the petition how it will be dealt with. However, if the

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Members of the Council may also present petitions directly to the Executive, a Committee or Sub-Committee and speak for up to five minutes on that petition. No further debate shall take place unless the relevant body receives a report on the matter.

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petition relates to a matter on the agenda for the meeting of the Executive at which it is presented it shall be dealt with at that meeting.

Members of the Council may present petitions directly to the Executive, a Committee or Sub-Committee and speak for up to five minutes on that petition. No further debate shall take place unless the relevant body receives a report on the matter.

Petitions relating to

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licensing and planning applications will normally be received by Officers during the Licensing/P

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consultation process.

Presentation of Petitions by Members of the Public

Members of the public may either present petitions directly to an Officer or to the Executive, a Committee, Commission or Sub-Committee and may speak for up to five minutes on that petition. No further debate shall take place unless the relevant body receives a report on the matter.

The petitioner will be advised either by the Chairman of the body where the petition was presented, or by the Head of Policy and Communication, within three clear working days, as to where the petition will be referred. However, if the petition relates to a matter

on the agenda for the meeting of the Executive, it shall be dealt with at that meeting.

Petitions relating to licensing and planning

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licensing/planning consultation process.

Petitions Received Outside of the Council's Meetings

Petitions received outside of the Council's meetings (i.e. presented to an Officer), will also be dealt with in accordance with Appendix C to Part 13 of the Constitution (Procedure Rules for Dealing with Representations).

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The Officer receiving the petition will acknowledge the petition and send a copy to the appropriate Ward Member(s) and notify the Policy and Communication Service for inclusion on the petitions website and the Forward Plan.

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.If the petition has less than 10 signatures, then the matter will be dealt with by the appropriate Officer.

If the petition has more than 10 signatures, then the Officer will complete a 'Petition Submission Form' and send a copy of the petition, the 'Submission Form' and the acknowledgement letter to the Policy and Communication Service Unit. The 'Submission Form' will identify at which decision-making body and meeting the response will be tabled and on which date.

The Policy and Communication Service Unit will record centrally the petition and, using the information provided on the 'Submission Form', will ensure that the item is included on the West Berkshire Council Forward Plan.

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will invite the petitioner to attend the meeting at which their petition is to be answered where this response is not made by Individual Decision.

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A copy of the appropriate agenda and report will be sent with the letter and a copy will be sent to the Ward Member(s).

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Part 6

Overview and Scrutiny Rules of Procedure

Document Control

Document Ref:	WB/P&C/MF/2008-11	Date Created:	May 2007
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Revision due			
Author:	Moirra Fraser – Democratic Services Manager		
Owning Service	Policy and Communication		

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Version	Date	Description	Change ID
1.1	23 Sept 2008	Amendment to allow Members of Council to speak on called-in items at meetings of the O&SC with the consent of the Chairman (paragraph 6.4.6)	
2			
3			



Any Acts, Rules or Regulations mentioned in the text of this document can be accessed on the Office of Public Sector Information website at:

<http://www.opsi.gov.uk/legislation/uk>

If you require this information in a different format, such as audio tape or in another language, please ask an English speaker to contact Moira Fraser on 01635 519045 who will be able to help.

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6.1 Constitution of the Overview and Scrutiny Management Commission, Sub-Committees, and Task Groups

6.1.1 General

The Council will have the Overview and Scrutiny Management Commission, to which will report Sub Committees and other Task Groups, as set out in Article 7 and will appoint them as it considers appropriate from time to time.

The Overview and Scrutiny Management Commission has the power to review or scrutinise decisions taken by the Executive or any other part of the Council and make reports to the Council or the Executive. It can also report on any matters that affect the authority's areas and its inhabitants. Its role includes both developing and reviewing policy and holding the Executive to account.

The Overview and Scrutiny Management Commission may discharge its responsibilities through mechanisms including Scrutiny Review, Decision Call-in and the Councillor Call for Action.

Although the Overview and Scrutiny Management Commission may make recommendations for changes or improvements in the way that the Council or other bodies enact their business it does not have any direct decision making powers, except for in the way that it discharges its own responsibilities.

6.1.2 Overview and Scrutiny Management Commission Terms of Reference

The Overview and Scrutiny Management Commission will have the powers to:

- (a) Have overall responsibility for the management, co-ordination and development of the scrutiny function through which the decisions taken by the Executive and by Committees and Officers of the Council are scrutinised and the use of resources/provision of services are reviewed.
- (b) Be aware of the 'Forward Plan', the forward work programme and other anticipated decisions of the Executive and Council services
- (c) Monitor the decisions taken by or on behalf of the Executive and the activities of service areas;
- (d) Exercise the right set out in the Procedure Rules to call-in and recommend for reconsideration any decisions made but not yet implemented by on or behalf of the Executive, Leader, Executive Member or Officers;
- (e) Receive requests from members of the public, Councillors, Officers of the Council, co-optees, the West Berkshire Partnership or other organisations for particular topics to be scrutinised and determine the appropriate action.
- (f) Appoint task-orientated, time-limited overview and scrutiny Task Groups to review in depth, investigate and report on a particular topic

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Deleted: <#>Co-ordinate the work programmes of the Overview and Scrutiny Select Committees and monitor progress against them. ¶
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with such terms of reference and duration as it considers appropriate to that topic.

- (g) Consider and formally agree the reports of all Task Groups and submit them to the Executive and/or relevant agencies for response and action,
- (h) Consider and formally agree the reports of Sub Committees and Task Groups and submit them to the Executive for consideration.
- (i) Establish and develop effective working relationships between the Overview and Scrutiny Management Commission and the West Berkshire Partnership, the Executive and its Members, Committees and Sub-Committees of the Council and its Officers.
- (j) Have responsibility for the development and co-ordination of the overview and scrutiny of partnerships and external bodies.
- (k) Have responsibility for progressing and monitoring the overall objectives of the overview and scrutiny function.
- (l) Agree terms of reference and work plans of Task Groups and other time limited groups, (for example those dealing with Community Calls for Action), and monitor their progress.
- (m) Undertake overview and scrutiny reviews, as deemed appropriate.

6.1.3 Scrutiny Task Groups

The Overview and Scrutiny Management Commission will appoint task-orientated, time-limited scrutiny panels to review in depth, investigate and report on particular topics related to the functions of the Council or the District, with such terms of reference and duration as it considers appropriate to the relevant topic.

6.1.4 Councillor Call for Action

The Overview and Scrutiny Management Commission will appoint time limited Councillor Call Panels to address issues arising through Councillor Calls for Action where the Commission considers it appropriate. Councillor Call Panels shall consist of non executive councillors from the affected locality and scrutiny voluntary co-optees (or statutory education co-optees if the issue includes education matters).

6.1.5 Who may sit on the Overview and Scrutiny Management Commission and Task Groups?

Any Councillor, except Members of the Executive, may be a Member of the Overview and Scrutiny Management Commission or its Sub-Committees. However, no Member may be involved in scrutinising a decision in which they have been directly involved.

Any Councillor may be a Member of a Task Group.

6.1.6 Co-optees

The Overview and Scrutiny Management Commission may appoint non-voting co-optees to assist with a particular review.

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- Deleted: <#>Select Committees Terms of Reference¶ <#>The Select Committees will:¶ <#>Have an overview of the practice and policy of the relevant thematic areas; ¶ <#>Identify areas of service practice and implementation or of policy that cause concern to members of the public and councillors and report these to the Overview & Scrutiny Management Committee to determine what action should be taken; ¶ <#>Receive internal and external inspection reports on the services and challenge the action plans drawn up in response to problems that have been identified; monitor progress in implementing the action plans; ¶ <#>Ensure that the communities of West Berkshire and specific users of services are able to be involved in and inform the work of the Select Committees; ¶ <#>Promote the work of the Select Committees, including through the local media. ¶ <#>Develop focussed programmes of work and identify the most appropriate means of progressing such work including the use of task groups; ¶ <#>Scrutinise the work of the local strategic partnership and its sub-partnerships, specifically the performance of the sub-partnerships in relation to the Local Area Agreement ¶ <#>Scrutinise the effectiveness of the Council's representatives i (... [1]
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6.1.7 Frequency of Meetings

The Overview and Scrutiny Management Commission shall meet on a similar cycle to that of the Executive. Meetings shall be held on the second Tuesday following meetings of the Executive. Extraordinary meetings may be convened at any time by the Commission Chairman, by any five Members of the Commission or by the Head of Policy and Communication if they consider it necessary and appropriate.

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6.1.8 Appointment of Chairman and Vice-Chairman

The Overview and Scrutiny Management Commission shall, at its first meeting before proceeding to any other business, elect a Chairman and Vice-Chairman. In the event of the Council being politically balanced, the Council shall appoint the Chairman of the Overview and Scrutiny Management Commission. If the Chairman or Vice-Chairman ceases to hold office the Commission shall elect a new Chairman or Vice-Chairman at its next meeting.

The Chairman of the Overview and Scrutiny Committee shall cease to hold office if a vote of no confidence, of which notice appears on the agenda, is carried at a meeting of Full Council by a majority of the Members of the whole Council.

6.1.9 Sub-Committees

During the course of a Municipal Year the Overview and Scrutiny Management Commission may appoint a special Sub-Committee for purposes specified by the Commission and within its own terms of reference. Unless previously discontinued, each Sub-Committee shall cease at the same time as the Committee which appointed it.

Members of the Council (with the exception of Executive Members) may be appointed to serve on a Sub-Committee even though they are not Members of the Parent Committee.

6.1.10 Task Groups

Task Groups shall conduct their business in accordance with the operating procedures approved from time to time by the Council.

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[Note: The general public admission and speaking rights as set out in Procedure Rule 6.17.4(Speaking) do not extend to meetings of Task Groups. However, where a Task Group agrees, a specific invitation to attend and speak can be extended to a member of the public.]

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6.1.11 Quorum for Commission

The quorum for a Commission shall be one third of the whole number of the Members of the Commission or four Members, whichever is the greater.

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[Note: This number does not include named substitutes unless they are representing a Member of Council who is unable to attend (Rule 6.7.3 (Substitutes) refers).]

6.1.12 Quorum for the Sub Committees

The quorum for a Sub Committee shall be one third of the whole number of the members of the Committee or three members, whichever is the greater.

[Note: This number does not include named substitutes unless they are representing a Member of Council who is unable to attend (Rule 6.7.3 (Substitutes) refers).]

6.1.13 Work Programme and Annual Report

The Overview and Scrutiny Management Commission will be responsible for setting the work programme for itself, any Sub Committees and its Task Groups. In setting the work programme the Commission shall take into account the wishes of Members on that Commission who are not members of the largest political group on the Council.

6.1.14 Agenda Items for the Overview and Scrutiny Management Commission, Sub Committees and Task Groups

Any Member of the Commission, Sub Committees or Task Groups shall be entitled to give notice to the Head of Policy and Communication that they wish an item relevant to the functions of the Commission to be included on the agenda for the next meeting or referred to the Overview and Scrutiny Management Commission for inclusion on the approved work programme. On receipt of the request the Head of Policy and Communication will ensure that appropriate action is taken.

6.1.15 Role of Commission in relation to Budget and Policy Framework

The role of the Commission in relation to the development of the Council's Budget and Policy Framework is set out in detail in the Budget and Policy Framework Rules of Procedure.

6.1.16 Role of Commission in relation to Other Matters

In relation to the development of the Council's approach to other matters not forming part of the Budget and Policy Framework, the Commission may make proposals to the Executive for developments insofar as they relate to matters within their terms of reference.

6.2 Access to Documents

6.2.1 Rights to Documents by Members Conducting Scrutiny

In addition to their rights as Councillors, Members of the Overview and Scrutiny Management Commission, the Sub Committees and Task Groups have the right to documents, and notice of meetings as set out in the Access to Information Rules of Procedure in Part 8 of this Constitution.

To facilitate effective scrutiny more detailed liaison between the Executive and Overview and Scrutiny Management Commission, Sub Committee or Task Group may take place depending on the particular matter under consideration.

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<#>Where a chair of one of the Select Committees is unable to attend a meeting of the Overview and Scrutiny Management Commission arrangements should be made by the appropriate Group to nominate an alternative Member of the Select Committee to ensure representation at that meeting.¶
<#>Named substitutes shall be nominated for the Select Committees.¶

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6.2.2 Rights to Copies

Subject to Rule 6.2.3 ([Limit on Rights](#)) below, the Overview and Scrutiny Management Commission will be entitled to copies of any document which is in the possession or control of the Executive and which contains material relating to:

- any business transacted at a meeting of the Executive or its Committees; or
- any decision taken by an individual Member of the Executive.

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6.2.3 Limit on Rights

The Commission will not be entitled to:

- any document that is in draft form;
- any part of a document that contains exempt or confidential information, unless that information is relevant to an action or decision they are reviewing or scrutinising or intend to scrutinise; or
- the advice of a political adviser.

6.3 Reports from the Overview and Scrutiny Management Commission

6.3.1 Preparation of Report

Once it has formed its recommendations the Overview and Scrutiny Management Commission will prepare a formal report and submit it to the Head of Policy and Communication for consideration by the Executive (if the proposals are consistent with the existing Budget and Policy Framework) or to Council (e.g. if the recommendation would require a departure from or a change to the agreed Budget or Policy Framework) or to individually named external organisations (those named with a responsibility to co-operate with Scrutiny, in accordance with the relevant legislation) or the West Berkshire Partnership Management Board as appropriate.

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6.3.2 Preparation of Minority Report

If the Overview and Scrutiny Management Commission cannot agree on one single report to the Executive or to Council or to a named external organisation or the West Berkshire Partnership Management Board as appropriate, then up to one minority report may be prepared and submitted for consideration with the majority report.

The body receiving the report shall consider it within eight weeks of it being submitted to the Head of Policy and Communication, or such longer timescale as the Chairman of the Commission may agree.

6.3.3 Members and Officers Giving Account

The Overview and Scrutiny Management Commission, [Sub Committees](#) or [Task Groups](#) may request the attendance of the appropriate Executive Member or any Senior Officer to attend a meeting in order to provide advice and evidence in pursuit of a review being undertaken.

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In this context “Senior Officer” means any Corporate Director, the Monitoring Officer, any of the Council’s Heads of Service or any Officer nominated by the relevant Head of Service.

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6.3.4 Notice of Attendance

Where any Member or Officer is required to attend the Overview and Scrutiny Management Commission, Sub Committees or Task Groups under this provision, the Chairman of the Commission will inform the Head of Policy and Communication. The Chief Executive, Corporate Directors or Head of Service can be asked to attend. Officers below second tier may attend but will usually be accompanied by a senior manager.

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Where a petition to Hold an Officer to Account is referred to the Overview and Scrutiny Management Commission under the Council’s Petition Scheme (Appendix C to Part 13 of the Constitution (Procedure Rules for Dealing with Representations)) the Officer named in the petition and any other relevant Officers will be required to attend the Commission. The Officer will be provided with the petition and any questions submitted by the petition organiser.

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The Head of Policy and Communication shall inform the Member or Officer in writing giving at least 5 clear working days notice of the meeting at which they are required to attend. The notice will state the nature of the item on which they are required to attend to give account and whether any papers are required to be produced for the Commission, Sub Committee or Task Group. Where the account to be given to the Commission, Sub Committee or Task Group will require the production of a report, then the Member or Officer concerned will be given sufficient notice to allow for the preparation of that documentation.

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6.3.5 Member/Officer Unable to Attend

Where, in exceptional circumstances, the Member or Officer is unable to attend on the required date, then the Overview and Scrutiny Management Commission, Sub Committees or Task Groups shall, in consultation with the Member or Officer, arrange an alternative date for attendance.

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6.3.6 Attendance by Others

The Overview and Scrutiny Management Commission, Sub Committees or Task Groups may invite people other than those people referred to in Rule 6.3.3 (Members and Officers Giving Account), above to address it, discuss issues of local concern and/or answer questions. It may for example wish to hear from residents, stakeholders and Members and Officers in other parts of the public sector and may invite such people to attend. Unless mandated by legislation, attendance is of course entirely optional.

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Where the Overview and Scrutiny Management Commission, Sub Committees or Task Groups conduct a scrutiny review, the Commission will ask people to attend to give evidence at meetings which will be conducted in accordance with the following principles:

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- that the meeting be conducted fairly and all Members of the Commission be given an opportunity to ask questions of attendees and speak;

- that those assisting the Commission by giving evidence be treated with respect and courtesy; and
- that the meeting be conducted so as to maximise the efficiency of the review.

6.3.7 Report Following Reviews

Following any review, the scrutinising body shall prepare a draft report, with recommendations as appropriate, for publication and submission to the Overview and Scrutiny Management Commission. The Overview and Scrutiny Management Commission will agree or amend the report and direct it to the Head of Policy and Communication. The Head of Policy and Communication will then refer the report to the Council, Executive or other Committee as they deem appropriate for a formal response to the report's recommendations. Reports with implications for outside bodies shall be passed to the appropriate management forum.

6.3.8 Response To Scrutiny Reviews

A response to each [of](#) the Overview and Scrutiny Management Commission's recommendations will normally be given within 56 days of the report's production.

6.4 Call-In

6.4.1 Publication of Decisions

The Head of Policy and Communication will publish all decisions of the Executive, Committees of the Executive, individual Members of the Executive and 'key decisions' taken under delegated powers of Officers ("Executive decisions") to all Members of Council normally within three clear working days of the decision. Decisions will generally be published by 5pm on a Wednesday and Friday each week, assuming that there are decisions to publish. If the body taking the decision reasonably considers that, for reasons of expediency which shall be stated in the notice of decision, a decision should not be subject to call-in procedures, the procedure outlined in Rule 6.4.3 ([Non-Implementation of Decisions](#)) shall not apply to that decision.

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6.4.2 Decisions not Subject to Call-In

The call-in procedure as set out below shall not apply where the decision taken by the Executive has to be implemented before the expiry of the call-in period. This will only be the case if one of the following applies:

- The item is due to be referred to Council for final approval, e.g. budget.
- If there were a delay in implementing the decision, this would have serious financial implications for the Council or could compromise the Council's position.
- The item has been considered by the Overview and Scrutiny Management Commission, or has been the subject of a review undertaken by another body e.g. [Task Group](#), within the preceding six months.

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- The item is deemed an Urgent Key Decision as set out in Rule 5.4.7 (Special Urgency-Key Decision) (Part 5 of the Constitution).

The reason why the item is “not subject to call-in” must be specified in the report. In the event of a dispute over the reason why the item is “not subject to call-in” the Monitoring Officer or the Section 151 Officer will be the final arbiter.

6.4.3 Non-Implementation of Decisions

Except as outlined in Rule 6.4.1 (Publication of Decisions) above, or an item that is not subject to call-in (see Rule 6.4.2 – Decisions Not subject to Call-In), Executive decisions shall not be capable of implementation until either:

- the time for a call-in request has expired without such a request being made; or
- the procedure in the following Rules has been followed.

6.4.4 Review of Decision

Any five Members of Council (excluding any Members involved in making the original decision), may by 5pm on the fifth clear working day following the publication of the decision give notice in writing or by fax or e-mail to the Head of Policy and Communication requesting that the decision be reviewed by the Commission. The notice shall give reasons for the request ('call-in request'), together with a proposal for an alternative course of action and states whether or not those Members believe that the decision is contrary to the policy framework or contrary to or not wholly in accordance with the budget,

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6.4.5 Procedure Following Call-In

When a call-in request is duly made, the Head of Policy and Communication shall inform the Executive Leader and the Chairman of the Commission, and shall in consultation with the Executive Leader convene a special meeting of the Commission as soon as reasonably practicable for the purpose of reviewing the decision unless the matter can conveniently be reviewed at the next scheduled meeting of the Commission.

If the request for a call-in states that the reason for it being called in is that the decision is outside the budget or policy framework it will be referred to the Monitoring or Section 151 Officer who shall decide if this is the case.

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6.4.6 Review of Decision

Any Member of Council who has signed a call-in request may attend the meeting of the Commission when the decision is reviewed and may speak to that item of business. If a Member of Council wishes to speak to a called-in item, but has not signed the call-in request, they can request the permission of the Chairman of the Commission to speak to the item, giving 24 hours notice in advance of the meeting in question.

The Commission cannot overturn the decision which it is reviewing but may either concur with the decision (in which case it will take immediate effect) or refer it back to the Executive for further consideration. If the

Commission is of the opinion, having taken advice from the Council's Monitoring Officer or Section 151 Officer that a decision is outside the Budget and Policy Framework approved by the Council, the Commission may refer the decision to the Council. The Council may concur with the decision (in which case it will take immediate effect) or refer it back to the Executive for further consideration.

6.4.7 Referral Back to Executive

The Commission will produce a report with its findings to the next meeting of the Executive (i.e. the meeting following the call-in request) unless there are exceptional circumstances why this cannot be achieved. In these circumstances the Chairman of the Commission and the Leader of the Council will agree a revised timetable. The report will either confirm the original decision or propose amendments to it in any way it thinks fit and shall give reasons for its final decision. If the Commission upholds the Executive decision, that decision shall take immediate effect.

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Any matter which has been the subject of a call-in request may not be the subject of a further call-in request.

6.5 Councillor Call for Action

6.5.1 Description

The Councillor Call for Action (CCfA) is a mechanism that provides elected Members of the Council with the opportunity to ask for discussions at scrutiny committees on issues where local problems have arisen and where other methods of resolution have been exhausted.

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6.5.2 Operation

Councillor Calls for Action will be conducted in accordance with the protocol at Appendix I of Part 13 (Codes and Protocols).

6.6 Order of Business

6.6.1 Ordinary Meetings

The Commission will usually meet on the second Tuesday following the meeting of the Executive. Meetings for the transaction of general business shall be held on such days as the Council decides and as specified in the timetable of meetings.

6.6.2 Order of Business - Ordinary Meeting

The order of business at an ordinary meeting of the Commission shall be to:

- (a) elect a person to preside if the Chairman or Vice-Chairman are not present;
- (b) receive apologies for the inability to attend the meeting;
- (c) approve the Minutes of the last meeting;
- (d) receive any declarations of interest from Members;
- (e) receive petitions;

- (f) consider any matter referred to the Commission in relation to the call-in of a decision;

[Note: This item will be taken last on the agenda if the matter is of an exempt nature.]

- (g) consider any item referred to the Commission as a Councillor Call for Action;
- (h) receive responses of the Council, Executive or other Committees to reports of the Commission; and
- (i) consider any business specified in the agenda for the meeting.

6.6.3 Extraordinary Meetings

Extraordinary meetings of the Commission may be called at any time by the relevant Chairman, by any five Members of the Commission, or by the Head of Policy and Communication if ~~they~~ consider it necessary or appropriate.

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6.6.4 Order of Business - Extraordinary Meeting

The order of business at an extraordinary meeting of a Commission shall be to:

- (a) elect a person to preside if the Chairman or Vice-Chairman are not present;
- (b) receive apologies for the inability to attend the meeting;
- (c) receive any declarations of interest from Members;
- (d) consider any business specified in the agenda for the meeting.

[Note: No petitions may be received at an Extraordinary Meeting.]

6.6.5 Variation

With the exception of business specified in (a)-(d) of Rule 6.6.2 (Order of Business – Ordinary Meeting) and (a)-(c) of Rule 6.6.4 (order of Business – Extraordinary Meeting) above, the order of business may be varied at the discretion of the Chairman.

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 The Commission will usually meet on the second Tuesday following the meeting of the Executive. Meetings for the transaction of general business shall be held on such days as the Council decides and as specified in the timetable of meetings.¶
<#>Extraordinary Meetings¶
 Extraordinary meetings of the Commission may be called at any time by the relevant Chairman, by any five Members of the Commission, or by the Head of Policy and Communication if he/she considers it necessary or appropriate.¶

6.7 Meetings of Commission

6.7.1 Adjustments to Dates

The Chairman of the Commission in consultation with the Vice-Chairman and the Head of Policy and Communication, may make any adjustment to the date, time and place of meetings considered necessary or desirable.

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6.7.2 Electronic Communication Devices

There shall be a ban on the use of electronic communication devices at all meetings.

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6.7.3 Substitutes

General

In respect of the Commission, Sub Committee or Task Group (if appropriate) there shall be appointed for the Municipal Year such number

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 The Overview and Scrutiny Management Commission will not have named substitutes but, in the event that they are required, they will be drawn from the same political party and Select Committee as the Member requiring the substitute.

(if any) of substitute Members as the Council may from time to time determine.

Appointment of Substitute

If any Member of the Commission or Sub Committee is unable to attend a meeting of the Commission or Sub-Committee they may appoint one of the nominated substitutes for that Commission or Sub Committee to act in their place at the meeting. The appointment shall only take effect if the Member making the appointment, or in the Member's absence their Group Leader, Deputy Group Leader or Group Support Officer, notifies the Head of Policy and Communication no later than 30 minutes before the meeting that they will be unable to attend the meeting and of the name of the appointed substitute Member.

Changing Substitutes

A substitute may be changed during the Municipal Year provided that the Head of Policy and Communication or designated Officer receives a written request from the appropriate Group Leader, Deputy Group Leader or Group Executive no later than 30 minutes before the meeting.

6.7.4 Continuation of Meeting

Meetings of the Commission or Sub Committees should not normally continue past 10.00pm. If however the Chairman believes that business could be concluded by 10.30pm, a Motion under Rule 6.10.4 (Motions which may be Moved without Notice) must be moved and supported by a majority of those Members present. All meetings will conclude by 10.30pm at the latest.

6.7.5 Commission and Sub Committee Agenda

The Head of Policy and Communication will give notice to the public of the time and place of any meeting in accordance with the Access to Information Rules of Procedure. The Head of Policy and Communication will send an agenda to every Member and Substitute of the Commission, as well as co-optees. The agenda will give the date, time and place of each meeting and specify the business to be transacted, and will be accompanied by such reports as are available.

[Note: Clear working days do not include day of agenda despatch or day of meeting.]

6.8 Commission Minutes

6.8.1 Approval

The Chairman of the Commission shall move "that the Minutes of the meeting of the Commission held on (date) be signed as a correct record".

6.8.2 Accuracy

Only the accuracy of the Minutes may be raised and an amendment put forward to propose a change of wording. As soon as any such amendment has been agreed, the Chairman will sign the Minutes.

[Note: Any amendments to the Minutes should be set out in the Minutes of the subsequent meeting and not marked on the original

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set of Minutes under discussion. However, if the Minutes are amended they should be annotated with the words "These Minutes have been amended".]

6.8.3 Signing Minutes

Minutes shall be submitted to and signed by the Chairman at the next meeting of the Commission which is not an Extraordinary Meeting.

6.9 Petitions

6.9.1 Scope of Petitions

The Council welcomes petitions and recognises that they are one way in which people can let the Council know about their concerns. Petitions fall within the terms of reference of the Commission. Petitions will be dealt with in accordance with Appendix C to Part 13 of the Constitution (Procedure Rules for Dealing with Representations). Petitions may only be presented at one forum of the Council which will include petitions handed directly to the appropriate Council Officers.

6.9.2 Inspection of Petitions

Paper petitions received by the Council will be available for public inspection during the Council's opening hours from the Policy and Communication Service Unit. Copies of the nature of paper petitions submitted at Scrutiny meetings will also be placed on the Council's website. The Council's website also hosts ePetitions available for public inspection.

6.9.3 Notice of Petitions

Where notice of a petition is given to the Head of Policy and Communication by 10.00am seven clear working days before the meeting, details will be included in the Summons or agenda.

6.9.4 Presentation of Petitions by Members of Council

Members of Council who receive a petition from a member of the public can either:

- (a) present it at the appropriate meeting; or
- (b) pass it to the appropriate Officer.

The Chairman will advise the Councillor presenting the petition as to where the petition will be referred. However, if the petition relates to a matter on the agenda for the meeting at which it is presented it shall be dealt with at that meeting.

Members of the Council may present petitions directly to the Commission or Sub-Committee and speak for up to five minutes on that petition. No further debate shall take place unless the relevant body receives a report on the matter.

Petitions relating to licensing or planning applications will normally be received by Officers during the Licensing or Planning Consultation Process.

6.9.5 **Presentation of Petitions by Members of the Public**

Petitions will be dealt with in accordance with Appendix C to Part 13 of the Constitution (Procedure Rules for Dealing with Representations). Members of the public are not able to present petitions to the Overview and Scrutiny Management Commission. Members of the public may present petitions to the Executive, to a Council Officer, or invite a Councillor to submit a petition on their behalf to Full Council.

6.9.6 **Petitions received outside of the Council’s meetings**

Petitions received outside of the Council’s meetings (i.e. presented to an Officer), will also be dealt with in accordance with Appendix C to Part 13 of the Constitution (Procedure Rules for Dealing with Representations).

The Officer receiving the petition will acknowledge the petition and send a copy to the appropriate Ward Member(s) and notify the Policy and Communication Service for inclusion on the petitions website and the Forward Plan.

Policy and Communication will invite the petition organiser to attend the meeting at which their petition is to be answered, where this response is not made by Individual Decision. A copy of the appropriate agenda and report will be sent with the letter and a copy will be sent to the Ward Member(s)

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6.10 **Motions**

6.10.1 **Scope of Motion**

Motions must relate to matters of concern to the District of West Berkshire and to the terms of reference of the Commission.

6.10.2 **Submission of Motion**

At any meeting of the Commission, except an Extraordinary Meeting that does not appear in the timetable of meetings, a Notice of Motion may be submitted under this Rule for consideration.

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6.10.3 **Consideration of Motion**

The Commission can debate the Motion at the meeting, or if deemed appropriate, refer the Motion to a sub-Committee or Officers for a report to be considered at a subsequent meeting.

6.10.4 **Motions which may be Moved without Notice**

The following Motions may be moved without notice:

- To appoint a Chairman of the meeting if the Chairman and Vice Chairman of the Commission are absent.
- Motions relating to:
 - accuracy of Minutes;
 - closure or adjournment of the meeting;
 - order of or next business.

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- To refer any matter to the Council or a Committee, or a Statutory Officer.
- To receive minutes and reports and adopt recommendations of Committees and Officers and any consequential Motions.
- To withdraw a Motion or amendment with leave of the Chairman.
- To amend a Motion.
- To allow the continuation of a meeting past 10.00pm.
- To suspend a Procedure Rule in accordance with Rule 6.11.1 (Suspension of Rules of Procedure) below.
- To exclude the press and public in accordance with the statutory provisions.
- That a Member named under Rule 6.14 (Behaviour of Members) be not further heard or leave the meeting.
- To allow a member of the public to speak in accordance with paragraph 6.17.4 (Speaking).

[Note: Any Procedure Rule may be suspended in accordance with Procedure Rules 6.11.1 (Suspension of Rules of Procedure) and 6.11.2 (Variation/ Revocation of Rules of Procedure) provided the effect either individually or cumulatively is not to suspend all Procedure Rules.]

6.11 Suspension, Variation and Revocation of Rules of Procedure

6.11.1 Suspension of Rules of Procedure

With the exception of Rules 6.8.3 (Signing Minutes) and 6.16.3 (Recording of Votes) any Procedure Rule may be suspended for any business at a meeting where its suspension is moved provided either:

- notice of Motion has been given; or
- at least one half of the whole number of Members of the Sub Committee are present.

[Note: See Rule 6.10.4 (Motions which may be moved without notice) above.]

6.11.2 Variation/Revocation of Rules of Procedure

Any motion to vary or revoke the Rules of Procedure shall when proposed and seconded stand referred without discussion to the next ordinary meeting of the Executive.

6.12 Procedure for Reports at Commission and Sub Committee Meetings

6.12.1 Consideration of Reports

Reports will be presented by the appropriate Member or Officer. Once introduced the matter is open for debate and Members of the Committee

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An amendment shall:¶
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<#>leave out words and add others; or¶
<#>insert or add words;¶
not have the effect of introducing new subject matter or of negating the Motion before the Commission or

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may make statements and ask questions as appropriate. The Rules of Debate set out in Rule 6.13 (Rules of Debate) will apply.

6.12.2 Confidentiality and Non-Disclosure of Reports

Reports to the Commission, Sub-Committees or Task Groups which are "not for publication" in accordance with the statutory provisions on the grounds that they contain confidential or exempt information shall be treated as confidential and shall not be disclosed by a Member or Officer of the Council unless the Commission, Sub-Committee, or Task Group decides otherwise.

After the meeting of the Commission, Sub-Committee, or Task Group the information shall continue to be treated as confidential except insofar as it ceases to be confidential by virtue of the statutory provisions or its inclusion in the Minutes of the meeting which are made available for public inspection.

6.13 Rules of Debate

6.13.1 Seconding

A Motion or amendment shall not be discussed until it has been formally moved and seconded.

6.13.2 Writing

The Chairman of the Commission may require a Motion or amendment to be put into writing before it is discussed or voted upon.

6.13.3 Speech Content

Members shall direct speeches to the matter under discussion, a point of order or personal explanation.

6.13.4 Speech Length

The Chairman may terminate a speech by a Member if they consider that it is not contributing to the effective working of the meeting.

6.13.5 Amendments

An amendment to a Motion must be relevant to the Motion and will either be:

- to refer a subject of debate to Council, a Committee or Statutory Officer for consideration or reconsideration unless the Executive Leader rules otherwise in the interests of expedience; or
- to leave out words; or
- to leave out words and add others; or
- to insert or add words;

as long as the effect of (b) to (d) is not to negate the Motion or to introduce a new subject matter.

6.13.6 Interested parties

The Commission and Sub Committees shall be entitled to invite interested parties to attend their meetings. Unless otherwise agreed by the

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The Council welcomes petitions and recognises that they are one way in which people can let the Council know about their concerns. Petitions fall within the terms of reference of the Commission. Petitions will be dealt with in accordance with Appendix C to Part 13 of the Constitution (Procedure Rules for Dealing with Representations). Petitions may only be presented at one forum of the Council which will include petitions handed directly to the appropriate Council Officers.¶

<#>Inspection of Petitions¶

Petitions received by the Council will be available for public inspection during the Council's opening hours from the Policy and Communication Service Unit. Copies of all petitions submitted at Scrutiny meetings will also be placed on the Council's website for inspection.¶

<#>Notice of Petitions¶

Where notice of a petition is given to the Head of Policy and Communication by 10.00am seven clear working days before the meeting, details will be included in the Summons or agenda.¶

<#>Presentation of Petitions by Members of Council¶

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Chairman, persons attending the Overview and Scrutiny Management Commission to provide evidence shall do so according to a pre-agreed timetable.

6.14 Behaviour of Members

6.14.1 Disorderly Conduct

If, at a meeting of the Commission or [Sub Committee](#), a Member:

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- persistently disregards the ruling of the Chairman; or
 - behaves irregularly, improperly or offensively; or
 - wilfully obstructs the business of the Commission;
- any Member may move:
 - that the Member named not be heard any further;
 - that the Member named shall leave the meeting; and
 - if the Motion is seconded, it be put to the vote without discussion.

6.14.2 Suspension of Sitting

If there is a general disturbance or if the named Member continues to misbehave after a Motion under Rule 6.10.4 (Motions which may be Moved without Notice) has been carried and orderly business is prevented, the Chairman of the Commission may adjourn the meeting for as long as [they](#) consider necessary.

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6.15 Rescinding an Earlier Resolution

6.15.1 Six Months Rule

The Overview and Scrutiny Management Commission cannot move a Motion to rescind a decision made at a meeting of the Council within the preceding six months.

6.15.2 Rejected Motion

A Motion or amendment in similar terms to one that has been rejected at a meeting of the Council in the past six months cannot be moved.

6.15.3 Committee Decision

A Committee or Sub-Committee may, by a majority of those voting, rescind a decision that it has previously made.

6.16 Voting

6.16.1 Method of Voting

Voting shall be by show of hands. [Unless the Constitution or the law provides otherwise any matter will be decided by a simple majority of those present and permitted to vote on the matter at the time the question is put.](#)

6.16.2 Chairman's Casting Vote

[In the event of equal numbers of votes for and against the Executive Leader \(or standing Chairman\) will have a second or casting vote.](#)

6.16.3 Recording of Votes

A record of how a vote is or votes are cast (as the case may be) will be made if:

- before a vote is taken any Member requests that the vote be recorded and three other Members support that request by standing in their places. In these circumstances the Head of Policy and Communication or his/her representative will call the name of each Member present and each Member will respond for or against the Motion or abstaining;
- immediately after a vote has been taken any Member requests that their vote for or against or their abstention be recorded.

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6.16.4 Appointments to Outside Bodies

If more than two persons are nominated for any position to be filled by the Commission the outcome shall be determined by a simple majority of votes. If there is no majority the Overview and Scrutiny Management Commission can decide not to appoint.

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In the event of an equality of votes the Chairman shall have a second or casting vote.¶

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6.17 Press and Public

6.17.1 Admission

The press and public shall be permitted to attend meetings of the Overview and Scrutiny Management Commission unless excluded under the relevant provisions contained in the Local Government Act 1972, the Access to Information Rules of Procedure, or any other legislative provision.

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6.17.2 Exclusion of Employee

During any discussion on the appointment, promotion, dismissal, salary, conditions of service or conduct of a Council employee, the employee shall not be present except to make representations on his/her own behalf either personally or by or with such representatives as the Council may agree to receive.

6.17.3 Removal

If a member of the public interrupts the proceedings at any meeting the Chairman may, after warning, order their removal from the Overview and Scrutiny Management Commission meeting. If there is a general disturbance the Chairman shall order that the part of the room open to the public be cleared.

6.17.4 Speaking

Members of the public may only speak at a meeting if the Commission so resolves.

6.17.5 Co-optees – Access to Information

Only voting co-optees on the Commission shall be entitled to take part and vote on issues which are deemed to be either confidential or exempt in nature, as set out in Rule 6.1 6. (Co-optees).

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6.17.6 Televising and Sound Recording of Meeting

The televising and sound recording of meetings will be permitted in accordance with the protocol relating to this matter. The protocol can be found at Appendix A to Part 6.

Appendix A

Code of Practice Relating to Televising and Sound Recording of Meetings

The televising or sound recording of meetings of the Council, Executive, Committees or Commissions will be permitted, subject to the Code of Practice set out below:

1. Requests for permission to film or take sound recordings should be submitted 24 hours before the start of the meeting to the Head of Policy and Communication and may be refused if it is considered that the meeting room is not of an adequate size or because of reasons specified by the Head of Policy and Communication.
2. The Head of Policy and Communication shall consult the Chairman or Vice-Chairman of the meeting regarding a request to film or record a meeting.
3. Filming or recording will only be permitted for a public purpose.
4. Television crews or persons undertaking sound recording shall comply with the requests of the Head of Policy and Communication or his representatives as to arrangements for filming and recording.
5. No filming or recording will be permitted, and persons present for those purposes will be required to leave the meeting, if a resolution is passed under Section 100A of the Local Government Act 1972 excluding the press and public from the meeting.
6. Filming or recording of a member of the public will only be permitted if the Executive, Committee, Commission, etc., agrees.
7. Filming or sound recording must not cause any nuisance or interfere with any electronics or with the conduct of the meeting.
8. No link will be permitted to the Council's sound recording equipment, neither may any equipment be placed on tables within the area occupied by Members or Officers.
9. If there is a breach of this Code of Practice, the Chairman may at his or her discretion, after a warning, order that no further sound recording or filming shall take place during the meeting

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Select Committees Terms of Reference

The Select Committees will:

Have an overview of the practice and policy of the relevant thematic areas;

Identify areas of service practice and implementation or of policy that cause concern to members of the public and councillors and report these to the Overview & Scrutiny Management Committee to determine what action should be taken;

Receive internal and external inspection reports on the services and challenge the action plans drawn up in response to problems that have been identified; monitor progress in implementing the action plans;

Ensure that the communities of West Berkshire and specific users of services are able to be involved in and inform the work of the Select Committees;

Promote the work of the Select Committees, including through the local media.

Develop focussed programmes of work and identify the most appropriate means of progressing such work including the use of task groups;

Scrutinise the work of the local strategic partnership and its sub-partnerships, specifically the performance of the sub-partnerships in relation to the Local Area Agreement

Scrutinise the effectiveness of the Council's representatives in regional/sub regional and national forums.

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Membership of the Overview and Scrutiny Management Commission will comprise the chairmen of the Select Committees plus two other Members. If required, membership will include additional

Members to meet proportionality rules. A Member of the Executive may not be a Member of the Executive.

Who may sit on Select Committees

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Page 11: [7] Formatted Not Highlight	dlowe	01/07/11 11:35:00
Page 11: [8] Deleted and any individual Member who requests to receive the agenda, or send them	mfraser	01/07/11 12:20:00
Page 11: [9] Deleted to their usual place of residence	mfraser	23/08/11 15:51:00
Page 11: [10] Deleted at least five clear working days before a meeting unless the meeting is convened at shorter notice as a matter of urgency.	mfraser	01/07/11 12:21:00
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Order of Business

Ordinary Meeting

The order of business at an ordinary meeting of the Commission shall be to:

elect a person to preside if the Chairman or Vice-Chairman are not present;

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receive apologies for the inability to attend the meeting;

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approve the Minutes of the last meeting;

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receive any declarations of interest from Members;

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receive petitions;

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consider any matter referred to the Commission

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in relation to the call-in of a decision;

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[Note: This item will be taken last on the agenda if the matter is of an exempt nature.]

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consider any item referred to the Commission as a Councillor Call for Action;

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receive responses of the Council, Executive or other Committees to reports of

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the Commission; and

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consider any business specified in the agenda for the meeting.

Extraordinary Meeting

The order of business at an extraordinary meeting of a Commission shall be to:

elect a person to preside if the Chairman or Vice-Chairman are not present;

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receive apologies for the inability to attend the meeting;

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receive any declarations of interest from Members;

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consider any business specified in the agenda for the meeting.

[Note: No petitions may be received at an Extraordinary Meeting.]

Variation

With the exception of business specified in (a)-(d) of Rule 6.7

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.1 and (a)-(c) of Rule 6.7

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.2 above, the order of business may be varied at the discretion of the Chairman.

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Petitions

Scope of Petitions

The Council welcomes petitions and recognises that they are one way in which people can let the Council know about their concerns. Petitions fall within the terms of reference of the Commission. Petitions will be dealt with in accordance with Appendix C to Part 13 of the Constitution (Procedure Rules for Dealing with Representations). Petitions may only be presented at one forum of the Council which will include petitions handed directly to the appropriate Council Officers.

Inspection of Petitions

Petitions received by the Council will be available for public inspection during the Council's opening hours from the Policy and Communication Service Unit. Copies of all petitions submitted at Scrutiny meetings will also be placed on the Council's website for inspection.

Notice of Petitions

Where notice of a petition is given to the Head of Policy and Communication by 10.00am seven clear working days before the meeting, details will be included in the Summons or agenda.

Presentation of Petitions by Members of Council

Members of Council who receive a petition from a member of the public can either:

- present it at the appropriate meeting; or
- pass it to the appropriate Officer.

The Chairman will advise the Councillor presenting the petition as to where the petition will be referred. However, if the petition relates to a matter on the agenda for the meeting at which it is presented it shall be dealt with at that meeting.

Members of the Council may present petitions directly to the Commission or Sub-Committee and speak for up to five minutes on that petition. No further debate shall take place unless the relevant body receives a report on the matter.

Petitions relating to licensing and planning applications will normally be received by Officers during the Licensing/Planning Consultation Process.

Presentation of Petitions by Members of the Public

Petitions will be dealt with in accordance with Appendix C to Part 13 of the Constitution (P

Scope of Petitions

Petitions must relate to Commission's business or to matters of concern to the District of West Berkshire and fall within the terms of the body to which they are presented.

[Note:

Petitions may only be presented at one forum of the Council which will include petitions handed direct to the appropriate Council Officers.

Petitions requesting the Council to review a decision or policy in relation to a quasi-judicial matter (Licensing, etc.) shall not be presented to the Council, Executive, Overview and Scrutiny, Regulatory and other Committees until and unless the other means of appeal available to an appellant (Magistrates and County Court) have been activated.

The presentation of petitions is subject to the Procedure Rules covering the Six Month Rule (6.1

4.1) and may not therefore be resubmitted to a Council forum unless the provisions of the Six Month Procedure Rule are met.]

Inspection of Petitions

Petitions received by the Council will be available for public inspection during the Council's opening hours from the Policy and Communication Service Unit.

Notice of Petitions

Where notice of a petition is given to the Head of Policy and Communication by 10.00am

seven clear working days before the meeting details will be included in the agenda.

Presentation of Petitions by Members of Council

Members of Council who receive a petition from a member of the public can either:

**present it at the appropriate meeting; or
pass it to the appropriate Officer.**

Members of the Council may also present petitions directly to the Commission or Select-Committee of the Commission and speak for up to five minutes on that petition. No further debate shall take place unless the relevant body receives a report on the matter.

The Chairman of the Commission or

Sub Committee will advise the Member presenting the petition as to how the petition will be dealt with. However, if a petition relates to a matter on the agenda for the meeting of the Commission at which it is presented it shall be dealt with at that meeting.

Presentation of Petitions by Members of the Public

Members of the public may either present petitions directly to an Officer, the Commission or Sub-Committee of the Commission and speak for up to five minutes on that petition. No further debate shall take place unless the relevant body receives a report on the matter.

The petitioner will be advised either by the Chairman of the body where the petition was presented, or by the Head of Policy and Communication, within three clear working days, as to where the petition will be referred.

However, if the petition relates to a matter on the agenda for the meeting of the Commission at which it is presented, it shall be dealt with at that meeting.

Petitions relating to planning and licensing applications will normally be received by Officers during the planning and licensing consultation process.

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Title of Report:	Recognition of Former Councillors
Report to be considered by:	Council
Date of Meeting:	22 September 2011
Forward Plan Ref:	C2326

Purpose of Report: To consider introducing a scheme which will enable this Council to recognise former Councillors who have provided eminent service to this Council over a long period of time.

Recommended Action: That Council agree to invoke Section 249 of the Local Government Act 1972 to enable this Council to recognise eminent service provided by former Councillors by conferring on them the title of Honorary Alderman.

Reason for decision to be taken: To ensure that eminent service is recognised formally by this Council.

Other options considered: N/A

Key background documentation: Local Government Act 1972

The proposals will also help achieve the following Council Plan Theme:

CPT14 - Effective People

The proposals contained in this report will help to achieve the above Council Plan Priorities and Themes by:
Recognising eminent service provided by existing and former Councillors.

Portfolio Member Details

Name & Telephone No.:	Councillor Graham Jones - Tel (01235) 762744
E-mail Address:	gjones@westberks.gov.uk
Date Portfolio Member agreed report:	2 July 2011

Contact Officer Details

Name:	Andy Day
Job Title:	Head of Policy and Communication
Tel. No.:	01635 519459
E-mail Address:	aday@westberks.gov.uk

Implications

Policy: This proposal will accord with the Council's policy of wishing to recognise those who contribute to the success of the Council.

Financial: The cost of purchasing a scroll from a specialist is in the region of £600 each so it is proposed to ask the graphics section to produce this in house. A scroll holder can then be purchased at a nominal cost. It will also be necessary to establish an "Honorary Alderman" Board similar to those boards currently located outside the Council Chamber recognising the appointment of Chairmen and Chief Executives. The purchase of this board should be no more than £300.

Finally, provided any special meeting is held on the night of a scheduled Council meeting no additional Member travel costs will need to be met.

Personnel: N/A

Legal/Procurement: This proposal accords with Section 249 of the Local Government Act 1972.

Property: N/A

Risk Management: N/A

Equalities Impact Assessment: Stage 1 EIA completed

Is this item subject to call-in?	Yes: <input type="checkbox"/>	No: <input checked="" type="checkbox"/>
If not subject to call-in please put a cross in the appropriate box:		
The item is due to be referred to Council for final approval	<input checked="" type="checkbox"/>	
Delays in implementation could have serious financial implications for the Council	<input type="checkbox"/>	
Delays in implementation could compromise the Council's position	<input type="checkbox"/>	
Considered or reviewed by Overview and Scrutiny Management Commission or associated Task Groups within preceding six months	<input type="checkbox"/>	
Item is Urgent Key Decision	<input type="checkbox"/>	

Executive Summary and Report

1. Introduction

- 1.1 In 2010 the Council introduced the Staff Recognition Event which seeks to recognise the performance of members of staff in the following categories:

Long Service - 25 and 35 years

Professional Qualifications

Peer Awards (Apprentice, Innovation, Volunteer, Contribution to the Community, Team, Colleague and overall WBC Employee of the Year).

- 1.2 At the recent Annual Council meeting mention was made of the departure, either through the local elections or for other reasons, of former Councillors who had served on this Council, in some instances, for a significant period of time. There is currently no formal way of recognising this service. The Leader of the Council therefore requested that consideration be given to introducing a scheme which formally recognised eminent service rendered by former Councillors.

2. Proposals

- 2.1 Section 249 of the Local Government Act 1972 allows a Principal Council (of which WBC is) to confer the title of Honorary Aldermen on persons who have, in the opinion of the Council, rendered eminent service to the Council as past members of that Council, but who are not then members of the Council.
- 2.2 In conferring the title of Honorary Alderman, a resolution would need to be passed by not less than two-thirds of the Members present at a meeting of the Council specially convened for that purpose. No other business could be transacted at that meeting.
- 2.3 The Council could ask Honorary Aldermen to take part in civic services or nominate them to represent the Council on outside bodies where an elected Member is not required. This would help to confirm to the individual outside body that the Council values their organisation by virtue of nominating an Honorary Alderman to represent the Council.
- 2.4 Honorary Alderman would not be permitted to:
- (a) take part in meetings of the council or a committee of the council (including a joint committee upon which they are represented); or
 - (b) receive any such allowances or other payments as are payable under sections 173 to 176 of the Local Government Act 1972.
- 2.4 It is usual when conferring the title of Honorary Alderman to present them with a certificate and case. The cost of procuring a certificate from a specialist would be in the region of £600. It is therefore proposed to produce this certificate in house and to procure a scroll holder at a nominal cost. There will also be a need to establish an "Honorary Alderman" Board similar to those boards currently located outside the Council Chamber which recognise the Chairman of Council and Chief Executives. This is not expected to cost more than £300.00.

3.0 Qualification for Title

- 3.1 Conferring the title of Honorary Alderman on a former Councillor is a prestigious title and should not therefore be used lightly. It is clear from Section 249 of the Local Government Act 1972 that anyone being conferred with the title of Honorary Alderman must have rendered eminent service.
- 3.2 There is no specific definition of “eminent service”, it being left to the discretion of the Council to assess and recognise any individual’s contribution to the activities of the Council and the wellbeing of West Berkshire. However, it is suggested that the following may be considered “normal” Councillor duties so eminent service would need to exceed these.
- (i) represent their communities and bring their views into the Council's decision making process; ie become the advocate of and for their communities;
 - (ii) effectively represent the interests of their ward and of individual constituents;
 - (iii) balance different interests identified within the ward and represent the ward as a whole;
 - (iv) participate in the governance and management of the Council;
 - (v) be available to represent the Council on other bodies; and
 - (vi) maintain the highest standards of conduct and ethics.
- 3.3 To this end it is suggested that to qualify for this title a former Member should have served a period of time and provided outstanding/exceptional service to the Council and/or to the Community in general.
- 3.4 It is suggested that nominations should be considered by a small Panel of Independent people. However, before asking the Panel to consider any nominations the Leaders should, via the party groups, establish whether or not any nomination would be likely to receive sufficient support to proceed. As part of the process the Group Leaders should also confer about potential nominations so that where possible support is obtained between across both Groups. It is important that this process is not politicised.
- 3.5 In suggesting that the Council introduce the title of Honorary Alderman into its overall governance structures, it is also suggested that for those former Members of the Council who do not qualify for this title that they be recognised by the presentation of a certificate and/or paper weight at the Annual Meeting of Council.

4. Conclusion

- 4.1 In order to recognise service of former Councillors it is suggested that the following be introduced:

- (i) That for those former Members who are deemed to have provided eminent service over a period of time and have provided outstanding/exceptional service to the Council or to the community in general that the title of Honorary Alderman be bestowed on them in accordance with Section 249 of the Local Government Act 1972.
- (ii) For those former Members who do not qualify for the title of Honorary Alderman their service be recognised by the presentation of a certificate and/or a paper weight at the Annual Meeting of Council.

Appendix

Appendix 1 - Scheme for the Appointment of Honorary Alderman and Criteria

Consultees

Local Stakeholders: N/A

Officers Consulted: Corporate Board, Jo Watt, Moira Fraser

Trade Union: N/A

SCHEME FOR THE APPOINTMENT OF HONORARY ALDERMEN

1. The Panel, which shall consist of the two Group Leaders and the Chairman of Council, shall have the duty of submitting, from time to time, to the full Council, the names of past Members of the Council who, in the opinion of the Panel, have rendered eminent services to the Council and on whom should be conferred the title of "Honorary Alderman" in accordance with the provisions of Section 249 of the Local Government Act 1972.
2. When the Panel has approved such a recommendation, the Head of Policy and Communication, in consultation with the Chairman of the Council, shall convene a special meeting of the Council for the purposes of considering the proposition that the title of Honorary Alderman be conferred on the person or persons recommended by the Committee.
3. The resolution of the Council conferring the title of Honorary Alderman on a former Member shall be suitably engrossed and embodied in a Roll of Honorary Aldermen of West Berkshire Council.
4. The Roll of Honorary Aldermen shall be kept by the Head of Policy and Communication.
5. An Honorary Alderman of West Berkshire Council shall enjoy such privileges as may properly be conferred by the Council from time to time and in particular shall be entitled to:
 - (1) attend civic receptions and other civic functions or ceremonies to which all Members of the Council are invited; and
 - (2) attend meeting of the Council and to be allocated a seat in the Council Chamber;

CRITERIA FOR THE APPOINTMENT OF HONORARY ALDERMAN :

Any former Councillor nominated must have given eminent service to the Council over and above a Councillor's normal duties (as set out below). In particular they must have:

- (a) Served as a Councillor for a period of time
- (b) rendered eminent, or notable, service generally or by service as Chairman, or a Chairman of a major Council Committee or holding one or more senior positions on the council

Councillors “Normal Duties”

- (i) represent their communities and bring their views into the Council's decision making process; ie become the advocate of and for their communities;
- (ii) effectively represent the interests of their ward and of individual constituents;
- (iii) balance different interests identified within the ward and represent the ward as a whole;
- (iv) participate in the governance and management of the Council;
- (v) be available to represent the Council on other bodies; and
- (vi) maintain the highest standards of conduct and ethics.

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Title of Report:	Amendment to the Constitution - List of Exemptions to “Key Decisions”
Report to be considered by:	Council
Date of Meeting:	22 September 2011
Forward Plan Ref:	C2338

Purpose of Report: To seek approval to extend the exception criteria for reports that can be considered as Individual Executive Member Decisions.

Recommended Action: To agree the extension of the list of exemptions to "key decisions" in order to reduce the number of reports which are taken through the Executive process and to consider any additional exemptions that could be included in the protocol.

Reason for decision to be taken: To manage the Executive agendas more effectively by reducing printing costs and streamlining the process.

Other options considered: n/a

Key background documentation: West Berkshire Council's Constitution - Part 14

<p>The proposals will also help achieve the following Council Plan Themes:</p> <p><input checked="" type="checkbox"/> CPT13 - Value for Money</p> <p><input checked="" type="checkbox"/> CPT14 - Effective People</p> <p>The proposals contained in this report will help to achieve the above Council Plan Priorities and Themes by:</p> <p>Managing the Executive Decision Making process to maximise efficiency</p>
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Portfolio Member Details	
Name & Telephone No.:	Councillor Graham Jones - Tel (01235) 762744
E-mail Address:	gjones@westberks.gov.uk
Date Portfolio Member agreed report:	E-mailed 8 th August 2011

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

Implications

Policy:	The Council's Constitution (Part 14) would need to be amended.
Financial:	Process will be managed through existing resources. Potential savings on printing of Executive agenda.
Personnel:	There are no staffing implications.
Legal/Procurement:	n/a
Property:	n/a
Risk Management:	n/a
Equalities Impact Assessment:	Stage 1 completed

Is this item subject to call-in?	Yes: <input type="checkbox"/>	No: <input checked="" type="checkbox"/>
If not subject to call-in please put a cross in the appropriate box:		
The item is due to be referred to Council for final approval	<input checked="" type="checkbox"/>	
Delays in implementation could have serious financial implications for the Council	<input type="checkbox"/>	
Delays in implementation could compromise the Council's position	<input type="checkbox"/>	
Considered or reviewed by Overview and Scrutiny Management Commission or associated Task Groups within preceding six months	<input type="checkbox"/>	
Item is Urgent Key Decision	<input type="checkbox"/>	

Executive Summary and Report

1. Introduction

- 1.1 The ability to take Individual Portfolio Member Decisions was introduced to reduce the volume of decisions taken at Executive and to speed up the decision making process.
- 1.2 At its Annual Meeting on 7 May 2002, the Council approved a protocol for decision making by Individual Portfolio Members. The Protocol was drafted on the basis that individual Portfolio Members would not have powers to make “key decisions”. These are defined by the Government (Regulation 8 of the Local Authorities (Executive Arrangements)(Access to Information)(England) Regulations 2001) as:
- (1) Those which result in the Local Authority incurring expenditure which is, or the making of savings which are, significant having regard to the Local Authority’s budget for the service or function to which the decision is related.
 - (2) Those which are significant in terms of its effect on communities living or working in an area comprising two or more wards or electoral divisions in the area of the Local Authority.
- 1.3 However, it was found that this protocol was too restrictive, particularly in relation to the second definition of a “key decision”, which restricted decisions to single wards or electoral divisions.
- 1.4 The Council, at its meeting on 17 December 2002, therefore agreed the following list of exceptions to the “key decisions”:
- (1) All decisions relating to highway matters which are within the approved budget and policy framework;
 - (2) With the exception of those strategic plans, strategies and policies requiring Council approval (as set out in Article 5 of the Constitution) decisions relating to all other plans, strategies and policies that the Council is required to produce;
 - (3) The Council’s response to Government and other consultation documents;
 - (4) Appointments to outside bodies or the ratification of co-opted Members to Committees or Commissions as approved.
- 1.5 A further exception was agreed at the Council meeting on 4 May 2004:
- (1) Insofar as the Public Rights of Way issues referred to in Part 3 of the Constitution (Scheme of Delegation) Rule 3.9.3 are concerned, it is proposed that, where these issues affect more than one Ward, whether objections are received or not, the decision shall be the subject of the Individual Decision-making process.

1.6 At the Council meeting on the 13 December 2005 the list of exemptions to “key decisions” was extended to allow:

- (1) the Leader of the Council to approve the Council’s Forward Plan for subsequent publication in accordance with the Local Government Act 2000.

2. Proposals

- 2.1 As part of the Individual Decision process consultation is undertaken with key Members and Officers prior to the report being issued. There is no requirement for the report to be considered at Corporate Board/Management Board unless it is a particularly contentious issue. Corporate Board receives a monthly update of all Individual Decisions that will take place in the following month.
- 2.2 Where an Executive Member would prefer not to take a decision on an individual basis it can be discussed at Corporate Board/Management Board prior to any decision being made. Alternatively, the Executive Member can decline to make the decision and can ask for it to be taken through the Executive process.
- 2.3 Extending the list of exemptions to “key decisions” would help to reduce the number of reports Corporate Board and Management Board would have to consider.
- 2.4 Therefore, in order to reduce further the number of reports which need to be considered at Executive meetings it is proposed that consideration should be given to widening the list of exemptions to “key decisions” to include areas such as:
 - Annual Reports/Statement of Purpose – e.g. Castlegate, Fostering and Adoption Annual Reports;
 - Permission to go out to consultation – e.g. Home to School Transport and School Admission;
 - Response to petitions.
- 2.5 Individual Executive Member Decisions are circulated to all Members at least five clear working days prior to the decision being signed and therefore there would be an opportunity for any Member to make representations to the Officer/Executive Member concerned prior to the signing date. Key stakeholders are consulted prior to the meeting being finalised.
- 2.6 Individual Decisions can also be called-in in writing by any five Members within five days of publication and the same process would be followed as for an Executive decision. The decision would be considered by the Overview and Scrutiny Management Commission and following consideration of any recommendations a decision could either then be made as an Individual Decision or be referred up to the Executive for final approval.

3. Recommendation

- 3.1 Members are asked to consider which, if any, of the above they would like to be included in the list of exemptions to “key decisions” and they are also asked to identify any additional exemptions they would like to see added to the list.

Appendices

Appendix A – Equality Impact Assessment.

Consultees

Local Stakeholders: n/a

Officers Consulted: Andy Day, David Holling, Sarah Clarke, Corporate Board

Trade Union: n/a

Equality Impact Assessment – Stage One

Name of item being assessed:	Amendment to the Constitution – List of Exemptions to “Key Decisions”
Version and release date of item (if applicable):	July 2011
Owner of item being assessed:	Moira Fraser
Name of assessor:	Linda Pye
Date of assessment:	12 th July 2011

1. What are the main aims of the item?
To manage the Executive agendas more effectively in order to reduce printing costs and to streamline the Executive process.

2. Note which groups may be affected by the item, consider how they may be affected and what sources of information have been used to determine this. (Please demonstrate consideration of all strands – Age, Disability, Gender, Race, Religion or Belief and Sexual Orientation.)
--

Group Affected	What might be the effect?	Information to support this.

Further comments relating to the item:
No groups will be affected by this decision.

3. Result (please tick by double-clicking on relevant box and click on ‘checked’)
<input type="checkbox"/> High Relevance - This needs to undergo a Stage 2 Equality Impact Assessment
<input type="checkbox"/> Medium Relevance - This needs to undergo a Stage 2 Equality Impact Assessment
<input type="checkbox"/> Low Relevance - This needs to undergo a Stage 2 Equality Impact Assessment
<input checked="" type="checkbox"/> No Relevance - This does not need to undergo a Stage 2 Equality Impact Assessment

For items requiring a Stage 2 equality impact assessment, begin the planning of this now, referring to the equality impact assessment guidance and Stage 2 template.

4. Identify next steps as appropriate:	
Stage Two required	
Owner of Stage Two assessment:	
Timescale for Stage Two assessment:	
Stage Two not required:	✓

Name: Linda Pye

Date: 12th July 2011

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