

# Meeting of West Berkshire District Council

**Thursday 8 July 2021**

***Summons and Agenda***

---



To: All Members of the Council

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

on  
**Thursday 8 July 2021**  
**at 7.00pm**

This meeting will be streamed live here: <https://www.westberks.gov.uk/fullcouncillive>



Sarah Clarke  
Service Director – Strategy and Governance  
West Berkshire District Council

Date of despatch of Agenda: Wednesday 30 June 2021

---

## **AGENDA**

---

1. **APOLOGIES FOR ABSENCE**

To receive apologies for inability to attend the meeting (if any). **(Pages 13 - 14)**

2. **CHAIRMAN'S REMARKS**

The Chairman to report on functions attended since the last meeting and other matters of interest to Members. **(Pages 15 - 16)**

3. **MINUTES**

The Chairman to sign as a correct record the Minutes of the Council meeting held on 4 May 2021. **(Pages 17 - 32)**

## Agenda - Council to be held on Thursday, 8 July 2021 (continued)

### 4. **DECLARATIONS OF INTEREST**

To remind Members of the need to record the existence and nature of any personal, disclosable pecuniary or other registrable interests in items on the agenda, in accordance with the Members' [Code of Conduct](#). **(Pages 33 - 34)**

### 5. **PETITIONS**

Councillors may present any petition which they have received. These will normally be referred to the appropriate body without discussion. **(Pages 35 - 36)**

### 6. **PUBLIC QUESTIONS**

Members of the Executive to answer questions submitted by members of the public in accordance with the Council Procedure Rules contained in the Council's Constitution.

Please note that the list of public questions is shown under item 6 in the agenda pack. **(Pages 37 - 38)**

### 7. **MEMBERSHIP OF COMMITTEES**

The Council to agree any changes to the membership of Committees. **(Pages 39 - 40)**

### 8. **MOTIONS FROM PREVIOUS MEETINGS**

To note the responses to Motions which have been presented to previous Council meetings.

- Response to the Motion from Councillor Richard Somner – Item 16 on this agenda. **(Pages 41 - 42)**

### 9. **LICENSING COMMITTEE**

The Council is asked to note that since the last meeting of the Council, the Licensing Committee met on 21 June 2021. Copies of the Minutes of this meeting can be obtained from Legal and Democratic Support or via the [Council's website](#). **(Pages 43 - 44)**

### 10. **PERSONNEL COMMITTEE**

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

### 11. **GOVERNANCE AND ETHICS COMMITTEE**

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



## Agenda - Council to be held on Thursday, 8 July 2021 (continued)

### 12. DISTRICT PLANNING COMMITTEE

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

### 13. 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 6 July 2021. Copies of the Minutes of this meeting can be obtained from Legal and Democratic Support or via the [Council's website](#).

### 14. JOINT PUBLIC PROTECTION COMMITTEE

The Council is asked to note that since the last meeting of the Council, the Joint Public Protection Committee met on 14 June 2021. Copies of the Minutes of this meeting can be obtained from Legal and Democratic Support or via the [Council's website](#).

### 15. APPOINTMENT OF CHIEF EXECUTIVE AND AMENDMENT OF PAY POLICY (C4086)

The Council's current Chief Executive, Nick Carter, will retire in August 2021. This report therefore seeks approval for the appointment of a Chief Executive, details of which appear in Appendix E, and for the appointment of an Interim Chief Executive as detailed in Appendix F.

The report also seeks approval for a revised salary range for the role of Chief Executive. **(Pages 45 - 64)**

### 16. RESPONSE TO THE PROPOSED FIREWORK MOTION (C3972)

To inform Council on how West Berkshire Council can support any aspects of the motion first proposed to Council in September 2020 (set out in Appendix A).

To update the position which was originally presented to the Licensing Committee on 8th February 2021 and was due to be considered at the Full Council meeting on 2nd March 2021.

To outline the reasoning for a different approach in July 2021 compared to the recommendations previously proposed. The change of approach is to move from a proposed Policy to an Operational Approach concerning the legal provisions the Public Protection Partnership (PPP) have with respect to fireworks such as storage, point of sale, intelligence led promotional campaigns and the use of appropriate licensing conditions and noise management plans to minimise the impact. It also identifies areas where the service is unable to act with respect to the protection of animals and other concerns which were the reasoning behind the original RSPCA motion.

To agree the operational approach that will be taken in respect of the management of fireworks. **(Pages 65 - 78)**



**17. NOTICES OF MOTION**

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

**“Public Funds for Public Access**

That Council notes:

1. How the pandemic has highlighted the importance of outdoor exercise for our mental and physical health and wellbeing and our understanding of the interconnections between farming, biodiversity and food production;
2. That the Environment Agency accepts that the benefits of outdoor exercise could be worth billions to the NHS and care services;
3. That the Environment Bill includes provision for “public funds for public goods”;
4. That the Agriculture Act contains powers to provide financial assistance to support public access to the countryside, through replacing the EU funding system known as the Common Agriculture Policy (CAP);
5. The excellent work done by this Council’s Rights of Way Team and many volunteers from bodies represented on the Mid & West Berkshire Local Access Forum to maintain and improve public access to our beautiful countryside, and
6. The emphasis in our local planning and transport policies towards more ‘active travel’ opportunities, as part of combating Climate Change.

Council therefore supports the campaign of the Outdoor Access Alliance of organisations that represent countryside access groups to enable this “BREXIT Bonus” for funding to be channelled through local government to help improve our rights of way network;

And calls on this Council to work with local and national organisations to improve the relationship between urban communities, landowners and farmers as the rural environment and economy is transformed by BREXIT and climate change, so that all our residents better understand the connections between food production, biodiversity, landscape and public health.”

- (b) **The following Motion has been submitted in the name of Councillor Lee Dillon:**

“That the decision to end a meeting of Full Council rests with the Members in the Chamber deciding a suitable end time rather than any pre-set limit.”

- (c) **The following Motion has been submitted in the name of Councillor Tony Linden:**

**“Sprinklers:**

**That this Council:**

- Acknowledges that sprinklers and other Automatic Fire Suppression Systems (AFSS) save lives, protect property, reduce the impact of fire on the

## **Agenda - Council to be held on Thursday, 8 July 2021 (continued)**

environment, reduce interruption to business and improve safety for individuals in the community in general and firefighters. In recognising these benefits supports the National Fire Chief's Council position on sprinklers by writing to Central Government to express support for the creation of a legal requirement to fit sprinklers or AFSS in buildings.

- Commits to installation of sprinklers or other AFSS within its own building stock when planning for and constructing new buildings or as a retrofitted solution when undertaking major refurbishments of existing buildings.
- Through building regulations, promotes and supports the installation of sprinklers or other AFSS for all new or refurbished buildings and particularly those that present the most significant risk to the public and firefighters.”

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

**“This Council recognises:**

the commitment and bravery shown by Locally Employed Staff (LES) who supported British Armed Forces in Afghanistan; that many members of LES have had their safety threatened in Afghanistan and are at genuine risk due to their work with the United Kingdom; that HM Government has established two schemes designed to help current and former LES – the Ex- Gratia Scheme (EGS) and the Afghan Relocations and Assistance Policy (ARAP) each of which offers a route to LES meeting certain criteria to apply for leave to enter the UK; that LES who qualify and choose to relocate to the UK with their families are not expected to return to Afghanistan and that in due course they will be able to apply for permanent residence ensuring that they can settle permanently and build their lives and future here; and concludes:

- that the United Kingdom has a responsibility to make sure these individuals are protected from harm;
- that HM Government is right to introduce these schemes to support current and former LES.

This Council notes that it is being asked by HMG to provide four months of support to those LES who have been relocated (funded by HMG) including: reception arrangements upon arrival at the airport including handover from flight escorts and welcome briefing; accommodation; a package of advice and assistance covering employment, welfare benefits, housing, health, education and utility supply; assistance with registration with GPs and local Job Centre Plus (including allocation of a National Insurance Number); assistance in securing school places for school aged children; and cash support.

**This Council Resolves to:**

- inform HM Government that it is willing to support the ‘Afghan Locally Employed Staff – relocation schemes’; and
- develop plans to appropriately support the relevant LES and their families”.





**Agenda - Council to be held on Thursday, 8 July 2021 (continued)**

**(e) The following Motion has been submitted in the name of Councillor Jeff Brooks:**

“In order to assist the regeneration of the Newbury evening economy and provide support to hospitality businesses, including cafes, restaurants and pubs, this Council resolves to:

- Introduce extended hours pedestrianisation of Northbrook Street and the Market Place with the utmost haste – with pedestrianisation lasting from 10.00 hours to 24.00 hours every day of the week.
- This will give time between 00.00 hours to 10.00 hours for store deliveries with emergency vehicles having the ability to enter at any time by lowering the street barriers.
- By such rapid measures, hospitality businesses will be able to take advantage of the longer summer evenings and extend their premises across pavements and outside areas.
- Only by taking this decision this evening and implementing it with proper speed, will the Council be able to make a difference to this key economic sector in this summer.”

**(f) The following Motion has been submitted in the name of Councillor Jeff Brooks:**

“During the period from March 2020 to May 2021 the public understood the need for the Council to take steps to protect them from Covid 19 and amongst those measures people understood the introduction of the Booking system at our two HWRCs in order to manage social distancing and those centres.

Now that our society is opening up, the public should expect the Council to rapidly re-instate the services that they pay their Council Tax to have available to them.

Whilst the Booking system at these facilities has merit, consultation with the public should be undertaken to help determine if such a system should remain in place.

Whilst that is undertaken, there is no reason for the restriction that allows a household to visit the facilities only once a week and for those facilities to close at 17.30 when they would normally stay open much later in the spring and summer months.

Since both centres are not particularly busy and a booking can be made on the day or at least the following day, we call upon the Council to immediately lift the once a week restriction and extend the opening hours without delay.

This is the time of year when households need maximum access to the facilities and we are bound to provide the access they are used to and have paid for.”



**Agenda - Council to be held on Thursday, 8 July 2021 (continued)**

**(g) The following Motion has been submitted in the name of Councillor Carolyne Culver:**

“West Berkshire Council recognises that electoral fraud in the form of impersonating another voter at a polling station is a vanishingly small problem: at the 2019 general election, there were 34 allegations of this offence, with one conviction, out of 34 million votes cast.

Government proposals to introduce photographic identification as a requirement to vote are, therefore, unnecessary, putting up barriers to voting that would disproportionately affect people least likely to have appropriate documents, in particular members of disadvantaged communities.

According to the Electoral Commission, 11 million UK citizens have no driving licence or passport and 3.5 million no access to photo ID at all.

The burden to provide “free voter cards” for people in this position would fall on local authorities, at an estimated cost of £20m per election. It is unclear who would pay for this, but all too clear that this system would create much more work for council staff, both in between elections and at polling stations on election day.

This Council therefore urges the government to abandon these proposals, and to give an assurance to the people of West Berkshire that not a penny of their council tax will be spent on implementing any such scheme.”

**(h) The following Motion has been submitted in the name of Councillor Lee Dillon:**

“This Council notes that:

- Core Strategy policy 18 (CS18) defines the current football club site at Faraday Road as Green Infrastructure (GI).
- That CS18 requires that developments resulting in the loss of green infrastructure or harm to its use or enjoyment by the public will not be permitted.
- Where exceptionally it is agreed that an area of green infrastructure can be lost a new one of equal or greater size and standard will be required to be provided in an accessible location close by.
- That the recent West Berkshire Council Playing Pitch Strategy (approved Feb 2020) highlights that ‘there is a significant deficit of 3G Artificial Grass Pitch (AGP) provision in the area, with only one full sized 3G pitch available to the community (at Park House School) and a requirement to increase provision. There is a deficit of 7 full sized 3G AGP’s currently, based on FA calculations of 38 teams per 3G AGP.

Council therefore resolves that:

- The Executive have acted outside of the Council’s existing policies in relation to Green Infrastructure.
- Given the requirement to replace green infrastructure with ‘a new one of



## **Agenda - Council to be held on Thursday, 8 July 2021 (continued)**

equal or greater size and standard' means that the new facility being promoted at Newbury Rugby club is not a replacement facility for the current football club, but that it does help in reducing the deficit of AGP's in the district."

(i) **The following Motion has been submitted in the name of Councillor Adrian Abbs:**

**"This Council notes:**

- That existing telephone boxes are being offered to the council for free or as little as £1.
- That telephone boxes make ideal environments to place public access defibrillators due to their existing power and the shelter they offer.
- That defibrillators are known to save lives.
- That those minutes and seconds are critical to a positive outcome where defibrillators are used.

This Council, therefore resolves to:

- (1) take a default position where it would adopt any telephone boxes being offered throughout West Berkshire for use as an Open Access Defibrillator location.
- (2) install an Open Access Defibrillator in each adopted box should another defibrillator not be present within 100 metres.
- (3) make residents local to that defibrillator aware of its presence
- (4) provide a "how to use a defibrillator" guide to all residents within 400 metres of the device.
- (5) ensure the location of the device is added to the emergency services register of defibrillators.
- (6) undertake the minimal servicing required to keep the devices active or devolve this to the local parish or town council.

**Cost**

Costs are maximum £1500 per defibrillator including purchase and installation."

(j) **The following Motion has been submitted in the name of Councillor Tony Vickers:**

**"Proposals for Reform of Planning System**

**Council notes:**

- A. that the Queen's Speech announced that "plans to modernise the planning system, so that more homes can be built" in England, will be brought forward in a Planning Bill in this Parliament and
- B. that the plans set out in the Planning White Paper were in the main last autumn unanimously rejected by this Council on the advice of its professional planners and
- C. that the House of Commons Housing, Communities and Local Government



## **Agenda - Council to be held on Thursday, 8 July 2021 (continued)**

Select Committee's first report on those plans, published in May, have criticised that White Paper on numerous counts, including:

1. Denying local people and their local councils from having any influence on individual planning applications;
  2. Further diminishing the prospects for achieving public acceptance of Local Plans and hence the democratic accountability of those Plans;
  3. Failure to include any measures to incentivise developers to complete consented housing developments in a timely manner;
  4. Absence of any additional resources for Local Planning Authorities
- D. Furthermore the Select Committee report refers to its predecessor's report on Land Value Capture in 2018 which called for more of the uplift in land value resulting from allocation of land for housing and from planning consent to be captured for public benefit. This could be perhaps by breaking the link between 'hope value' use in compulsory purchase, which gives landowners – including some in West Berkshire - and a small number of large national speculative homebuilders immense unearned profit, greatly reducing the available funding for high quality, affordable homes and their essential infrastructure.
- E. This Council has no confidence that the measures in the White Paper will achieve the Government's stated aims without tackling these problems in the land market at the same time – problems which are widely accepted to be more significant than any flaws in the planning system.

### **The Council therefore resolves:**

That whilst it supports the aspirations of the Government to take urgent measures to restore a functioning land and homes market that results in more affordable and better quality homes and a socially sustainable and climate resilient built environment, it will write to the three MPs representing West Berkshire urging them to resist those measures in the Planning Bill that their colleagues on the all-party Select Committee have so roundly condemned and to call for a more fundamental reform of the land market.”

- (k) **The following Motion has been submitted in the name of Councillor Graham Bridgman:**

#### **“Background**

With the expiry of The Local Authorities and Police and Crime Panels (Coronavirus) (Flexibility of Local Authority and Police and Crime Panels Meetings) (England and Wales) Regulations 2020 any public meeting (“Meeting”) of the Council or a Council Committee, Board, Sub-Committee, etc (“Body”) must take place in person at a single, specified, geographical location (“Meeting Room”).

However, there is a continuing need to ensure that Meetings are conducted safely and follow public health guidance regarding covid precautions, social distancing, etc.



## Agenda - Council to be held on Thursday, 8 July 2021 (continued)

### Motion

In order to ensure that Meetings are held in a covid-safe manner, but that each member of the Body (“Member”) can contribute to, and members of the public can engage with, the Meeting, this Council RESOLVES that, at the sole option of the Chairman of the meeting (“Chairman”):

- those individuals who are not physically in the Meeting Room but are present virtually - including Members, other members of council, officers and members of the public - may be invited by the Chairman to speak, provided that they would be allowed to speak if physically present;
- those Members who are not physically in the Meeting Room but are present virtually may be invited by the Chairman to join in an indicative, but non-binding, vote so that the Members in the Meeting Room can gauge the feelings of the entire membership on a particular item before voting substantively upon it;
- where a member of the public, interested party, etc, has a right to ask a question at, or make a submission to, the Meeting, they may choose to ask that question or make that submission virtually; and
- the requirement for any questioner to say (eg) “I ask my question as set out in the Summons” is replaced by an option for the Chairman to refer to the question and invite the person responding to answer; but that
- nothing in this Resolution affects the ability of the Chairman to determine how a question shall be answered as set out in the Constitution (eg at 4.12.5); and
- the Monitoring Officer is authorised to publish a statement setting out the effect of this Resolution in the Constitution and in any other place considered necessary to bring it to the attention of anyone affected as she deems fit, and to publish any Protocol or Guidance regarding the way in which the Council conducts Meetings.” **(Pages 79 - 80)**

### 18. MEMBERS' QUESTIONS

Members of the Executive to answer questions submitted by Members of the Council in accordance with the Council Procedure Rules contained in the Council's Constitution.

Please note that the list of public questions is shown under item 18 in the agenda pack. **(Pages 81 - 82)**

If you require this information in a different format or translation, please contact Stephen Chard on telephone (01635) 519462.

This page is intentionally left blank

Council – 8 July 2021

## **Item 1 – Apologies for absence**

Verbal Item

This page is intentionally left blank



Council – 8 July 2021

## **Item 2 – Chairman’s Remarks**

Verbal Item

This page is intentionally left blank

# Agenda Item 3.

## DRAFT

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

## COUNCIL

### MINUTES OF THE MEETING HELD ON

**TUESDAY, 4 MAY 2021**

**Councillors Present:** Adrian Abbs, Steve Ardagh-Walter, Peter Argyle, Phil Barnett, Jeff Beck, Dennis Benneyworth, Dominic Boeck, Graham Bridgman, Jeff Brooks, Jeff Cant, Hilary Cole, James Cole, Jeremy Cottam, Carlyne Culver, Lee Dillon, Lynne Doherty, Billy Drummond, Clive Hooker (Chairman), Nassar Hunt, Gareth Hurley, Owen Jeffery, Rick Jones (Vice-Chairman), Alan Law, Tony Linden, Royce Longton, Ross Mackinnon, Alan Macro, Thomas Marino, David Marsh, Steve Masters, Geoff Mayes, Andy Moore, Graham Pask, Claire Rowles, Garth Simpson, Richard Somner, Joanne Stewart, Martha Vickers, Tony Vickers, Andrew Williamson, Keith Woodhams and Howard Woollaston

**Also Present:** Nick Carter (Chief Executive), Sarah Clarke (Service Director (Strategy and Governance)), Tessa Ethelston (Group Executive (Cons)), Susan Halliwell (Executive Director - Place), Joseph Holmes (Executive Director - Resources), Stephen Chard (Democratic Services Manager) and Linda Pye (Principal Policy Officer)

**Apologies for inability to attend the meeting:** Councillor Erik Pattenden

## PART I

### 1. Chairman's Remarks

The Chairman welcomed everyone to the meeting.

The Chairman thanked Councillor Clive Hooker and his wife, Christine, for being so supportive over the past year. He also thanked Sarah Clarke the Monitoring Officer for her reassuring support both before and during meetings. He also thanked members of her team, Moira Fraser and Linda Pye and special thanks to Jo Watt for managing the Chairman's diary and making sure that he was briefed and ready for any occasion.

The past year had been like no other - the Covid pandemic had changed many things from the way the Council worked and conducted its business and to the different way in which it interacted with people and organisations. He confirmed that he had recently made a short video thanking staff, the voluntary sector and communities for all they had done over the last 14 months to make life more bearable for many who had been suffering during the pandemic, such as those living in isolation or those not able to get their medication or shopping. He especially wanted to thank the staff who had gone over and above and beyond the call of duty for the past 14 months – he could not name them all but they had risen to the challenges magnificently. He especially thanked those involved in the community hub who had made such a difference to the way people could ask for help and always ensured that help was at hand. Many others had seen their roles changed, for example the grants that had been made during the pandemic to help our local businesses. Behind the scenes a team from Revenues and Benefits had been working really hard to ensure that the grants were distributed with minimal delay. Staff efforts over this period had been truly wonderful and he thanked all members of staff for all the work that they had done.

Councillor Pask wanted to highlight some of the more pleasurable memories of being Chairman over the last two years. This year, apart from making several videos to support and recognise local organisations he had actually only attended three live events in person. One was VJ Day in Newbury, another was Remembrance Sunday in Newbury

## COUNCIL - 4 MAY 2021 - MINUTES

and he also had the sad privilege to attend the very poignant service to represent West Berkshire at Christchurch Cathedral in Oxford, just over two weeks ago, for a remembrance service for the Duke of Edinburgh. There were only 40 people there and he was the only Councillor from Berkshire in attendance. The previous year was much more business as usual which included lots of citizenship ceremonies which were very enjoyable, staff recognition events, a visit by Princess Alexandra to Thrive at Beech Hill and a visit by the Princess Royal to Priors Court to celebrate their 20<sup>th</sup> Anniversary, beating retreat at Dennison Barracks, the Shaw House summer fayre, the Berkshire Gardens Trust garden tours, events at the Royal County of Berkshire Show and especially memorable, as always, anything to do with the Royal Berkshire fire and Rescue Services, especially their award ceremony which was well attended to see the magnificent work those people did. He always enjoyed the Remembrance Day services especially the one at Welford. There were lots of Carol Services throughout the district but supporting volunteer centre events was particularly memorable as they made such a difference to our communities. Finally, the last event he attended in that year was a visit to the House of Lords on behalf of the Berkshire Youth Trust, where again the magnificent work they had been doing was recognised.

Councillor Pask stated that he had been honoured to represent West Berkshire on behalf of West Berkshire Council and he thanked Members for granting him the privilege of representing the Council over the last two years.

Councillor Lee Dillon thanked Councillor Pask for his two years of service as the Chairman of the Council. Councillor Dillon had taken on a civic role for consecutive years and knew that as well as undertaking the role of Chairman Councillor Pask would have also undertaken his duties as a District Councillor. On behalf of the opposition Members he thanked Councillor Pask for his two years of service.

### **2. Election of the Chairman for the Municipal Year 2021/22 (C3994)**

The Monitoring Officer advised that following the vote for the Chairman and Vice-Chairman of the Council a short video would be played showing the Covid safe exchange of the Chains of Office. The Chairman and Vice-Chairman would then read their Declarations of Acceptance of Office.

Councillor Lynne Doherty proposed Councillor Clive Hooker as Chairman for the Municipal Year 2021/22. This was seconded by Councillor Graham Pask.

Councillor Lynne Doherty added her thanks to Councillor Graham Pask for his two years of service which was much appreciated by all Members. It gave her great pleasure to propose Councillor Clive Hooker as she had first met Councillor Hooker at one of the many induction sessions that Members were required to attend in the 2015 intake. Since that time she had got to know Clive Hooker as both a member of the Conservative Group and also through his role of Chairman of Western Area Planning. Within that role Clive had demonstrated a number of traits that she held dear which included fairness and integrity. He was always considered and balanced in his views and sought to treat everyone fairly in his dealings with them. It was these very traits that gave her confidence to propose him as Chairman as she was sure that he would continue to act in this manner in the coming year.

When she had first spoken to Clive about becoming Vice-Chairman in 2019 with the intention to then become Chairman in 2020 he had been truly honoured to be asked and he felt sure that he and Christine would enjoy being the Council's civic representatives for the year and looked forward to the many events and occasions that they would attend on behalf of West Berkshire Council. At this point Clive had no idea that his move into the role would in fact take two years. She was grateful to both Clive and Graham for their

## COUNCIL - 4 MAY 2021 - MINUTES

patience and endurance over this time as the Council moved through the roadmap out of Covid and she saw a growing number of events being reinstated across the district in the future. She hoped that Clive would now have the opportunity that so many of his predecessors had had - to act as the Council's ambassador and represent West Berkshire. Councillor Doherty was sure that he would do well when it came down to his role as Chairman and that he would take his duties very seriously – preparing beforehand and then treating everyone with respect whilst retaining a firm control. Clive had been a magistrate for 34 years and she was sure that he had had more difficult crowds than this one to control. It therefore gave her great pleasure to propose Councillor Clive Hooker as Chairman of the Council for 2021/22.

Councillor Graham Pask said that it gave him great pleasure to second the nomination for Councillor Clive Hooker as he had been an outstanding Vice-Chairman for the last two years. Last year had not gone as planned and he hoped that as Councillor Doherty had stated that events would start to open up for him and Christine to enjoy.

Councillor Tony Vickers added his congratulations to Councillor Clive Hooker for being nominated and as his Vice-Chair to his well-run Western Area Planning Committee for the last two years he was very happy to see Clive elevated to the position of chairing the Full Council meetings and he was sure that he would take that role seriously but with a sense of humour when appropriate.

**RESOLVED** that Councillor Clive Hooker be elected as Chairman of Council for the Municipal Year 2021/22.

### 3. **Election of the Vice-Chairman for the Municipal Year 2021/22 (C3995)**

Councillor Graham Bridgman stated that he would like to nominate Councillor Rick Jones for the position of Vice-Chairman of Council for the Municipal Year 2021/22. The nomination was seconded by Councillor Clive Hooker. There were no further nominations for the position of Vice-Chairman.

Councillor Graham Bridgman stated that Councillor Rick Jones and his wife Val had lived in Purley on Thames for some 35 years and had brought up their family there. Councillor Rick Jones had had a very varied career in IT, banking and consultancy in London together with short periods in Paris and White Plains in the USA. Councillor Jones had been a member of Purley Parish Council since 2003 and indeed was Chairman from 2006 through to 2015. The reason he gave up that Chairmanship was because he was first elected to West Berkshire Council in January 2015 through a By-Election. He was then appointed to the Executive in 2017 where he took on the Resources portfolio, followed by the Adult Social Care portfolio and latterly the Health and Wellbeing portfolio. He was on the Executive until May 2020 but he remained as deputy to Councillor Bridgman on Health and Wellbeing and had taken a very keen interest in community development for wellbeing and resilience and addressing inequalities.

Councillor Jones had told Councillor Bridgman that his wife Val was looking forward to the coming year not least because that would involve spending on new dresses. Councillor Bridgman was sure that both Rick and Val would have a great time meeting new people and he was delighted to propose Rick as Vice-Chairman of Council.

Councillor Clive Hooker stated that Councillor Jones had started out his working life, like him, in the engineering industry as a production engineer. He was a good listener and he found it easy to talk to people which were two very important attributes for the role he had ahead of him and he fully supported the nomination of Councillor Rick Jones for Vice-Chairman for the forthcoming year.

## COUNCIL - 4 MAY 2021 - MINUTES

**RESOLVED** that Councillor be elected as Vice-Chairman of Council for the Municipal Year 2021/22.

The video showing the exchange of civic regalia was then shown following which the Chairman and Vice-Chairman read out their declarations of acceptance of office. Councillor Clive Hooker and Councillor Rick Jones confirmed that they would make appointments to come in and see the Monitoring Officer in order to sign the declaration of office book.

The Chairman thanked Jo Watt and Ben Tunstall for producing the video of the exchange of the regalia. This enabled Council to experience at least a variation on the customary ceremonial elements of the Annual Council meeting which would otherwise have been missed.

### 4. Minutes

The Minutes of the meeting held on 2 March 2021 were approved as a true and correct record and signed by the Chairman.

### 5. Declarations of Interest

Councillor Richard Somner declared a potential interest on certain matters within the agenda due to his employment at the Royal Berkshire NHS Foundation Trust but reported that, as his interest was a personal or an other registrable interest, but not a disclosable pecuniary interest, he determined to remain to take part in the debate and vote on the matter.

Councillor Nassar Hunt declared a potential interest on certain matters within the agenda due to his having taken a job at the Ministry of Justice but reported that, as his interest was a personal or an other registrable interest, but not a disclosable pecuniary interest, he determined to remain to take part in the debate and vote on the matter.

Councillor Lee Dillon declared a potential interest on certain matters within the agenda due to his employer being listed as a member of the Health and Wellbeing Board but reported that, as his interest was a personal or an other registrable interest, but not a disclosable pecuniary interest, he determined to remain to take part in the debate and vote on the matter.

### 6. Appointment of the Executive by the Leader of the Council for the 2021/22 Municipal Year (C3996)

The Council considered a report (Agenda Item 7) concerning the appointment of the Executive by the Leader of the Council for the 2021/22 Municipal Year.

**MOTION:** Proposed by Councillor Lynne Doherty:

“That the Council noted the appointment of the Executive by the Leader of the Council for the 2021/22 Municipal Year.”

Councillor Lynne Doherty took the opportunity to thank Portfolio Holders for their support and work over the past year. As a team the Executive worked collectively with Members to ensure that it delivered the promises that were set out in the Council Strategy. She was proud of what it had been able to achieve so far this year which had also seen additional pressures as a result of responding to the global Coronavirus crisis. This had created additional pressure in every service area and adjustments had had to be made to enable the vital work to continue and she thanked Portfolio Holders for their input into that.

Councillor Doherty noted that she had been in the position of Leader for two years and had gained experience in many different areas that residents looked to their Council to



## COUNCIL - 4 MAY 2021 - MINUTES

deliver. That experience would enable her to make the changes necessary to continue to focus on priorities and to make further improvements to ensure that West Berkshire remained a great place to live, work and learn.

A few weeks ago Councillor Doherty had made changes to the People Directorate in terms of portfolios primarily driven by the changing health agenda. She now highlighted some proposed changes she was making to the Place Directorate. She had listened to both Parish Councils and residents on the importance of place shaping – ensuring infrastructure supported development and development supported infrastructure – this would create a vision of shaping that could result in healthier people. She therefore intended to restructure by bringing both Planning and Transport under one Portfolio Holder to ensure a holistic view of place for the coming years. Councillor Richard Somner had agreed to take on this challenge and would take the role going forward. Councillor Doherty thanked Councillor Hilary Cole for all the work she had done with the Planning portfolio since 2016. Planning was one of the most contentious areas of the Council and Councillor Cole had taken it all in her stride in order to prioritise the need to deliver against policy. To ensure that the Council ultimately protected taxpayer's money from the lengthy appeals process and to ensure that it was a plan lead authority, as opposed to letting uncontrolled development which would have a negative impact on our beautiful district. Councillor Cole would retain Housing and Strategic Partnerships but would also take on a new responsibility of Transformation. For a number of years the Council had been looking at new ways of working to ensure that it remained efficient and effective and fit for the future. As the authority moved out of Covid and towards recovery there was a need to drive this agenda across all directorates. Councillor Cole would utilise her many years of Council experience with her desire to innovate and drive customer focus.

Councillor Doherty also mentioned Councillor Graham Bridgman who was also taking on a new portfolio whilst still remaining Deputy Leader. She was grateful for his support and guidance and could not have got through the last year without his constant presence.

All other portfolios remained the same.

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

### 7. Health Scrutiny (C4008)

*(Councillor Richard Somner declared a personal interest in Agenda item 8 by virtue of the fact that he was employed by the Royal Berkshire Hospital NHS Foundation Trust. As his interest was personal and not prejudicial he was permitted to take part in the debate and vote on the matter).*

*(Councillor Nassar Hunt declared a personal interest in Agenda item 8 by virtue of the fact that he had recently taken a job at the Ministry of Justice. As his interest was personal and not prejudicial he was permitted to take part in the debate and vote on the matter).*

*(Councillor Lee Dillon declared a personal interest in Agenda item 8 by virtue of the fact that his employer was listed as a member of the Health and Wellbeing Board. As his interest was personal and not prejudicial he was permitted to take part in the debate and vote on the matter).*

The Council considered a report (Agenda Item 8) concerning a proposal to form a new Health Scrutiny Committee reporting to the Overview and Scrutiny Management Commission and which would be responsible for scrutiny of Public Health and NHS services in West Berkshire.

**MOTION:** Proposed by Councillor Howard Woollaston and seconded by Councillor Alan Law:

## COUNCIL - 4 MAY 2021 - MINUTES

“That the Council:

- (a) support the proposal for a Health Scrutiny Committee, reporting to the Overview and Scrutiny Management Commission (OSMC), to undertake scrutiny of the planning, development and operation of Public Health and NHS services for the citizens of West Berkshire;
- (b) delegate scrutiny of Public Health and NHS services in West Berkshire to the Health Scrutiny Committee;
- (c) approve the terms of reference for the Health Scrutiny Committee as set out in Appendix B of this report; and
- (d) delegate authority to the Service Director, Strategy and Governance in consultation with the Group Leaders to agree membership and terms of reference for an Independent Remuneration Panel to consider the need for a Special Responsibility Allowance for the Chairman of the Health Scrutiny Committee”.

Councillor Howard Woollaston stated that the NHS was having a major restructure which included the creation of the Integrated Care System which ran across Buckinghamshire, Oxfordshire and Berkshire West (BOB).

Health Scrutiny has always been part of the Overview and Management Scrutiny Commission’s role but it will become even more important under the new system. During his time as Portfolio Holder for Health and Wellbeing the NHS was a mysterious beast with a large number of acronyms and a language of its own. It is very hard to get to grips with the detail unless you immerse yourself in it and the broad remit of OSMC did not allow for this. Hence the conclusion that a new Health Scrutiny Committee was required which would focus on this key statutory responsibility. This covers public health and NHS matters including the activities of the Health and Wellbeing Board, NHS dentistry and pharmacies. It cannot be delegated to Officers and all Members of the Executive were barred. It was supposed to be a cross-party committee of three Conservatives and two Liberal Democrats. There could be up to two non-voting co-optees appointed to bring specific health expertise. This was a statutory requirement and he believed that by creating the Committee the Council was giving it the seriousness it deserved and he therefore proposed the Motion.

Councillor Graham Bridgman echoed the comments made by Councillor Woollaston around the complexity of the NHS – it was a beast and the beast was changing. Not only was the role of local government in the NHS changing with the new White Paper on Health but also with the proposals that had been coming forward from the Royal Berkshire Foundation Trust in terms of redevelopment and North Hampshire in terms of redevelopment, there was a need for scrutiny at a Council level and he agreed that the changing health landscape meant that a new Health Scrutiny Committee should be formed.

Councillor Tony Linden welcomed the new Health Scrutiny Committee as it would be valuable and it was important that work on such a broad area should carry on.

Councillor Martha Vickers also welcomed the formation of the new Committee and as a Member of the Health and Wellbeing Board she welcomed scrutiny. It would be a hard task going forward particularly around health inequalities in the area and she hoped that energy would be put into the most important areas and also making sure that the authority was engaging with its communities. The public needed to see the importance of public health and how they could actually contribute to the agenda.

Councillor Lee Dillon noted that there were two reports on the agenda on the subject of public health and the Outside Body report was also appointing people to the Health and

## COUNCIL - 4 MAY 2021 - MINUTES

Wellbeing Committee. It was therefore important that members of the public were aware of where to raise their concerns to the appropriate body. He was supportive of the proposal but felt that an education piece was required over the coming months with Members and also members of the public around what was the right vehicle to scrutinise the right organisation.

Councillor David Marsh queried why a Member of the Green Party had not been invited to be part of this Committee as all parties were interested in health. Indeed Councillor Steve Masters had an excellent track record in the area of health, particularly in relation to mental health. Places on these committees should not be around proportionality but should be looking at what the Council had to offer in terms of expertise. The Monitoring Officer clarified that the allocation of seats on committees was done in accordance with a statutory framework and there was a sequential test which was applied to allocate them on a proportional basis. That was subject to two other proceeding qualifications and criteria which were fully detailed in the report. She would be happy to discuss that further with Councillor Marsh outside of the meeting if he wanted more detail.

Councillor Alan Law assured Councillor Marsh that the Green Party was proportionally represented on OSMC. OSMC covered a broad range of issues but when he had been asked to look at one or two health and wellbeing issues it was clear that OSMC would have been out of their depth and that a health committee was needed to focus specifically on health issues. He therefore welcomed the composition of the committee and the proposed Chairman of the committee and was happy to second the report.

Councillor Woollaston reiterated the point that the Green Party was represented on the Health and Wellbeing Board and it was therefore not being ignored from a health perspective.

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

### 8. **Health Scrutiny Arrangements across the Buckinghamshire, Oxfordshire and Berkshire West Integrated Care System (C3933)**

*(Councillor Richard Somner declared a personal interest in Agenda item 9 by virtue of the fact that he was employed by the Royal Berkshire Hospital NHS Foundation Trust. As his interest was personal and not prejudicial he was permitted to take part in the debate and vote on the matter).*

*(Councillor Nassar Hunt declared a personal interest in Agenda item 9 by virtue of the fact that he had recently taken a job at the Ministry of Justice. As his interest was personal and not prejudicial he was permitted to take part in the debate and vote on the matter).*

*(Councillor Lee Dillon declared a personal interest in Agenda item 9 by virtue of the fact that his employer was listed as a member of the Health and Wellbeing Board. As his interest was personal and not prejudicial he was permitted to take part in the debate and vote on the matter).*

The Council considered a report (Agenda Item 9) concerning the proposal to form a new, mandatory joint committee with health scrutiny powers to consider matters affecting patient flows across the Buckinghamshire, Oxfordshire and Berkshire West Integrated Care System geography.

**MOTION:** Proposed by Councillor Howard Woollaston and seconded by Councillor Alan Law:

“That the Council:

## COUNCIL - 4 MAY 2021 - MINUTES

- (a) support the proposal for a joint health overview and scrutiny committee to consider health issues at the NHS Buckinghamshire, Oxfordshire and Berkshire West Integrated Care System (BOB ICS) level;
- (b) delegate scrutiny of health issues at the BOB ICS level to the joint health overview and scrutiny committee; and
- (c) approve the terms of reference for the joint health overview and scrutiny committee as set out in Appendix B of this report”.

Councillor Woollaston stated that the Buckinghamshire, Oxfordshire and Berkshire West Integrated Care System covered an area with a population of 1.8m people. A joint health overview and scrutiny committee (JHOSC) was required to consider proposed changes affecting the patient-flow geography at the BOB level. This would require each of the affected local authorities to delegate health scrutiny powers on services provided at the ICS level to the JHOSC and to agree the terms of reference.

The proposal was for a committee of 19 Members (7 Members for Oxfordshire, 6 Members for Buckinghamshire and 6 Members for Berkshire West (2 Members from each of the three Unitary Authorities)). Co-opted, non-voting members could also be temporarily appointed to bring specialist knowledge onto the committee or inform specific work streams or agenda items.

Councillor Alan Macro welcomed the opportunity to scrutinise this new health body but he did have a concern in respect of the Terms of Reference in that the scrutiny committee would be completely reactive. It seemed to be making comments on proposals consulted on and Councillor Macro would have liked to know if the committee believed there was some kind of deficiency in the services being provided at a system wide level following which they could raise that with BOB.

Councillor Lee Dillon referred to the number of seats which indicated that West Berkshire would have two seats to make up the six in total. He noted that in the appointment of and allocation of seats report later on the agenda it recommended that both of those should go to the Conservative Group. He asked how it could be ensured that Opposition views on cross unitary or cross authority groups were heard. The Monitoring Officer responded that it was the requirement that the majority of seats on any committee had to be allocated to the administration. Therefore where there were only two seats then they would by default go to the administration. Councillor Dillon noted that in the later report it stated that (1) not all seats on any committee were to be allocated to the same political group and then (2) the majority of seats on any committee must be allocated to the majority group. This meant that there were two conflicting statements and therefore which one took precedent. Councillor Graham Bridgman asked whether this was a committee of Council to which those rules would apply or was it an external committee to which Members were appointed. The terms of reference for that committee would have had input from five different local authorities. The Monitoring Officer stated that her view was that this was referring to the totality, so when it referred to not all the seats, she felt that it was quite clear that the majority of seats on the body should not actually belong to a particular group. It would be similar to the Fire Authority, where there was a cross border and different political makeup, but the allocation of seats to the Fire authority were made in accordance with the political balance of the relevant authority and therefore the same applied here in a similar way to the Joint Public Protection Committee.

Councillor Bridgman stated that in response to what Councillor Macro had said, his recollection was that the Health and Social Care Act actually said that the NHS and like bodies had a duty to engage with a committee like this if the committee like this existed, therefore, in other words, it was necessary to form the committee in order that the NHS

## COUNCIL - 4 MAY 2021 - MINUTES

then had a duty to engage. Whether or not there would be an opportunity for it to be proactive he felt that it was very early days and it would be necessary to see how it developed.

Councillor Steve Masters agreed with the point made by Councillor Dillon. There was talk of a spirit of co-operation and rather than being parochial and keeping it in house it should be one member from one party and one from another.

Councillor Alan Law reiterated the point made previously in that a special focus was needed and it was necessary to have Council representation on these external bodies whether that be from one party or two was immaterial. The committee would have an increasingly important influence on the lives of our residents and therefore it did make sense to have an input into that from a scrutiny point of view. He did have some empathy with the comments made by Councillor Macro in relation to the terms of reference. He felt that it was down to the people on the committee to decide whether they would be proactive and demand scrutiny on certain subjects. He had confidence that that would evolve over time. The committee would also report through into OSMC which was proportionally represented by all parties within the Council.

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

### 9. **Appointment of and Allocation of Seats on Committees for the 2021/22 Municipal Year (C3997)**

The Council considered a report (Agenda Item 10) concerning the appointment of and allocation of seats on Committees for the 2021/22 Municipal Year. It was noted that amended appendices had been circulated.

**MOTION:** Proposed by Councillor Lynne Doherty and seconded by Councillor Lee Dillon:

“That the Council:

- 2.1 noted that under paragraph 8 of the Local Government (Committees and Political Groups) Regulations 1990, notice had been received that the Members set out in paragraph 5.1 were to be regarded as Members of the Conservative, Liberal Democrat and Green Party Groups respectively.
- 2.2 the Council agreed to the appointment of the various Committees and to the number of places on each as set out in paragraph 5.4 (Table A).
- 2.3 the Council agreed 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 5.12 of the report (Table B).
- 2.4 the number of substitutes on Committees and Commissions be as set out in paragraph 5.15 (Table C).
- 2.5 in respect of the Area Planning Committees, a substitute Member must represent a ward within that Committee’s area, and in respect of the District Planning Committee, they must be a Member of the same Area Planning Committee as the Member they were substituting for.
- 2.6 the Council approved the appointment of Members to the Committees as set out in Appendix A and noted the appointments set out in Appendix B which were in accordance with the wishes of the Political Groups.
- 2.7 the Council, in accordance with the Local Authorities (Functions and Responsibilities) (England) Regulations 2000 as amended, agreed that the Council’s Policy Framework for 2021/22 be as set out in paragraph 5.20 of this

## COUNCIL - 4 MAY 2021 - MINUTES

report, and that any necessary amendments be made to the Council's Constitution.

- 2.8 the Council noted that other plans, policies and strategies requiring approval which were not included in the approved Policy Framework and which were not otherwise reserved by law to Council, would be the responsibility of the Council's Executive in accordance with the Local Government Act 2000.
- 2.9 the Council noted that Paragraph 2.6.5 of Article 6 of the Constitution, would be amended to reflect any changes made to the Executive Portfolios by the Leader of the Council and announced at the Executive meeting on 25 March 2021 or at the Annual Council meeting.
- 2.10 the appointment of two non-voting co-opted Parish/Town Councillors be made to the Governance and Ethics Committee as detailed in Appendix A.
- 2.11 to re-appoint three Independent Persons (Standards) namely Lindsey Appleton, James Rees and Mike Wall and to appoint an Independent Person (Audit) to focus on the risk and audit functions of the Governance and Ethics Committee.
- 2.12 to note the membership of the Health and Wellbeing Board as set out in Appendix A.
- 2.13 authority be delegated to the Monitoring Officer to make any changes required to the Constitution as a result of the changes to the number of Members of the Council and following the appointments to Committees.
- 2.14 It was recommended that Council approve the creation of a Safer Streets Champion (as noted in Appendix B) in order to:
  - work with our communities to understand their concerns and receive suggestions for how we want to address street harassment;
  - work in partnership with Thames Valley Police to explore a potential bid for Safer Streets Fund funding;
  - work closely with the Public Protection Partnership, Thames Valley Police, Town Centre managers and others to challenge and eradicate street harassment in our district;
  - seek to develop better public awareness of what constitutes street harassment and unacceptable behaviours; and
  - work with our three West Berkshire MPs to seek further powers for the Police to be able to take appropriate action where street harassment was witnessed or reported."

Councillor Lynne Doherty thanked Members for their contributions and work on the various committees and particularly the current Chairmen. This had been a year like no other and she appreciated that everyone had been working in very difficult circumstances. The Council had adapted well to virtual meetings which had enabled the wheels of democracy to turn in West Berkshire. Councillor Doherty noted that several changes had been made mainly due to the fact that this was the halfway point in the administration and she had wanted to enable those who had not had an opportunity to chair a committee to do so. This was in the interest of fairness and the development of some of the new Members from the 2019 intake.

Councillor Doherty also referred to page 13 of the supplementary pack from which it could be seen that a new champion role had been identified for safer streets. This followed her Motion to the Executive back on 25 March 2021 to create this role to work alongside the Safer Communities Partnership and to energise the focus around concerns of street harassment. She was pleased to recommend that Councillor Claire Rowles



## COUNCIL - 4 MAY 2021 - MINUTES

should take on this role of champion for safer streets as the current Member on the Thames Valley Police and Crime Panel. She would be ideally placed to lead this work.

Councillor Lee Dillon had seconded the report and his party would vote in support, however, he again raised the issue around representation and it should be noted that the Joint Public Protection Committee had no Opposition on it as was the case for the new Health Scrutiny body. Also the terms of reference of the Schools Forum allowed for Executive Members to attend. Shadow Portfolio Holders could attend but were not allowed to speak at the meetings. He therefore felt that there were always improvements that could be made to ensure that there was political balance across the whole organisation.

Councillor Lynne Doherty confirmed the points made by the Monitoring Officer in terms of the composition and the proportionality. With regards to the Schools Forum it was actually schools that owned that group and set the rules which would be applied.

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

### 10. **Appointments to Outside Bodies 2021/22 (C3993)**

The Council considered a report (Agenda Item 11) concerning the annual nominations to the following Outside Bodies:

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

**MOTION:** Proposed by Councillor Lynne Doherty and seconded by Councillor Lee Dillon:

“2.1 That the Council is requested to approve the appointments in accordance with Appendix A of Member representatives to the following outside bodies:

- Royal Berkshire Fire Authority (Dennis Benneyworth, Tony Linden, Garth Simpson and Jeff Brooks)
- Thames Valley Police and Crime Panel (Claire Rowles)

2.2 Council is asked to note the appointments as detailed in Appendix A of Member representatives to the:

- Local Government Association General Assembly (Lynne Doherty, Graham Bridgman, Dominic Boeck, Lee Dillon)”.

Councillor Lynne Doherty stated that it was not proposed to make any changes to the representatives on those the above Outside Bodies.

Councillor Lee Dillon raised a concern as to how Members would attend those Outside Bodies and actual Committee meetings as the High Court Judgment had ruled that virtual meetings were not actually allowed and that it was necessary to meet in the Council Chamber or in room suitable for the size and number. His group would have liked to have seen emergency legislation tabled by the Government to enable Councils still to meet remotely. The Council had also seen public participation increase due to the hosting of online meetings and whilst it was in the Council’s gift to continue to stream meetings he was not sure if this was the best medium for public questions. He felt that it was unfortunate that Councils had not been extended the courtesy of being able to decide the most appropriate way for it to be able to meet during the recovery phase of Covid.

Councillor Graham Bridgman said that having been somewhat involved in looking at how meetings could take place in a Covid safe way and having listened to some of the court case that ended up with the judgment he fully supported the view expressed by

## COUNCIL - 4 MAY 2021 - MINUTES

Councillor Dillon. Council had commented earlier on the fact that it was disappointed that the Government had not brought forward legislation to allow local authorities to continue to meet remotely until at least 21 June. However, there were a number of people who wanted to hold physical meetings again but only in a Covid safe manner.

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

### 11. **Monitoring Officer's Annual Report to the Governance and Ethics Committee - 2020/21 (C3992)**

The Council considered a report (Agenda Item 12) concerning an update on local and national issues relating to ethical standards and to bring to the attention of Members any complaints or other problems within West Berkshire. The report also presented the Annual Governance and Ethics report to Full Council.

**MOTION:** Proposed by Councillor Howard Woollaston and seconded by Councillor Jo Stewart:

That the Council:

“note the content of the report which would be circulated to all Parish/Town Councils in the District for information”.

Councillor Howard Woollaston introduced the Annual Monitoring Officer's report to the Governance and Ethics Committee which had been approved by them. It was also brought to Council as required by the Constitution. It showed that there were no significant issues in regard to standards of ethical behaviour and the declaration of gifts and hospitality was down on previous years.

Councillor Jo Stewart thanked the Monitoring Officer for producing the report and the Governance and Ethics Committee for keeping the Council on a straight path for what had been a really strange and often difficult year. She concurred with the conclusion that despite the significant rise in the number of complaints over the past year Members in West Berkshire continued to maintain high standards of ethical conduct and she was therefore happy to second the report.

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

### 12. **Licensing Committee**

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

### 13. **Personnel Committee**

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

### 14. **Governance and Ethics Committee**

The Council noted that, since the last meeting, the Governance and Ethics Committee had met on 19 April 2021.

### 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 20 April 2021.

## COUNCIL - 4 MAY 2021 - MINUTES

### 17. **Joint Public Protection Committee**

The Council noted that, since the last meeting, the Joint Public Protection Committee had met on 31 March 2021.

### 18. **Council Strategy Refresh 2021 (C4056)**

The Council considered a report (Agenda Item 19) concerning the refreshed Council Strategy 2019-2023 which articulated the progress that had been made and introduced new or updated projects to support the delivery of the Council's core business and priorities for improvement. The refreshed Council Strategy reflected the changes in the social, economic and environmental context and built on the enhanced strategic framework developed during the first two years of the Strategy. This was an overarching strategic document that set out the priorities for improvement over the lifetime of the strategy and reaffirmed the Council's commitment to continue to deliver the core services that people in West Berkshire needed and valued.

**MOTION:** Proposed by Councillor Lynne Doherty and seconded by Councillor Steve Ardagh-Walter:

That the Council:

“approve the refreshed Council Strategy covering the period 2021-2023 set out in Appendix B and noted that the Council Strategy reflected the updated Covid-19 Recovery and Renewal Strategy”.

Councillor Lynne Doherty recommended approval of the refreshed strategy as the first two years of the strategy had delivered some really positive outcomes for the people of West Berkshire. For example, the strong performance of the Council's Children and Family Services, the continued high performance of getting children into the school of their choice and the continued capital investment into education. Even when the Council's KPI's indicate that the Council was making good progress it was still prudent to review any strategy at the half way point to ensure that the priorities and commitments remained relevant and to ensure that the Council was on track to deliver all that it had set out to do. In addition to that it was also necessary to factor in the impact of Covid on local communities and therefore this refresh strategy had also been informed by the Recovery and Renewal Strategy. Councillor Doherty was pleased to announce that there was very little in way of a change of direction. It was essential to focus on core business such as protecting children, economic recovery following Covid, delivery of the environment strategy and waste collection. The strategy would help the Council to drive forward and to maintain the message that West Berkshire was a great place to live, work and learn for its residents.

Councillor Jeff Brooks felt that the strategy was low on objectives and goals. A strategy should involve setting goals and priorities, determining actions to achieve the goals and mobilising resources to execute the actions. This strategy was short on objectives and long on text and narrative. It should be clear to the public what the Council wanted to achieve and what had already been achieved. He queried where the meaningful targets were so that Officers had a clear steer as to what needed to be achieved.

Councillor Dominic Boeck stated that as lead Member for Children and Young People in Education he was pleased that Council was being asked to support the continued prioritisation of protection and achievement as set out in the refreshed strategy. The strategy did update on some of what had been achieved in protecting children and supporting education. The pandemic had imposed enormous pressures on us all and had proved to be extraordinarily challenging to the people who worked in these services and the strategy set out the approach that would be taken to ensure that vulnerable children

## COUNCIL - 4 MAY 2021 - MINUTES

received better outcomes and to support everyone to reach their full potential. The strategy would drive detailed plans which would set goals against which outcomes could be measured and he confirmed that he would be looking for even greater emphasis on prevention and early intervention. Real benefits had already been seen from initiatives such as the Family Safeguarding Model from engaging with young people as early as possible and through supported learning journeys. He was certain that the adoption of the strategy was the start of new beginnings which would enhance and improve the lives of residents of West Berkshire.

Councillor Adrian Abbs referred to paragraph 4.3 of the Executive Summary in the covering report which set out the two most significant changes in context – (1) the coronavirus pandemic and (2) the Council declaring a climate emergency in July 2019. He challenged the second one in relation to the declaration of a climate emergency as it had only been as a result of pressure from members of the public and Opposition Members that one had been declared and it would be necessary to keep pushing for more substantive action to be taken. The issue was that after two years there was very little actual physical evidence or natural evolution to establish a strategy. He would like to see the wording altered to reflect the cross party push for climate action.

Councillor Ross Mackinnon responded to the comments made by Councillor Abbs and stated that last year the Council had raised £1m through the Community Municipal Investment fund which had raised money for environmental projects and that money had been deployed in the district on the installation of solar panels and other environmental initiatives.

Councillor Steve Ardagh-Walter stated that a strategy should be high level and overarching with a longer term framework than a typical list of actions. From an environmental point of view he agreed that the goal of hitting carbon neutrality, not only for this Council, but for the entire district of nearly 160,000 people, in 10 years by 2030 would be extremely challenging. It would not only take the actions of this Council and of the Government but also the overwhelming majority of all residents over the coming years to achieve this goal. To have a strategy with a long list of things which needed to be done would be bound to fail and would be totally inflexible. The strategy was backed up by a detailed Delivery Plan which would be a rolling and regularly refreshed list of actions as a result of an environment which was constantly changing and which presented a large number unknowns. As pointed out by Councillor Mackinnon the Council had already started to put in place quick wins where it was appropriate to do so but things did take a long time to plan as they were often complex in nature. This Council had installed electric vehicle charging points and it would continue to build on that along with the conversion of streetlights to low energy usage. He acknowledged that there was still a lot of work to do and there would be many challenges ahead but it could be demonstrated that the Council had achieved a lot in the past two years and it would continue with that rate of progress and accelerate in many areas over the years to come.

Councillor Lynne Doherty referred to the comments made by Councillor Brooks and stressed that a strategy would guide the direction of travel but that it was the delivery plan which would follow through with the actions and the KPI's to monitor those actions. The Council Strategy was heading in the right direction and it had a number of other strategies sat behind it with their own delivery plans. There were areas that the Council needed to refocus on particularly as a result of Covid and these would be covered in the Recovery and Renewal Strategy which would be coming to the Executive on 10 June 2021.

Councillor Steve Masters raised a point of order and stated that this should be about the broader achievements of the Council and not the policies of the Conservative Party.

## COUNCIL - 4 MAY 2021 - MINUTES

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

### 19. **Place Directorate Restructuring Costs (C4059)**

The Council considered a report (Agenda Item 20) concerning authority being sought for redundancy payments to be made that might result from the internal recruitment process to fill the new Service Director, Development & Regulation post identified within the Senior Management Review 2019. .

**MOTION:** Proposed by Councillor Hilary Cole and seconded by Councillor Richard Somner:

That the Council:

“authorise the redundancy payments detailed within this report and included in the Part II paper”.

Councillor Hilary Cole stated that this paper was in two parts and she reminded Members that the report around payments was confidential and would be discussed following the exclusion of the press and public.

The Council had undertaken a senior management review in 2019 which had proposed the establishment of the Place Directorate including the creation of an Executive Director, Place and Services Directors for Environment and Development and Regulation. The Service Director, Environment post had been recruited to in April 2020 and the Executive Director, Place had been recruited in December 2020. It was proposed that two posts would be deleted from the organisation structure on completion of the recruitment process to the Service Director, Development and Regulation. The report set out the potential redundancies which might occur by 31 August 2021 as a result of recruitment to the post. It sought approval to make the redundancy and, if appropriate, retirement payments as a result of the staffing changes. The estimated total financial payments were set out in the Part I report and in more detail in the Part II report. Any costs would be covered by the Council’s restructuring reserve but would be overall cost neutral as a result of deleting the two posts.

Councillor Jeff Brooks said that he understood that reorganisations needed to happen but he queried how long it would take to become cost neutral as it involved a large upfront payment. Councillor Hilary Cole responded that the cost neutrality issue was covered in the Part II paper and she reiterated that the costs would be met through the restructuring reserve.

Councillor Richard Somner confirmed that this was a necessary restructure and it would enable the Council to continue to develop and transition. The figures set out in the report were a worst case scenario and should Officers be redeployed then the upper most value would not be reached. It was important to note the continued progression of the transformation programme especially as the authority moved forward with the changing face of service provision.

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

### 20. **Exclusion of Press and Public**

**RESOLVED** that members of the press and public be excluded from the meeting for the under-mentioned item of business on the grounds that it involves the likely disclosure of exempt information as contained in Paragraphs 1, 2, 3 and 4 of Part 1 of Schedule 12A of the Local Government Act 1972, as amended by the [Local Government \(Access to Information\)\(Variation\) Order 2006](#). [Rule 8.10.4 of the Constitution also refers.](#)

**COUNCIL - 4 MAY 2021 - MINUTES**

**21. Place Directorate Restructuring Costs (C4059)**

*(Paragraph 1 – information relating to an individual)*

*(Paragraph 2 – information identifying an individual)*

*(Paragraph 3 – information relating to financial/business affairs of particular person)*

*(Paragraph 4 – information relating to terms proposed in negotiations in labour relation matters)*

The Committee considered an exempt report (Agenda item 22) concerning authority being sought for redundancy payments to be made that might result from the internal recruitment process to fill the new Service Director, Development & Regulation post which had been identified within the Senior Management Review 2019.

**MOTION:** Proposed by Councillor Hilary Cole and seconded by Councillor Richard Somner:

That the Council:

“authorise the redundancy payments detailed within this report and included in Appendix 1”.

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

*(The meeting commenced at 7.00pm and closed at 9.45pm)*

**CHAIRMAN** .....

**Date of Signature** .....

Council – 8 July 2021

## **Item 4 – Declarations of Interest**

Verbal Item

This page is intentionally left blank



Council – 8 July 2021

## **Item 5 – Petitions**

Verbal Item

This page is intentionally left blank

## Item 6:

### Public Questions to be answered at the Council meeting on 8 July 2021.

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

- (a) **Question to be answered by the Portfolio Holder for Finance and Economic Development submitted by Mr John Gotelee:**

*"The Design and Construction Guidance states that the drainage layout of a new development such as the LRIE should be considered at the earliest stages of design. Has this been done?"*

- (b) **Question to be answered by the Portfolio Holder for Environment and Waste submitted by Ms Alison May:**

*"Will West Berkshire Council pass a motion in support of the Climate & Ecology Emergency Bill? Climate and Ecology Bill - Parliamentary Bills - UK Parliament?"*

- (c) **Question to be answered by the Portfolio Holder for Internal Governance, Leisure and Culture submitted by Mr Alan Pearce:**

*"Is the Council's proposal for a new Sports Ground at Monks Lane intended to be a replacement for the Newbury Football Ground at Faraday Road, yes or no?"*

- (d) **Question to be answered by the Portfolio Holder for Internal Governance, Leisure and Culture submitted by Mr Paul Morgan:**

*"Did the Council receive the endorsement / support of Sport England and the FA before approving the Delegated Officer Decision, DOD4102, dated Tuesday 15 June 2021, that provides authority for "the appointment of Alliance Leisure for the development of the Newbury Sports Ground to progress through planning, design, pre-construction and construction phases to completion"?"*

- (e) **Question to be answered by the Portfolio Holder for Internal Governance, Leisure and Culture submitted by Mr Lee McDougall:**

*"Can the Council confirm that the proposed Sports Ground at Newbury Rugby Club is still due to be open and in use by the Public in March 2022?"*

- (f) **Question to be answered by the Portfolio Holder for Finance and Economic Development submitted by Mr Vaughan Miller:**

*"The land at Faraday Road Football Ground has not been needed for redevelopment for the last 3 years, yet this council has steadfastly refused to reopen it for football. It is also clear the land will not be needed for development for the next 3 years as you are spending almost £200k of council tax money to extend a car park there, and your business model requires several years income from the new car parking spaces to recoup some of the spend. So why do you insist on keeping a football ground closed for organised football?"*

## Item 6:

### Public Questions to be answered at the Council meeting on 8 July 2021.

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

(g) **Question to be answered by the Portfolio Holder for Internal Governance, Leisure and Culture submitted by Mr Jason Braidwood:**

*"In relation to Cllr Doherty's statement in the Penny Post that any football team in need of support to find a playing pitch should come forward, could she please advise why youth teams have been refused their request to hire the grass pitches at Henwick for day-time, mid-week training?"*

(h) **Question to be answered by the Portfolio Holder for Planning and Transport submitted by Mr Paul Morgan:**

*"Can the Council please confirm that major proposals / schemes that has the potential to significantly change the existing use, landscape and character of Newbury (e.g. Faraday Plaza, the Kennet Centre "redevelopment", individual LRIE development proposals etc..) will be incorporated into (or put on hold) until the Local Plan Review 2020 – 2037 is completed?"*

(i) **Question to be answered by the Portfolio Holder for Finance and Economic Development submitted by Mr Lee McDougall:**

*"How much have the Council spent on security and maintenance of the football ground at Faraday Road since June 2018"*

(j) **Question to be answered by the Portfolio Holder for Finance and Economic Development submitted by Mr Vaughan Miller:**

*"Would you agree that it is a matter of shame that this council has overseen the deliberate neglect of a community asset in Faraday Road Football Ground over the last 3 years which has resulted in its current dilapidated state?"*

(k) **Question to be answered by the Portfolio Holder for Finance and Economic Development submitted by Mr Lee McDougall:**

*"What is the Council's financial expenditure and income for the football ground at Faraday Road for the 5 years prior to June 2018?"*

Council – 8 July 2021

## **Item 7 – Membership of Committees**

Verbal Item

This page is intentionally left blank

Council – 8 July 2021

## **Item 8 – Motions from previous meetings**

Verbal Item

This page is intentionally left blank



Council – 8 July 2021

**Item 9 – Licensing Committee**

**Item 10 – Personnel Committee**

**Item 11 – Governance and Ethics Committee**

**Item 12 – District Planning Committee**

**Item 13 – Overview and Scrutiny**

**Management Commission**

**Item 14 – Joint Public Protection Committee**

Verbal Items

This page is intentionally left blank

---

# Appointment of Chief Executive and Amendment of Pay Policy

---

<b>Committee considering report:</b>	Council
<b>Date of Committee:</b>	8 July 2021
<b>Portfolio Member:</b>	Councillor Howard Woollaston
<b>Date Portfolio Member agreed report:</b>	17 June 2021
<b>Report Author:</b>	Abigail Witting
<b>Forward Plan Ref:</b>	C4086

---

## 1 Purpose of the Report

- 1.1 The Council's current Chief Executive, Nick Carter, will retire in August 2021. This report therefore seeks approval for the appointment of a Chief Executive, details of which will appear in Appendix E. The report also seeks approval for the appointment of an Interim Chief Executive, as detailed in Appendix F.
- 1.2 The report also seeks Council approval for a revised salary range for the role of Chief Executive.

## 2 Recommendations

- 2.1 It is recommended that Council:
  - (a) Approve the appointment of the candidate for the role of Chief Executive proposed by the Member Appointment Panel detailed in Appendix E, who will be designated as the head of paid service when they commence their employment with the Council.
  - (b) Approve the extension of the salary range for Chief Executive to £165,000.
  - (c) Approve the appointment of the candidate for the role of Interim Chief Executive, as detailed in Appendix F, following the retirement of Nick Carter until the new Chief Executive referenced in paragraph 2.1(a) commences their employment with the Council.

### 3 Implications and Impact Assessment

Implication	Commentary
<b>Financial:</b>	<p>The increase to the salary range will impact on the 2021/22 budget for the final 6 months of the financial year as the new Chief Executive is likely to commence their role from mid Oct 2021. The increase in cost in 2021-22 will be offset by the likely vacancy period between August and October. Future years budget will be adjusted as part of the salary budget build for 2022-23.</p> <p>Report discussed with the S151 Officer Joseph Holmes.</p>
<b>Human Resource:</b>	<p>The Council must have an officer designated as the head of paid service.</p> <p>The change in salary will apply for the appointment of the new Chief Executive.</p>
<b>Legal:</b>	<p>The Council is required, in accordance with the provisions of section 4 of the Local Government and Housing Act 1989, to designate one of their officers as the Council's head of paid service. The proposals in this report seek to ensure that the Council complies with that duty.</p> <p>Council must approve any interim changes to the pay policy statement and approve the appointment of a Chief Executive, who will be designated as the Council's Head of Paid Service.</p> <p>Advice was sought from the Monitoring Officer Sarah Clarke.</p>
<b>Risk Management:</b>	N/A
<b>Property:</b>	N/A
<b>Policy:</b>	Amendment to the pay policy statement approved in March 2021.

Appointment of Chief Executive and Amendment of Pay Policy

	Positive	Neutral	Negative	Commentary
<b>Equalities Impact:</b>				
<b>A</b> Are there any aspects of the proposed decision, including how it is delivered or accessed, that could impact on inequality?		X		
<b>B</b> Will the proposed decision have an impact upon the lives of people with protected characteristics, including employees and service users?		X		
<b>Environmental Impact:</b>		X		
<b>Health Impact:</b>		X		
<b>ICT Impact:</b>		X		
<b>Digital Services Impact:</b>		X		
<b>Council Strategy Priorities:</b>		X		
<b>Core Business:</b>		X		
<b>Data Impact:</b>		X		

<b>Consultation and Engagement:</b>	<p>The recommendation in this report is made following a recruitment process undertaken by a cross party Member Appointments Panel. The Panel were supported by officers in HR, and an executive search company which had been appointed to assist in this exercise.</p> <p>Independent advice regarding pay scales was sought from South East Employers as part of the Senior Management Review undertaken in 2019 and again in 2021 by the nominated recruitment partner.</p> <p>S151 Officer and Monitoring Officer.</p>
-------------------------------------	---

## 4 Executive Summary

- 4.1 Following the decision of Nick Carter to retire, the Council engaged the services of the executive search company Gatenby Sanderson, to support the Council with the recruitment of its new Chief Executive.
- 4.2 After a comprehensive recruitment process, it is proposed that Council approve the appointment of the candidate detailed in Appendix E, as the Council's Chief Executive and head of paid service, with the starting salary detailed in that Appendix.
- 4.3 This report also recommends that Council amend the pay policy statement to provide a salary range of £148,988 to £165,000 for the role of Chief Executive, to ensure the Council attracts and appoints a suitable candidate to the role of Chief Executive.
- 4.4 It is proposed that Council approve the appointment of an Interim Chief Executive, who will be appointed within the current salary range of £148,998 to £152,070. Details of the proposed candidate for the role of Interim Chief Executive and the proposed salary are contained in Appendix F.

## 5 Supporting Information

### Introduction

- 5.1 This report seeks the approval of Council for the appointment of a new Chief Executive, who will be designated as the Council's head of paid service.
- 5.2 The report also seeks approval for the appointment of an Interim Chief Executive and head of paid service for the period between the retirement of Nick Carter, and the new Chief Executive starting their employment with the Council.
- 5.3 As part of the 2019 Senior Management Review, independent advice was sought from South East Employers in relation to senior officers' salaries, which resulted in revised pay scales being approved as detailed in Appendix B. A further benchmarking exercise has been undertaken as part of this recruitment process, and this has resulted in a proposal to extend the salary range for the role of Chief Executive.

### Background

- 5.4 Following the announcement by Nick Carter, the current Chief Executive that he would retire with effect from August 2021, the Council engaged the support of Gatenby Sanderson, the executive search company, to support the Council with the recruitment of its new Chief Executive.
- 5.5 The Council has an ambitious strategy over the coming years for building on our strengths as a high performing Council and to transform the way we do business. The Council is therefore seeking a new Chief Executive who will support that ambition.
- 5.6 In order to select the new Chief Executive, a cross party Member Appointments Panel was convened, made up of the following Members:
- **Councillor Graham Bridgman** - Deputy Leader, Executive Portfolio Holder for Adult Social Care (now Executive Portfolio Holder for Health & Wellbeing)
  - **Councillor Jeff Brooks** - Shadow Portfolio Holder for Finance & HR
  - **Councillor Lee Dillon** - Leader of Liberal Democrat Group and Shadow Portfolio Holder for Strategy, Governance and IT
  - **Councillor Lynne Doherty** - Leader of the Council, Executive Portfolio Holder for District Strategy & Communications
  - **Councillor Alan Law** – Chairman of Overview and Scrutiny Management Commission
  - **Councillor Joanne Stewart** - Executive Portfolio Holder for Internal Governance (now Executive Portfolio Holder for Adult Social Care)
- 5.7 As part of the Senior Management Review in 2019, South East Employers carried out a benchmarking exercise to review the salary ranges for the newly created Executive Director and Service Director posts. Benchmarking advice was also provided on the Chief Executive salary which advised that West Berkshire Council was in the lower quartile and as a result the Chief Executive salary was revised at that time to its current range of £148,998 to £152,070. Details of this are contained in Appendix D.
- 5.8 Gatenby Sanderson have provided updated salary benchmarking for the role of Chief Executive and details of that can be found in Appendix C.

### Proposals

- 5.9 Following a detailed and comprehensive recruitment process that has been undertaken by the Member Appointments Panel supported by Gatenby Sanderson, it is proposed that Council endorse the recommendation of that Panel to appoint the candidate detailed in Appendix E as the Council's Chief Executive and head of paid service.
- 5.10 In light of the updated benchmarking information provided by Gatenby Sanderson it is proposed that Full Council approves a change to the pay policy statement in year to reflect the revised salary range for the role of Chief Executive to £148,988 to £165,000.
- 5.11 This proposal has financial implications for the budget set for 2021/22 as the budget was based on current salary scales. It is unlikely a new Chief Executive will start before Q3 so the impact on the budget is reduced. In addition, any interim arrangements will

## Appointment of Chief Executive and Amendment of Pay Policy

cost less than the full salary requirements for the period they are covering as there will be a gap between Nick Carter leaving at the end of August and a new person starting October/November thus mitigating the pressure on the budget.

- 5.12 In addition, there are legal implications as the pay policy statement approved in March 2021 was also based on existing pay scales. However, the policy does provide for in-year changes should these be deemed necessary subject to the approval of Council.
- 5.13 The risk of not recruiting to the role first time could incur additional executive search fees and risk which could exceed any financial implications of the salary not being fully budgeted for.
- 5.14 There is potential for reputational risk of changing the salary range mid-year however as independent advice has been sought and can be clearly demonstrated, the risk is reduced. All senior salaries must be declared as part of any transparency publication on an annual basis so any changes will be reported appropriately.
- 5.15 It is further proposed that Council approve the appointment of the candidate detailed in Appendix F for the role of Interim Chief Executive and head of paid service, for the period between the retirement of Nick Carter and the new Chief Executive starting their employment with the Council.

## 6 Other options considered

- 6.1 The Council is required by law to designate an officer as the Council's head of paid service and this appointment must be approved by Council. Not making an appointment was not therefore an option.
- 6.2 To keep the salary range at the current levels and seek to appoint a candidate at that level. This would have run against the advice received regarding salary level (see Appendices) and was likely to lead to a limited field of candidates.

## 7 Conclusion

The Council has an ambitious strategy for building on our strengths as a high performing Council and to transform over the next few years. In order to achieve this ambition the Council seeks to appoint an experienced Chief Executive from a public sector background to take support the Council with its ambitions and therefore wishes to appoint a high calibre candidate to drive this transformation.



## Appointment of Chief Executive and Amendment of Pay Policy

### Appendices

- 7.1 Appendix A – Equalities Impact Assessment
- 7.2 Appendix B – Extract of current pay scales
- 7.3 Appendix C - Gatenby Sanderson proposal extract
- 7.4 Appendix D - South East Employers Report extract
- 7.5 Appendix E - Recommendations for the appointment of the Chief Executive.  
RESTRICTED  
This Appendix is **not for publication** by virtue of exempt information of the description contained in Paragraphs 1, 2 and 3 of Part 1 of Schedule 12A of the Local Government Act 1972, as amended by the [Local Government \(Access to Information\)\(Variation\) Order 2006](#). [Rule 8.10.4 of the Constitution also refers](#).
- 7.6 Appendix F - Recommendations for the Interim Chief Executive

---

### Background Papers:

N/A

### Subject to Call-In:

Yes:  No:

- |  |                                     |
|--|-------------------------------------|
| 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 checked="" type="checkbox"/> |
| Considered or reviewed by Overview and Scrutiny Management Committee 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"/>            |

**Wards affected:** N/A

### Officer details:

Name: Abigail Witting  
Job Title: HR Manager  
Tel No: 01635 503501  
E-mail: [abigail.witting@westberks.gov.uk](mailto:abigail.witting@westberks.gov.uk)

## Appointment of Chief Executive and Amendment of Pay Policy

### Document Control

Document Ref:		Date Created:	
Version:		Date Modified:	
Author:			
Owning Service			

### Change History

Version	Date	Description	Change ID
1			
2			

## Appendix A

### Equality Impact Assessment (EqIA) - Stage One

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

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

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

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

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

Appointment of Chief Executive and Amendment of Pay Policy

<b>What is the proposed decision that you are asking the Executive to make:</b>	To approve the revised salary range for the role of Chief Executive.
<b>Summary of relevant legislation:</b>	Council Constitution Local Government & Housing Act 1989 Localism Act 2011 Accounts and Audit (England) Regulations 2011 Local Government Transparency Code 2014 Pay Policy Statement as required by S38 of the Localism Act 2011
<b>Does the proposed decision conflict with any of the Council's priorities for improvement?</b>  <ul style="list-style-type: none"> <li>• Ensure our vulnerable children and adults achieve better outcomes</li> <li>• Support everyone to reach their full potential</li> <li>• Support businesses to start develop and thrive in West Berkshire</li> <li>• Develop local infrastructure including housing to support and grow the local economy Maintain a green district</li> <li>• Ensure sustainable services through innovation and partnerships</li> </ul>	<b>Yes</b> <input type="checkbox"/> <b>No</b> <input checked="" type="checkbox"/> <b>If yes, please indicate which priority and provide an explanation</b>
<b>Name of Budget Holder:</b>	<b>Chief Executive</b>
<b>Name of Service/Directorate:</b>	<b>Head of Paid Service</b>
<b>Name of assessor:</b>	Abi Witting
<b>Date of assessment:</b>	26 <sup>th</sup> April 2021
<b>Version and release date (if applicable):</b>	N/A

Is this a .... ?		Is this policy, strategy, function or service ... ?	
<b>Policy</b>	Yes <input checked="" type="checkbox"/> No <input type="checkbox"/>	<b>New or proposed</b>	Yes <input type="checkbox"/> No <input checked="" type="checkbox"/>
<b>Strategy</b>	Yes <input type="checkbox"/> No <input checked="" type="checkbox"/>	<b>Already exists and is being reviewed</b>	Yes <input checked="" type="checkbox"/> No <input type="checkbox"/>
<b>Function</b>	Yes <input type="checkbox"/> No <input checked="" type="checkbox"/>	<b>Is changing</b>	Yes <input checked="" type="checkbox"/> No <input type="checkbox"/>
<b>Service</b>	Yes <input type="checkbox"/> No <input checked="" type="checkbox"/>		

Appointment of Chief Executive and Amendment of Pay Policy

<b>(1) What are the main aims, objectives and intended outcomes of the proposed decision and who is likely to benefit from it?</b>	
<b>Aims:</b>	To ensure our salary range for CEx is competitive
<b>Objectives:</b>	To attract high calibre candidates for the role of CEx
<b>Outcomes:</b>	Appointment of a high calibre CEx
<b>Benefits:</b>	New CEx will help deliver our ambitious vision for the future

<b>(2) Which groups might be affected and how? Is it positively or negatively and what sources of information have been used to determine this?</b>		
<i>(Please demonstrate consideration of all strands – Age, Disability, Gender Reassignment, Marriage and Civil Partnership, Pregnancy and Maternity, Race, Religion or Belief, Sex and Sexual Orientation)</i>		
<b>Group Affected</b>	<b>What might be the effect?</b>	<b>Information to support this</b>
Age	Younger candidates	Given the seniority of the role it is likely candidates will be older as they are most likely to meet the skills and experience requirements for the role. This role would not be suitable for someone with little or no work experience.
Disability	N/A	
Gender Reassignment	N/A	
Marriage and Civil Partnership	N/A	
Pregnancy and Maternity	N/A	
Race	N/A	
Religion or Belief	N/A	
Sex	N/A	
Sexual Orientation	N/A	
<b>Further Comments:</b>		

(3) Result	
Are there any aspects of the proposed decision, including how it is delivered or accessed, that could contribute to inequality?	Yes <input type="checkbox"/> No <input checked="" type="checkbox"/>
<p><b>Please provide an explanation for your answer:</b></p> <p>The salary range would apply for all candidates who meet the criteria for the role regardless of any protected characteristics</p>	
Will the proposed decision have an adverse impact upon the lives of people, including employees and service users?	Yes <input type="checkbox"/> No <input checked="" type="checkbox"/>
<p><b>Please provide an explanation for your answer:</b></p>	

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

If an EqlA 2 is required, before proceeding you should discuss the scope of the Assessment with service managers in your area. You will also need to refer to the EqlA guidance and template – <http://intranet/index.aspx?articleid=32255>.

(4) Identify next steps as appropriate:	
EqlA Stage 2 required	Yes <input type="checkbox"/> No <input checked="" type="checkbox"/>
Owner of EqlA Stage Two:	
Timescale for EqlA Stage Two:	

Name: Abigail Witting

Date: 26<sup>th</sup> April 2021

Please now forward this completed form to Pamela Voss, Equality and Diversity Officer (pamela.voss@westberks.gov.uk), for publication on the WBC website.

## Appendix B

Extract of current pay scales as of 1<sup>st</sup> April 2020\*

	N- Service Lead	53	£	65,760	£	5,480.00	34.0852
		54	£	66,788	£	5,565.63	34.6177
		55	£	67,815	£	5,651.25	35.1503
		56	£	68,843	£	5,736.88	35.6829
		57	£	69,870	£	5,822.50	36.2155
		58	£	70,898	£	5,908.13	36.7481
		59	£	71,925	£	5,993.75	37.2806
HOS-phasing out		62	£	74,827	£	6,235.56	38.7846
		63	£	77,276	£	6,439.69	40.0543
		64	£	79,703	£	6,641.93	41.3123
		65	£	82,150	£	6,845.80	42.5803
		66	£	84,586	£	7,048.82	43.8431
		67	£	87,033	£	7,252.77	45.1116
	O- Service Directors	68	£	90,420	£	7,535.00	46.8671
		69	£	91,961	£	7,663.44	47.6660
		70	£	93,503	£	7,791.88	48.4648
		71	£	95,044	£	7,920.31	49.2637
		72	£	96,585	£	8,048.75	50.0626
P-ED Place		79	£	121,245	£	10,103.75	62.8445
		80	£	122,273	£	10,189.38	63.3771
		81	£	123,300	£	10,275.00	63.9097
		82	£	124,328	£	10,360.63	64.4422
		83	£	125,355	£	10,446.25	64.9748
	Q- ED People/Resources	84	£	126,383	£	10,531.88	65.5074
		85	£	127,410	£	10,617.50	66.0400
		86	£	128,438	£	10,703.13	66.5726
		87	£	129,465	£	10,788.75	67.1051
		88	£	130,493	£	10,874.38	67.6377
		89	£	131,520	£	10,960.00	68.1703
	CEX	90	£	148,988	£	12,415.63	77.2242
		91	£	150,015	£	12,501.25	77.7568
		92	£	151,043	£	12,586.88	78.2893
		93	£	152,070	£	12,672.50	78.8219

\*Pay award decision effective from 1<sup>st</sup> April 2021 yet to be confirmed

## Extract from Gatenby Sanderson proposal

### Salary recommendation

The local government Chief Executive market was buoyant in 2019 but slowed in 2020 as the focus of activities shifted to the COVID-19 response. We anticipate that there will be a fair amount of movement in 2021 as some serving Chief Executives retire having delayed their plans in 2020, local gov re-organisation displaces serving district Chief Executives, and there is a push from aspirant first timers whose experience of working at the most senior stakeholder levels the COVID-19 response has given them confidence to step-up. We are also seeing an increase in interest from candidates outside of local government who have realised during the last 12 months their sense of public service and duty and are interested in roles in front-line economic and community recovery.

In 2019, the LGA reported that in England & Wales, the median Chief Executive salary was £132,177 with a maximum salary of £214,200, and for London Boroughs it was £184,811 with a maximum salary of £201,798. There has been little salary inflation for Chief Executive in the last 12 months, in fact quite the opposite in some cases where Administrations are keen not to be seen to be over-paying in a wider context of economic hardship. Data gathered from Chief Executive appointments we have been contracted to in the last two years can be seen in the three tables below:

- Salaries based on population size, indicating a scale of £105,000 - £180,000 for populations <250,000 people.

	Lowest salary starting point	Average salary starting point	Average salary maximum	Maximum salary offered
<250,000	£105,000	£140,772	£147,472	£180,000
>250,000	£115,000	£160,128	£172,219	£221,754

- Salaries from across our practice. Your scale proposed would allow you to approach all market areas should you wish.

Practice Area	Lowest salary starting point	Average salary starting point	Average salary maximum	Maximum salary offered
Health	£115,669	£147,612	£196,274	£250,000
Education	£120,000	£170,000	£186,000	£220,000
Housing	£85,000	£160,875	£170,875	£250,000
Local Government	£105,000	£149,375	£158,471	£221,754



## Appointment of Chief Executive and Amendment of Pay Policy

Central Government	£65,000	£120,455	£136,818	£210,000
Regulation	£80,000	£118,130	£127,975	£210,000

Based on this data and benchmarking, we believe your salary scale of £145k will not attract many existing Local Authority Chief Executives across the region but would be attractive to first time chief executives, an approach that has worked for a number of authorities previously including West Berkshire last time around. We would provide a more detailed analysis of these provisional conclusions should you wish. It is a combination of Intelligence we possess about the aspirations of certain individuals across this geography, public data sources on current salary levels and the additional factor of knowing the number of appointments made across the region over the last 18 months, which is a factor.

## Appendix D

### Extract from South East Employers report – 4<sup>th</sup> April 2019

#### Chief Executives salaries 2018

	Population size *	Max Salary
<b>Berkshire Unitary councils</b>		
West Berkshire	156,800	141,101
Royal Borough of Windsor & Maidenhead	148,800	149,083
Slough Borough Council	147,200	160,645
Wokingham Borough Council	161,900	182,500 Plus 13,000 PRP/Bonus
Reading Borough Council	162,700	159,120
Bracknell Forest	119,400	160,000

Appointment of Chief Executive and Amendment of Pay Policy

Other SE region Unitary councils	Population size *	Max salary
Portsmouth City Council	214,800	151,878
Brighton & Hove City Council	289,200	156,075 Plus 5,326 Election Fees
Milton Keynes Council	264,500	157,095
Medway	278,500	157,843
Other councils	Population size *	Max Salary
Bath & NE Somerset	187,800	153,015
North Somerset	211,700	148,470
South Gloucestershire	277,000	165,600
Herefordshire	189,300 (county of)	145,000
Swindon	217,900	164,240

## Appointment of Chief Executive and Amendment of Pay Policy

Wiltshire	488,400	105,809 – 151,265 (Shared 4 posts)
Blackburn & Darwen	147,000	152,415
NE Lincolnshire (joint)	159,100	135,000

\*Population figures from NOMIS 2016

## Appendix E

### Recommendation for the appointment of a Chief Executive - To Follow

**Note: This document will be RESTRICTED.**

This Appendix is **not for publication** by virtue of exempt information of the description contained in Paragraphs 1, 2 and 3 of Part 1 of Schedule 12A of the Local Government Act 1972, as amended by the [Local Government \(Access to Information\)\(Variation\) Order 2006](#). [Rule 8.10.4 of the Constitution also refers.](#)

*Paragraph 1 – information relating to an individual*

*Paragraph 2 – information identifying an individual*

*Paragraph 3 – information relating to financial/business affairs of particular person*

## **To Follow**

### **Recommendation for the appointment of an Interim Chief Executive**

It is proposed by the Member appointment Panel that XXXXXXXXXXXX be appointed as the Council's Interim Chief Executive and be designated as the Council's head of paid service.

It is proposed that the offer of employment be made at £xxxxxx.

---

## Response to Proposed Firework Motion

---

<b>Committee considering report:</b>	Council
<b>Date of Committee:</b>	8 July 2021
<b>Portfolio Member:</b>	Councillor Hilary Cole
<b>Date Portfolio Member agreed report:</b>	17 June 2021
<b>Report Author:</b>	Anna Smy
<b>Forward Plan Ref:</b>	C3972

---

### 1 Purpose of the Report

- 1.1 To inform Council on how West Berkshire Council can support any aspects of the motion first proposed to Council in September 2020 (set out in Appendix A).
- 1.2 To update the position which was originally presented to the Licensing Committee on 8<sup>th</sup> February 2021 and was due to be considered at the Full Council meeting on 2<sup>nd</sup> March 2021.
- 1.3 To outline the reasoning for a different approach in July 2021 compared to the recommendations previously proposed. The change of approach is to move from a proposed Policy to an Operational Approach concerning the legal provisions the Public Protection Partnership (PPP) have with respect to fireworks such as storage, point of sale, intelligence led promotional campaigns and the use of appropriate licensing conditions and noise management plans to minimise the impact. It also identifies areas where the service is unable to act with respect to the protection of animals and other concerns which were the reasoning behind the original RSPCA motion.
- 1.4 To agree the operational approach that will be taken in respect of the management of fireworks.

### 2 Recommendations

- 2.1 For Council to **NOTE** the report which was taken to Licensing Committee on 8<sup>th</sup> February 2021 which considered the PPP Response to the proposed motion.
- 2.2 For Council to **APPROVE** the recommendations of the Licensing Committee with respect to the amended motion.
- 2.3 To **RECOMMEND** a West Berkshire Operational Approach to Fireworks and not a Fireworks Policy be presented to the next Licensing Committee (November 2021) for their approval.

### 3 Implications and Impact Assessment

Implication	Commentary			
<b>Financial:</b>	There are no financial implications associated with this report			
<b>Human Resource:</b>	There are no Human Resource implications with this report			
<b>Legal:</b>	There are no legal implications in the report.			
<b>Risk Management:</b>	The main risk is of challenge for the PPP is that it could be seen to be acting Ultra Vires with regards to its powers. There are areas such as requesting advertising which could in certain circumstances be required but in other instances this is not appropriate and cannot be enforced. There needs to be a balanced approach.			
<b>Property:</b>	There are no property implications for this report			
<b>Policy:</b>	<p>The majority of the motion is covered by existing national guidance and legislations. To ensure clarity for officers and members of the public it may be necessary to amend local policies, procedures and guidance to accommodate the requirements of the motion.</p> <p>A West Berkshire Council Operational Approach to Fireworks will cover the storage and sale through to conditioning licenced events and allow more flexibility and responsiveness than setting out a Fireworks Policy (as previously proposed).</p>			
	<b>Positive</b>	<b>Neutral</b>	<b>Negative</b>	<b>Commentary</b>
<b>Equalities Impact:</b>				



## Response to Proposed Fireworks Motion

<b>A</b> Are there any aspects of the proposed decision, including how it is delivered or accessed, that could impact on inequality?		✓		Event organisers may be required to advertise their events but this is neutralised by the benefits which is brought about through advertising.
<b>B</b> Will the proposed decision have an impact upon the lives of people with protected characteristics, including employees and service users?		✓		No impact
<b>Environmental Impact:</b>	✓			The aim is to help with the impact on vulnerable residents and animals. There may be an additional benefit in reduction of pollution which can be an issue around 5 <sup>th</sup> November
<b>Health Impact:</b>	✓			The reduction in firework use and improved controls should reduce the stress and concern of animal owners. It should be noted that we are unable to address the health and stress implications for animals.
<b>ICT Impact:</b>		✓		None
<b>Digital Services Impact:</b>		✓		None
<b>Council Strategy Priorities:</b>		✓		This work is business as usual within the service.
<b>Core Business:</b>		✓		It is business as usual
<b>Data Impact:</b>		✓		No impact

<b>Consultation and Engagement:</b>	The PPP were consulted prior to the Council meeting on 10 <sup>th</sup> September concerning our views on the proposed wording of the motion. The service will take the West Berkshire Operational Approach to Fireworks to the PPP Joint Management Board and to a wider audience before taking it to Licensing Committee in September 2021.
-------------------------------------	---

## 4 Executive Summary

- 4.1 A detailed report concerning the proposed motion was taken to the Licensing Committee on 8<sup>th</sup> February 2021. The report outlined the current legal measures already in place to manage the impact of noise from fireworks. It included a draft Fireworks Policy as part of the recommendations.
- 4.2 Subsequently a report was due to be considered at Full Council on the 2<sup>nd</sup> March 2021 however due to time constraints the paper was not discussed at the meeting and has been deferred to this meeting.
- 4.3 There was support from the Licensing Committee for the protection of animals and of our vulnerable residents, however there was also a recognition that the authority already has a role in this under current regulations the Public Protection Partnership (PPP) enforces. Examples given were the regulation of explosives, protection of the environment (through protecting animals) and the imposition of appropriate conditions when granting licences due to firework concerns at licensed events.
- 4.4 The proposed motion (Appendix A) does not in itself provide an additional burden on the authority, however it is ambiguous in its wording and could result in an expectation on the authority to take steps which are not within its powers.
- 4.5 Given the timescales since the proposed motion and when the RSPCA first lobbied local Councillors on the matter contact was made with them to request their current position with regards to the motion.
- 4.6 The response from the RSPCA noted that *“we have reviewed the campaign just recently and are tweaking it a little going forward this year. We have received mixed reviews from different councils on the motion - some thinking it a good idea and supporting it whilst others disagreeing with it and saying there isn't really anything tangible that councils can actively do on the issue.*

*As such we are shifting the work we will do with councils later this year to providing more of a pack with useful resources about awareness raising and advice for keeping animals safe. Of course this does not preclude passing motions on the issue and we would be more than happy to work with any councillors and councils who wish to continue to do this. However we have taken on board some of the points fed back and hope this pack will provide more help.”*

- 4.7 Officers have therefore reflected on the necessity of a Fireworks Policy and have amended this position to be an Operational Approach to Fireworks (Appendix B). This

## Response to Proposed Fireworks Motion

approach gives the authority more flexibility to adapt to changes which may arise with respect to Firework legislation and the work of the RSPCA.

- 4.8 The initial draft framework for the policy was attached to the Committee Report as Appendix F. The proposal from Licensing Committee was that, if agreed by Council the Policy be taken back to the next meeting of the Licensing Committee for their approval. We would therefore recommend to Council that this is amended to an operational approach which will be taken back to Licensing Committee for approval.
- 4.9 The other matter discussed at the Licensing Committee concerned the wording of point 3 of the motion and it was felt by the PPP that in its current wording this was not something which could be supported. The Licensing Committee agreed with officers that it was not for the authority to propose a suitable amendment to the wording of the motion. This remains the position of the service.
- 4.10 The recommendation to the Licensing Committee, which was approved and is recommended to Council, is that the motion be approved but with the removal of the third statement.

## 5 Supporting Information

- 5.1 The RSPCA have lobbied Local Authority Members to support their Bang Out of Order proposals. This includes a motion outlining 4 actions to help them reduce the impact of fireworks on animals and vulnerable people in our communities. As outlined in 4.6 above the motion in its proposed form has received a mixed response.
- 5.2 The message behind supporting the motion is the desire for West Berkshire Council to develop a safer environment for residents, their pets and the numerous livestock and wildlife within the powers that they have. There needs to be a realistic expectation on officers to act when they have the powers but support when they are not able to take action.
- 5.3 The PPP received the following requests and complaints regarding fireworks in West Berkshire in 2019/20 and 20/21. These range from PTA's asking for help with Risk Assessments, debris from fireworks, concerns about storage as well as noise. Complaints regarding animals being affected are usually directed to the RSPCA.

Year	PPP Requests for service
2019/20	20
2020/21	33

- 5.4 The committee report presented to the Licensing Committee provides more detailed supporting information and a clear picture of the variety of work already being undertaken by the Council.

## 6 Other options considered

- 6.1 To not support the motion, this was not considered appropriate due to the support for ensuring protection of animals and vulnerable members of our community.

## Response to Proposed Fireworks Motion

6.2 To support to motion as it is stated. This was considered by the Licensing Committee and deemed not appropriate with regards to part 3 and the suitability of wording.

## 7 Conclusion

7.1 Whilst the aims of the motion are laudable it was proposed by the PPP and agreed by the Licensing Committee on 8<sup>th</sup> February 2021 to recommend the following amended motion to Full Council:

- to require all public firework displays within the local authority boundaries to be advertised in advance of the event, allowing residents to take precautions for their animals and vulnerable people
- to actively promote a public awareness campaign about the impact of fireworks on animal welfare and vulnerable people – including the precautions that can be taken to mitigate risks
- to encourage local suppliers of fireworks to stock ‘quieter’ fireworks for public display.”

7.2 There is support for the sentiment behind the RSPCA campaign and our Animal Warden Service and communications plan aligns well with the proposals and is set out in our operational approach (Appendix B).

7.3 We will continue to take a pragmatic approach to fireworks and any impacts they may have on our residents.

7.4 To support this motion officers will implement our Operational Approach to Fireworks which clearly sets out our roles and responsibilities and the extent of our powers with respect to Fireworks.

## 8 Appendices

8.1 Appendix A - Motion proposed and passed at Council Meeting dated 10<sup>th</sup> September 2020

8.2 Appendix B – Operational Approach for Fireworks

---

### Subject to Call-In:

Yes:  No:

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

Delays in implementation could have serious financial implications for the Council

Delays in implementation could compromise the Council’s position

Considered or reviewed by Overview and Scrutiny Management Committee or associated Task Groups within preceding six months

Item is Urgent Key Decision

---

---

Report is to note only

---



**Wards affected:** All

**Officer details:**

Name: Anna Smy  
Job Title: Strategic Manager  
Tel No: 01635 503257  
E-mail: [anna.smy@westberks.gov.uk](mailto:anna.smy@westberks.gov.uk)

---

## Appendix A

### Motion proposed submitted to Full Council Meeting on 10<sup>th</sup> September 2020

The following Motion has been submitted in the name of Councillor Richard Somner:

“In consideration of the rural nature of the area we share, and communications received by both residents and animal welfare organisations such as the RSPCA, this council recognises the need to take action on the increasing concern of firework use across our District.

As a Council we have historically acted on the need to set appropriate licensing fees for fireworks and the need to restrict the areas in which sky lanterns can be used, this motion sets to add to those actions and to develop a safer environment for residents, their pets and the numerous livestock and wildlife in West Berkshire.

Whilst we recognise that fireworks are used throughout the year, and when used sensibly can be enjoyed by many, we approach a time of year when their use will see a dramatic increase.

The very nature of Fireworks as explosives are that they make loud and high intensity noises that are unpredictable and can affect a wide area.

As with sky lanterns, once reaching the ground the resultant debris can also pose a hazard to animals, such as horses and farm livestock.

We recognise that some people may not be aware of the anxiety or danger that may be created, and so there is a need to raise awareness generally including amongst owners of animals.

The short lived nature of firework noise can make it difficult for the police or local authority officers to pinpoint locations and take action.

This Council resolves:

- to require all public firework displays within the local authority boundaries to be advertised in advance of the event, allowing residents to take precautions for their animals and vulnerable people
- to actively promote a public awareness campaign about the impact of fireworks on animal welfare and vulnerable people – including the precautions that can be taken to mitigate risks
- to write to the UK Government urging them to introduce legislation to limit the maximum noise level of fireworks to 90dB for those sold to the public for private displays
- to encourage local suppliers of fireworks to stock ‘quieter’ fireworks for public display.”

# Operational Approach to Fireworks

THIS IS AN UNCONTROLLED  
COPY IF PRINTED OUT

## Document Control

<b>Document Ref:</b>	PPP FW D001	<b>Date Created:</b>	05/01/2021
<b>Version:</b>	V1.2	<b>Date Modified:</b>	20/05/2021
<b>Revision due</b>	January 2022		
<b>Author:</b>	Anna Smy	<b>Sign &amp; Date:</b>	
<b>Owning Service</b>	Public Protection Partnership – Strategic Management Team		
<b>Equality Impact Assessment: (EIA)</b>	Date undertaken:	n/a	
	Issues (if any):	n/a	

## Contents

---

1.0	Purpose.....	3
2.0	Statement of Approach.....	3
3.0	Approach.....	3
4.0	Practical Working Arrangements.....	4
5.0	Roles and Responsibilities.....	5
6.0	Quality of the Service.....	5
7.0	Monitoring the Service.....	5
8.0	Document Review.....	6



## 1.0 Purpose

- 1.1 The Public Protection Partnership is the enforcing authority for a wide range of primary legislation functions related to the management of the sale and use of Fireworks.
- 1.2 The Public Protection Partnership carries out this duty by employing suitable, qualified and trained staff, who are authorised in writing to enforce the requirements of the various pieces of legislation and working with internal and external colleagues to effect changes where necessary.
- 1.3 The Public Protection Partnership recognises the value of having a documented approach which sets out how residents, within its area, will be protected from the impacts of the use of fireworks and setting boundaries on our remit.
- 1.4 It is important to recognise there are limitations to the legislative functions and this document sets out clearly where the service, whilst often sympathetic, do not have the ability to take action.

## 2.0 Statement of Approach

- 2.1 The Public Protection Partnership will make effective arrangements to promote safe and appropriate use of fireworks, where appropriate we will enforce primary legislation to achieve this. This includes all associated regulations and codes of practice, with the aim of ensuring that, within its area, the public health of individuals and communities is protected and enhanced.
- 2.2 We will work with partner organisations such as the RSPCA and Police to ensure messages are shared and initiatives supported.

## 3.0 Approach

- 3.1 Protecting residents from the impact of fireworks is a key feature of the PPP's aims and objectives. There will be ongoing pro-active work carried out to prevent incidents of public health concern.
- 3.2 The PPP's involvement in Fireworks falls into 4 clearly defined areas:
  - 3.2.1 Sale of Fireworks (size and noise)
  - 3.2.2 Impact of noise on residents
  - 3.2.3 Events where fireworks may take place
  - 3.2.4 Campaign and Social Media messages

- 3.3 Firework legislation around sales is to predominantly protect residents from purchasing inappropriate levels of explosive materials as well as ensuring age appropriate sales take place. This work will be undertaken by Trading Standards Officers.
- 3.4 Officers will adhere to the requirements set out in the PPP enforcement approach to the sale of age restricted products. This will consider the need and proportionality of the operation being undertaken.
- 3.5 Officers use their professional skills to inspect and intelligence led project work to target problem premises. When investigating and assessing complaints they have regard to industry standards, best practice and case law. This work may be undertaken by a range of suitably qualified officers.
- 3.6 Where organised firework displays are to take place we will work with organisers through the Safety Advisory Group process and actively pursue considerations of the impact on residents. We will work closely with Partner Organisations to ensure that appropriate controls are applied.
- 3.7 Where premises hold a licence for regulated activities they may from time to time use fireworks as part of their business (firework displays are not in themselves a licensable activity). Officers will work with applicants to ensure controls are in place and will have regard to timings and locations if they are to be used. Should complaints be received the PPP would expect to see a noise management plan which clearly sets out how their use will not have a detrimental impact on residents in the vicinity. Officers are also able to use powers under the Environmental Protection Act with regards to noise causing a statutory nuisance. This approach should be reasonable and proportionate.
- 3.8 Whilst sympathetic to the impact that firework noise can have on animals it is accepted that there are no legal powers enforceable by the PPP to protect them from the harmful impacts. In minimising the impact on residents there is a logical assumption that there will also be a reduced impact on animals.
- 3.9 Fireworks awareness will be raised through our Communications Plan and we will use intelligence led approach to shape messages when appropriate. We will seek to provide those involved in the sale of fireworks with relevant leaflets and advice for those purchasing fireworks alongside encouragement to stock quieter fireworks.

## 4.0 Practical Working Arrangements

- 4.1 Proactive inspection work will be addressed through annual service planning. This is based on Government requirements and identified need/risk and will be project based.
- 4.2 Reactive intervention will be carried out following the receipt of a service request concerning impact on residents.
- 4.3 There is a clear consultation process for any Licence Applications and Safety Advisory Group events. Officers will be involved when appropriate to ensure steps are taken to minimise the impact on residents.
- 4.4 Fireworks will be included within the PPP Annual Communications Plan and we will identify particular events which may lead to increase uses outside the more traditional events such as Diwali, Guy Fawkes Night and New Year's Eve. The PPP Facebook and Twitter already follow the RSPCA and RBFRS and will share and support their campaigns concerning fireworks.
- 4.5 Unless in exceptional circumstances, all interventions will involve a graduated approach leading to formal action if such an approach has failed. For areas outside of our legislative powers we will, if resources permit, carryout an informal approach. Officers should be supported if they do not take action as the requests are outside our legal powers.

## 5.0 Roles and Responsibilities

- 5.1 Responsibility for implementation of this approach lies with the Principal Officers through the Tactical Tasking Process.
- 5.2 The Strategic Manager for Environmental Quality, Licensing and Governance is responsible for the planning, organisation and subsequent monitoring of all aspects of the approach.
- 5.3 A range of officers across the service are involved in the application of this approach including licensing processing, animal wardens, Environmental Health Officers and Trading Standards Officers.

## 6.0 Quality Of The Service

- 6.1 The Public Protection Partnership is committed to ensuring that the highest practicable standard of service is achieved and that good customer care practice is integrated into all aspects of service delivery.

- 6.2 In meeting its duties under legislation The Public Protection Partnership will strive for excellence in the quality of service provided. All staff will adopt a professional approach and performance monitoring will be carried out to the standard identified within the adopted Internal Monitoring Standard's to ensure compliance with agreed targets.
- 6.3 It is the responsibility of the Public Protection Partnership to ensure that all officers are suitably qualified, experienced and authorised to carry out enforcement under the Act(s) and any legislation made under the Act(s).
- 6.4 The Public Protection Partnership Strategic Management Team will ensure that all authorised officers have access to appropriate professional training and other resources required in order to maintain a high level of professionalism and competence.

## 7.0 Monitoring the Service

- 7.1 Having set the standards that the Public Protection Partnership wishes the service to achieve, it is essential that the detailed arrangements in the policy are put into practice and that the outcome is regularly monitored and reviewed.
- 7.2 The Strategic Manager for Environmental Quality, Licensing and Governance will make arrangements to monitor the following:
- 7.2.1 Compliance with agreed targets for programmed inspections.
  - 7.2.2 Compliance with agreed targets for Service Requests.
  - 7.2.3 The number of Service Requests received year to year.
  - 7.2.4 Any other agreed monitoring arrangements concerned with the Public Protection Partnership Control Strategy and broader Council objectives relevant to the Public Protection Partnership activities.
  - 7.2.5 Communications Strategy in relation to public messages at key times of the year.

## 8.0 Document Review

- 8.1 This approach will be reviewed every 3 years by the Strategic Manager for Environmental Quality, Licensing and Governance

Council – 8 July 2021

## **Item 17 – Notices of Motion**

Motions detailed on the agenda pages.

This page is intentionally left blank

## Item 18:

### **Member Questions to be answered at the Council meeting on 8 July 2021.**

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

(a) **Question to be answered by the Executive Member for Children, Young People and Education submitted by Councillor Erik Pattenden:**

*“The Local Government Association has recently reported that bringing forward the reporting deadline for pupils becoming eligible for the pupil premium from January 2021 to October 2020 would result in a funding loss of £118m across the country. Schools in England will not receive funding for those primary and secondary pupils who qualified for the extra payment between October 2020 and January 2021 until October 2021, with schools having to bridge the gap. Would the Council confirm the number of pupils in West Berkshire affected by the change and the corresponding shortfall in funding?”*

(b) **Question to be answered by the Executive Member for Planning and Transport submitted by Councillor Phil Barnett:**

*“Although not officially recognized, Electric scooters are becoming more and more popular, not only for the youth, but for mature adults also. They are used on footpaths, tracks, and even highways, obstructing or restricting access on many occasions. Users are not wearing helmets and endangering themselves as well as pedestrians and road users. What can West Berks Council do to encourage the safe use of these scooters, which now can achieve speeds well in excess of disabled electric wheelchairs?”*

(c) **Question to be answered by the Executive Member for Planning and Transport submitted by Councillor Tony Vickers:**

*“How much money in CIL contributions is expected to be passed to parish and town councils in the current financial year, in absolute terms and as a proportion to their total income including parish precept?”*

(d) **Question to be answered by the Executive Member for Environment and Waste submitted by Councillor Adrian Abbs:**

*“Given the initial reasons behind the introduction of a booking system at the recycling centres have gone, why has WBC continued to artificially constrain use of the recycling centres by not at least allowing multiple bookings a week to accommodate things such as hedge trimming, which can often require multiple trips in 1 week. Is it simply a money saving exercise by the back door?”*

(e) **Question to be answered by the Executive Member for Internal Governance, Leisure and Culture submitted by Councillor Tony Vickers:**

*“Following the request several months ago from Greenham Parish Council for a minor change in allocation of parish councillors to parish wards, how extensive is the review of the whole district's Community Governance arrangements that is apparently being undertaken as a consequence and will it be completed in time for the next set of local elections?”*

This page is intentionally left blank