

Meeting of West Berkshire District Council

**Thursday, 27th September,
2012**

Summons and Agenda

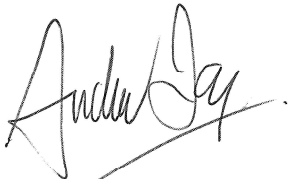


WestBerkshire
C O U N C I L

To: All Members of the Council

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

on
Thursday, 27th September, 2012
at the rising of the Special Meeting



Andy Day
Head of Strategic Support
West Berkshire District Council

Date of despatch of Agenda: Wednesday, 19 September 2012

AGENDA

1. **APOLOGIES FOR ABSENCE**

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

2. **MINUTES**

The Chairman to sign as a correct record the Minutes of the Annual Council meeting held on 10 May 2012, the Special Meeting on the 16 July 2012 and the Special Meeting on the 16 July 2012. **(Pages 1 - 14)**

3. **DECLARATIONS OF INTEREST**

To receive notice of any Declarations of Interest from Members.

4. **CHAIRMAN'S REMARKS**

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



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Agenda - Council to be held on Thursday, 27 September 2012 (continued)

5. PRESENTATIONS

The Chairman will make presentations to the outgoing Leader of the Council.

6. PETITIONS

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

7. PUBLIC QUESTIONS

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

- (a) **Question to be answered by the Executive Member for Planning, Transport Policy, Property submitted by Mr Richard Garvie:**

"Can the council advise what steps are currently being taken to return the control tower at Greenham Common to public use?"

- (b) **Question to be answered by the Executive Member for Partnerships, Equality, The Visions, Communities submitted by Mr Richard Garvie:**

"Can the council confirm that an alternative facility will be provided for Newbury FC should Faraday Road be redeveloped?"

- (c) **Question to be answered by the Executive Member for Strategy, Council Plan, Housing submitted by Mr Richard Garvie:**

"What steps are the council taking to provide more affordable housing in Newbury?"

- (d) **Question to be answered by the Leader of the Council submitted by Mr Richard Garvie:**

"With Cllr Jones stepping down as Leader, can he explain what legacy he is leaving from his time as leader?"

8. LICENSING COMMITTEE

The Council is asked to note that since the last meeting of the Council, the Licensing Committee met on 20 June 2012. Copies of the Minutes of these meetings can be obtained from Strategic Support or via the [Council's website](#).

9. PERSONNEL COMMITTEE

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

10. GOVERNANCE AND AUDIT COMMITTEE

The Council is asked to note that since the last meeting of Council, the Governance and Audit Committee met on 9 July 2012 and 10 September 2012. Copies of the

Agenda - Council to be held on Thursday, 27 September 2012 (continued)

Minutes of these meetings can be obtained from Strategic Support or via the [Council's website](#).

11. DISTRICT PLANNING COMMITTEE

The Council is asked to note that since the last meeting of the Council, the District Planning Committee met on 11 July 2012. Copies of the Minutes of this meeting can be obtained from Strategic Support or via the [Council's website](#).

12. OVERVIEW AND SCRUTINY MANAGEMENT COMMISSION

The Council is asked to note that since the last meeting of the Council, the Overview and Scrutiny Management Commission met on 29 May 2012, 26 June 2012, 31 July 2012 and 18 September 2012. Copies of the Minutes of these meetings can be obtained from Strategic Support or via the [Council's website](#).

13. STANDARDS COMMITTEE

The Council is asked to note that since the last meeting of the Council, the Standards Committee met on 25 June 2012. Copies of the Minutes of this/ meeting can be obtained from Strategic Support or via the [Council's website](#).

14. ELECTION OF STRONGER LEADER AND ANNOUNCEMENT OF EXECUTIVE (C2543)

Following the resignation of the current Leader of the Council the Council is asked to elect a new Executive Leader up until May 2015 and to receive notification from the Executive Leader on the number and names of Members appointed to the Executive for the remainder of the 2012/13 Municipal Year. **(Verbal Report)**

15. PRE PLANNING APPLICATION PROCESS ADVICE FEES (C2522)

To seek Council authority to charge for pre planning application advice. **(Pages 15 - 24)**

16. LOCAL LISTING IN WEST BERKSHIRE (C2542)

To inform Members of how a Local Listing process will operate in West Berkshire. **(Pages 25 - 40)**

17. PROPOSED MEMBER DEVELOPMENT PROGRAMME FOR 2012 TO 2015 (C2501)

To agree the Member Development Programme for 2012/13 and to consider the delivery of Member Development until the next District elections in May 2015. **(Pages 41 - 46)**

18. CONSTITUTIONAL CHANGES

To outline two issues which were recently discussed by the Governance and Audit Committee and to obtain a Council view on the way forward in each case. **(Pages 47 - 52)**

19. CHANGES TO THE CONSTITUTION, PARTS 9 AND 10 (C2549)

To consider changes to the Financial Rules of Procedure and Protocols in light of legislation changes and following a review by the Finance and Governance Group and Governance and Audit Committee. **(Pages 53 - 106)**

20. APPOINTMENT OF INDEPENDENT PERSONS (C2541)

To appoint the Council's Independent Person(s) in accordance with the Localism Act. **(Pages 107 - 112)**

21. NOTICES OF MOTION

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

"At the railway level crossing in Ufton Nervet there have been 8 deaths in recent years and many more near misses. This is currently a half-barrier crossing. This means it can still be accessed by pedestrians and vehicles passing around the barrier when it is down, endangering both themselves and those on the train. It is also possible for vehicles to drive onto the tracks and park there before the barriers descend as there are no CCTV cameras linked to the signalling centre to alert signallers of an obstruction on the track.

In November 2004 the Ufton Nervet rail crash disaster killed 7 and injured 130, and in May this year another man died on this crossing. If nothing is done to make this crossing safer there is a probability that more people will be killed or injured; we must get Network Rail to commit to improving this precarious situation.

I propose this Council resolves to press Network Rail to install a monitored crossing with full width barriers. This will provide CCTV so that the signaller can ensure the crossing is clear before lowering the barriers. I am requesting a letter to this effect to be written by Nick Carter, the Chief Executive of West Berkshire Council to David Higgins the Chief Executive of Network Rail before the end of October 2012."

22. MEMBERS' QUESTIONS

There were no questions submitted in relation to items not included on the agenda.

West Berkshire Council is committed to equality of opportunity. We will treat everyone with respect, regardless of race, disability, gender, age, religion or sexual orientation.

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 telephone (01635) 519045, who will be able to help.

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COUNCIL
MINUTES OF THE MEETING HELD ON
THURSDAY, 10 MAY 2012

Councillors Present: David Allen, Peter Argyle (Chairman), Pamela Bale, Jeff Beck, Brian Bedwell, David Betts, Dominic Boeck, Jeff Brooks, Paul Bryant, George Chandler, Keith Chopping, Hilary Cole, Roger Croft, Richard Crumly, Adrian Edwards (Vice-Chairman), Sheila Ellison, Marcus Franks, Manohar Gopal, Paul Hower, John Horton, Roger Hunneman, Carol Jackson-Doerge, Graham Jones, Tony Linden, Mollie Lock, Royce Longton, Gordon Lundie, Gwen Mason, Geoff Mayes, Tim Metcalfe, Joe Mooney, Irene Neill, Graham Pask, David Rendel, Andrew Rowles, Garth Simpson, Anthony Stansfeld, Julian Swift-Hook, Ieuan Tuck, Virginia von Celsing, Quentin Webb, Emma Webster, Keith Woodhams and Laszlo Zverko

Also Present: John Ashworth (Corporate Director - Environment), Nick Carter (Chief Executive), David Holling (Head of Legal Services), Linda Pye (Principal Policy Officer) and Jude Thomas (Member Services Officer)

Apologies for inability to attend the meeting: Councillor Howard Bairstow, Councillor Billy Drummond, Councillor Dave Goff, Councillor David Holtby, Councillor Mike Johnston, Councillor Alan Law, Councillor Alan Macro and Councillor Tony Vickers

PART I

1. Chairman's Remarks

The Chairman reported that he had been privileged to attend many varied events in his year in office. Highlights included a number of citizenship ceremonies, Queens Diamond Jubilee events, the signing of the Community Covenant, the Foster Carers Awards evening, the Queens Award event, the Loyalty address and a number of visits to schools which were dear to his heart.

The Chairman also paid tribute to the Vice-Chairman who had done a sterling job of supporting him and had attended a number of events on his behalf when he was unable to do so. Councillor Peter Argyle also thanked his wife Maggie for the support that she had afforded him during the year. Councillor Argyle also thanked the Officers Jo Watt, Linda Pye and Jude Thomas for the support that they had provided to him during his year in Office.

2. Presentations

The Chairman then presented a cheque for £2,500 to representatives from Buddies, the Charity that he had chosen to support during his year in Office. He noted that he had been offered the role of President of the organisation and he was very pleased to announce that he had accepted.

The Chairman then went on to make a Long Service Award to Glenda O' Brien a Learning Support Assistant at Downsway Primary School in recognition of the 25 years of service that she had provided to the Council. The Chairman thanked her, on behalf of the Council, for her commitment and dedication to public service.

The Chairman was pleased to announce that Long Service Awards would also be made to long serving elected Councillors for ten, fifteen, twenty and twenty five years service.

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The following Members received an award for 10 years of service:

- Keith Chopping;
- Adrian Edwards;
- Alan Macro; (apologies for meeting)
- Julian Swift-Hook;
- Tony Vickers; (apologies for meeting)
- and Anthony Stansfeld.

The following Members received an award for 15 years of service:

- Brian Bedwell;
- Jeff Brooks;
- Paul Bryant;
- Graham Jones;
- Mollie Lock;
- Royce Longton;
- Andrew Rowles;
- and Peter Argyle (this was handed to him later by Councillor Adrian Edwards).

The following Members received an award for 20 years of service:

- Tony Linden;
- Joe Mooney;
- and Keith Woodhams.

The following Member received an award for 25 years of service:

- Graham Pask.

The Chairman commended the Members on their outstanding efforts.

3. **Election of Chairman for the 2012/13 Municipal Year (C2486)**

The Motion was proposed by Councillor Jeff Beck and seconded by Councillor Paul Bryant that Councillor Adrian Edwards be elected Chairman of the Council for the Municipal Year 2012/13. There were no further nominations.

RESOLVED that Councillor Adrian Edwards be elected as Chairman of Council for the Municipal Year 2012/13.

(Councillor Adrian Edwards in the Chair)

The new Chairman read and signed the Declaration of Acceptance of Office and thanked the retiring Chairman for his year of service. Councillor Edwards thanked the Council for electing him and Councillors Beck and Bryant for their kind words. Councillor Edwards noted that he would be retaining his role as the Council's cycling champion and he would therefore strive to promote health and fitness for all during his term in office. Councillor Edwards noted that 2012/13 would be an exceptional year both for the District and the Country due to it being the Queen's Diamond jubilee year as well as the London 2012 Olympic and Paralympics Games.

Councillor Edwards reported that his chosen charity for 2012/13 was Help for Heroes, a charity that raised funds to help support injured armed forces personnel.

Councillor Edwards thanked the outgoing Chairman, Councillor Peter Argyle, for the sterling work he had undertaken during his year of office. Councillor Edwards noted that Councillor Argyle had had an exceptional year and had managed to raise a sum of £2,500 for his charity Buddies. Councillor Edwards paid tribute to Councillor Argyle by

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informing Council that he had shown great stamina and good humour in carrying out his duties. Many of those who had met Councillor Argyle had commented how well he and his wife had represented the District Council.

Councillor Jeff Brooks welcomed the new Chairman and thanked the outgoing Chairman for the excellent work he had undertaken.

4. **Appointment of Vice Chairman for the 2012/13 Municipal Year (C2487)**

The Chairman requested nominations for the position of Vice-Chairman of Council for the Municipal Year 2012/13. In response to this request Councillor Carol Jackson-Doerge was nominated by Councillor Emma Webster and seconded by Councillor Pamela Bale. There were no further nominations for the position of Vice-Chairman.

RESOLVED that Councillor Carol Jackson-Doerge be appointed Vice-Chairman of Council for the Municipal Year 2012/13.

The Vice-Chairman read and signed the Declaration of Acceptance of Office. Councillor Jackson-Doerge thanked the Council for unanimously electing her. She too noted that this was a huge honour and she would support Councillor Edwards to the best of her ability. Councillor Jackson-Doerge thanked Councillors Webster and Bale for nominating her and thanked her fellow Councillors for putting their trust in her. Councillor Jackson-Doerge thanked the outgoing Chairman and Vice-Chairman for the work they had undertaken in the previous year.

5. **Minutes**

The Minutes of the meetings held on 14 February 2012 (extraordinary) and 01 March 2012 were approved as true and correct records and were signed by the Chairman subject to the inclusion of a number of minor amendments set out below:

Minutes 14 February 2012 – Item 66 (page 6) 4th paragraph, second line, -

- delete the words ‘at previous stages of the’ and replace with ‘during the Local Plan’.
- Insert a capital ‘S’ in lines **18 and 40 on page 19 and line 24 on page 20** in Councillor Julian Swift-Hook’s name.

Minutes 01 March 2012 – Item 81 (page 15) 11th paragraph – the number of Members ‘for the amendment’ should be 13 and not 16.

Minutes 01 March 2012 – Item 82 (pages 19 and 20)– the number of Members ‘for the amendment’ should be 12 and not 15.

Minutes 01 March 2012 – Item 82 (pages 19), the first vote the Liberal Democrats are recorded as having voted against the Conservative amendments, this should have shown that they abstained from voting.

Minutes 01 March 2012 – Item 82 (pages 19), paragraph relating to the Closure Motion. A sentence should be added to the end of the paragraph stating that ‘This (Closure Motion) was put to the Council and declared carried.

6. **Declarations of Interest**

There were no declarations of interest received.

7. **Standards Committee Annual Report 2011/12 (C2455)**

The Council considered a report (Agenda Item 8) concerning the Standards Committee Annual Report 2011/12.

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Prior to the report being considered James Rees, an independent member and Chairman of the Standards Committee, provided the Council with a Statement on the activity of the Committee during the previous Municipal Year as well as a look forward to the changes arising from the introduction of the Localism Act 2011.

Mr Rees congratulated the new Chairman and Vice-Chairman of the Council on their appointments. Mr Rees commented that the level of complaints against District and parish Councillors remained relatively low for an area the size of West Berkshire. During the Municipal Year the Committee through its sub-committees assessed eleven complaints (six against Parish Councillors and five against District Councillors), five of these were reviewed after findings that no further action should take place, two required further investigation and none were referred to Standards for England.

Mr Rees thanked District and Parish Councillors for attending training and for responding promptly to requests to keep their Declarations of Interest up to date. Mr Rees paid tribute to his fellow Standards Committee members who had dealt with complaints professionally, thoroughly and impartially.

Mr Rees noted that the Council would be considering the Revised Standards Arrangements following the introduction of the Localism Act in November 2011 as part of the discussions pertaining to this agenda. He summarised the impact by saying that Standards for England had been disbanded, local councils would be able to formulate standards arrangements locally, a revised Code of Conduct and associated complaints arrangements would have to be put in place (it was hoped that these revised systems would be swifter and less bureaucratic), the requirement to hold a Register of Interests remained but the definitions around interests most notably 'disclosable pecuniary interests' would be revised, failure to declare these interests would however be a criminal offence, the Code would only apply to councillors acting in their official capacity and a new Independent Person acting in an advisory capacity would be introduced.

While Mr Rees welcomed some of the proposals particularly those pertaining to the processes underpinning the complaints system but he also had some concerns about the revised proposals. These related largely to the construction of the Standards Committee which would now have to be politically proportionate, did not need to include Parish Councillors (although it was being proposed that two co-opted non voting parish Councillors would be appointed) and would not include any independent members. Mr Rees stressed that in the nine years he had been a member of the Standards Committee no political bias had been exhibited however there was a potential for public to view the decisions as politically guided.

Mr Rees noted that a task group comprising two independent members (James Rees and John Bingham), two Parish Councillors (Richard Hudspith and Tony Renouf) and two District Councillors (Adrian Edwards and Gwen Mason) had been set up to develop a new model Code of Conduct and underpinning processes. He thanked all participants for their hard work and wise counsel. He hoped that the proposals put forward by the Task Group which complied with the legislation would also be acceptable to the public hence the inclusion of the proposal for the inclusion of an Advisory Panel in the revised governance structures.

Mr Rees thanked all the members of the current and previous members of the Standards Committee for their valuable and unstinting contributions over the previous nine years. He also thanked Officers for the assistance and advice that they had given to the Committee.

The Chairman thanked Mr Rees for attending the meeting and for his invaluable service to the Council.

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MOTION: Proposed by Councillor Graham Jones and seconded by Councillor Anthony Stansfeld:

That the Council:

1. notes the content of the report.
2. agrees to circulate it to all Parish/Town Councils in the District for information.

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

8. **Revised Standards Arrangements - Localism Act 2011 (C2457)**

The Council considered a report (Agenda Item 9) concerning the Revised Standards Arrangements – Localism Act 2011.

MOTION: Proposed by Councillor Anthony Stansfeld and seconded by Councillor Gwen Mason:

That the Council:

1. amends the terms of reference of a Standards Committee and adopts the provisions of Article 9 of the Constitution
2. In order to assist in the promotion and maintenance of high standards of conduct adopts the Code of Conduct set out in Appendix 2 to this report.
3. should the DCLG have not issued on or before 01st July 2012 a definition of 'disclosable pecuniary interest' and other pecuniary and non-pecuniary interests, the current Code of Conduct arrangement to remain in place until such time as assessment of the definition has taken place. Following assessment by the MO and Standards Committee the MO be given delegated authority to amend the Code of Conduct at Appendix 2 and issue it to all Members of the Council and Parish Councils and advise them of the effective date of operation.
4. ensures that training is provided for District and Parish Councils on the new Code of Conduct and the proposed arrangements both prior to and post adoption by the Council of the new Code of Conduct.
5. appoints a Standards Committee subject to the proportionality arrangements comprising of six members together with two co-opted Parish Representatives in accordance with the terms of reference set out at Article 9 of the Council's Constitution (as amended).
6. appoints an Advisory Panel in accordance with the terms of Article 9 which provided advice on and dealt with complaints and process and report to the Standards Committee.
7. adopts the 'arrangements' set out in paragraphs 5 to 11 of the report and outlined in Appendix 4 that the operation of these arrangements are reviewed after one year by standards Committee in order to assess their effectiveness.
8. authorises the Monitoring Officer to advertise for the position(s) of Independent Person(s) and that a panel comprising Chairman and three other members of Standards Committee be set up to shortlist and interview candidates before making a recommendation to Council for appointment of Independent Person(s).
9. agrees that the Independent Person(s) receive(s) an allowance of £1000:00 and that this is reviewed following operation of the new standards arrangements after 12 months.

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10. delegates authority to the Monitoring Officer to set up and maintain a Register of Interests made available for inspection and to be placed upon the Council's website.
11. instructs the Monitoring Officer to write to all Parish Councils within West Berkshire advising them of their requirement to provide details of relevant interests and that Parish Clerks be asked to set up a Register of Interests which is forwarded to the Monitoring Officer before being placed upon the West Berkshire website.
12. In accordance with the matters outlined at paragraph 18 of this report the Rules of Procedure of the Council Executive and other committees are amended to make it clear that a member must withdraw from a meeting during the consideration of any item of business in which he/she has a disclosable pecuniary interest (except where he or she is permitted to remain as a result of a grant of dispensation) and that the Monitoring Officer be given delegated authority to make appropriate changes to any other sections of the constitution affected.
13. The process regarding dispensations set out in Appendix 5 to this report are adopted by the Council.

In introducing the item Councillor Stansfeld thanked the Task Group for the work they had undertaken in preparing the revised Code, governance arrangements and processes underpinning the new Legislation. He hoped that the revised system would help to address some of the perceived injustices of the old processes.

It was noted that the gap in paragraph 4.1.1 (page 58) would be filled in once the long awaited regulations were issued. Councillor Swift-Hook noted that previously the rules pertaining to acceptance of gifts and hospitality had included an indicative figure of £25. This was not included in the current version and he felt that it would be useful if this could be reinstated. He noted however that the proposals would be reviewed and on that basis he would support the recommendations.

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

9. **Appointment of the Executive by the Leader of the Council for 2012/13 Municipal Year (C2489)**

Councillor Graham Jones announced the appointment of Members to the Executive as follows:

Partnerships, Equality, The Visions, Communities	Pamela Bale
Planning, Transport Policy, Property	Keith Chopping
Children & Young People, Youth Service, Education	Irene Neill
Community Care, Insurance	Joe Mooney
Countryside, Environmental Protection, 'Cleaner and Greener,' Culture	Hilary Cole
Finance, Economic Development, Health & Safety, Pensions	Alan Law
Highways, Transport (Operational), ICT & Corporate Services, Customer Services	David Betts
Performance, Strategic Support, Emergency Planning, Community Safety	Anthony Stansfeld

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Strategy, Council Plan, Housing	Roger Croft
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Councillor Jones noted that following the introduction of the Strong Leader Model there was no longer a need to appoint the Leader on an annual basis. Councillor Jones noted that Councillor Gordon Lundie was standing down as an Executive Member and thanked him for all his hard work. He welcomed Councillor Roger Croft onto the Executive. Councillor Jones noted that Councillor Keith Chopping and Councillor Law would be swapping Portfolios however Councillor Law would continue to be responsible for overseeing the Local Development Framework until its implementation.

10. **Appointment and Allocation of Seats on Committees 2012/13 (C2488)**

The Council considered a report (Agenda Item 11) concerning the appointment of and allocation of seats on Committees.

MOTION: Proposed by Councillor Graham Jones and seconded by Councillor Pamela Bale:

That the Council:

1. Notes under Paragraph 8 of the Local Government (Committees and Political Groups) Regulations 1990, that notice has been received that the Members set out in paragraph 1.1 of this report were to be regarded as Members of the Conservative and Liberal Democrat Groups respectively.
2. agrees to the appointment of the various Committees and to the number of places on each as set out in paragraph 2.4 (Table A).
3. agrees to the allocation of seats to the Political Groups in accordance with section 15(5) of the Local Government Act 1989 as set out in paragraph 3.4 and Table B.
4. agrees that in respect of the District and Area Planning Committees, the substitute Members are all drawn from Members representing wards within the Committee's area who are not appointed to the Committee.
5. approves the appointment of Members to the Committees as set out in Appendix A and in accordance with the wishes of the Political Groups.
6. in accordance with Regulation 4, Schedule 3 of the Local Authorities (Functions and Responsibilities) (England) Regulations 2000, and the Local Authorities (Functions and Responsibilities) (England) (Amendment No.2) Regulations 2008, the Council's Policy Framework for 2012/13 be as set out in paragraph 6.1 of the report and that any appropriate amendments be made to the Council's Constitution should this be necessary.
7. in accordance with Regulation 5, Schedule 4 of the Local Authorities (Functions and Responsibilities) (England) Regulations 2000, delegates all other plans, policies and strategies requiring approval and not included in the approved Policy Framework to the Council's Executive.
8. agrees that Paragraph 2.6.5 of Article 6 of the Council's Constitution, setting out the Executive Portfolios, be amended to reflect any changes made at the Annual Council meeting.
9. agrees to appoint two co-opted Parish/Town Councillors on the Standards Committee and two Parish/Town Councillors and two independent members on the Standards Committee's Advisory Panel.

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

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11. **Adjournment of Meeting**

The meeting was adjourned at 8.18pm.

RESOLVED that the meeting of Council be adjourned to enable the various Committees to determine their Chairmen and Vice-Chairmen.

12. **Recommencement of Meeting**

The meeting was reconvened at 8.29pm.

13. **Licensing Committee**

The Council noted that, since the last meeting, the Licensing Committee had met on 20 March 2012.

14. **Governance and Audit Committee**

The Council noted that, since the last meeting, the Governance and Audit Committee had not met.

15. **District Planning Committee**

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

16. **Overview and Scrutiny Management Commission**

The Council noted that, since the last meeting, the Overview and Scrutiny Management Committee had met on 17 April 2012.

17. **Personnel Committee**

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

18. **Standards Committee**

The Council noted that, since the last meeting, the Standards Committee had met on 01 May 2012.

(The meeting commenced at 7.00pm and closed at 8.29pm)

CHAIRMAN

Date of Signature

DRAFT

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

COUNCIL

MINUTES OF THE MEETING HELD ON

MONDAY, 16 JULY 2012

Councillors Present: Peter Argyle, Howard Bairstow, Pamela Bale, Jeff Beck, Brian Bedwell, Dominic Boeck, Jeff Brooks, Paul Bryant, George Chandler, Keith Chopping, Hilary Cole, Richard Crumly, Billy Drummond, Adrian Edwards (Chairman), Sheila Ellison, Marcus Franks, Dave Goff, Manohar Gopal, Paul Hower, David Holtby, John Horton, Carol Jackson-Doerge (Vice-Chairman), Graham Jones, Alan Law, Tony Linden, Royce Longton, Gordon Lundie, Gwen Mason, Geoff Mayes, Tim Metcalfe, Irene Neill, Graham Pask, David Rendel, Garth Simpson, Anthony Stansfeld, Tony Vickers, Virginia von Celsing, Quentin Webb, Keith Woodhams and Laszlo Zverko

Also Present: Liz Alexander (Team Leader - Planning Policy), Nick Carter (Chief Executive), Andy Day (Head of Strategic Support), Gary Lugg (Head of Planning & Countryside) and Bryan Lyttle (Planning & Transport Policy Manager), Linda Pye (Principal Policy Officer)

Apologies for inability to attend the meeting: Councillor David Allen, Councillor David Betts, Councillor Roger Croft, Councillor Roger Hunneman, Councillor Mike Johnston, Councillor Mollie Lock, Councillor Alan Macro, Councillor Joe Mooney, Councillor Andrew Rowles, Councillor Julian Swift-Hook, Councillor Ieuan Tuck and Councillor Emma Webster

PART I

19. Declarations of Interest

Councillors Emma Webster, Ieuan Tuck and Roger Hunneman declared a disclosable pecuniary interest in Agenda Item 3 and reported that they would not be attending the meeting.

Councillors Keith Woodhams, Marcus Franks and Paul Hower declared an interest in Agenda Item 3, but reported that, as their interest was personal and not prejudicial, they determined to remain to take part in the debate and vote on the matter.

20. West Berkshire Core Strategy Inspector's Report and Adoption

(Councillor Emma Webster declared a disclosable pecuniary interest in Agenda item 3 by virtue of the fact that her employer would be involved in the public relations, stakeholder engagement and communications in respect of Sandleford Park and she was a shareholder in the business. As her interest was a disclosable pecuniary interest she did not attend the meeting and took no part in the debate or voting on the matter).

(Councillors Ieuan Tuck and Roger Hunneman declared a disclosable pecuniary interest in Agenda item 3 by virtue of the fact that one of the proposed developments set out in the Core Strategy was in close proximity to their homes. As their interest was a disclosable pecuniary interest they did not attend the meeting and took no part in the debate or voting on the matter).

(Councillor Keith Woodhams declared a personal interest in Agenda item 3 by virtue of the fact that he was employed at the Racecourse which was one of the proposed developments in the Core Strategy. As his interest was personal and not prejudicial he was permitted to take part in the debate and vote on the matter).

(Councillors Marcus Franks and Paul Hower declared a personal interest in Agenda item 3 by virtue of the fact that they were employed by Sovereign Housing. As their interest

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was personal and not prejudicial they were permitted to take part in the debate and vote on the matter).

The Chairman ensured that all Members in attendance at the meeting had received a copy of the Proposals Map – those who had submitted apologies would receive a hard copy in their bags later in the week.

The Council considered a report (Agenda Item 3) informing Council of the receipt of the Inspector's Report into the Examination of the West Berkshire Core Strategy and Council were asked to consider the adoption of the West Berkshire Core Strategy Development Plan Document as attached in Appendix A to the report, and accompanying Proposals Map.

MOTION: Proposed by Councillor Keith Chopping and seconded by Councillor Alan Law:

"That the Council resolved that the West Berkshire Core Strategy Development Plan Document attached at Appendix A and the accompanying Proposals Map were adopted in accordance with Section 23 of the Planning and Compulsory Purchase Act 2004 (as amended). The Council also resolved that delegated authority was given to the Head of Planning and Countryside to agree any minor typographical and formatting refinements to the West Berkshire Core Strategy Development Plan Document and accompanying Proposals Map before publication."

Councillor Keith Chopping in introducing the report stated that although he had only been Portfolio Holder for a couple of months he recognised that this was the culmination of a long process which had commenced seven years ago. Following an Examination in Public the Inspector's report had been received a couple of weeks ago in which the Core Strategy had been declared sound. The fact that it had been found sound was important for West Berkshire as without it the Council could be vulnerable to developers obtaining planning permission via the planning appeals process.

The Core Strategy would become part of the Development Plan for West Berkshire and would be key in the determination of future planning applications. A review of the overall housing numbers would need to take place within three years.

Councillor Chopping thanked Councillor Alan Law, the previous Executive Member, as he had worked closely with Officers and the Planning Policy Task Group to bring this process to a conclusion. He also thanked Officers for their hard work in achieving the best Plan possible.

Councillor Tony Vickers also added his thanks to Officers and Members of the Planning Policy Task Group, and in particular Councillor Alan Law who had achieved what he had set out to do. However, he referred to page 19, paragraph 37 of the Inspectors Report, which stated that this Plan had unfortunately been caught in the transitional period between the demise of the Regional Strategies, which had still not concluded, and the emergence of the National Planning Policy Framework (NPPF) as the sole higher tier guidance for the preparation of Local Plans. He criticised the Council as he felt that it should have responded more constructively to the changing planning context following publication of the draft NPPF in the previous Summer. Councillor Vickers was pleased to see that the Core Strategy included the Higher Energy Standard and the ability to negotiate affordable housing from smaller sites but he stated that he would not be able to support the overall adoption of the Strategy due to the fact that Sandleford remained as a strategic site for the Newbury/Thatcham area. Councillor Vickers remained disappointed that the proposed Core Strategy had not focused more on using existing brownfield sites rather than Sandleford. The Inspector had not found specific reasons to change the strategic site but had made a balanced decision on the soundness of the Core Strategy.

Councillor Jeff Brooks recognised that this had been a long and difficult process and he thanked all those who had worked hard on this process. It was never an easy process to

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develop a greenfield site and it had been surprising to note from a recent report that only 2.27% of England had been developed the remainder was greenfield. He looked forward to the review of ECON1 in the future. Councillor Brooks was of the opinion that the Council had chosen the wrong strategic site and measures would need to be put in place to mitigate the damage. With the development of the household waste and recycling centre and the proposal to build 10,500 houses at Sandleford the green lung to the south of Newbury would soon disappear. Councillor Brooks clarified that the Liberal Democrats had supported going to consultation on the Core Strategy but had been opposed to the Strategy itself.

Councillor David Rendel reported that he had been saddened by the decision of the Inspector when he had declared the Core Strategy as being sound. That decision would be crucial to the future of this area and 13 years from now local residents would see the way Newbury had developed following the decision which had been made tonight. Had Sandleford been the only option for a strategic site then the Core Strategy would have been acceptable.

Councillor Graham Jones echoed the comments made in respect of thanks to officers and Members from both sides on the Planning Policy Task Group as this had been a long process. Councillor Jones stated that housing demand had risen and would continue to do so. The key was how that growth would be controlled. If Sandleford had not been chosen then it would have been another site possibly to the north of Newbury. The fact that Sandleford had been chosen as a strategic site meant that development on that area could be controlled. It was essential to guarantee supply of housing and that involved making difficult decisions at times. He commended the Core Strategy to Council.

Councillor Alan Law added his thanks to the Officer team and in particular to Liz Alexander who had managed the Examination in Public particularly well. He also referred to the Members of the Planning Policy Task Group who had provided an excellent level of scrutiny and advice especially during the formative stages in 2008/09.

Councillor Law acknowledged that due to the tortuous nature of the process the local taxpayer had been put to considerable expense and he confirmed that he would write to the relevant MP in respect of the cost incurred.

The Inspector had agreed with the selection of Sandleford as the strategic site as there were insufficient brownfield sites within the area to make up the housing numbers. The Council was now in control of future developments which would make Newbury and West Berkshire fit for the 21st century. The new Portfolio Holder had given his commitment that he would work with the residents of Sandleford to produce a community that they could be proud of.

The Chairman of the Council, Councillor Adrian Edwards, also thanked Members of the Task Group and Officers for their commitment to the process and stated that their efforts had been much appreciated.

In accordance with Procedure Rule 4.15.2 it was requisitioned that the voting on the Amendment be recorded. The names of those Members voting for, against and abstaining were read to the Council as follows:

FOR the Motion:

Councillors Peter Argyle, Howard Bairstow, Pamela Bale, Jeff Beck, Brian Bedwell, Dominic Boeck, Paul Bryant, George Chandler, Keith Chopping, Hilary Cole, Richard Crumly, Adrian Edwards, Sheila Ellison, Marcus Franks, Dave Goff, Manohar Gopal, Paul Hower, David Holtby, John Horton, Carol Jackson-Doerge, Graham Jones, Alan Law, Tony Linden, Gordon Lundie, Tim Metcalfe, Irene Neill, Graham Pask, Garth Simpson, Anthony Stansfeld, Virginia von Celsing, Quentin Webb, Laszlo Zverko (32).

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AGAINST the Motion:

Councillors Jeff Brooks, Billy Drummond, Royce Longton, Gwen Mason, Geoff Mayes, David Rendel, Tony Vickers, Keith Woodhams (8).

ABSTAINED:

There were no abstentions.

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

21. Revised Code of Conduct

The Council considered a report (Agenda Item 4) clarifying the adoption process following the inclusion of preparation powers in the Localism Act 2011 (Commencement No.6 and Transitional Savings and Transitory Provisions) Order 2012..

MOTION: Proposed by Councillor Dominic Boeck and seconded by Councillor Gwen Mason:

That the Council confirmed the adoption of the Code of Conduct for Members and supporting arrangements were effective from 01 July 2012.

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

(The meeting commenced at 7.00 pm and closed at 7.39 pm)

CHAIRMAN

Date of Signature

DRAFT

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

COUNCIL

MINUTES OF THE MEETING HELD ON

MONDAY, 16 JULY 2012

Councillors Present: Peter Argyle, Howard Bairstow, Pamela Bale, Jeff Beck, Brian Bedwell, Dominic Boeck, Jeff Brooks, Paul Bryant, George Chandler, Keith Chopping, Hilary Cole, Richard Crumly, Billy Drummond, Adrian Edwards (Chairman), Sheila Ellison, Marcus Franks, Dave Goff, Manohar Gopal, Paul Hewer, David Holtby, John Horton, Carol Jackson-Doerge (Vice-Chairman), Graham Jones, Alan Law, Tony Linden, Royce Longton, Gordon Lundie, Gwen Mason, Geoff Mayes, Tim Metcalfe, Irene Neill, Graham Pask, David Rendel, Garth Simpson, Anthony Stansfeld, Tony Vickers, Virginia von Celsing, Keith Woodhams and Laszlo Zverko

Also Present: Nick Carter (Chief Executive), Andy Day (Head of Strategic Support) and Linda Pye (Principal Policy Officer)

Apologies for inability to attend the meeting: Councillor David Allen, Councillor David Betts, Councillor Roger Croft, Councillor Roger Hunneman, Councillor Mike Johnston, Councillor Mollie Lock, Councillor Alan Macro, Councillor Joe Mooney, Councillor Andrew Rowles, Councillor Julian Swift-Hook, Councillor Ieuan Tuck and Councillor Emma Webster

PART I

22. Declarations of Interest

Councillors Anthony Stansfeld, Dominic Boeck and Geoff Mayes declared a personal and prejudicial interest in Agenda Item 2 and reported that, as their interest was personal and prejudicial, they would leave the room and take no part in the discussion or voting thereon.

23. Amendments to Outside Body Appointments

(Councillors Dominic Boeck and Geoff Mayes declared a personal and prejudicial interest in Agenda item 2 by virtue of the fact that they had expressed an interest in being appointed to the Panel. As their interest was personal and prejudicial they left the room and took no part in the debate or voting on the matter).

(Councillor Anthony Stansfeld declared a personal and prejudicial interest in Agenda item 2 by virtue of the fact that he was the Conservative candidate for the Police and Crime Commissioner for the Thames Valley region. As his interest was personal and prejudicial he left the room and took no part in the debate or voting on the matter).

The Committee considered a report (Agenda item 2) concerning a change to the Council's Member appointment on the Thames Valley Police and Crime Panel.

MOTION: Proposed by Councillor Graham Jones and seconded by Councillor Pamela Bale:

"That the Council appoints a new representative on the Thames Valley Police and Crime Panel. Councillors Dominic Boeck and Geoff Mayes had expressed an interest in being appointed to the Panel."

The Motion was put to the meeting and it was duly **RESOLVED** that Councillor Dominic Boeck be appointed to the Panel.

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(The meeting commenced at 7.39 pm and closed at 7.42 pm)

CHAIRMAN

Date of Signature

Agenda Item 15.

Title of Report:	Pre Planning Application Advice Fees
Report to be considered by:	Council
Date of Meeting:	27th September 2012
Forward Plan Ref:	C2252

Purpose of Report: To seek Council authority to charge for pre planning application advice.

Recommended Action: Council adopts the proposed pre planning application advice and fees (as detailed in Appendix B).

Reason for decision to be taken: To respond to customer requests for the introduction of pre planning application advice.

Other options considered: The main options are:
1. to introduce a process with a charge.
2. to introduce a process without a charge.
3. If a charge is to be introduced what level of fee to charge.

The above are detailed within the main body of the report.

Key background documentation: National Planning Policy Framework (NPPF).

The proposals contained in this report will help to achieve the following Council Strategy priorities:

- ☒ **CSP2 – Promoting a vibrant district**
- ☒ **CSP4 – Protecting the environment**

The proposals will also help achieve the following Council Strategy principles:

- ☒ **Living within our means**
- ☒ **Transforming our services to remain affordable and effective**

The proposals contained in this report will help to achieve the above Council Strategy priorities and principles by:

Providing timely, structured pre planning application advice for customers in a way that has been requested. This should enable customers to make judgements about the general appropriateness of potential development proposals at an early stage in the development process and, where necessary, allow the Council to influence the proposals. This should save developers abortive time and costs and help to ensure that focused applications are submitted, helping the Council to process them effectively and efficiently. Charging for the advice will ensure the Planning Service "lives within its means" for this element of work.

Portfolio Member Details	
Name & Telephone No.:	Councillor Keith Chopping - (0118) 983 2057
E-mail Address:	kchopping@westberks.gov.uk
Date Portfolio Member agreed report:	9 th August 2012

Contact Officer Details	
Name:	Gary Rayner
Job Title:	Development Control Manager
Tel. No.:	01635 519304
E-mail Address:	grayner@westberks.gov.uk

Implications

Policy: This report seeks to introduce a pre planning application process and associated charges.

Financial: It is proposed to introduce charges to recover the cost of providing a pre-application service. Legislation restricts charges to a reasonable level which recovers the related expenditure.

It is intended to provide this additional service by the shared use of existing staff resources for an initial trial period of up to 6 months (see Personnel below). At the end of that initial period an assessment will be made about workload and income stream implications. Both will vary over time but if the workload implications are manageable within the existing staff structure and performance requirements (i.e. it does not impact adversely on the Statutory functions), the income stream will contribute towards partly addressing the funding gap in the 2013/14 planning budget.

Personnel: It is proposed to introduce the pre application system using existing resources and to monitor the impact and costs for up to 6 months. Should demand adversely impact on the Services ability to meet its priority services then additional resource may be considered on a self funding basis using the fees generated by the new scheme.

Legal/Procurement: The proposed new Service will be non statutory.

Property: Internal projects will receive the same level of Service and will be expected to pay the same level of fee.

Risk Management: The advice given will be dependant on the quality of information provided and it will be made clear that any advice is preliminary and is subject to full consultation and consideration should a formal application follow the advice.

Equalities Impact Assessment: The proposed service is a universal service and will apply equally to all groups.

This **does not** need to undergo a Stage 2 Equality Impact Assessment

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

Executive Summary

1. Introduction

- 1.1 Some applicants, developers and agents have indicated that before they submit a planning application they may wish to contact us for pre-application (pre-app) advice to find out whether the proposal is likely to be acceptable, what the application should include, what the relevant Policy considerations are, and who they should consult prior to submission.
- 1.2 Our customer panel, the Development Industry Forum (DIF), has indicated that for the right level of service, they would accept that they had to pay the Council's reasonable charges. They have indicated that they would rather have the option to pay rather than have no service at all.
- 1.3 This approach is supported by the National Planning Policy Framework (NPPF) and it is our proposal to charge all parties seeking advice at the same rate as part of the same procedure.

2. Proposals

- 2.1 As a Local Planning Authority we want to encourage Pre-application advice before applicants submit planning applications because these discussions can give both the applicant and us greater clarity and reassurance about the application.
- 2.2 It is proposed to offer the advice in two stages. The first is a written exchange of information and advice in response to the request; the second is an optional stage which involves meeting to discuss the proposal and explore the outcome of the written response further, potentially including specialists on key issues identified at stage one.

We will make it clear in the published guidance, and in the written response, that any advice given by the Council in relation to Pre-application enquiries will be based on the Case Officer's professional judgement and will not constitute a formal commitment or decision of the Council which would prejudice any future Planning applications.

- 2.3 A schedule of charges will be published and reviewed as necessary over the period of operation
- 2.4 The proposal has been presented to the Planning Policy Task Group which has supported the introduction of paid-for pre-application service as described above; has agreed that it is appropriate to charge all groups at the same rates; and supports the fee table groupings and initial charging rates set out in Appendix B.

3. Equalities Impact Assessment Outcomes

The proposed service is a universal service and will apply equally to all groups.

4. Conclusion

- 4.1 It would be beneficial to both the Council and potential applicants for Planning Permission if pre-application advice was offered on a formalised basis. The resource costs of that service should be met by those taking advantage of it.
- 4.2 Members are recommended to support the introduction of a paid for pre-application advice service as set out in this report and the Appendix B.

Executive Report

1. Introduction

- 1.1 Some applicants, developers and agents have indicated that before they submit a planning application they may wish to contact us for pre-application (pre-app) advice to find out whether the proposal is likely to be acceptable, what the application should include, what the relevant Policy considerations are, and who they should consult prior to submission.
- 1.2 Authorities have for many years, provided Pre application advice free of charge, even though it can be very resource intensive. Increasingly, Authorities have started to charge for providing this service. There is already an indication of support for that approach from some Members, and so officers are proposing that we should introduce a paid-for pre-app service.
- 1.3 Our customer panel, the Development Industry Forum (DIF), made up of large and small developers, large and small consultancies, Planners, Architects, builders, social housing providers and solicitors, all of which operate locally, have indicated that for the right level of service, they would accept that they had to pay the Council's reasonable charges. They have indicated that they would rather have the option to pay rather than have no service at all.
- 1.4 We will encourage applicants to follow the process and this approach is supported at paragraph 189 of the National Planning Policy Framework (NPPF). That paragraph also recognises that the Council cannot insist that pre-app processes are followed by applicants, but it is clear that some considerable weight will be given in judging the developers intentions, if they have not taken advantage of pre-app opportunities with the Council or opportunities to involve the statutory consultees and the local community, prior to submission.
- 1.5 It is our proposal to charge in all instances where pre-application advice is sought.

Benefits of pre-application advice

- 1.6 As a Local Planning Authority we want to encourage Pre-application advice before applicants submit planning applications because these discussions can give both the applicant and Officers greater clarity and reassurance about the application.
- 1.7 Contacting us for informal advice before submitting an application can:
 1. identify problems at an early stage when it is easier to influence change
 2. help to ensure that all the supporting documents we need to register the application are provided at the outset
 3. save time and money
 4. speed up the decision making process
 5. result in better quality development

Obtaining formal pre-application advice

Stage one

- Initially applicants will need to complete a Pre-application advice request form (that we will provide) and either submit this electronically or send it by post together with the appropriate fee.
- Upon receipt of the Pre-application advice form we will check the information submitted and allocate this to an appropriate and specific Case Officer. The intention will be that the same officer deals with any consequent planning application.
- Request for Pre-application advice will be allocated a unique reference number and will be acknowledged within 5 working days.
- Applicants will need to provide the initial information as set out on the form (and which is required by any necessary guidance notes we produce) and submit the appropriate payment. If the information received is not sufficient, we will return the submission and request all the necessary information.

We will then:

- Carry out the relevant research relating to the proposals; identifying the key issues likely to be raised by the proposal
- Undertake informal consultations with any relevant technical consultee
- Provide advice on amendments/alterations that could be made to improve the proposals or overcome any concerns;
- Advise on the possible outcome of any formal Planning submission.
- Advise on the possible heads of terms applicable to any necessary legal agreement.
- We will provide a written response, from the case officer, signed off by the Area Team Leader (or appropriate sub.) within 20 working days (or longer period if agreed between the parties to allow for the return of consultation responses).

Stage Two

- If following receipt of that advice the applicant wishes to request a meeting, this will be subject to a further flat rate payment which may be added to if specific council specialists are requested to attend (ie Archaeology, Education, Ecology, Highways, Housing etc).
- To arrange a meeting the applicant should contact the Case Officer who provided the initial written response. We will aim to offer a date, or to advise the applicant if we feel a meeting would have no benefit, within 10 working days or receiving the stage two request.
- The Council will consider and respond in writing to the applicant's notes or minutes of the meeting within 5 working days of having received them, as long as they are submitted within the 10 working days following the meeting date.

We will make it clear in the published guidance, and in the written response, that any advice given by the Council in relation to Pre-application enquiries will be based on the Case Officer's professional judgement and will not constitute a formal response or decision of the Council with regard to any future Planning applications. Any views or opinions expressed will be given without prejudice to the consideration by the Council Committees or the Head of Planning, of any formal Planning

application, which will be subject to wider consultation and publicity. Although the Case Officer may indicate the likely outcome of a formal Planning application, no guarantees can or will be given about the decision that will be made on any such application.

Appendices

Appendix A – Equality Impact Assessment – Stage 1

Appendix B – Charging Schedule

Consultees

Local Stakeholders: Development Industry Forum (the Planning customer panel)

Officers Consulted: Corporate Board

Trade Union: n/a

Equality Impact Assessment – Stage One

Name of item being assessed:	Introduction of pre planning application process and charges
Version and release date of item (if applicable):	
Owner of item being assessed:	Gary Rayner
Name of assessor:	Gary Lugg
Date of assessment:	25 June 2012

1. What are the main aims of the item?
To respond to customer requests for a pre application process and to introduce a charge scheme.

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 reassignment; marriage and civil partnership; pregnancy and maternity; race; religion or belief; sex; sexual orientation)		
Group Affected	What might be the effect?	Information to support this.
All	None	The proposed service is a universal service and will apply equally to all groups.
Further comments relating to the item: N/a		

3. Result (please tick by clicking on relevant box)
<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: Gary Lugg

Date: 25/6/2012

Appendix B

Pre Application Advice – Charging Schedule

Other Development

	Fees – (£) Written Stage One	Fees – (£) Meeting Stage Two	Timescale to respond at Stage 1 (working days)
Household (Other)	60	40	<20
LBC/Conservation (Other)	80	60	<20
Extns to Listed Buildings (Other)	90	70	<20
Change of Use	120	80	<20
Advert	50	40	<20
Variation of Conditions	60 -120 (to be agreed)	80	<20
Telecoms	150	150	<20
Shopfronts	150	50	<20
Agric. Notification	150	150	<20

Appendix B (continued)

Residential Development

	Fees – (£) Written Stage One	Fees – (£) Meeting Stage Two	Timescale to respond at Stage 1 (working days)
1-4 dwellings (Minor)	280	250	<20
5-9 dwellings (Minor)	320	280	<20
10-25 dwellings (Small Major)	500	450	<20
>26 dwellings (Major Major)	650	500	<20
>50 dwellings	650	500	<20
>200 dwellings	850	500	<20

Commercial Floorspace

	Fees – (£) Written Stage One	Fees – (£) Meeting Stage Two	Timescale to respond at Stage 1 (working days)
0-999 sq m (Minor)	320	280	<20
1000- 9999sqm (Small Major)	500	450	<20
>10,000 sq m (Major Major)	650	500	<20

Title of Report:	Local Listing in West Berkshire
Report to be considered by:	Council
Date of Meeting:	27 September 2012
Forward Plan Ref:	C2542

Purpose of Report: To inform Members of how a Local Listing Process will operate in West Berkshire.

Recommended Action: Members are asked to adopt the Local Listing in West Berkshire Process Description.

Reason for decision to be taken: The adopted West Berkshire Core Strategy policy CS19 seeks the conservation and where appropriate, enhancement of heritage assets and their settings. The development of a "local list" would be used to support this policy.

Other options considered: As set out in the report

Key background documentation: Local Listing in West Berkshire Process Description (8th Draft)

The proposals will also help achieve the following Council Strategy principles:

- ☒ **CSP7 - Empowering people and communities**
- ☒ **CSP8 - Transforming our services to remain affordable and effective**
- ☒ **CSP9 - Doing what's important well**

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

Providing a planning context and framework which will assist the decision making process

Portfolio Member Details	
Name & Telephone No.:	Councillor Keith Chopping - (0118) 983 2057
E-mail Address:	kchopping@westberks.gov.uk
Date Portfolio Member agreed report:	14th August 2012
Contact Officer Details	
Name:	Bryan Lyttle
Job Title:	Planning and Transport Policy Manager
Tel. No.:	01635 519638
E-mail Address:	blyttle@westberks.gov.uk

Implications

Policy:	The introduction of a local listing process for West Berkshire will support the West Berkshire Core Strategy and ensure local involvement in the protection of West Berkshires heritage.
Financial:	There are no financial implications for the Council as the costs are to be met by the West Berkshire Heritage Forum.
Personnel:	There are no personnel implications for the Council as the initial survey and evaluation will be undertaken by the West Berkshire Heritage Forum. Council Officers will review the recommendations and reports as part of their normal duties.
Legal/Procurement:	Under the Local Authorities (Functions and Responsibilities) (England) Regulations 2000 the ultimate responsibility for agreeing to the local listing cannot reside with the Executive. The decision to accept or reject a local listing should be delegated to the Head of Planning and Countryside and this needs to be recorded in the Councils Constitution.
Property:	N/A
Risk Management:	The adoption of the local listing in West Berkshire process will enable locally important heritage assets to be assessed and recorded in a timelier manner. Without the local listing process there is the possibility that locally important heritage assets will be lost.
Equalities Impact Assessment:	Attached at Appendix B

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"/>	
Report is to note only	<input type="checkbox"/>	

Executive Summary

1. Introduction

- 1.1 In 2010 the Government published Planning Policy Statement 5: Planning for the Historic Environment which included a provision for "local listing" so that heritage assets which have a special significance to a particular community could be captured.
- 1.2 Such an approach was seen to fit well into the "localism" agenda and West Berkshire Heritage Forum (WBHF) expressed an interest in undertaking this in conjunction with West Berkshire Council (WBC).
- 1.3 Following a number of discussions between WBC and the WBHF a formal process of how local listing in West Berkshire will be managed has been produced (attached Appendix A).

2. Proposals

- 2.1 The Adopted West Berkshire Core Strategy 2006 - 2026 states that the council will compile a "local list" of heritage assets across the District which will be used to support and inform policies.
- 2.2 Officers have agreed with WBHF a proposed process (attached) which provides details of:
 - A definition of local heritage asset;
 - The criteria against which the asset will be assessed;
 - How the assessment will be undertaken;
 - How the initial assessment will be judged together with who will make the judgement; and
 - Following approval by the Selection Panel how it will then submit its recommendations to WBC for final approval, rejection or referred back to the WBHF Selection Panel for further information/detail.
- 2.1 Final approval for the local listing is delegated to the Head of Planning and Countryside unless the proposed listing receives 10 letters of objection or the local Ward Member request that the listing be determined by committee in line with the Council's Constitution.
- 2.2 The process documentation also makes it clear that expenses are not payable to assessors or members of the Selection Panel other than in exceptional circumstances.

3. Conclusion

WBHF has worked closely with Officers from the West Berkshire Conservation team and members of the West Berkshire Archaeological Service and this is reflected in the attached documentation.

The process of local listing will be of benefit to the Council in providing additional evidence for use in future policy work. It will also be of benefit for those communities wishing to supplement their parish plans, village design statements or as part of the evidence base for neighbourhood development plan.

Executive Report

1. Introduction

- 1.1 In 2010 the Government published Planning Policy Statement 5: Planning for the Historic Environment which included a provision for "local listing" so that heritage assets which have a special significance to a community could be captured.
- 1.2 Such an approach was seen to fit well into the "localism" agenda and West Berkshire Heritage Forum (WBHF) expressed an interest in undertaking this in conjunction with West Berkshire Council (WBC).
- 1.3 Following a number of discussions between WBC and the WBHF a formal process of how local listing in West Berkshire will be managed has been produced (attached Appendix A).

2. Policy Background

- 2.1 The West Berkshire Core Strategy (Adopted July 2012) includes Policy CS20 Historic Environment and Landscape Character which states:

"In order to ensure that the diversity and local distinctiveness of the landscape character of the District is protected and enhanced, the natural, cultural, and functional components of its character will be considered as a whole. In adopting this holistic approach, particular regard will be given to:

- c) The conservation and, where appropriate, enhancement of heritage assets and their settings (including those designations identified in Box 1)".

Box 1

Historic environment designation in West Berkshire:

- 52 Conservation Areas
 - Approximately 1,900 Listed Buildings
 - Approximately 90 Scheduled Monuments
 - 12 Historic Parks and Gardens - 3 of which, Aldermaston Court, Sandleford Priory and Shaw House are currently on the English Heritage Register of 'Heritage at Risk'
 - 1 Registered Battlefield, Newbury 1 (1643) - currently on the English Heritage Register of 'Heritage at Risk'
 - Over 5,000 other heritage assets recorded in the Historic Environmental Record (insert footnote as follows please - A database of the heritage assets in West Berkshire - Grade I, Grade 2*, Grade 2, Scheduled Ancient Monuments, Battlefields, Historic Gardens, non designated buildings and landscapes)
- 2.2 Furthermore, the explanatory text of the West Berkshire Core Strategy at paragraph 5.118 states "...The Council also intends to compile a 'local list' of heritage assets across the District which will be used to support and inform policies".
 - 2.3 The National Planning Policy Framework states that local planning authorities should have a positive strategy for the conservation and enjoyment of the historic environment which is exactly what policy CS20 proposes.

3. Proposed Local Listing Process

- 3.1 The WBHF proposed process (attached) provides details of:
- A definition of local heritage asset;
 - The criteria against which the asset will be assessed;
 - How the assessment will be undertaken;
 - How the initial assessment will be judged together with who will make the judgement; and
 - Following approval by the Selection Panel how it will then submit its recommendations to WBC for final approval, rejection or referred back to the WBHF Selection Panel for further information/detail.
- 3.2 Heritage Officers from the Council will consider the submission and final approval is delegated to the Head of Planning and Countryside as per the Council's Constitution. If following publication of receipt of a local listing the Council receives 10 letters of objections to the listing or the local Ward Member requests that the application for listing be "called in" then the application for local listing will be determined by the appropriate Area Planning Committee.
- 3.3 The process documentation also makes it clear that expenses are not payable to assessors or members of the Selection Panel.

4. Conclusion

- 4.1 WBHF has worked closely with Officers from the West Berkshire Conservation Team and members of the West Berkshire Archaeological Service and this is reflected in the attached documentation.
- 4.2 The process of local listing will be of benefit to the Council in providing additional evidence for use in future policy work. It will also be of benefit for those communities wishing to supplement their parish plans, village design statements or as part of the evidence base for neighbourhood development plans.

Appendices

Appendix A - Local listing in West Berkshire Process Description (Eighth Draft) West Berkshire Heritage Forum

Appendix B – Equalities Impact Assessment

Consultees

Local Stakeholders: N/A

Officers Consulted: Duncan Coe, Deborah Hammond, Dennis Greenway , Corporate Board

Trade Union: N/A

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Local Listing in West Berkshire Process Description

1. Background

The policy framework of Local Listing is provided in West Berkshire Council's approved Core Strategy (July 2012) under the heading Historic Environment and Landscape Character:

“Core Policy 5.139. The Council also intends to compile a ‘local list’ of heritage assets across the District which will be used to support and inform policies.”

“Core Policy CS19. In order to ensure that the diversity and local distinctiveness of the landscape character of the District is conserved and enhanced, the natural, cultural, and functional components of its character will be considered as a whole. In adopting this holistic approach, particular regard will be given to:

c) The conservation and, where appropriate, enhancement of heritage assets and their settings.”

The Glossary of the National Planning Policy Framework (March 2012) contains the following definition:

“Heritage asset: A building, monument, site, place, area or landscape identified as having a degree of significance meriting consideration in planning decisions, because of its heritage interest. Heritage asset includes designated heritage assets and assets identified by the local planning authority (including local listing).”

Local listing is managed jointly by the West Berkshire Council and the West Berkshire Heritage Forum. The Heritage Forum is a partnership of the parish councils and bona fide voluntary heritage societies of West Berkshire, established to recognise, promote, and protect West Berkshire's heritage. The Forum operates under formal terms of reference and is managed by a Committee which is elected at an Annual General Meeting. Representatives of West Berkshire Council's Heritage Service and Planning Service attend the Committee but do not vote.

2. Definition and Purpose

A heritage asset suitable for Local Listing is one which is considered to enhance the character and attraction of the local area by its distinctive or outstanding architectural or artistic interest, historic connections or value, or archaeological significance, but which has not been nationally designated by English Heritage. The reason that an asset is not nationally designated may be that it is not sufficiently distinctive of its type, the historic connection is solely local, the asset has been altered more than was considered acceptable, or in rare cases it is less than 30 years old. It may also be found that it has been missed by the national listing process. A nationally designated heritage asset which has been taken off the National Heritage List for England (made up of Scheduled Monuments, Listed Buildings, Registered Parks and Gardens, Registered Battlefields and Protected Wreck Sites) should be assessed for Local Listing.

The process of Local Listing identifies, assesses and describes a heritage asset against one or more of the attached criteria. The objective is to do so in a robust and consistent manner across the whole District, distinguishing only those assets which are of the greatest merit or local interest. Once identified, assessed, and described, the heritage asset is recommended for Local Listing by a Selection Panel in a public hearing, permitting representation by interested parties. The final listing decision is taken by West Berkshire Council.

Local Listing of a heritage asset will constitute a material consideration when making planning decisions that affect them or their setting. The relevant national policy is found within the National Planning Policy Framework (March 2012) at paragraphs 135 and 136, which state:

- “135. The effect of an application on the significance of a non-designated heritage asset should be taken into account in determining the application. In weighing applications that affect directly or indirectly non-designated heritage assets, a balanced judgement will be required having regard to the scale of any harm or loss and the significance of the heritage asset.
136. Local planning authorities should not permit loss of the whole or part of a heritage asset without taking all reasonable steps to ensure the new development will proceed after the loss has occurred.”

Where an undesignated asset is found to be of national significance a proposal will be made to English Heritage for its inclusion in the National Heritage List for England.

3. Parish Working Groups

Heritage assets will be investigated, evaluated and recommended for listing on a parish basis, by assessors nominated by either the parish council or a local heritage society. It is envisaged that Parish councils and local heritage societies will work together in a Parish Working Group. Assessors may also be members of the Heritage Forum Committee or Council employees.

Training for assessors will be provided by a training course held from time to time by West Berkshire Council and the Heritage Forum. If a training course is available, assessors who have not been trained should attend it. Assessors for whom no training course has been available should work under the supervision of another assessor who has attended the course.

An assessor is subject to the approval of the Chairman or an Officer of the Heritage Forum, who will supply him/her with a letter of authority. Subject to this, Parish Working Groups will assign and direct assessment responsibilities. Assessors must have access to electronic communication and be able to take and transmit digital photographs.

Guidance on the process and approaches to the selection and assessment of heritage assets will be produced by the West Berkshire Heritage Forum. This guidance will set out the key steps, the main research sources and advice on how to identify elements and features of significance. Together with the training the guidance will promote consistency of approach and ensure that assessors produce robust cases for consideration by the Selection Panel.

If no Parish Working Group is formed in a parish where there are assets which appear suitable for local listing, the Heritage Forum may set up a body with an equivalent function.

4. The Selection Panel

Recommendations for Local Listing will be considered, and if found suitable be forwarded for approval, by a Selection Panel comprising persons external to West Berkshire Council or the Heritage Forum who have appropriate qualifications, experience, knowledge, or standing in the heritage sector¹. Meetings of the Panel will comprise a quorum of four of these external specialists and at least one representative each of West Berkshire Council and the Heritage Forum. The Panel will elect its own Chairperson, who may be an external specialist or West Berkshire Council or Forum representative.

The Selection Panel will also hear and rule on objections made by owners of a heritage asset against assessment of their asset for local listing.

¹ Examples of organisations which may be able to recommend such specialists are Universities, RIBA, RICS, Institute of Civil Engineers (Historic Engineering Panel), RTPI, TCPA, SPAB, Council for British Archaeology, Institute for Historic Building Conservation, Historic Towns Forum, and Country Landowners Association.

Decisions of the Selection Panel will be taken by a vote in favour by a majority of the external specialists present, the representatives of West Berkshire Council and the Heritage Forum not voting.

Members will be invited to join the Selection Panel by the Chairman or an Officer of the Heritage Forum, with the prior agreement of West Berkshire Council. Membership will be for a period of two years and may be renewed with the same agreement.

The Secretary of the Selection Panel will be provided by Heritage Forum. The Secretary will:

- (i) Convene meetings of the Selection Panel.
- (ii) Arrange for announcements of its meetings on West Berkshire Council's web site 20 days in advance.
- (iii) Prepare and issue an agenda to Selection Panel members attending the meeting.
- (iv) Copy the agenda to the Parish Working Group and the owner of the asset or his/her nominated curator, who will be informed that they can speak.
- (v) Issue to the Selection Panel members attending the meeting the papers for each case supplied by the Parish Working Group.
- (vi) Issue summary minutes of decisions.

Meetings of the Selection Panel will be open to the public and press.

All communications on Selection Panel proceedings and all distribution of relevant documents will be made electronically.

5. The Process

5.1 A heritage asset may be proposed for Local Listing by the public, the parish council, the heritage society, or an assessor. The Parish Working Group will make a preliminary evaluation of all proposals.

5.2 Assessment by the Parish Working Group

If a Parish Working Group considers that an asset merits consideration, it will request the assessor to prepare an initial report. If this is favourable:

- (i) The assessor will advise the identity and address of the asset to the Heritage Forum, which will assign it a unique identification number to be used for all subsequent references until it is approved for Local Listing.
- (ii) The assessor will identify the owner and advise the Heritage Forum of the owner and the asset, and the outline reasons for recommendation.
- (iii) An Officer of the Heritage Forum will, if he/she agrees, write to the owner to advise him/her that the asset is being considered for local listing, the outline reasons if appropriate, the name of the assessor whom he/she will be dealing, and the process being followed.

The owner may not be formally contacted until this letter is sent, although if informal contacts already exist they should of course continue. If the owner is in agreement, the assessor will work with the owner or custodian of the asset to prepare a formal report. If the owner objects, he/she will have six weeks in which to appeal to the next session of the Selection Panel, when the objection will be formally considered. At the Selection Panel, representations will be heard in the following order:

- The assessor or the Parish Working Group.
- The owner of the asset.

Each such representation will be permitted 5 minutes, after which the Panel may ask questions.

After the representations, discussion is by the Panel alone. The Panel may:

- (a) Rule that the asset is considered for Local Listing.
- (b) Rule that the asset is not considered further.
- (c) Defer a decision to the next meeting of the Panel, while asking for further information or evaluation by the assessor, the owner, or an outside specialist body, or carrying out a site visit.

5.3 Formal Report

The formal report prepared by an assessor on a heritage asset will comprise the following information:

- (i) The name of the asset.
- (ii) The name and address of the owner of the asset.
- (iii) One or more photographs of the asset.
- (iv) The criterion or criteria under which it qualifies for listing, identified by its number.
- (v) The known or believed date of construction.
- (vi) The present use.
- (vii) A description of the asset.
- (viii) The reason for the recommendation.
- (ix) The date of the report.

When the formal report is completed, it is forwarded to the owner and/or a curator nominated by the owner, to the Heritage Forum, and to the Secretary of the Selection Panel. 20 days must elapse between production and submission of the formal report and its consideration by the Selection Panel at a formal hearing.

5.4 Formal hearing

The Selection Panel will consider at formal hearing each formal report on a heritage asset recommended for local listing.

At the formal hearing, representations will be invited in the following order from:

- (a) The assessor or the Parish Working Group.
- (b) Members of the public who wish to speak.
- (c) The owner of the asset or his/her nominated curator.

Each such representation will be permitted 5 minutes, after which the Panel may ask questions.

After the representations, discussion is by the Panel alone. The Panel may:

- (i) Recommend the asset for Local Listing.
- (ii) Reject the asset for Local Listing.
- (iii) Defer a recommendation to the next meeting while asking for further information or evaluation by the assessor, the owner, or an outside specialist body.
- (iv) Defer a recommendation to the next meeting while carrying out a site visit.
- (v) Recommend to West Berkshire Council that the asset be proposed to English Heritage for inclusion in the National Heritage List for England.

When the Panel considers that a decision on an asset provides guidance for future assessments, it will publish its reasons.

If the asset is not recommended, it may be re-submitted at a later date with further information. The Panel may refuse such a re-hearing.

5.5 Approval

Each recommendation by the Selection Panel of an asset for Local Listing will be considered by the Head of Planning and the Portfolio Holder for Planning, who will approve or not approve it on behalf of the Council. If the asset is approved, the Secretary of the Selection Panel will assign it a sequential Local Listing identification number for the whole District and arrange to publish details on West Berkshire Council's web site. These details will comprise the formal report and the information established at the formal hearing:.

- (i) The name of the asset.
- (ii) One or more photographs of the asset.
- (iii) The criterion or criteria under which it qualifies for listing, identified by its number.
- (iv) The known or believed date of construction.
- (v) The present use.
- (vi) A description of the asset.
- (vii) The reason for the recommendation.
- (viii) The date of approval.
- (ix) The Local Listing number.

Copies of the formal report will be deposited in the West Berkshire Historic Environment Record, as the primary index of the physical remains of past human activity in the unitary authority.

If the asset is not approved, the Council may reject it or refer it to the Selection Panel for further consideration or information. A further formal hearing and recommendation by the Selection Panel would be necessary before the Council could re-consider it.

6. Publicity

All publicity on the Local Listing process will be subject to approval by both the Heritage Forum and West Berkshire Council.

7. Conflicts of interest

No assessor or Selection Panel member may be involved in evaluating a heritage asset in which he/she has a material interest, either direct or indirect. Such a conflict of interest should obviously be declared as early as possible. In case of doubt, a potential conflict would be declared and adjudged at a meeting of the Selection Panel. At a formal hearing, a Selection Panel member with such a material interest would leave the room. If in consequence the Selection Panel were not quorate the case could not be considered at that Panel meeting.

8. Expenses

Expenses are not payable to assessors or Selection Panel members other in exceptional circumstances. Any payments by the Heritage Forum must be approved by two Officers.

Anthony Pick
Chairman, West Berkshire Heritage Forum
24th July 2012

West Berkshire Heritage Forum
Criteria for Local Listing

Definition of a Heritage Asset

A heritage asset may be:

- (i) A building, in whole or part.
- (ii) The curtilage or outbuildings of a locally or nationally listed building.
- (iii) A group of buildings.
- (iv) An archaeological site.
- (v) A designed landscape, park, or garden.
- (vi) A site or landscape with exceptional local or national historic connections.
- (vii) An outdoor artistic feature.
- (viii) A memorial or monument.
- (ix) An item of outdoor furniture or signage.
- (x) A landmark.

Definition of "Local"

"Local" may mean, according to context:

- (a) The local town or parish.
- (b) A sub-district of West Berkshire.
- (c) West Berkshire.

The Criteria

A building, structure, site, monument or landscape should be considered for local listing if it satisfies any one or more of the following.

Architectural or Artistic Interest

- 1. Does it contain any significant features dating from before 1700?
- 2. If 1700-1840, does it substantially retain its original design and architecture?
- 3. If 1840-1919, is its design and architecture characteristic of the period?
- 4. If 1919-1939, is its design and architecture of exceptional interest and quality?
- 5. If after 1939, is its design and architecture of outstanding interest and quality?
- 6. Is it of innovative and distinctive design, architecture, or materials?
- 7. Is it an exceptional instance of local design, architecture, or materials?
- 8. Is it of exceptional aesthetic merit?
- 9. Was it built or designed by a nationally important architect, artist, or designer?
- 10. Was it built or designed by a locally important architect, artist, or designer?

Historic Interest

- 11. Is it associated with a person of national historic reputation?
- 12. Is it associated with a person of local historic reputation?
- 13. Had it a significant and distinctive role in local history, such as cultural, political, civic, educational, social, religious, economic, industrial, agricultural, transport, or military history?
- 14. Had it a significant role in national history?
- 15. Is it recognised as a national or local war memorial?
- 16. Does it commemorate an event of particular national or local historical significance?

Archaeological Interest

- 17. Is it a site with the demonstrable and definable potential to contain deposits and/or artefacts of regional or local archaeological significance*?

18. Has it surviving visible remains (such as earthworks, walls, or structures) of regional or local archaeological significance?

Designed Landscapes of Interest

19. Does it retain some or all of its historic features, layouts, and planting?
20. Does it possess special local significance for its recreational, cultural, historic, or aesthetic value?
21. Does it provide views of the surrounding townscape which are visually significant or satisfying?

Group Interest

22. Does it contribute significantly to the character, ambience, or setting of a nationally or locally listed heritage asset?
23. Does it contribute significantly to the townscape, landscape, street scene, or perspective of a nationally or locally listed heritage asset?
24. Does it contribute to the character of an approved conservation area?
25. Is it a landmark asset in the area, due to its strong communal or historical associations or its striking aesthetic value?
26. Does it indicate a boundary of historic significance?

*The level of archaeological significance is to be determined using the criteria set out by the Department for Media, Culture and Sport in 2010 for Scheduled Monuments, as advised by the West Berkshire Archaeology Service.

Anthony Pick
Chairman, West Berkshire Heritage Forum
30th May 2012

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APPENDIX B

Equality Impact Assessment – Stage One

Name of item being assessed:	Local Listing in West Berkshire
Version and release date of item (if applicable):	N/A
Owner of item being assessed:	Bryan Lyttle
Name of assessor:	Bryan Lyttle
Date of assessment:	21st August 2012

1. What are the main aims of the item?

To provide a framework by which the physical heritage assets of West Berkshire can be assessed for local significance and recorded if appropriate.

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 reassignment; marriage and civil partnership; pregnancy and maternity; race; religion or belief; sex; sexual orientation)

Group Affected	What might be the effect?	Information to support this.
Further comments relating to the item:		
The item concerns the listing of a heritage asset which is considered to enhance the character and attraction of the local area by its distinctive or outstanding architectural or artistic interest. It does not consider ownership and therefore applies equally to all residents of West Berkshire.		
3. Result (please tick by clicking on relevant box)		
<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: Bryan Lyttle
 Planning and Transportation Policy Manager.

Date: 21 Aug 2012

Title of Report:	Proposed Member Development Programme for 2012 to 2015
Report to be considered by:	Council
Date of Meeting:	27 September 2012
Forward Plan Ref:	C2501

Purpose of Report:

1. To agree the Member Development Programme for 2012/2013.
2. To consider the delivery of Member Development until the next District Council Elections in May 2015.

Recommended Action:

Council is asked to note the proposed Member Development Programme for 2012/2013 and the future delivery of Member Development sessions until May 2015.

Reason for decision to be taken:

To allow the Member Development programme for 2012/2013 to continue. To agree the future structure for the delivery of Member Development sessions until May 2015.

Other options considered:

None

Key background documentation:

None

The proposals will help achieve the following Council Plan Theme:

☒ **Doing what's important well**

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

Ensuring Members are adequately trained for their roles.

Portfolio Member Details

Name & Telephone No.:	Councillor Graham Jones - Tel (01235) 762744
E-mail Address:	gjones@westberks.gov.uk
Date Portfolio Member agreed report:	22 August 2012

Contact Officer Details

Name:	Jude Thomas
Job Title:	Members Services Officer
Tel. No.:	01635 519083
E-mail Address:	jathomas@westberks.gov.uk

Implications

Policy: Member Development Strategy 2008-2011

Financial: A budget of £2k has been set aside for Member Development. Wherever appropriate training will be delivered in-house to ensure that costs are kept as low as possible.

Personnel: N/A

Legal/Procurement: N/A

Property: N/A

Risk Management: N/A

Equalities Impact Assessment: Report to note only

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 The Member Development Group (chaired by the Chief Executive and attended by Councillors Hilary Cole and Gwen Mason) met on 18th July 2011 to make suggestions for the delivery of Member Development sessions until the next Elections in May 2015.
- 1.2 The Member Development Group agreed that the principle of holding Member Development sessions should continue, mainly to allow Members to come together as a group and meet with Officers they may not ordinarily have contact with. For this reason the use of e-learning for Members was not recommended as a way forward.

2. Proposals

- 2.1 At the Council meeting held on the 06 December 2011 it was agreed that a four year training programme should be put in place covering a wide variety of Council services. It was agreed that no more than three of these service-based sessions should be held per year and Members should have the option to seek inclusions in the programme where there were vacancies. In addition, it was recommended that the Chief Executive should provide a joint policy/finance session to Members every six months.
- 2.2 Those Members who are appointed to Planning and Licensing Committees should receive training on an annual basis, before one of their scheduled meetings and in line with any significant policy changes.
- 2.3 The following Member Development programme was agreed for the period up until 2015. Where sessions are 'to be confirmed', the content is to be agreed by the Member Development Group. It is suggested that the Member Services Officer should liaise with the two Group Executives to agree suitable dates for sessions where they have not yet been assigned. The scheduling of these sessions should take into account existing meetings, the need to avoid holiday periods and finally the build up to the District Council Elections in May 2015.

2012/2013	
National Planning Policy Framework	27 June 2012
National Planning Policy Framework	4 July 2012
National Planning Policy Framework	18 July 2012
Core Strategy	25 July 2012
Future of the Standards Committee	30 July 2012
Core Strategy	8 August 2012
Trading Standards/Environmental Health	3 September 2012
Six monthly Policy/Finance update with Nick Carter	01 October 2012
Media Training (with interviews)	05/27 November 2012
Countryside and Public Rights of Way	21 January 2013 (prov)
The Changing Face of Education (inc. Corporate Parenting)	04 February 2013 (prov)
Public Health – An Introduction	11 March 2013 (prov)

2013/2014	
Adult Social Care	03 June 2013 (prov)
Public Health Update	09 September 2013 (prov)
Six monthly Policy/Finance update with Nick Carter	21 October 2013 (prov)
Children's Services	27 January 2014 (prov)
Partnerships & Visions – An Overview	24 February 2014 (prov)
Annual Planning and Licensing updates	Ad hoc
Six monthly Policy/Finance update with Nick Carter	29 April 2014 (prov)
2014/2015	
Culture & Leisure	June 2014
Public Health Update	September 2014
To be confirmed	To be confirmed
To be confirmed	To be confirmed
Annual Planning and Licensing updates	Ad hoc
Six monthly Policy/Finance update with Nick Carter	September 2014 and April 2015 (if required)

* Officers are consulting Members as to whether they would like to attend additional repeat day time sessions for the above courses.

2.4 The following sessions were held in 2011/12 Municipal Year:

2011/2012	Session date	No of members attending the Session	Average Overall Score for the Sessions
Highways issues with Mark Edwards	14 November 2011	21 (40%)	
The Local Enterprise Partnership (at the request of the Executive Member with responsibility for Economic Development)	09 January 2012	27 (52%)	
Policy/Finance update with Nick Carter/Andy Day	07 February 2012	24 (52%)	
Public Health Transition	19 April 2012	28 (54%)	3.1

3. Equalities Impact Assessment Outcomes

3.1 There is no decision to be made and therefore no Equality Impact Assessment has been undertaken.

4. Conclusion

4.1 Council is asked to note the sessions that were arranged during 2011/12 as well as the sessions that are planned for the period 2012 to 2015.

Appendices

There are no appendices to this report.

Consultees

Local Stakeholders: Councillors Hilary Cole and Gwen Mason

Officers Consulted: Moira Fraser, Democratic Services Manager, Corporate Board,
Lead Officers

Trade Union: Not consulted

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Agenda Item 18.

Title of Report:	Constitutional Issues
Report to be considered by:	Council
Date of Meeting:	27 September 2012
Forward Plan Ref:	C2547

Purpose of Report:

To outline two issues which were recently discussed by the Governance and Audit Committee and to obtain a Council view on the way forward in each case.

Recommended Action:

- (i) To agree that, in future, all March Council meetings (budget meetings) should commence at 6.30pm.
- (ii) To determine whether to undertake a review of the current governance arrangements (Executive and Scrutiny) with a view to returning to committee system of governance in accordance with Section 21 of the Localism Act 2011.

Reason for decision to be taken:

- (i) To ensure that sufficient time is allocated for debate for each item at the March Council meeting rather than having to expedite items through to finish the meeting by 10.00pm.
- (ii) To ensure that the Council is operating the most open, transparent, accountable and efficient form of governance.

Other options considered: N/A

Key background documentation: Localism Act 2012

The proposals will also help achieve the following Council Strategy principle:

☒ **CSP8 - Transforming our services to remain affordable and effective**

The proposals contained in this report will help to achieve the above Council Strategy priorities and principles by:

Ensuring that the Constitution is fit for operational purposes.

Member Details	
Name & Telephone No.:	Councillor Tony Vickers – Tel (01635) 230046
E-mail Address:	tvickers@westberks.gov.uk
Date Portfolio Member agreed report:	N/A

Contact Officer Details	
Name:	Andy Day
Job Title:	Head of Strategic Support
Tel. No.:	01635 519459
E-mail Address:	aday@westberks.gov.uk

Implications

Policy:	Neither issue referred to in this report impact on any policies of the Council.
Financial:	It is difficult, at this stage, to articulate the likely costs of adopting a Committee system of governance as this will depend on the final model adopted. The report recommends that any new form of governance should be adopted from the Annual Meeting in May 2013. In carrying out any review there will be a requirement to develop appropriate committee structures, terms of reference and review the current Scheme of Delegation and Members Allowances Scheme. Resources will need to be identified to carryout this work in the timescales suggested.
Personnel:	Any change in the system of governance adopted could have personnel implications depending on the model adopted. The Council currently has a small number of dedicated Committee staff and any proposed change of governance structures would need to consider the potential impact on staff and costs.
Legal/Procurement:	Any review of the current governance structures would accord with the Localism Act 2011.
Property:	N/A
Risk Management:	N/A
Equalities Impact Assessment:	EIA Stage 1 attached as Appendix A.

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"/>	
Report is to note only	<input type="checkbox"/>	

Executive Summary and Report

1. Introduction

- 1.1 At its meeting on 9 July 2012 the Governance and Audit Committee considered two issues which were referred to Council for determination. These issues were:
- (i) Start time for the March (budget) Council meeting;
 - (ii) Review of the Council's current governance arrangements (Executive and Scrutiny) with a view to possibly returning to a committee system of governance.

2. Proposals

Start time of the March Council Meeting

- 2.1 Councillor Tony Vickers presented a report to the Governance and Audit Committee calling for the Council to commence the March (budget) Council meeting at 6.30pm rather than 7.00pm. The reason for this proposal was that very often items which followed the Revenue Budget item had to be expedited in order to ensure that the meeting finished by 10.00pm. This effectively meant that equally important items were not always given sufficient debating time before a decision was made.
- 2.2 The Governance and Audit Committee supported this proposal and agreed to recommend to Council that the March meeting of Council (budget meeting) should start at 6.30pm in the future rather than 7.00pm.

Review of the Council's Governance Structures

- 2.3 The Governance and Audit Committee considered a report prepared by Councillor Vickers recommending that the Council be asked to consider carrying out a review of the current governance structures (Executive and Scrutiny) with a view to returning to a committee system of governance.
- 2.4 It was recalled that the Council had written asking that the Secretary of State to amend the Localism Bill to enable Local Authorities to return to a committee system of governance prior to their next ordinary elections. The Bill had been drafted restricting Local Authorities from being able to change governance systems until their next ordinary elections, in West Berkshire's case 2015. The Localism Act 2011 had now been drafted without this restriction which meant that Local Authorities were free to change their governance structures at their annual meetings.
- 2.5 At its meeting on 15 November 2010 Governance and Audit Committee agreed to establish a task group to carry out this review but this had not happened for a number of reasons. The Committee therefore felt that given the fact that Council had not formally approved a review of its governance structures taking place the principle of carrying out any review should, in the first instance, be endorsed by Council.

3. Equalities Impact Assessment Outcomes

- 3.1 Any change of governance structures would not negatively impact of any of the protected groups as any new structures would still be developed with openness, transparency and accountability in mind.

Consultees

Local Stakeholders: N/A

Officers Consulted: David Holling, Nick Carter

Trade Union: N/A

APPENDIX A

Equality Impact Assessment – Stage One

Name of item being assessed:	Review of Governance Structures
Version and release date of item (if applicable):	
Owner of item being assessed:	Andy Day
Name of assessor:	Andy Day
Date of assessment:	13 July 2012

1. What are the main aims of the item?
To carry out a review of the Council's governance structures with a view to returning to a committee system of governance.

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 reassignment; marriage and civil partnership; pregnancy and maternity; race; religion or belief; sex; sexual orientation)		
Group Affected	What might be the effect?	Information to support this.
Further comments relating to the item:		
It is not expected that any change in governance structures would impact on any of the protected groups.		

3. Result (please tick by clicking on relevant box)
<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 Day

Date: 30 August 2012

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Title of Report:	Amendments to Parts 9 and 10 of the Council's Constitution
Report to be considered by:	Council
Date of Meeting:	27 September 2012
Forward Plan Ref:	C2459

Purpose of Report: To consider changes to the Financial Rules of Procedure and Protocols in light of legislation changes following a review by the Finance and Governance Group and Governance and Audit.

Recommended Action: To agree the proposed revisions to Parts 9 and 10 of the Constitution.

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 Strategy principle(s):
☒ **CSP9 - Doing what's important well**
 The proposals contained in this report will help to achieve the above Council Strategy priorities and principles 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) – Tel (01635) 44770
E-mail Address:	jbeck@westberks.gov.uk
Date Portfolio Member agreed report:	29 August 2012
Contact Officer Details	
Name:	Joseph Holmes
Job Title:	Chief Accountant
Tel. No.:	01635 519474
E-mail Address:	jholmes@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 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"/>	
Report is to note only	<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 review the Council's Constitution on a regular basis. 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 9 and 10 of the Constitution.

2. Proposals

- 2.1 That the amendments to Parts 9 and 10 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. Equalities Impact Assessment Outcomes

- 3.1 EIA Stage 1 attached as Appendix A.

4. Conclusion

- 4.1 The report is a required update to consider amendments to the Financial Rules of Procedure and Protocols in light of legislation changes.

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 Finance and 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 Finance and Governance Group are allocated responsibility for maintaining specific Articles and Rules of the Constitution.
 - (3) That the Finance and 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. This report proposes amendments to Parts 9 and 10 of the Constitution.

2. Outline of the changes

- 2.1 Part 9 – Budget and Policy Framework Rules of Procedure
- (1) Remove and amend sections around 9.2.5 to better clarify the wording;
 - (2) Changes to in-year budgets due to Central Government funding changes requiring a report to Executive - the £100k mark was removed as 1% of the budget is always over £1m, not £100k. This is amending an error in the original constitution.
- 2.2 Part 10 – Financial Rules of Procedure
- (1) Minor amendments on the roles and responsibilities of Heads of Service (section 10.2.9)

3. Conclusion

- 3.1 The report is a required update to consider amendments to the Financial Rules of Procedure and Protocols in light of legislation changes.

Appendices

Appendix A – Equality Impact Assessment – Stage 1

Appendix B – Part 9 of the Constitution

Appendix C – Part 10 of the Constitution

Consultees

Local Stakeholders: Not consulted

Officers Consulted: Finance and Governance Group, Corporate Board, Governance and Audit Committee

Trade Union: Not consulted

APPENDIX A

Equality Impact Assessment – Stage One

Name of item being assessed:	Amendments to Parts 9 and 10 of the Council's Constitution
Version and release date of item (if applicable):	
Owner of item being assessed:	Andy Walker
Name of assessor:	Joseph Holmes
Date of assessment:	17 July 2012

1. What are the main aims of the item?
The item is to approve the amendments to Parts 9 and 10 of 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 reassignment; marriage and civil partnership; pregnancy and maternity; race; religion or belief; sex; 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 9 and 10 of the Council’s Constitution. This means that Officers making decisions will be required to act according to Council Policy already in place, and remain neutral when making a decision.		

3. Result (please tick by clicking on relevant box)	
<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:	x

Name: Joseph Holmes

Date: 17 July 2012

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Part 9

Budget and Policy Framework Rules of Procedure

Document Control

Document Ref:	WB/P&C/MF/2008-11	Date Created:	May 2007
Version:	2	Date Modified:	May 2011
Revision due			
Author:	Moirra Fraser – Democratic Services Manager		
Owning Service	Policy and Communication		

Change History

Version	Date	Description	Change ID
1	May 2011	Renumbered as Part 9 (Previously Part 10)	9.2.2, 9.2.4, 9.2.5, 9.2.6, 9.2.7, 9.4.1, 9.4.4
2			
3			



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9.1 The Framework for Executive Decisions

The Council will be responsible for the adoption of its Budget and Policy Framework as set out in Article 5 in Part 2 of this Constitution. Once the Budget and Policy Framework is in place, it will be the responsibility of the Executive to implement it.

9.2 Process for Developing the Framework

9.2.1 Publication

The Executive will publicise, by including in the Forward Plan, a timetable for making proposals to the Council for the adoption of any plan, strategy, policy or budget that forms part of the Budget and Policy Framework, and its arrangements for consultation after publication of those initial proposals. The Chairman of the Overview and Scrutiny Management Commission will also be notified.

9.2.2 Role of the Overview and Scrutiny Management Commission and Select Committees

As the Overview and Scrutiny Management Commission and any of its Sub-Committees have responsibility for fixing their own work programme, it is for them to investigate, research or report in detail with policy recommendations before the end of the consultation period, if they so wish. The Executive will take any response from a Commission or Scrutiny Committee into account in drawing up firm proposals for submission to the Council and its report to Council will reflect the comments made by consultees and the Executive's response.

9.2.3 Role of Council

The Council will consider the proposals of the Executive and may adopt them, amend them, refer them back to the Executive for further consideration, or substitute its own proposals in their place.

9.2.4 Notification of Council Decisions

The Council's decision will be publicised in accordance with Part 4 of this Constitution and a copy shall be given to the Leader of the Council. The notice of decisions shall be dated and shall state either that the decision shall be effective immediately (if the Council accepts the Executive's proposal without amendment) or (if the Executive's proposal is not accepted without amendment), that the Council's decision will become effective on the expiry of five clear working days after the publication of the notice of decision, unless the Leader of the Council or his/her nominated deputy formally objects in that period.

9.2.5 Reconsideration by Council following Objections

The Council meeting must take place within ten clear working days of the receipt of the Leader of the Council's written objection. At that Council meeting, the decision of the Council shall be reconsidered in the light of the objection, which shall be available in writing for the Council.

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If the Leader of the Council objects to the decision of the Council, they shall give written notice to

Deleted: Head of Strategic Support to that effect prior to the date upon which the decision is to be effective. The written notification must state the reasons for the objection. Where such notification is received,

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The Council shall, at that meeting, make its final decision on the matter on the basis of a simple majority. The decision shall be made public in accordance with Part 4 of this Constitution, and shall be implemented immediately.

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9.2.6 Extent of Virement by Executive

In approving the Budget and Policy Framework, the Council will also specify the extent of virement within the Budget and degree of in-year changes to the Policy Framework which may be undertaken by the Executive, in accordance with paragraphs 9.4.4 (Virement) and 9.4.5 of these Rules (In-Year Changes to Policy Framework). Any other changes to the Budget and Policy Framework are reserved to the Council.

9.3 Decisions Outside the Budget and Policy Framework

9.3.1 Scope

Subject to the provisions of Rule 9.4.4 (Virement), the Executive, Committees of the Executive, individual Members of the Executive and any Officers or joint arrangements discharging Executive functions may only take decisions which are in line with the Budget and Policy Framework. If any of these bodies or persons wishes to make a decision which is contrary to the Policy Framework, or contrary to or not wholly in accordance with the Budget approved by full Council, then that decision may only be taken by the Council, subject to Rules 9.4.1 to 9.4.3 below.

9.3.2 Advice on Decisions

If the Executive, Committees of the Executive, individual Members of the Executive and any Officers or joint arrangements discharging Executive functions want to make such a decision, they shall take advice from the Monitoring Officer and/or the Section 151 Officer or nominated Officer as to whether the decision they want to make would be contrary to the Policy Framework, or contrary to or not wholly in accordance with the Budget. If the advice of either of those Officers is that the decision would not be in line with the existing Budget and/or Policy Framework, then the decision must be referred by that body or person to the Council for decision, unless the decision is a matter of urgency, in which case the provisions in Rules 9.4.1 to 9.4.3 (Urgent Decisions Outside the Budget and Policy Framework) shall apply.

9.4 Urgent Decisions Outside the Budget and Policy Framework

9.4.1 Basic Rules

The Executive, Committee(s) of the Executive, individual Members of the Executive and any Officers or joint arrangements discharging Executive functions may take a decision which is contrary to the Council's Policy Framework or contrary to or not wholly in accordance with the Budget approved by full Council if the decision is a matter of urgency. However, the decision may only be taken:

- if it is not practical to convene a quorate meeting of the full Council; and
- if the Chairman of the Overview and Scrutiny Management Commission agrees that the decision is a matter of urgency.

9.4.2 Notification of Decision not to Call Quorate Meeting

The reasons why it is not practical to convene a quorate meeting of full Council and the Chairman of the Overview and Scrutiny Management Commission's consent to the decision being taken as a matter of urgency must be noted on the record of the decision. In the absence of the Chairman of the Overview and Scrutiny Management Commission, the consent of the Chairman of the Council, and in the absence of both, the Vice-Chairman, will be sufficient.

9.4.3 Report to Council

Following the decision, the decision-taker will provide a full report to the next available Council meeting explaining the decision, the reasons for it and why the decision was treated as a matter of urgency.

9.4.4 Virement

Steps taken by the Executive, Committee(s) of the Executive, an individual Member of the Executive and any Officers or joint arrangements discharging Executive functions to implement Council policy shall not exceed those budgets allocated to each budget head. However, such bodies or individuals shall be entitled to vire across budget heads up to £250,000, with a limit per individual virement of £100,000 compared to the budget approved by Council and detailed in the annual budget produced by the 1st April each year. In the case of Executive Members, virement will also require the agreement of the Leader. Beyond that limit, approval to any virement across budget heads shall require the approval of the full Council, delegated to the Executive.

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All virements over £50,000 between directorates must be reported to the Council, delegated to the Executive. Any in year unplanned contributions from reserves will need to be reported by the Executive; those at year end are considered by the Governance and Audit Committee as part of approving the Council's financial statements. Financial Rules on use of funds in an emergency are set out in Part 10 of this Constitution (Financial Rules of Procedure).

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Any in-year amendments from central government to the Council's net budget of over / under 1% of the net budget approved by the Council will require the sign off of the Portfolio Holder for Finance on the advice of the Section 151 Officer, followed by a report to the Executive outlining the changes if they are over the 1%.

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Any Support Service Recharges (allocation of overheads) for accounting purposes are excluded from the above.

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9.4.5 In-Year Changes to Policy Framework

The responsibility for agreeing the Budget and Policy Framework lies with the Council, and decisions by the Executive, Committees of the Executive, an individual Member of the Executive and any Officers or joint

arrangements discharging Executive functions must be in line with it. Changes to any policy or strategy can only be made by the Executive, who shall take the advice of the Monitoring Officer and/or Section 151 Officer or nominated Officer, where it:

- will result in the closure or discontinuance of a service or part of service to meet a budgetary constraint;
- is necessary to ensure compliance with the law, ministerial direction or Government guidance;
- is in relation to the Policy Framework in respect of a policy which would normally be agreed annually by the Council following consultation, but where the existing policy document is silent on the matter under consideration.

9.5 Call-in of Decisions Outside the Budget or Policy Framework

9.5.1 Officer Advice on Decisions

Where the Overview and Scrutiny Management Commission is of the opinion that an Executive decision is, or if made would be, contrary to the Policy Framework, or contrary to or not wholly in accordance with the Council's Budget, then it shall seek advice from the Monitoring Officer and/or section 151 Officer or nominated Officer.

9.5.2 Reports to Executive

In respect of functions which are the responsibility of the Executive, the Monitoring Officer's report and/or Section 151 Officer or nominated Officer's report shall be sent to the Executive with a copy to every Member of the Council. Regardless of whether the decision is delegated or not, the Executive must meet to decide what action to take in respect of the Monitoring Officer's report and to prepare a report to Council in the event that the Monitoring Officer or the Section 151 Officer or nominated Officer conclude that the decision was a departure, and to the Overview and Scrutiny Management Commission if the Monitoring Officer or the section 151 Officer or nominated Officer conclude that the decision was not a departure.

9.5.3 Referring Decisions to Council

If the decision has yet to be made, or has been made but not yet implemented, and the advice from the Monitoring Officer and/or the Section 151 Officer or nominated Officer is that the decision is or would be contrary to the Policy Framework or contrary to or not wholly in accordance with the Budget, the Overview and Scrutiny Management Commission may refer the matter to Council. In such cases, no further action will be taken in respect of the decision or its implementation until the Council has met and considered the matter. The Council shall meet within ten clear working days of the request by the Overview and Scrutiny Management Commission. At the meeting it will receive a report of the decision or proposals and the advice of the Monitoring Officer and/or the Section 151 Officer or nominated Officer. The Council may either:

- endorse a decision or proposal of the Executive decision-taker as falling within the existing Budget and Policy Framework. In this case no further action is required, save that the decision of the Council be minuted and circulated to all Councillors in the normal way; or
- amend the Council's Financial Rules of Procedure or the policy concerned to encompass the decision or proposal of the body or individual responsible for that Executive function and agree to the decision with immediate effect. In this case, no further action is required save that the decision of the Council be minuted and circulated to all Councillors in the normal way; or
- where the Council accepts that the decision or proposal is contrary to the Policy Framework or contrary to or not wholly in accordance with the Budget, and does not amend the existing Framework to accommodate it, it will require the Executive to reconsider the matter in accordance with the advice of either the Monitoring Officer and/or Section151 Officer or nominated Officer.

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Part 10

Financial Rules of Procedure

Document Control

Document Ref:	WB/P&C/MF/2008-11	Date Created:	May 2007
Version:	1	Date Modified:	May 2011
Revision due			
Author:	Moir Fraser – Democratic Services Manager		
Owning Service	Policy and Communication		

Change History

Version	Date	Description	Change ID
1	Kay 2011	Changed to Part 10 (was Part 11) Nearly all paragraphs changed.	
2			
3			



West Berkshire
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10.1 Introduction

10.1.1 Procedures

Any organisation with a large financial turnover needs to lay down the procedures to be observed in its financial dealings. Such procedures are especially necessary in the case of a local authority which is limited by legislation in what it is able to do, is subject to statutory audit and must account for its actions and stewardship to the general public.

10.1.2 Section 151 of the Local Government Finance Act 1972

Section 151 of the Local Government Finance Act 1972 requires that every local authority shall make arrangements for the proper administration of their financial affairs and shall secure that one of their Officers has responsibility for the administration of those affairs.

The Head of Finance or nominated officer shall for the purposes of Section 151 of the Local Government Act 1972 be responsible, under the general direction of the Executive, for the proper administration of the Council's financial affairs.

10.1.3 Statutory Responsibility of Head of Finance or Nominated officer and Others

The Head of Finance or nominated officer (Section 151 Officer) has a statutory responsibility for ensuring that adequate systems and procedures exist to account for all income due to, and expenditure made on behalf of, the Council and that controls operate to protect the Council's assets from loss, waste, fraud or other impropriety.

The Head of Finance or nominated officer shall discharge that responsibility in part by the issue and maintenance of these Financial Rules of Procedure.

The Council is responsible for the adoption of its Budget and Policy Framework. The Executive is responsible for implementing the Budget and Policy Framework, which includes regulating and controlling the finances of the Council.

Heads of Service are individually responsible for the proper financial management of resources allocated to their operational areas through the budget-making process, and for the identification of all income arising from the activities within those areas. This responsibility includes the accountability for and control of staff, and the security, custody and management of assets including plant, equipment, buildings, materials, cash and stores. Each Head of Service shall in consultation with the Head of Finance or nominated officer devise and implement controls and procedures as are necessary in accordance with these Financial Rules of Procedure.

It is the Head of Finance or nominated officer who will take ultimate responsibility for ruling on the controls and procedures which each Head of Service puts in place.

10.1.4 Purpose of Financial Rules of Procedure

The purpose of these rules is therefore to set down in one document, for the benefit of Members and Officers, basic financial rules and guidance in order that everyone works to an approved common standard in the financial dealings of the Council. They do not over-ride the requirement to observe statute, including EC Directives, in everyday matters.

These Financial Rules of Procedure apply to all areas of the Council and should be read in conjunction with the rest of the Council's Constitution.

10.1.5 Financial Rules as Applying to Schools (Fair Funding Scheme)

In relation to Schools operating under the Council's Fair Funding Scheme the basis for advice and guidance to governors and head teachers is contained in these Financial Rules and also in the Council's Contract Rules of Procedure.

Under West Berkshire's Scheme of Local Management for Schools (Fair Funding), governors will be required to observe certain financial conditions relating to:

- arrangements for the management of delegated expenditure, in particular for authorising expenditure, or transactions involving commitments to expenditure;
- the keeping and auditing of accounts and records (including school funds);
- the provision to the LEA of copies of accounts and records (including school funds) and any other relevant documents and information that the LEA may, from time to time, require from the governing body.
- Entering into finance leases; this is prohibited without the consideration and permission of the Head of Finance

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10.1.6 Emergency Situations

The provision of these rules does not prevent the Council acting through the Chief Executive, Corporate Director(s) or Heads of Service from incurring expenditure which is essential to meet any immediate needs created by a sudden emergency or situation relating to Section 138 of the Local Government Act 1972. This is subject to the action being reported as soon as practicable to the appropriate authority.

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10.1.7 Scope of Financial Rules of Procedure

The purpose of these rules is to ensure that:

- Heads of Service remain within their budget and only spend what they have in their budget;
- Heads of Service maintain adequate commitment records;
- Heads of Service monitor their budgets;
- where there are any problems with overspend or failure to perform these problems are reported at the earliest opportunity;

- Heads of Service should have effective reporting arrangements from their budget holders;
- Corporate Directors should have effective reporting arrangements from their Heads of Service.

10.1.8 Unauthorised Overspend

The unauthorised overspend of a budget may lead to disciplinary action being taken against the budget holder. The unauthorised overspend overall by a service may lead to disciplinary action being taken against the Head of Service.

10.1.9 Non-Compliance with Rules

The Head of Finance or nominated officer must, after consultation with the relevant Head of Service, report to the Executive any non-compliance with the Financial Rules that come to their attention.

10.1.10 Approval of Head of Finance or Nominated officer

Where matters are to be considered by the Executive that in any way affect the finances of the Council or that require the supply of financial information by the Head of Finance or nominated officer, the Head of Finance or nominated officer must be notified by the Head of Service concerned, in sufficient time, to enable the Head of Finance or nominated officer to report. This means that the Head of Finance or nominated officer or a nominated representative must approve all financial implications on all committee reports.

10.1.11 Interpretation of Rules

Any doubt as to the interpretation of these regulations must, if unresolved after consultation with the Chief Executive, be referred to the Executive.

10.2 The Legal Framework

10.2.1 Powers of the Monitoring Officer

The Monitoring Officer has powers under Part 3 of the Local Government Act 2000 to conduct investigations which will include investigations into any breach of these Financial Rules of Procedure, and to report these breaches to the Standards Committee.

10.2.2 Current Regulations

The Statutes and Statutory Instruments and Regulations which currently affect these rules are as follows:

- Local Government Finance Act 1972 – Section 151 requires every local authority to make arrangements for the proper administration of its financial affairs and requires the local authority to ensure that one of its Officers has responsibility for the administration of those affairs.
- The Accounts and Audit Regulations 2011 – Section 5 requires the accounting system, the form of its accounts and supporting accounting records to be determined by the responsible Financial Officer who shall ensure that the accounting systems determined by them are observed and that the accounts

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and supporting records of the body are maintained in accordance with proper practices and kept up to date.

10.2.3 Accounting Records - Section 5

Section 5 also requires that the accounting records required by the Financial Officer will be sufficient to show the Council's transactions and to enable the responsible Financial Officer to ensure that any statement of accounts, incoming expenditure account, balance sheet or record of receipts and payments and additional information to be provided by way of notes to the accounts comply with the Accounts and Audit Regulations 2011.

In particular this means that accounting records must contain:

- Entries from day to day of all sums of money received and expended by the body and the matters to which the incoming expenditure or receipts and payments account relate;
- a record of the assets and liabilities of the body; and
- a record of incoming expenditure of the body in relation to claims made or to be made by them for contribution grant or subsidy from any Minister of the Crown a body to whom such a Minister may pay sums out of monies provided by Parliament or an EU Institution.

Section 5 also requires that the accounting controls systems ensure that the financial transactions of the Council are recorded as soon and as accurately as reasonably possible, that there are measures in place to enable the prevention and detection of inaccuracies and fraud and there is the ability to reconstitute any lost records.

Section 5 also requires that the duties of Officers dealing with financial transactions are identified and the division of responsibilities of those Officers are identified in relation to significant transactions and that procedures for uncollectable amounts including bad debts will not be written off except with the approval of a responsible Financial Officer or a member of staff nominated by the responsible Financial Officer.

10.2.4 Accounting Regulations – Section 6

Section 6 of the Accounts and Audit Regulations 1996 requires the Council to maintain an adequate and effective internal audit of its accounting records on control systems. Any Officer or Member of the Council shall, if Internal Audit requires, make available such documents of the Council which relate to its accounting and other records as appear to Internal Audit to be necessary for the purpose of the audit. Internal Audit shall also be supplied with such information and explanations that Internal Audit considers necessary for that purpose.

10.2.5 Review of the Systems of Internal Control – Section 4

Section 4 of the Accounts and Audit Regulations 2006 requires the Council to carry out a review of the effectiveness of the system of internal control. The results of this review, contained in the Annual Governance Statement, are considered by the Governance and Audit Committee.

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10.2.6 Review of the System of Internal Audit – Section 6

Section 6 of the Accounts and Audit Regulations 2006 require the Council to carry out a review of the effectiveness of the system of internal audit. This review is conducted by the Finance and Governance Group, and the results reported to the Governance and Audit Committee.

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10.2.7 Local Government Finance Act 1988 – Section 114

The person having responsibility for the administration of the financial affairs of the Council will report to the Council if they have reason to believe that the Council or any part of the Council:

- has made or is about to make a decision which involves or would involve the Council incurring expenditure which is unlawful, or
- has taken or is about to take a course of action which if pursued to its conclusion would be unlawful and likely to cause loss or deficiency on the part of the Authority, or
- is about to enter an item of account the entry of which is unlawful.

Under Section 114 of the [Local Government Finance Act 1988](#), the person having responsibility for the administration of the financial affairs of the Council will make a report if it appears to him/her that the expenditure of the Authority incurred (including expenditure it proposes to incur) in a financial year is likely to exceed the resources (including sums borrowed) available to it to meet that expenditure.

10.2.8 Local Government and Housing Act 1989 - Section 5

It is the duty of the Council to designate one of its Officers to be “the Monitoring Officer” and that Officer is responsible for performing the duties under Section 5 of the [Local Government and Housing Act 1989](#). The Monitoring Officer cannot be the Section 151 Officer.

10.2.9 Duties of Monitoring Officer

It is the duty of the Monitoring Officer, if at any time they believe that a proposal, decision or omission by the Authority, the Executive, or any Committee, Sub-Committee or Officer of the Authority has given rise to, or is likely to give rise to a contravention by the Authority, the Executive or any Committee, Sub-Committee or Officer of the Authority of any enactment or rule of law or any code of practice or maladministration or injustice, to prepare a report to the Authority.

Schedule 5 of the [Local Government Act 2000](#) amends Section 5 of the Local Government and Housing Act 1989 so that the Monitoring Officer may not be the Head of Paid Service.

It is the duty of the Monitoring Officer in preparing any report to the Council to consult so far as is practicable with the Section 151 Officer of the Authority.

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10.3 Accounting and System Development

10.3.1 Accounting Procedures

All accounting procedures and records of the Council and its Officers shall be determined by the Head of Finance or nominated officer in consultation, where necessary, with the appropriate Head of Service concerned. Such procedures shall have regard to Section 151 of the Local Government Act 1972 and shall be in accordance with the Accounts and Audit Regulations for the time being in force and such other statutory provisions which affect the financial affairs of the whole Council or any specific service.

10.3.2 Responsibility of Head of Finance or Nominated officer

The Head of Finance or nominated officer shall be responsible for the compilation of the main accounting records (including the provision of centralised costing and stores accounting) for the Council.

The Head of Finance or nominated officer may from time to time issue written “financial instructions” dealing with detailed procedures to be followed in certain matters. Such instructions shall be issued after consultation with the Heads of Service affected.

The Head of Finance or nominated officer shall be responsible for the maintenance of a management information system, the General Ledger.

10.3.3 Allocation of Accounting Duties

The following principles shall be observed in the allocation of accounting duties by all employees or consultants engaged by the Council:

- The duties of providing information regarding sums due to or from the Council and of calculating, checking and recording these sums, shall be separated as completely as possible from the duty of collecting or disbursing them.
- Officers charged with the duty of examining and checking the accounts of cash transactions shall not themselves be engaged in any of these transactions.

10.3.4 Consultation with Head of Finance or Nominated officer

The Head of Finance or nominated officer shall be consulted at feasibility study or initial outline specification stage (whichever is the earlier), and approve the final design or selection of any computer system likely to have an impact on corporate financial or finance - related systems, including accounting, payments, stocks, stores, payroll and income.

Notwithstanding consultation at the feasibility study stage, the Head of Finance or nominated officer shall also agree the final design of the proposed controls within any such system, prior to its production and implementation.

No feeder computer system shall be linked into any corporate financial system without prior consent or authority of the Head of Finance or nominated officer.

10.4 Internal Audit and Internal Control

10.4.1 Regulations

The Head of Finance or nominated officer shall in accordance with the Accounts and Audit Regulations 2011, arrange for a continuous and current internal audit of all activities of the Council.

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10.4.2 Role of Internal Audit

Internal Audit will assist Heads of Service and Senior Managers in the effective discharge of their responsibilities by giving assurance on financial and management control systems, identifying weaknesses, giving advice on how to resolve financial and management problems and improve control, investigating suspected irregularities and by undertaking Value for Money (VFM) reviews and management studies.

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10.4.3 Accounts and Audit Regulations required by the Secretary of State

Under Section 23 of the Local Government Finance Act 1982, the Accounts and Audit Regulations 2011, specify that any Officer or Member of the Council will, if the Section 151 Officer requires, make available documents of the Council which relate to their accounting. Other records, as appear to the Section 151 Officer necessary for the purpose of Internal Audit, will be supplied together with any such information and explanation as the Section 151 Officer considers necessary for that purpose.

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10.4.4 Powers of Internal Audit Staff

The Head of Finance or nominated officer being the authorised Internal Audit staff are empowered to enter at reasonable times any premises or land and require employees to produce Council property and records under their control.

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10.4.5 Role and Responsibilities of Internal Audit

Internal Auditors will at all times respect confidentiality.

Internal Audit will be carried out in accordance with the Code of Practice for Internal Audit in Local Government (as revised) issued by CIPFA.

On the conclusion of each internal audit review, Internal Audit will submit a report and recommendations (if any) to relevant Corporate Directors, the Head of Finance or nominated officer, Head of Service as appropriate and the Service Manager concerned. The Head of Service is responsible for agreeing an action plan to implement any recommendations. Corporate Directors and the Chief Executive will, through the performance management process, monitor progress on implementation of agreed recommendations.

Internal Audit will follow up implementation of recommendations. Recommendations will be followed up six months after the issue of the final audit report.

Internal Audit will report twice a year to Corporate Board, and the Governance and Audit Committee on the outcome of audit work and progress in implementing audit recommendations. Internal Audit will

confirm whether the policies and procedures approved by the Council are in place and being maintained throughout the Council's operations.

The Chief Internal Auditor will produce an annual report for the Governance and Audit Committee that will give an opinion on the effectiveness on the Council's System of Internal Control.

10.4.6 Irregularities with Regard to Council Functions

Where matters arise which involve or are thought to involve irregularities (cash, stores, assets of the Authority or its clients) in connection with the functions of the Authority, the Corporate Director and Head of Service concerned must ensure that the Head of Finance or nominated officer is notified immediately. They must obtain advice from the Head of Finance or nominated officer regarding investigations to be conducted. Where there is a possibility of criminal proceedings any interviews should be conducted under guidance from the Head of Finance or the Chief Internal Auditor.

A decision to refer matters to the Police will be taken by the Head of Finance or nominated officer following consultation with the Head of Legal Services, Head of Human Resources or any other appropriate officer.

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Should any Member fail to disclose a disclosable pecuniary interest the Monitoring Officer shall refer such breach to the Police in the first instance.

Internal Audit must report details of any financial irregularities to the next available meeting of Corporate Board. The Head of Finance or nominated officer will recommend whether a report is needed to the Governance and Audit Committee (and the Head of Finance or nominated officer in consultation with the Monitoring Officer will decide if a report is needed to the Standards Committee).

10.5 Treasury Management

10.5.1 Activities of Treasury Management

All Treasury Management activities will be carried out in accordance with the CIPFA "Revised Code of Practice for Treasury Management in Local Authorities 1996" and the "Treasury Policy Statement" as currently approved by the Council's Executive.

All money in the hands of the Council shall be aggregated for the purposes of Treasury Management.

10.5.2 Executive Decisions Involving Finance

All Executive decisions on borrowing, investment or financing is delegated to the Head of Finance or nominated officer who are required to act in accordance with CIPFA's Revised Code of Practice for Treasury Management in Local Authorities **1996** and the "Treasury Policy Statement" as currently approved by the Council's Executive.

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10.6 Banking Arrangements

10.6.1 Arrangements with Council's Bankers

All arrangements with the Council's bankers must be made by or under arrangements approved by the Head of Finance or nominated officer, who

is authorised to operate such banking accounts, including Girobank and Credit Card Company accounts and other electronic transactions as they may consider necessary. No other Officer has authority to open a bank account without prior specific written delegation of that authority by the Head of Finance or nominated officer.

10.6.2 Cheques

Cheques to be drawn on the Council's banking accounts will bear the facsimile signature of the Head of Finance or nominated officer or be signed by the Head of Finance or nominated officer or any other Officer authorised to do so and they will be crossed A/C Payee only.

All cheques, other than those drawn on authorised imprest accounts, shall be ordered only on the authority of the Head of Finance or nominated officer, who shall make proper arrangements for their safe custody.

10.7 Trust Funds and Private Funds

10.7.1 Responsibility of Officers

Officers administering any funds (Trust or Private) on behalf of others shall declare all such funds to the Head of Finance or nominated officer and shall deposit all securities etc., relating to such funds, with the Head of Finance or nominated officer unless the deeds otherwise provide.

10.7.2 Funds Held by Schools

All funds held by Schools shall be declared to the Board of Governors.

10.7.3 Funds Held on Behalf of Others

All funds held on behalf of others (Trust or Private) shall be subject to an annual audit, which shall be undertaken by a suitably qualified person. A copy of all audit reports and the final accounts shall be made available, on request, to Internal Audit for information. In respect of Schools, the audit report and the findings shall be presented to their School Governors.

10.7.4 Value Added Tax

Officers who are responsible for the administration of Trust or Private funds shall be responsible for ensuring that all Value Added Tax is correctly accounted for, and shall have due regard to the treatment of Value Added Tax on donated funds (as detailed in Section 15 of the Finance Act 1972).

10.7.5 Investment

Officers shall be responsible for ensuring that Trust and Private Funds are appropriately invested for the benefit of the fund. Advice as to the most appropriate method of investment will be obtained from the Head of Finance or nominated officer.

10.7.6 Officer Involvement

Officers must declare an interest and absent themselves from any managerial involvement in any trusts or private funds from which they or their family could directly or indirectly benefit.

10.8 Financial Planning “Accounting” and the Budget Process

10.8.1 Financial Strategy

The Head of Finance or nominated officer shall prepare annually a financial strategy for the Council for a short (one year), and medium term (three to four year) period. This will be reported to Corporate Board and the Executive. It will set out the parameters for the budget build process for the coming year in the light of likely grant settlement, service pressures, available balances, and consultation with clients and partners of the Council. The Budget and Policy Framework will be approved by Council.

10.8.2 Asset Management Strategy

The Head ~~of Finance~~ or nominated officer will produce and maintain an Asset Management Strategy to feed into the annual Capital Programme.

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10.8.3 Capital and Revenue Budgets

The detailed form of Capital and Revenue budgets shall be determined by the Head of Finance or nominated officer consistent with the general directions of the Executive and after consultation with Corporate Board. The Budget and Policy Framework will be approved by Council.

10.8.4 Capital Programme

Heads of Service and their nominated budget holders, in consultation with the Head of Finance or nominated officer, shall jointly prepare for consideration by Corporate Board and the Executive, a draft Capital Programme ~~alongside the~~ revenue income and expenditure budgets. These must be prepared in accordance with the policies and timescales determined by the Executive. The Budget and Policy Framework will be approved by Council.

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10.8.5 Submission to Executive

Corporate Board and the Executive must consider the strategic effect of these estimates and programmes upon the Council's financial and other resources. After any necessary amendments they must be submitted by the Executive to the Council for approval within the required legislative timetable, and with a recommendation of the overall general fund budget requirement and the Council Tax to be levied for the coming financial year.

10.8.6 Approval of Estimates

The estimates, once approved by the Council shall become the Council's Revenue Budget and Capital Programme for the next financial year.

Approval of the annual estimates by the Council will confer authority on the Executive, Committees, Corporate Directors and Heads of Service of the Council to incur revenue expenditure so provided subject to compliance with the relevant provisions of the Contract Rules of Procedure.

10.9 Revenue Expenditure - Control

10.9.1 Budgetary Control

Corporate Directors and the Chief Executive must ensure, through the performance management scheme, that their Heads of Service are managing their budgets, including commitments, appropriately by requiring regular reports from their Heads of Service.

10.9.2 Role of Heads of Service

Budgets are allocated to Heads of Service to enable them to deliver services approved by Members through the relevant Service Plan. It is the responsibility of each Head of Service to ensure that the budgets for which they are responsible are used to deliver the Service Plan and are not overspent. Where budget pressures indicate that overspending may occur, then the Head of Service must apply the rules set out under cash limited budgets below.

Heads of Service are responsible for allocating responsibility for managing each cost centre within their service. They must inform the Head of Finance or nominated officer of the allocation and any changes as soon as they occur.

Heads of Service must ensure, through the Performance Management Scheme, that their managers who are budget holders are properly trained in budget management and apply adequate budgetary control through local commitment accounting by requiring regular reports from budget holders.

10.9.3 Unauthorised Overspend

The unauthorised overspend of a budget may lead to disciplinary action being taken against the budget holder. The unauthorised overspend overall by a service may lead to disciplinary action being taken against the Head of Service.

10.9.4 Monthly Statements

The Head of Finance or nominated officer will provide each Head of Service and each Budget Holder with monthly statements of receipts and payments under each cost centre. Budget Holders must provide the Head of Finance or nominated officer with written confirmation each month that this information is correct, as this information forms the basis of reporting to Corporate Board and the Executive.

10.9.5 Cash Limited Budgets

Budgets are limited to the net annual budget for the relevant service. The Council maintains a general reserve which is to be used in exceptional circumstances where there is an uncontrollable overspend position at the end of the financial year. Therefore, Heads of Service must ensure that they and their budget holders do not overspend their service budgets.

Revenue Expenditure may not be incurred which cannot be met from the amount provided in the revenue budget under the Service for that Head of Service to which the expenditure would be charged.

The Head of Service can present overspend to the relevant Corporate Director who can consider whether the overspend can be contained within the overall service grouping. The Corporate Director and Head of Service will then report to Corporate Board for consideration and approval. Corporate Board need to take a view on what is a significant overspend in terms of the overall budget for the Council and anything which they consider significant should be reported to the Executive. Approval will only be given in exceptional circumstances. In all cases Contract Rules of Procedure must be complied with. The approval of the additional expenditure budget may include provision for the repayment of the overspend.

10.9.6 Exceeding Cost Centre Estimate

Heads of Service may authorise expenditure which would otherwise exceed the estimate for a cost centre, provided that the expenditure:

- can be met from savings or under spending on other cost centres within the same service with the exception of windfall increases in income or decreases in expenditure;
- will not constitute Capital Expenditure or result in:
 - (a) a change in the level of service provision; or
 - (b) a commitment to incur expenditure in future years; or
 - (c) a change in policy; or
 - (d) a breach of the Council's Workforce Strategy.
- is not a virement from a support service recharge code.
- is notified in the prescribed form to the Head of Finance or nominated officer who may if he/she considers that the expenditure is significant, require a report to be submitted to the Executive.

10.9.7 Carry Forward of Under and Overspends

Genuine provisions for liability as recognised by the CIPFA Code of Practice on Local Authority Accounting in the UK must be accounted for in accordance with this guidance. Where budget holders wish to carry forward any unspent monies into the next financial year, then they must provide a business case to the Head of Finance. These cases will be assessed against the relevant accounting guidance and the explanations provided in the case. The final decision for the carry forward of under spends is for the Head of Finance. [These requests are to be considered by the Finance and Governance Group](#)

Overspends are not permitted to be carried forward; all known overspends where no action can take place to rebalance budgets should be corrected via service investments and approved by the Council when setting the next financial year's budget.

10.9.8 Coding of Expenditure and Income

All expenditure and income must be charged / credited to the cost centre and appropriate account code to which it relates. Miscoding expenditure / income distorts the Council's financial information and, therefore, may result in disciplinary action being taken against the Officer responsible.

The detailed form of Capital and Revenue budgets shall be determined by the Head of Finance or nominated officer consistent with the general directions of the Executive and after consultation with Corporate Board.

Journal transfers may only be made if they have been approved by the budget holder charged with the expenditure.

Budget holders may only charge expenditure against budgets for which they are responsible.

10.10 Capital Expenditure - Control

10.10.1 Council Approval of Capital Strategy and Programme

Council's approval of the Capital Budget – The Budget and Policy Framework constitutes authority for:

- expenditure to be incurred in the budget year and the schemes included for the budget year and for the previous years to the extent that provision has already been made;
- expenditure for advance site acquisition, design fees and other associated preliminary expenditure but only if an appropriate budget allocation has been approved in the relevant year within the Capital Strategy and Programme.

10.10.2 Variations to the Approved Capital Strategy and Programme

The Council's five year Capital Strategy and Programme, which forms an integral part of the Council's Budget and Policy Framework, is generally agreed in February or March by Council. Additional expenditure requests are seen as extraordinary and, with some limited exceptions, need to be approved by the Executive (see paragraph 10.10.4). Additional investment to save bids are considered in a different way (see paragraph 10.10.3). Moving funding for approved projects between years within the five year Capital Strategy and Programme is permitted under some circumstances (see paragraph 10.10.5). It is also permitted to vire funding between approved capital projects within the financial year.

10.10.3 Additional 'Invest to Save' Bids

As part of the Council's Efficiency Programme capital investment is often used to improve the efficiency of the Council's operations. Short to long term capital investment is therefore often made to deliver long term revenue savings. Proposals that involve 'investing to save' will generally be considered as part of the annual review of the Capital Strategy and Programme.

Where opportunities are identified in year to deliver revenue savings, these opportunities will be considered on their merits in the following manner.

- The relevant Head of Service will prepare a report, in consultation with the Section 151 Officer for consideration by Capital Strategy Group.
- If the report is endorsed by Capital Strategy Group and the relevant Portfolio Holder, the Head of Service will be able to activate the recommendations in

the report and this decision will be authority for completion of any contractual documentation.

- If the proposal involves capital expenditure above £50,000 the Executive must consider and approve the proposal.
- No more than a total of £250,000 'Invest to Save' bids may be made in any one financial year beyond those already agreed by Council as part of the Capital Strategy and Programme, but excluding those bids requiring Executive approval.

10.10.4 Other Additional Expenditure Requests

Any other requests for additional capital expenditure (excluding items in paragraphs 10.10.3) outside the agreed Budget and Policy Framework will first be presented to Capital Strategy Group for consideration. If agreed they will be referred to Corporate Board and then to the Executive for approval.

10.10.5 Moving Expenditure between years within the Capital Strategy and Programme

- In general expenditure on capital schemes can only occur during the year for which approval was given by Council as part of the Capital Strategy and Programme.
- In exceptional circumstances and with the endorsement of the relevant Portfolio Holder (relevant Shadow Portfolio Member to be advised for information), following consideration by Capital Strategy Group, a scheme which has been approved in a later year(s) of the Capital Strategy and Programme may be brought forward, provided:
 - sound reasons for so doing are accepted by Capital Strategy Group or
 - future viability or delivery of the scheme is in question.
- No more than £250,000 of such schemes may be brought forward in any financial year.
- Approval of the scheme will be delegated to the relevant Corporate Director/Head of Service as Project Sponsor in consultation with the Section 151 Officer. The Corporate Director/Head of Service will have authority to enter into any contractual documentation relating to the scheme/project.

10.11 Contracts

10.11.1 Rules of Procedure

All Officers must adhere to the Council's Contract Rules of Procedure (see Part 12) relating to contracts and to these Financial Rules of Procedure before they enter into any contract.

10.12 Official Orders

Official orders shall be issued for all work, goods or services to be supplied to the Council except for supplies of public utility services, for periodical payments (rent + rates), petty cash purchases, or such exceptions as the Head of Finance or nominated Officer may approve. Orders must clearly

state the quantity of the goods and nature of the work or services and whether covered by contract or an agreed price and discounts specified therein or an estimated value. No payment will be made to suppliers without a purchase order having been raised.

10.12.1 Raising a Purchase Requisition

The Head of Service shall nominate those Officers eligible to raise Purchase Requisitions on the Council's financial system. The Finance system converts the Purchase Requisition into a Purchase Order upon the approval of the Budget Holder or nominated Authorising Officer.

10.12.2 Placing an Order

Unless you have a budget an order cannot be placed. Placing an order commits the Council to spending the money.

All official orders for goods and services must be raised using the Council's Financial System. Exceptions to this requirement require written approval from the Head of Finance or nominated Officer.

The Council's Finance system will generate the appropriate commitment accounting record of outstanding orders. Verbal orders must not be made except as a matter of genuine urgency and must be confirmed immediately with a written order produced through the Council's Finance System.

Other than in cases of genuine emergency, No supplier shall be asked to provide goods or services before a purchase order has been issued to them.

10.12.3 Regular Periodic Payments

Any circumstances causing the cessation or variation of a regular periodical payment must be notified immediately to the Head Of Customer Services or nominated officer.

Deleted: Head of Benefits and Exchequer

10.12.4 Approval of Order

The ability to raise a requisition for goods or services and the subsequent approval and creation of the Order must only be undertaken by Officers nominated by the Head of Service (10.9.2 refers). Nominations shall be notified in writing to the Head of Finance or nominated Officer.

Goods properly supplied or work done without an official order due to a genuine emergency must be covered as soon as possible by a confirmation order.

Whenever practicable the duties of requisitioning goods or services and the subsequent confirmation of their receipt (goods received note process) shall not be performed by the Officer authorising the Order.

Each Head of Service shall be responsible for all orders issued from their Service.

10.13 Goods Received Process

The Head of Service or Delegated Officer shall ensure that the Corporate Finance System is promptly updated when goods or services are received. Before completing the Goods Received Note process the verifying Officer

shall, save to the extent that the Head of Finance or nominated Officer may otherwise determine, be satisfied:

- that the goods have been duly received examined and approved as being in accordance with the specification or match the official order and are satisfactory;
- that the works done or services rendered have been satisfactorily carried out and that, where applicable, the materials used were of the requisite standard;
- that the proper entries have been made in the inventories or stores records, where appropriate;
- that the Council's purchasing guidance has been followed.

10.14 Payment of Accounts

10.14.1 Payment of Invoices

It is the Council's policy to pay all invoices within 30 days of invoice date. It is therefore the responsibility of all staff to assist Central Payments Team in ensuring invoices can be processed for payment as soon as possible through full compliance with all the relevant financial procedures.

10.14.2 Other Payment Requests

Payment requests shall be prepared in accordance with the format determined by the Head of Finance or nominated Officer who if satisfied, shall process and pay in accordance with a timetable prepared by him/her.

10.14.3 Destination of Invoices

Invoices for payment must be sent in the first instance to the Exchequer Service's Central Payments Team. Such invoices must be made out by creditors themselves and must not be made out by any Officer of the Council.

10.14.4 Amendments and Deletions

Amendments to or deletions from an invoice must only be made in exceptional circumstances and must be authorised by the Head of Finance or nominated officer. Where changes are required they must be made in ink of a distinctive colour and initialled by, or on behalf of the Head of Service, and the reasons, if not obvious, briefly stated on the invoice. No alterations to a Value Added Tax invoice may be made but a new invoice or credit note must be sought from the supplier. To avoid the possibility of duplicate payments photocopies or faxes are not accepted as valid invoices except in emergencies.

10.14.5 Payment of Invoices

The Head of Finance or nominated officer shall pay all invoices and other payment requests which they are satisfied are in order, apart from petty cash imprest accounts or Local Bank Accounts.

The Head of Finance shall ensure that appropriate arrangements are in place for ensuring that invoices received in the Central Payments Team are matched against official orders. Payment of invoices shall only be made when:

- the ordering Service has confirmed that the goods have been duly received, examined and approved;
- the prices are in accordance with the order;
- the payment is in accordance with Council Policy and legally payable;
- the account is correct, and that VAT is properly accounted for where appropriate;
- the item has not been previously passed for payment and is a proper liability of the Council.

The normal method of payment of money due from the Council shall be by cheque, electronic transfer or other instrument drawn on the Council's bank account by the Head of Finance or nominated officer.

10.14.6 Examination of Accounts

The Head of Finance or nominated officer may at their discretion examine the verified accounts passed for payment, as to their compliance with the minutes and Council regulations, contracts, accepted tenders or other authorities and for this purpose shall be entitled to receive such information and explanation as may be required.

10.15 Local Bank Accounts - Imprest / Petty Cash Accounts

10.15.1 Imprest / Petty Cash Advances

The Head of Finance or nominated officer will provide imprests and petty cash advances, where appropriate, to Officers for the purpose of defraying expenses. A receipt shall be signed in respect of each advance by the Officer concerned, who shall be responsible for accounting for monies. A receipt should be signed in respect of sub - floats issued to Officers.

10.15.2 Changes to Officers

Any changes to Officers responsible must be immediately notified to the Head of Finance or nominated officer. An outgoing imprest holder must reconcile the imprest to the total amount held, whilst the incoming responsible Officer should satisfy themselves that all is in order before accepting responsibility for the imprest.

10.15.3 Disbursements

Vouchers for disbursements must be obtained, and attached to claims for reimbursement. Claims must be properly certified and forwarded for payment to the Head of Finance or nominated officer at specified intervals, normally not exceeding one month. Nil returns will be forwarded to the Head of Finance or nominated officer if no reimbursement is required.

10.15.4 Security of Cash

Heads of Service are responsible for ensuring that all cash is kept in a safe and secure place and that bank accounts are reconciled on a regular basis, not less than monthly. A bank statement must be received at least monthly for all imprest bank accounts.

Heads of Service are advised for reasons of security that cash balances of greater than £250 should be kept in a bank account.

10.15.5 Use of Imprest Accounts

Imprest accounts can be used for amounts up to £250:

- to pay for local purchases by cheque at the time of collection or delivery;
- to secure discounts or take advantage of special offers;
- to reimburse staff who have purchased small value items directly;

All such payments must be supported by VAT invoices or receipts.

10.15.6 Use of Imprest Funds

Imprest funds must never be used to pay salaries, wages, or other employee expenses i.e., travel/subsistence and removal/relocation expenses, without the specific approval of the Head of Finance or nominated officer. Such payments may attract liability to Income Tax or National Insurance contributions and must therefore be made via the payroll system.

10.15.7 Examination of Local Bank Accounts

The Head of Finance or nominated officer may at their discretion examine and reconcile Local Bank Accounts and for this purpose shall be entitled to receive such information and explanation as may be required.

10.16 Income

10.16.1 Collection of Monies

The framework and regulation of the collection of all monies due to the Council shall be subject to the approval of the Head of Finance or nominated officer and shall comply with these Financial Rules of Procedure.

The Head of Finance or nominated officer's Head Of Customer Services or nominated officer shall be notified promptly of all monies due to the Council and of contracts, leases and other agreements and arrangements entered into which involve the receipt of money by the Council. The Head of Finance or nominated officer shall have the right to inspect any documents or other evidence in this connection as they may decide.

Deleted: Head of Benefits and Exchequer

10.16.2 Invoicing for Sums Due

Each Head of Service shall establish procedures to ensure that invoices are raised on the Council's Finance System in respect of work done, goods supplied, services rendered and all other amounts due to the Council. These procedures must ensure that all invoices due are raised promptly in order to assist recovery of the debts.

10.16.3 Payment of Amounts Due

All accounts rendered in respect of amounts due to the Council shall contain a statement that payment must be made direct to the Head of Finance or nominated officer and that cheques, money orders, and postal orders should be made payable to West Berkshire District Council.

All cheques, money orders and postal orders received in any Service Unit shall be crossed "West Berkshire District Council ". Personal Cheques must not be cashed out of the money held on behalf of the Council.

10.16.4 Introduction of New Electronic Payment Facility

The Head of Finance or nominated officer shall be consulted at an early stage on any proposals to introduce a new electronic payment facility. No such facility shall go live without the specific authorisation of the Head of Finance or nominated officer.

10.16.5 Payments made to Service Units

Each Head of Service shall be responsible for the prompt collection of such cash income as may be due to the Council from activities within their service area and must make proper arrangements for receipting, holding and banking of this income.

10.16.6 Change Money

The Head of Finance or nominated officer shall advance such sums as they may deem necessary to each collecting Officer for the purpose of change money, and the existence of the sums shall be verified periodically.

10.16.7 Payment into Council Account

All monies received by an Officer on behalf of the Council shall, without delay, be paid to the Head of Finance or nominated officer. No deduction may be made from such money save to the extent that the Head of Finance or nominated officer may specifically authorise.

Officers who bank money shall enter on the paying in slip and on the reverse of each cheque a reference to the related debt (receipt number or the name of the debtor) or otherwise indicate the origin of the cheque. The name of the originating Service/Section shall be recorded on the paying in slip.

10.16.8 Issue of Receipts

Every sum received by a cashier or other Officer of the Council shall be immediately acknowledged by the issue of an official receipt, ticket or voucher except in the case of cheques other arrangements may only be established with the express approval of the Head of Finance or nominated officer.

All official receipts, tickets, books and other cash tokens shall, except by special arrangements approved by the Head of Finance, be controlled and issued to Service Units by the Head of Finance or nominated officer, who shall keep a register of their receipt and issue. Departments shall keep proper records of the issue and use of all receipts, tickets and cash tokens.

10.16.9 Recording Receipt of Monies

Each Officer who receives monies on behalf of the Council, or for which they are accountable to the Council, shall keep records in a form approved by the Head of Finance or nominated officer.

10.16.10 Transfer of Monies

Every transfer of official money from one member of staff to another will be evidenced in the records of the departments concerned by the signature of the receiving Officer.

10.17 Write-Offs - Income

10.17.1 Discharge of Debts

No debt due to the Council, after it has been correctly established, shall be discharged otherwise than by payment in full or by the writing-off of the debt or the unpaid portion of it, on the authority of the Head of Finance or nominated officer where:

- either:
 - (a) the debt is not enforceable or that attempted recovery is likely to involve expensive litigation with limited hope of success; or
 - (b) the cost of recovery would be disproportionate to the amount involved;
- the debt does not exceed £10,000 or in cases of bankruptcy or liquidation the full amount;
- Housing rent does not exceed £10,000.

10.17.2 Written-off Debts

Any debt written off in accordance with Rule 10.17.1 above shall be properly recorded on the Council's Financial System.

All other debts may only be written off following approval by the Executive.

Written off debts will be charged back to the originating budget.

Budget Holders will be provided with details of those debts where write off is appropriate. Such details are to include information on recovery action already taken.

In exceptional circumstances Corporate Board may recommend to the Executive that a debt should not be written off to the service budget but will be written off corporately.

10.18 Charging for Services

10.18.1 Review of Service Charges

All Heads of Service shall review their charges for services at least annually with the object of ensuring that the income is increased by not less than the rate of inflation experienced by that service. Such review must be carried out as part of the Council's budget build process (the timetable for this is published each year).

10.18.2 Unmet Estimates

Where it appears that income targets as set out in the Council's estimates will not be met then the Head of Service shall either meet the shortfall from within the service budgets or apply for an additional expenditure budget.

10.19 Salaries and Wages

10.19.1 Responsibility for Payments to Employees

The Head Of Customer Services or nominated officer shall be responsible for making arrangements for the payment of all salaries, wages, pensions, compensation and other payments to all current and former employees of the Council.

Deleted: Head of Benefits and Exchequer

10.19.2 Notification of Relevant Matters

Heads of Service shall notify the Head Of Customer Services or nominated officer and the Head of Human Resources as soon as possible and in the approved form, of all matters affecting the payment of salaries and wages, and in particular:

Deleted: Head of Benefits and Exchequer

- appointments, resignations, dismissals, suspensions, secondments and transfers;
- absences from duty for sickness or other reason apart from approved leave, changes in remuneration, other than normal increments and pay awards and agreements of general application;
- information necessary to maintain records for compliance with Inland Revenue reporting on benefits provided to staff.

10.19.3 Appointment of Employees

Appointments of all employees shall be made in accordance with the regulations of the Council and the approved grades and rates of pay.

10.19.4 Externally Funded Posts

Before confirming an appointment to a fixed term contract, the recruiting manager must seek advice from HR to ensure the funding source from which the post is being funded is sufficient to cover the exit costs liability in the event of non renewal by reason of redundancy. The Council must not become liable to pay redundancy payments arising from externally funded appointments except in exceptional circumstances and the Corporate Director and Portfolio Holder have confirmed that the directorate has the monies to cover the exit costs liability.

10.19.5 Timesheets & Overtime Claims

The Head of Service, or other authorised Officer, shall be responsible for the authorisation of all staff timesheets and overtime claims.

10.20 Travelling and Subsistence

10.20.1 Claims for Payment

All claims for payment of car allowances, subsistence allowances, travelling and incidental expenses shall be made in a form approved by the Head of Finance or nominated officer and shall be submitted to the payroll section, duly authorised.

The Head Of Customer Services or nominated officer shall make payments in accordance with Statute, Regulations, Schemes and Conditions of Service and any resolutions of the Council.

Deleted: Head of Benefits and Exchequer

The authorisation by or on behalf of the Head of Service shall be taken to mean that the authorising Officer is satisfied that the journeys were authorised, the expenses properly and necessarily incurred, the most economical method of travelling was undertaken and that the allowances are properly payable by the Council.

Officer's claims should be submitted promptly at the end of each month in which the journeys were made or the expenses incurred. The Head of Finance or nominated officer may refuse to make payment of claims over 2 month old.

10.21 Members Allowances

10.21.1 Submission of Claims

Members are encouraged to submit all claims relating to travelling, subsistence and other appropriate expenses in writing and in arrears within two months of the date of the meeting in respect of which the entitlement to the allowance arises and must be received for processing by the Members' Services Officer by the 5th of each month. Claims do not need to be submitted for allowances that are paid automatically.

10.21.2 Payments

The Head of Finance or nominated officer shall make arrangements for the monthly payment to Members of the Council who are entitled to claim travelling or other allowances, as per the Rules in Part 15 of this Constitution, upon receipt of the prescribed form duly completed and certified.

The certification by or on behalf of Head of Strategic Support shall be taken to mean that the certifying Officer is satisfied that the journeys were authorised, the expenses properly and necessarily incurred and the allowances are properly payable by the Council.

Deleted: the Head of Policy and Communication

10.22 Inventories

10.22.1 Preparation of Inventories

Inventories in a form approved by the Head of Finance or nominated officer shall be prepared and kept up to date by each Head of Service for all moveable plant, machinery, or items which are considered to be portable and desirable belonging to the Council.

Inventories should be updated in a timely fashion to reflect acquisitions or disposals.

10.22.2 Checking and Maintaining of Inventories

The Head of Finance or nominated officer shall be entitled to check stores and equipment and be supplied with such information relating to the accounting, costing and financial records of the Council.

Heads of Service shall arrange in respect of their inventories for an annual check. The Head of Finance or nominated officer may arrange for a member of their staff to be present at the checking.

Where possible the roles of maintaining the inventory and checking the inventory for completeness and accuracy should be undertaken by two separate Officers.

10.22.3 Inclusion in Inventories

All items belonging to the Council which are required to be included on the inventory shall be marked as the property of the Council.

10.22.4 IT Equipment

The Head of ICT and Corporate Support or nominated officer shall be responsible for maintaining the inventory of all IT equipment, hardware and software.

Deleted: Head of ICT

10.23 Stocks / Stores

10.23.1 Responsibility for Stocks

Each Head of Service shall ensure:

- the proper custody of their stocks and stores in their Service Unit and shall ensure that they are subject to an effective system of stock recording and control;
- that stores are held in reasonable quantities and that consideration has been given to turnover, value, delivery quantities and delivery periods;
- that practicable steps are taken to ensure that a delivery note is submitted by a supplier for every delivery at the time of delivery;
- as soon as practicable after the delivery has been made that goods are checked to ensure that the correct quantity has been delivered and that they meet the appropriate quality standard;
- that no articles or goods are removed from stock without proper authority;
- that stocktakes are carried out in accordance with the procedures laid down by the Head of Finance or nominated officer;
- that an annual review of stocks held is undertaken with a view to reducing the number of slow moving items and disposing of obsolete stock items;
- that obsolete or other stocks no longer required for the purpose acquired are disposed of under arrangements approved by the Head of Finance or nominated officer;
- that accounts and records are maintained in connection with the receipt and issue of stores in such form and timetable as the Head of Finance or nominated officer may approve after consultation with Corporate Board;
- that on the 31st March each year the value of stocks held is certified and reported to the Head of Finance or nominated officer.

10.23.2 Surplus or Deficiency

Where any surplus or deficiency is revealed in excess of £5,000 in any item of stock the Chief Internal Auditor shall be advised. A report shall be presented to Corporate Board in order that authority to write off deficiencies or bring surpluses into charge may be obtained. The

appropriate form should be completed for any deficiency and sent to the nominated officer responsible for Risk Management.

10.23.3 Checking of Stock

The Head of Finance or nominated officer is entitled to check stores and be supplied with any information relating to the accounting, costing, and financial records of the Council.

10.24 Disposal of Surplus or Obsolete Goods, Plant and Stocks

10.24.1 Authorisation for Disposal

Surplus or obsolete goods or plant, whether held in store, on inventories or otherwise up to the value of £2,000 per item or group of like items, must not be disposed of either by sale or destruction except upon the authorisation of the appropriate Corporate Director of the Service Unit concerned. Where the value is between £2,001 and £10,000 the authorisation of the Head of Finance or nominated officer must also be obtained. Where the value exceeds £10,000, sanction by Corporate Board must be obtained.

In relation to inventory items (e.g. IT equipment etc) all items surplus to requirements should, in the first instance, be offered to other Council departments, schools etc prior to being disposed of.

Deleted: eg

10.24.2 Sale of Stock

Sale must be effected by public tender except when, in the opinion of the appropriate Corporate Director of the Service Unit concerned and the Head of Finance or nominated officer, the financial interest of the Council is better served by disposal by any other means. This could be by public auction.

10.24.3 Recording Disposal

A record of each disposal should be maintained (i.e. the approval, the price obtained and if appropriate the alternative method of disposal used). Inventories or stock records should be up-dated in a timely fashion to reflect the disposal.

10.24.4 Income from Disposal

Income from disposals shall be credited to the holding service unit.

10.24.5 VAT

Value Added Tax shall be accounted for on the sale proceeds if appropriate and the amount identified when banking the income. The Head of Finance or nominated officer should be contacted if clarification of the VAT position is required.

10.25 Insurance

10.25.1 Responsibility for Insurance

The Head of Finance or nominated officer is responsible for the arrangement of risk funding on advice from the Chief Internal Auditor. The

administration and resolution of all losses is the responsibility of the nominated officer in consultation with other Officers where necessary by reporting to the Head of Finance or nominated officer.

10.25.2 Record of Insurances

The Head of Finance will keep a permanent record of all insurances, risks covered, premiums paid and of all self-funded risks and losses paid. This includes third parties arranging insurance where the Council has an insurable interest. Documents to be permanently retained must include policy schedules and all liability insurance certificates for every period of insurance. Such responsibilities may be delegated to the nominated officer.

10.25.3 Incident / Accident Reporting

Every event with the potential to give rise to a financial loss, or involving injury to a member of staff, an elected Councillor or client of the Council, must be reported via Webrisk (the Council's incident reporting system). It is the responsibility of the Head of Service to ensure that there are nominated staff trained to input information on Webrisk.

Any serious incidents covered by Reporting of Injuries, Diseases or Dangerous Occurrences Regulations (RIDDOR) will be automatically reported to the Health and Safety Executive, once inputted onto the Webrisk System by nominated staff.

10.25.4 Review of Risk Financing Arrangements

The Head of Finance or nominated officer and the Chief Internal Auditor shall annually review the Council's risk financing arrangements and look at adequacy of provision in the light of changes in the environment including new legislation, imposed or contractual responsibilities, legal precedent, newly identified and quantified risks, or other concerns identified.

10.25.5 Consultation

Before any indemnity requested from the Council is provided, the Head of Service responsible shall obtain written agreement from the Head of Finance or the nominated officer. Generally Heads of Service should not allow burdens or responsibilities to be imposed on the Council through contract that would not otherwise be imposed by common law or statute.

10.25.6 Hiring of Professional Services

Heads of Service must provide, on a quarterly basis, to the Head of Finance full details of all professional services hired or sold to others and the estimated fee income for the twelve month period ahead. The Head of Finance and the nominated officer will ensure that appropriate professional indemnity insurance is in place for the exposure notified.

10.26 Security

10.26.1 Responsibility for Security

All Heads of Services are responsible for maintaining proper security at all times for all information, buildings, stocks, stores, furniture, equipment and cash under their control and shall consult via the Head of Service chairing

the Security Group or nominated officer (such as the Information Security Officer or Facilities Manager) where they consider security is thought to be defective or where they consider special arrangements are needed.

Appropriate security controls for all assets shall be identified by the risk assessment process and by referring to security standards and procedures. Arrangements shall be agreed as above.

Maximum limits for cash holdings shall be identified by the risk assessment process and agreed with the Head of Finance or nominated officer and shall not be exceeded without permission.

Key holders for safes and similar security receptacles are to be agreed by each Head of Service in conjunction with the Head of Finance or nominated officer. The loss of keys shall be reported immediately using the security incident reporting procedures.

10.26.2 Data Protection Legislation

The Chief Executive in conjunction with the Head of ICT and Corporate Support, and in consultation with Heads of Service and the Data Controller, will ensure that all computer systems and written records, (including those in the possession of elected Councillors) which store sensitive personal data are operated in accordance with the Council's Data Protection Policy, Data Protection legislation, and that proper security and confidentiality is maintained.

Deleted: Head of ICT

10.27 Estates

10.27.1 Responsibility of Head of Service

The Head of Education or nominated officer will maintain a terrier of all land and properties owned by the Council recording the purpose for which the property is held, the location, extent and plan reference(s), purchase details where available, details of interest and rents payable and particulars of tenancies of other interests granted.

Deleted: of Property and Public Protection

10.27.2 Custody of Deeds

The Head of Legal Services has custody of all title deeds under secure arrangements.

Deleted: Head of Legal and Electoral Services

10.27.3 Valuation of Assets

The Head of Finance or nominated officer shall ensure that all assets are valued (reinstatement and open market valuation) for capital accounting purposes in accordance with the latest CIPFA code.

Deleted: Property and Public Protection

10.27.4 Notification of Purchase or Disposal

Any purchases or disposals of property for which responsibilities are assumed under any contract must be notified to the Head of Finance or nominated officer. Additionally the nominated officer responsible for Risk Management must be notified to ensure that the Council's databases are fully up to date and accurate.

10.27.5 Register of Assets

The Head of Education or nominated officer is responsible for maintaining an up to date asset register and the Head of Finance is responsible for an asset management plan.

Deleted: Property and Public Protection

The Head of Education or nominated officer must notify all changes to the asset register to the nominated officer responsible for Risk Management for updating of the risk management database.

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Title of Report:	Appointment of Independent Persons
Report to be considered by:	Council
Date of Meeting:	27th September 2012
Forward Plan Ref:	C2541

Purpose of Report: To advise Council of the appointment process for the post(s) of Independent Person under the Localism Act 2011.

Recommended Action: To confirm the appointment of Mr James Rees and Mr John Bingham as Independent Persons in accordance with Section 28 of the Localism Act 2011.

Reason for decision to be taken: In accordance with the decision of Council of 10th May 2012 and the Localism Act 2011.

Other options considered: N/A

Key background documentation: Report to Council of 10th May 2012 on Revised Standards Arrangements -Localism Act 2011 and its supporting regulations

The proposals will also help achieve the following Council Strategy principles:

☒ **CSP7 - Empowering people and communities**

☒ **CSP9 - Doing what's important well**

The proposals contained in this report will help to achieve the above Council Strategy priorities and principles by:

Ensuring compliance with legislation in an effective and efficient manner

Member Details	
Name & Telephone No.:	Councillor Dominic Boeck
E-mail Address:	dboeck@westberks.gov.uk
Date Member agreed report:	10 September 2012

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

Implications

Policy: N/A

Financial: Allowances allocated as part of introduction of Revised Standards arrangements and noted in report to Council of 10th May 2012

Personnel: The posts were advertised locally in accordance with legislation

Legal/Procurement: In accordance with the Localism Act 2011 and its supporting regulations

Property: N/A

Risk Management: N/A

Equalities Impact Assessment: See Appendix A

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"/>
Report is to note only		<input type="checkbox"/>

Executive Summary

1. Introduction

- 1.1 At its meeting in May 2012 Council adopted revised standards arrangements in accordance with the Localism Act 2011 and its supporting Regulations. As part of the Act under Section 28 the Council had to ensure it appointed at least one Independent Person whose views have to be sought in certain circumstances in regard to any allegations of breach of the Code of Conduct. The process of appointment required an advertisement to be placed locally and on the Council's website and interviews to take place.
- 1.2 Interviews were held on 6th August with the interview panel comprising the Chairman and Vice-Chairman of Standards Committee and the Monitoring Officer

2. Proposals

- 2.1 Following receipt of satisfactory references the Panel resolved to appoint Mr James Rees and Mr John Bingham as Independent Persons for the next 12 months in accordance with the Localism Act (Commencement No.6 and Transitional, Savings and Transitory Provisions) Order 2012. Council is asked to ratify that decision

3. Equalities Impact Assessment Outcomes

- 3.1 The posts were advertised locally within West Berkshire in the local press and also in other areas of Berkshire to obtain the widest possible coverage.

4. Conclusion

- 4.1 The Council confirm the appointments of Mr James Rees and Mr John Bingham as Independent Persons under the Localism Act 2011 for the next 12 months.

Appendices

Appendix A - Equality Impact Assessment -Stage 1

Consultees

Local Stakeholders:

Officers Consulted: Andy Day Moira Fraser, Chairman and Vice-Chairman of Standards Committee

Trade Union: N/A

APPENDIX A

Equality Impact Assessment – Stage One

Name of item being assessed:	Appointment of Independent Persons
Version and release date of item (if applicable):	V1 - 03.09.2012
Owner of item being assessed:	David Holling
Name of assessor:	David Holling
Date of assessment:	03.09.2012

1. What are the main aims of the item?
To appoint an Independent Person to fulfil the requirements of the Localism Act 2011

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 reassignment; marriage and civil partnership; pregnancy and maternity; race; religion or belief; sex; sexual orientation)		
Group Affected	What might be the effect?	Information to support this.
Further comments relating to the item:		

3. Result (please tick by clicking on relevant box)	
<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	N/A
Owner of Stage Two assessment:	
Timescale for Stage Two assessment:	
Stage Two not required:	

Name: David Holling

Date: 03.09.2012

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