

Notice of Meeting

Governance and Audit Committee

Monday, 29th April, 2013 at 6.00 pm
in Council Chamber Council Offices
Market Street Newbury

Date of despatch of Agenda: Wednesday, 17 April 2013

For further information about this Agenda, or to inspect any background documents referred to in Part I reports, please contact Andy Day / Moira Fraser on (01635) 519459 / (01635) 51904

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



Agenda - Governance and Audit Committee to be held on Monday, 29 April 2013
(continued)

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

Substitutes: Councillors Peter Argyle, Brian Bedwell, Alan Macro and David Rendel

Agenda

Part I	Page No.
1. Apologies To receive apologies for inability to attend the meeting (if any).	
2. Minutes To approve as a correct record the Minutes of the meeting of this Committee held on 11 th February 2013.	1 - 2
3. Declarations of Interest To receive any Declarations of Interest from Members.	
4. Public Health - Scheme of Delegation (C2651) <i>Purpose: To propose that the Council's Scheme of Delegation (Part 3 of the Constitution) is updated to reflect the new Public Health duties placed on the Council in accordance with the Health and Social Care Act 2012.</i>	3 - 8
5. Amendment to the Constitution - Part 7 Speaking Rights at Planning Meetings (C2641) <i>Purpose: To propose an amendment to speaking rights for adjoining Parish Councils at Planning Committee meetings.</i>	9 - 16

Andy Day
Head of Strategic Support

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 or translation, please contact Moira Fraser on telephone (01635) 519045.

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

GOVERNANCE AND AUDIT COMMITTEE

MINUTES OF THE MEETING HELD ON MONDAY, 11 FEBRUARY 2013

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

Also Present: Andy Day (Head of Strategic Support), Gary Lugg (Head of Planning & Countryside), Ian Priestley (Chief Internal Auditor) and Gary Rayner (Development Control Manager),

PART I

26. Minutes

The Minutes of the meeting held on 26 November 2012 and the Special meeting on the 08 November were approved as a true and correct record and signed by the Chairman subject to the time of the conclusion of the meeting on 26 November being amended to read "6.50pm".

27. Declarations of Interest

There were no declarations of interest received.

28. Internal Audit - Interim Report for 2012/13 (GA2552)

The Committee was informed that the CIPFA Code of Practice for Internal Audit in Local Government required the "Head of Internal Audit" to make a formal report annually to the Council. In addition, arrangements also had to be made for interim reporting to the organisation in the course of the year.

Ian Priestley reported that no fundamental weaknesses had been identified in the Council's internal control framework through work carried out by Internal Audit. Where audit work identified weaknesses then management action had been taken to resolve issues identified. Overall the internal control framework remained robust.

The Committee noted that there were two audits where a "weak" opinion was given. These related to Parking and Homelessness. Both of these areas were now considered to be satisfactory.

One follow up audit was considered to be unsatisfactory and Gary Lugg and Gary Rayner had therefore been asked to attend the meeting to provide and update on the progress being made to rectify this position. Gary Lugg reported that the majority of the work required to be undertaken would have been the responsibility of the Enforcement Team Leader, however, this post had now been deleted from the establishment. The timeframe for completing these tasks had therefore slipped.

Gary Lugg reported that the majority of the work required had now been undertaken. Most of the recommendations had followed Best Practice Guidance issued by the Government who were now proposing to withdraw this document. The significant piece of work centred on the development of an "Enforcement Policy". This policy had now

GOVERNANCE AND AUDIT COMMITTEE - 11 FEBRUARY 2013 - MINUTES

been drafted and would be making its way through the Planning Policy Task Group followed by a formal decision via the Individual Decision route.

Members reported that they were satisfied with the progress made and were pleased to note the impending publication of an Enforcement Policy.

RESOLVED that: the report be noted.

(The meeting commenced at 6.00 pm and closed at 6.30 pm)

CHAIRMAN

Date of Signature

Agenda Item 4.

Title of Report:	Public Health - Scheme of Delegation
Report to be considered by:	Council
Date of Meeting:	14 May 2013
Forward Plan Ref:	C2651

Purpose of Report: To propose that the Council's Scheme of Delegation is updated to reflect the new Public Health duties placed on the Council in accordance with the Health and Social Care Act 2012.

Recommended Action: That the Council's Constitution (Scheme of Delegation) be updated to reflect the Council's duties in relation to Public Health.

Reason for decision to be taken: To ensure that the Council's complies with its duties under the Health and Social Care Act 2012.

Other options considered: N/A

Key background documentation: Health and Social Care Act 2012

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

- CSP1 – Caring for and protecting the vulnerable**
- CSP2 – Promoting a vibrant district**

The proposals contained in this report will help to achieve the above Council Strategy priorities and principles by:
Ensuring that the Council has a robust decision making framework

Portfolio Member Details	
Name & Telephone No.:	Councillor Graham Jones - Tel 07767 690228
E-mail Address:	gjones@westberks.gov.uk
Date Portfolio Member agreed report:	25 February 2013

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:** This report has no direct policy implications.
- Financial:** This report has no financial implications.
- Personnel:** This report has no personnel implications.
- Legal/Procurement:** This report accords with the Council's obligations to maintain an up to date Constitution.
- Property:** This report has no property implications.
- Risk Management:** There are no risks associated with this report.
- Equalities Impact Assessment:** There are no equalities issues arising from this report.
- Corporate Board's Recommendation:** Corporate Board supported this proposal.

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 The Health and Social Care Act 2012 received Royal Assent on 27 March 2012. The Act introduced a number of reforms to the Health and Social Care arena including:

- (i) The transfer of commissioning responsibilities from Primary Care Trust's (PCT's) to the General Practitioner (GP) led Clinical Commissioning Groups (CCG's).
- (ii) The responsibility for strategic planning and commissioning of NHS Services transferring to the NHS Commissioning Board and locally based CCGs;
- (iii) Local Authorities (LA's) given a statutory duty and a ring fenced budget to improve and protect the health and wellbeing of their populations by delivering effective public health initiatives and programmes;
- (iv) Strategic Health Authorities (SHA's) and PCT's ceasing to exist beyond April 2013; and
- (v) A number of Commissioning Support Services (CSS) being established by the NHS Commissioning Board to provide the necessary skills and expertise to support local CCG's;

2. Public Health Responsibilities and Local Authorities

2.1 As part of the 2012 Act Local Authorities will take the lead for improving the health and co-ordinating local efforts to protect the public's health and well being and ensuring health services effectively promote population health. Local political leadership is seen to be central to making this work.

2.2 On the 01st April 2013 the following Public Health commissioner functions became the responsibility of Local Authorities.

(i) Health Protection

Health Protection involves the provision of screening and immunisation programmes, sexual health services, infectious disease control and emergency planning.

(ii) Health Improvement

Health Improvement includes children's public health, adult healthy lifestyles (drug and alcohol misuse, campaigns to prevent cancer and long term conditions, dental public health and local initiatives to reduce deaths as a result of seasonal mortality) and the wider determinants of public health such as housing, planning, and education.

(iii) Health Care Public Health

This involves the provision of specialist public health advice to CCGs in the following areas which will be the subject of the “core offer”:

- (a) Production of the Joint Strategic Needs Assessment,
- (b) Reviewing service provision and providing advice to CCGs to reduce health inequalities,
- (c) Advising CCGs on priorities based on appropriate data, and
- (d) Procuring services and advising on the cost effectiveness of interventions.

3.0 Scheme of Delegation - Director of Public Health

3.1 The Health and Social Care Act 2012 requires Council's to appoint (jointly with the Secretary of State) a Director of Public Health. The Director of Public Health is required to have responsibility for the following functions:

- (i) The duty imposed upon the Council to “take such steps as it considers appropriate for improving the health of the people in its area”.
- (ii) Any public health functions of the Secretary of State which he requires local authorities to discharge on his/her behalf.
- (iii) Dental health functions for Berkshire.
- (iv) The duty to co-operate with the prison service to secure and maintain the health of prisoners.
- (v) The Council's duties set out in Schedule 1 of the National Health Act 2006, which include medical inspection of pupils, the weighing and measuring of children and sexual health services.
- (vi) Arrangements for assessing the risks posed by violent and sexual offenders.

3.2 A Director of Public Health has been appointed across the six Berkshire Unitary Authorities. The Director will be hosted by Bracknell Forest Borough Council.

3.3 Given the transfer of Public Health into Local Authorities on 1 April 2013 it is necessary for Part 3 of the Council's Constitution (Scheme of Delegation) to be updated to incorporate the above duties and responsibilities. The Director of Public Health will be permitted to delegate some of these functions to the Assistant Directors of Public Health.

3. Equalities Impact Assessment Outcomes

3.1 There are no equality impacts associated with this report.

Appendices

There are no Appendices to this report.

Consultees

Local Stakeholders: N/A

Officers Consulted: Corporate Board

Trade Union: N/A

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Agenda Item 5.

Title of Report:	Amendment to the Constitution - Part 7 Speaking Rights at Planning Meetings
Report to be considered by:	Council
Date of Meeting:	14 May 2013
Forward Plan Ref:	C2641

Purpose of Report: To propose an amendment to speaking rights for adjoining Parish Councils at Planning Committee meetings.

Recommended Action:

1. To propose an amendment to the Regulatory and Other Committees Rules of Procedure (Paragraphs 7.13.3 and 7.13.4) which deals with the procedure for dealing with and the time allowed in respect of speaking rights at Planning Committee meetings.
2. To make a recommendation to the Governance and Audit Committee and Full Council in respect of these amendments.

Reason for decision to be taken: The request was raised at the Planning Policy Task Group meeting on 25 January 2013.

Other options considered: Not to amend the speaking rights

Key background documentation: None

The proposals will 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 principles by: ensuring that the constitution is up to date and accords with the relevant legislation

Portfolio Member Details	
Name & Telephone No.:	Councillor Gordon Lundie - Tel (01488) 73350
E-mail Address:	glundie@westberks.gov.uk
Date Portfolio Member agreed report:	01 April 2013

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:** Will require Part 7 of the Constitution to be amended
- Financial:** None – will be undertaken within existing resources
- Personnel:** None
- Legal/Procurement:** Will require changes to the Constitution in accordance with relevant Local Government Acts
- Property:** None
- Risk Management:** Limited risk of challenge in cases where two or more parishes support/oppose application and Applicant considers imbalance in representation
- Equalities Impact Assessment:** EIA attached at Appendix 1.
- Corporate Board's Recommendation:** Corporate Board noted the report

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 the Planning Policy Task Group meeting which took place on 25th January 2013, Members requested that consideration be given to amending Part 7 of the Constitution, Regulatory and Other Committees Rules of Procedure (Paragraphs 7.13.3 and 7.13.4) that deal with the procedure for dealing with and the time allowed in respect of speaking rights at Planning Committee meetings.
- 1.2 In particular they noted that a few instances had arisen recently where planning decisions would have a significant impact on adjoining parishes. Although the Constitution currently permitted the adjoining Parish Council to make representations, this was at the discretion of the Committee. This provision was also subject to both Parish Councils sharing the maximum time permitted under the rules of five minutes.
- 1.3 The Task Group noted that there were occasions where the Parish and other neighbouring Parish Councils had a different view and sharing five minutes speaking time had proved problematic.

2. Proposals

- 2.1 It is suggested that the Paragraph 7.13.3 be amended by the insertion of the text as set out in italics below and the deletion of the Parish Council element of Note 2:

The following procedure shall apply in respect of each item where any of the aforementioned persons are present:

- Introduction of item by Officers;
- Representations by Parish/Town Council representative (s);
- Members' questions to Parish/Town Council representative (s);
- *Representations by Adjoining Parish/Town Council representative(s) (when formally consulted or as agreed by the Chairman and Development Control Manager (or his representative) in advance of the meeting);*
- *Members' questions to Adjoining Parish/Town Council representative(s)*
- Representations by objector(s);
- Members' questions to objector(s);
- Representations by supporter(s);
- Members' questions to supporter(s);
- Representations by applicant or agent.
- Members' questions to applicant or agent;
- Representation by Ward Member(s)
- Members' questions to Ward Member(s)
- Members' questions to Officers
- Consideration of application by Members.

[Note 1: Questions raised as part of the above process may only be asked to clarify a statement made and not to introduce new business.]

[Note 2: For the avoidance of doubt and in accordance with the Council's custom and practice, should the Committee consider an application affecting more than one ~~Parish and/or Ward~~, the Chairman, with the agreement of the Committee, may allow additional ~~speakers/representatives from the relevant Ward and/or Parish.~~]

- 2.2 It will also be necessary to amend Paragraph 7.13.4 by the insertion of the text in italics below:

The total time allowed for speeches in respect of each of the following groups of speakers shall not exceed five minutes or such longer period as the Chairman may allow with the consent of the Committee:

- Parish/Town Council representative (s);
- *Adjoining Parish/Town Council representative(s)*
- Objectors;
- Supporters;
- Applicant or agent;
- Ward Member(s) (if not on the Committee).

Where more than one individual representing the parties accorded speaking rights wishes to speak, the Chairman may if he/she considers it convenient and conducive to the despatch of the business of the meeting, require that a spokesperson be appointed to represent the views of the objectors or supporters as the case may be.

Where there is more than one adjoining Parish/Town Council speaking but requiring a fundamentally different outcome of either refusal or approval, the speakers will be allowed five minutes each; where the outcome required is fundamentally the same, the five Minutes will be shared by the speakers.

3. Equalities Impact Assessment Outcomes

- 3.1 EIA Stage 1 attached as Appendix A

4. Conclusion

- 4.1 The amendment proposed to Paragraphs 7.13.3 and 7.13.4 will provide greater certainty and clarity to planning meetings where adjoining parishes indicate that they wish to address the Planning Committee. It is therefore proposed that Members consider the suggested amendments with a view to making a recommendation to the Governance and Audit Committee and Full Council.

Appendices

Appendix A – Equality Impact Assessment – Stage 1

Consultees

Local Stakeholders: Not consulted

Officers Consulted: Andy Day, Sarah Clarke, Moira Fraser, Gary Lugg, Gary Rayner, Corporate Board

Trade Union: N/a

APPENDIX A

Equality Impact Assessment – Stage One

Name of item being assessed:	Amendment to Part 7 of the Constitution
Version and release date of item (if applicable):	
Owner of item being assessed:	David Holling
Name of assessor:	David Holling
Date of assessment:	13 February 2013

1. What are the main aims of the item?
The item is to approve the amendments to Part 7 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 7 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: David Holling

Date: 13 February 2013

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