

# Meeting of West Berkshire District Council

**Thursday, 16th March, 2023**

***Summons and Agenda***

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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, 16th March, 2023**  
**at 7.00 pm**



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

Date of despatch of Agenda: Wednesday, 8 March 2023

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## **AGENDA**

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### **Part I**

1. **APOLOGIES FOR ABSENCE**

To receive apologies for inability to attend the meeting (if any). **(Pages 7 - 8)**

2. **CHAIRMAN'S REMARKS**

The Chairman to report on functions attended since the last meeting and other matters of interest to Members. **(Pages 9 - 10)**

3. **MINUTES**

The Chairman to sign as a correct record the Minutes of the Council meeting held on 1 December 2022 and the Extraordinary Council meeting on 23 February 2023. **(Pages 11 - 36)**



## Agenda - Council to be held on Thursday, 16 March 2023 (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 37 - 38)**

### 5. **PETITIONS**

Councillors may present any petition which they have received. These will normally be referred to the appropriate body without discussion. **(Pages 39 - 40)**

### 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 41 - 42)**

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

The Council to agree any changes to the membership of Committees. **(Pages 43 - 44)**

### 8. **LICENSING COMMITTEE**

The Council is asked to note that since the last **ordinary** meeting of the Council, the Licensing Committee met on 23 January 2023. A copy of the Minutes of this can be obtained from Democratic Services or via the [Council's website](#). **(Pages 45 - 46)**

### 9. **PERSONNEL COMMITTEE**

The Council is asked to note that since the last **ordinary** meeting of the Council, the Personnel Committee met on 9 February 2023 and 21 February 2023. Copies of the Minutes of these meetings can be obtained from Democratic Services or via the [Council's website](#) (once completed).

### 10. **GOVERNANCE AND ETHICS COMMITTEE**

The Council is asked to note that since the last **ordinary** meeting of the Council, the Governance and Ethics Committee met on 16 January 2023 and 6 March 2023. A copies Minutes of these meeting can be obtained from Democratic Services or via the [Council's website](#) (once completed).

### 11. **DISTRICT PLANNING COMMITTEE**

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



## Agenda - Council to be held on Thursday, 16 March 2023 (continued)

### 12. OVERVIEW AND SCRUTINY MANAGEMENT COMMISSION

The Council is asked to note that since the last **ordinary** meeting of the Council, the Overview and Scrutiny Management Commission met on 7 March 2023. A copy of the Minutes of this meeting can be obtained from Democratic Services or via the [Council's website](#) (once completed).

### 13. HEALTH SCRUTINY COMMITTEE

The Council is asked to note that since the last **ordinary** meeting of the Council, the Health Scrutiny Committee met on 13 December 2022 and 14 March 2022. Copies of the Minutes of these meetings can be obtained from Democratic Services or via the [Council's website](#) (once completed).

### 14. HEALTH AND WELLBEING BOARD

The Council is asked to note that since the last **ordinary** meeting of the Council, the Health and Wellbeing Board met on 8 December 2022 and 23 February 2023. Copies of the Minutes of these meetings can be obtained from Democratic Services or via the [Council's website](#) (once completed).

### 15. JOINT PUBLIC PROTECTION COMMITTEE

The Council is asked to note that since the last **ordinary** meeting of the Council, the Joint Public Protection Committee met on 26 January 2023 and 13 March 2023. Copies of the Minutes of these meeting can be obtained from Democratic Services or via the [Council's website](#) (once completed).

### 16. STATUTORY PAY POLICY 2023 (C4304)

Purpose: The Council is required, in accordance with section 38 of the Localism Act 2011, to publish an annual pay policy statement. This report seeks to secure compliance with that duty, by seeking approval of the Statutory Pay Policy Statement for publication from 1st April 2023. **(Pages 47 - 72)**

### 17. UPDATES TO THE CONSTITUTION

Purpose: To update Council regarding the work undertaken by the Constitution Review Task Group and to propose the approval of the proposed Constitutional updates detailed in the report.

The completion of the Constitution review is an important part of the overall good governance of the Council and has been highlighted as an area to complete in the Annual Governance Statement. **(Pages 73 - 214)**



**Agenda - Council to be held on Thursday, 16 March 2023 (continued)**

**18. MEMBER INDUCTION AND DEVELOPMENT PROGRAMME 2023/2024 (C4264)**

Purpose: To give consideration to, and agree, the proposed Member Induction and Development Programme for 2023/24 following the District Council Election in May 2023. The Programme was considered and endorsed by the Member Development Group on 27 February 2023. **(Pages 215 - 226)**

**19. CREATION OF AN ADDITIONAL EXECUTIVE DIRECTOR (PEOPLE), AND A TRANSFORMATION SERVICE DIRECTOR ROLE (C4345)**

Purpose: To set out the proposed senior management structure, with greater resilience in the People Directorate to respond to the challenges facing that Directorate. Following the recent resignation of the Executive Director (People), a review has taken place and it is recommended to create two separate roles (currently one) for an Executive Director (People – Adult Social Care & Public Health) and Executive Director (People – Children’s Services).

Furthermore, to speed up the transformation process for Council services, improve efficiency for residents, and save expenditure, a temporary (two year) secondment role is proposed, entitled Service Director (Transformation), within the Resources Directorate. **(Pages 227 - 242)**

**20. 2023/24 WEST BERKSHIRE COUNCIL TIMETABLE OF PUBLIC MEETINGS (C4331)**

Purpose: To recommend a timetable of meetings for the 2023/24 Municipal Year. **(Pages 243 - 248)**

**21. NOTICES OF MOTION**

Please note that the list of Motions is shown under Item 21 in the agenda pack. **(Pages 249 - 252)**

**22. 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 Member questions is shown under Item 22 in the agenda pack. **(Pages 253 - 254)**

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

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Council – 16 March 2023

## **Item 1 – Apologies for Absence**

Verbal Item

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Council – 16 March 2023

## **Item 2 – Chairman’s Remarks**

Verbal Item

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# 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 THURSDAY, 1 DECEMBER 2022

**Councillors Present in the Council Chamber:** Rick Jones (Chairman), Alan Law (Vice-Chairman), Adrian Abbs, Steve Ardagh-Walter, Phil Barnett, Jeff Beck, Dennis Benneyworth, Dominic Boeck, Graham Bridgman, Jeff Brooks, Jeff Cant, James Cole, Jeremy Cottam, Carolyne Culver, Lynne Doherty, Billy Drummond, Clive Hooker, Gareth Hurley, Owen Jeffery, Tony Linden, Royce Longton, Ross Mackinnon, Alan Macro, Thomas Marino, David Marsh, Steve Masters, Geoff Mayes, Andy Moore, Biyi Oloko, Graham Pask, Erik Pattenden, Garth Simpson, Richard Somner, Joanne Stewart, Martha Vickers, Tony Vickers, Andrew Williamson, Keith Woodhams and Howard Woollaston.

**Councillors present remotely:** Councillor Hilary Cole and Councillor Lee Dillon.

**Also present in the Council Chamber:** Honorary Aldermen Paul Bryant and Andrew Rowles, Andy Sharp (Executive Director (People)), Eric Owens (Interim Executive Director (Place)), Joseph Holmes (Executive Director (Resources)), Sarah Clarke (Service Director, Strategy and Governance and Monitoring Officer), Bryan Lyttle (Planning Policy Manager), Elise Kinderman (Team Leader – Minerals and Waste) and Vicki Yull (Principal Democratic Services Officer).

**Also present remotely:** Nigel Lynn (Chief Executive).

**Apologies for inability to attend the meeting were received from:** Councillor Nassar Hunt and Councillor Claire Rowles, Honorary Aldermen and Alderwomen Keith Chopping, Graham Jones, Mollie Lock, Anthony Stansfeld and Quentin Webb.

## PART I

### 58. Chairman's Remarks

The Chairman reported that 19 events had been attended since the last meeting of Council. He and the Vice-Chairman had met with a wide variety of organisations and attended several ceremonies to promote and inform the public about the Council.

The Chairman reported the sad news of the recent death of Mr James Rees, one of the first Independent Members who had worked with the Council for over ten years.

The Chairman concluded by noting the important, complex and sensitive items for discussion on the agenda. He invited Members to focus on completing the business in as professional, constructive and harmonious a manner as possible, not to repeat matters that had already been discussed, and to be respectful of each other during debate.

### 59. Minutes

The Minutes of the meeting held on 6 October 2022 were approved as a true and correct record and signed by the Chairman.

### 60. Declarations of Interest

The Chairman acknowledged the advice provided by the Monitoring Officer concerning the fact that living or working in West Berkshire would not automatically give rise to any form of interest for a Member in the recommendations related to the Minerals and Waste Local Plan, or the Local Plan Review.

## COUNCIL - 1 DECEMBER 2022 - MINUTES

Councillors Jeff Brooks, Owen Jeffery and Tom Marino declared an interest in Agenda Item 19. Notices of Motion but reported that, as their interest was a personal or an other registrable interest, but not a disclosable pecuniary interest, they determined to remain to take part in the debate and vote on the matter.

### 61. Petitions

Councillor James Cole presented a petition containing 1535 signatures which called upon the Council to adopt a policy of ensuring that the correct amounts of money due were charged for any and all services for which charges were levied, and that reimbursement would be provided to any resident or service user who had been charged in error or had been charged where no charge should have been levied. The Chairman stated that this petition would be reviewed by officers who would confirm to Councillor Cole within ten days what action would be taken on it.

### 62. Public Questions

The Chairman re-ordered the questions as published in the Agenda. The questions were instead considered in the order set out below.

A full transcription of the public question and answer session is available from the following link: [Transcription of Q&As](#).

- (a) A question standing in the name of Simon Pike on the subject of the conclusions and recommendations of the Landscape Sensitivity and Capacity Assessment for North East Thatcham was answered by the Portfolio Holder for Planning, Transport and Countryside.
- (c) It was agreed that a question standing in the name of Anthony King on the subject of the impact of the Membury Industrial Area on the B4000 / Ermin Street would receive a written response given that he was unable to attend the meeting.
- (e) A question standing in the name of Sam Coppinger on the subject of further B8 development at Membury was answered by the Portfolio Holder for Planning, Transport and Countryside.
- (h) A question standing in the name of Sam Coppinger on the subject of development on the Membury Industrial Estate without a Supplementary Planning Document was answered by the Portfolio Holder for Planning, Transport and Countryside.
- (n) A question standing in the name of Paula Saunderson on the subject of the Local Plan Review was answered by the Portfolio Holder for Planning, Transport and Countryside.
- (b) A question standing in the name of Ruth Steedman on the subject of the rollout of electric vehicle charging points was answered by the Portfolio Holder for Planning, Transport and Countryside.
- (d) A question standing in the name of Graham Storey on the subject of social housing within West Berkshire meeting the Decent Homes Standard was answered by the Portfolio Holder for Housing, Leisure and Culture.
- (f) A question standing in the name of Paul Morgan on the subject of the engagement and involvement with Hemingway Design on the London Road Industrial Estate Project Refresh was answered by the Portfolio Holder for Finance and Economic Development.
- (g) A question standing in the name of Vaughan Miller on the subject of improvements to kerbside recycling collections was answered by the Portfolio Holder for Environment and Transformation.
- (j) A question standing in the name of John Gotelee on the subject of plot by plot planning on the London Road Industrial Estate meeting common drainage law was answered by the Portfolio Holder for Finance and Economic Development.

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- (l) A question standing in the name of Sam Coppinger on the subject of development on the Membury Industrial Estate without a Surface Water Management Plan was answered by the Portfolio Holder for Planning, Transport and Countryside.
- (i) A question standing in the name of Paul Morgan on the subject of a root and branch review to identify savings in the Council's budget was answered by the Portfolio Holder for Finance and Economic Development.
- (k) A question standing in the name of Vaughan Miller on the subject of the proposed stadium not allowing Newbury Football Club to grow beyond Step 4 was answered by the Portfolio Holder for Housing, Leisure and Culture.
- (o) A question standing in the name of Sam Coppinger on the subject of the Local Plan Review was answered by the Portfolio Holder for Planning, Transport and Countryside.
- (m) A question standing in the name of Vaughan Miller on the subject of spend on the Lido and Sports Hub was answered by the Portfolio Holder for Housing, Leisure and Culture.

### 63. Membership of Committees

Council considered a number of changes to committee membership that had been put forward by the Leader of the Council, Councillor Lynne Doherty. These proposals were seconded by Councillor Graham Bridgman.

Councillor Alan Macro expressed his disappointment that Councillor Claire Rowles would no longer be involved in the Health Scrutiny Committee. He wished to express his profound gratitude to her for her hard work and involvement since its establishment.

It was put to the vote and duly **RESOLVED** that the following changes would be made:

- Mr Simon Carey to be appointed as an Audit Independent Person on the Governance and Ethics Committee.
- Councillor Alan Law to replace Councillor Claire Rowles as a substitute member on the Governance and Ethics Committee.
- Councillor Graham Pask to replace Councillor Claire Rowles as a member of the Health Scrutiny Committee.
- Councillor Graham Pask to replace Councillor Claire Rowles as a member of the Overview and Scrutiny Management Commission.
- Councillor Jeff Beck to replace Councillor Claire Rowles as a member of the Western Area Planning Committee.
- Councillor Garth Simpson to replace Councillor Jeff Beck as a substitute member of the Western Area Planning Committee.
- Councillor Ross Mackinnon to replace Councillor Claire Rowles as a member of the Appeals Panel.
- Councillor Howard Woollaston to replace Councillor Claire Rowles as the Council's representative on the Thames Valley Police and Crime Panel.

### 64. Motions from Previous Meetings

Members were asked to note the response to a Motion from Councillor Tony Linden regarding Sprinklers which had been tabled at a previous Council meeting. As the Motion had been discussed and responded to by the Executive at its meeting on 3 November 2022, it was not proposed to revisit the discussion on this item at this meeting.

### 65. Licensing Committee

The Council noted that, since its last meeting, the Licensing Committee had met on 7 November 2022.

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### 66. **Personnel Committee**

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

### 67. **Governance and Ethics Committee**

The Council noted that, since its last meeting, the Governance and Ethics Committee had met on 20 October 2022.

### 68. **District Planning Committee**

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

### 69. **Overview and Scrutiny Management Commission**

The Council noted that, since its last meeting, the Overview and Scrutiny Management Commission had not met.

### 70. **Health Scrutiny Committee**

The Council noted that, since its last meeting, the Health Scrutiny Committee had not met.

### 71. **Health and Wellbeing Board**

The Council noted that, since its last meeting, the Health and Wellbeing Board had met on 29 September 2022.

### 72. **Joint Public Protection Committee**

The Council noted that, since its last meeting, the Joint Public Protection Committee had met on 5 October 2022.

### 73. **Minerals and Waste Local Plan - Adoption (C4262)**

The Council considered a report (Agenda Item 17) which presented the final Minerals and Waste Local Plan and sought approval for its adoption.

**MOTION:** Proposed by Councillor Richard Somner and seconded by Councillor Graham Pask:

“That Council approves the West Berkshire Minerals and Waste Local Plan (Adoption Version) for adoption pursuant to section 23 (3) of the Planning and Compulsory Purchase Act 2004”.

Councillor Somner introduced the report and reminded Members that the Minerals and Waste Local Plan had been presented to Council on two previous occasions, with the final version for adoption now being considered. He expressed his gratitude to officers for their continued work on developing the plan, responding to the consultation, and responding to the Inspectors comments. This would be the first West Berkshire Minerals and Waste Local Plan and it provided protection to communities against inappropriate development. Councillor Somner emphasised that this was an important strategic document and would ensure that mineral extraction development and waste management facilities were planned in the most sustainable way, with the least amount of negative effects on the environment and quality of life. He highlighted that a policy on fracking was included in the Plan but that it was not anticipated that fracking would occur in West Berkshire.

Councillor Alan Macro noted that this would replace a couple of Plans regarding minerals and waste that were adopted over thirty years ago. The Plan allocated two new mineral

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sites, one being just outside Chieveley within the Area of Outstanding Natural Beauty. Many years of gravel extraction had resulted in a large proportion of the Kennet Valley being turned into lakes, and Councillor Macro therefore welcomed that only one additional gravel site had been allocated in the Plan. He wished to note that West Berkshire would still be dependent on South Oxfordshire for soft sand, and to other authorities for the disposal of waste, which he felt could be a cause for concern in the future.

Councillor Steve Masters queried whether Councillor Somner, as a private individual, would join any members of the public in campaigning against fracking in West Berkshire should it be proposed for the district in the future.

Councillor Hilary Cole expressed her delight that the Plan had come to a successful conclusion following a lengthy and difficult process. She believed that, with regards to sand and gravel extraction, the industry should be encouraged to consider alternative construction methods given that it was a finite resource.

Councillor Tony Vickers endorsed the comments made by Councillor Hilary Cole and indicated his support for prefabricated offsite building.

Councillor Graham Pask believed there was general agreement that a minimal amount of mineral extraction should occur, and that such items should be recycled as much as possible. He also wished to extend his thanks to officers, and endorsed the Plan to Members for approval.

Councillor Somner concluded the debate by recommending that Council approve the adoption of the Plan.

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

### 74. **West Berkshire Local Plan Review 2022-2039 Proposed Submission Consultation (C4274)**

The Council considered a report (Agenda Item 18) which presented the main changes to the Local Plan Review and supporting documents following the Regulation 18 consultation, and sought approval to undertake a further public consultation on these documents in accordance with the West Berkshire Statement of Community Involvement and Regulation 19 of the Town and Country Planning (Local Planning) (England) Regulations 2012.

**MOTION:** Proposed by Councillor Richard Somner and seconded by Councillor Howard Woollaston:

“That Council grant delegated authority to the Executive Director Place to:

- i) Agree any minor typographical and nonmaterial changes to the Proposed Submission Local Plan Review 2022-2039 and supporting documents, (including the approval, prior to publication, of the final:
  - a. Air Quality Study;
  - b. Whole Plan Viability Report;
  - c. Employment Land Review Update;
  - d. Housing Employment Land Availability Assessment;
  - e. Landscape Sensitivity and Capacity Assessments for Individual Sites;
  - f. Settlement Boundary Review; and
  - g. Equality Impact Assessment).
- ii) Publish the Proposed Submission Local Plan Review 2022-2039, and supporting documents for a six week consultation period in accordance with the West Berkshire

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Statement of Community Involvement and Regulation 19 of the Town and Country Planning (Local Planning) (England) Regulations 2012.

- iii) Following public consultation, consider and summarise the responses received, and submit the Proposed Submission Local Plan Review 2022-2039 and supporting documents to the Secretary of State for independent examination in line with Regulation 22 of the Town and Country Planning (Local Planning) (England) Regulations 2012”.

Councillor Somner introduced the report and explained how the draft Plan had been shaped following extensive evidence gathering, consultation with the public, neighbouring authorities and land owners in the district, and regular cross party meetings with Councillors. He thanked those who had collaboratively engaged with the process, and in particular the officers who had worked tirelessly to deliver the draft for consultation. Councillor Somner acknowledged the comprehensiveness of the Local Plan documentation included in the agenda pack and thanked the members of the Planning Advisory Group (PAG) who had regularly reviewed the content. He believed it important to emphasise the level of discussion that had taken place between the three political groups at PAG, and also to recognise the many changes to the draft Plan worked through as a result.

Councillor Somner referred to the recognition of the importance of the environment within the draft Plan, along with the impact of climate change and the setting of ambitious standards for suitability and environmental impact. He highlighted some proposals within it which included: the building of new zero carbon homes; infrastructure to support new development and provide additional services for existing communities; encouraging new businesses and job opportunities in the district; the protection of valued assets included in the Area of Outstanding Natural Beauty and important green spaces as well as local fauna, and; a new (but smaller than previously proposed) strategic development site in North East Thatcham providing around 600 affordable housing units. The draft Plan also addressed and resolved major themes identified following significant communication with local stakeholders during the Regulation 18 consultation.

Councillor Somner advised that this was one of a number of critical plans that a Local Authority must have in place, and it established the parameters within which the Council could guide developers and Inspectors to key elements of planning prioritised as essential across the district. He noted that approval immediately gave weight to over 40 development management policies which included: health and well-being; water quality and the maximum amount of water to be used in new dwellings; trees, woodlands and hedgerows; residential space standards; residential amenity, and; sustaining a prosperous rural economy.

In conclusion, Councillor Somner drew attention to the purpose of the report which was to present the main changes to the Local Plan Review and supporting documents following the Regulation 18 consultation, and to seek approval to undertake a further public consultation on these documents in accordance with the West Berkshire Statement of Community Involvement and Regulation 19. He explained that this additional consultation would be undertaken on behalf of the Secretary of State so that the examination could focus on the key issues raised in relation to the submission version of the Local Plan.

**AMENDED MOTION:** Proposed by Councillor Adrian Abbs and seconded by Councillor Tony Vickers:



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“That Council grant delegated authority to the Executive Director Place to:

- i) Agree any minor typographical and nonmaterial changes to the Proposed Submission Local Plan Review 2022-2039 and supporting documents, (including the approval, prior to publication, of the final:
  - a. Air Quality Study;
  - b. Whole Plan Viability Report;
  - c. Employment Land Review Update;
  - d. Housing Employment Land Availability Assessment;
  - e. Landscape Sensitivity and Capacity Assessments for Individual Sites;
  - f. Settlement Boundary Review; and
  - g. Equality Impact Assessment).
- ii) Publish the Proposed Submission Local Plan Review 2022-2039, and supporting documents for a six week consultation period in accordance with the West Berkshire Statement of Community Involvement and Regulation 19 of the Town and Country Planning (Local Planning) (England) Regulations 2012.
- iii) Following public consultation, consider and summarise the responses received, and submit the Proposed Submission Local Plan Review 2022-2039 and supporting documents to full Council for approval prior to the Secretary of State for independent examination in line with Regulation 22 of the Town and Country Planning (Local Planning) (England) Regulations 2012”.

Councillor Graham Bridgman sought clarification on whether the proposed Amendment was allowable under the Regulation 19 procedure, or whether there was any difficulty with it in law, before it was debated. The Chairman confirmed that planning officers had advised that the amendment was acceptable to debate. The Monitoring Officer advised that the most likely future meeting of Council at which this would be considered if delayed would be May 2023, and that planning officers had provided assurance that this delay would not invalidate any of the assessments within the current draft Plan.

Councillor Adrian Abbs proposed the Amendment for what he felt to be self-evident reasons as he believed it was eminently reasonable that something of this import came back to Council for final approval. He wanted breathing room to allow for the more careful consideration of these proposals and to allow the new Executive Director for Place to have commenced in post.

Councillor Tony Vickers wished to echo most of the comments made by Councillor Somner since he agreed there were many positive aspects to the draft Plan resulting from the Regulation 18 consultation responses. However, he noted that his political group believed that greenfield sites should be used for tackling climate change and growing food rather than building large, car dependent housing estates. He expressed disappointment that two large brownfield sites within the Newbury settlement area requiring redevelopment, namely the Kennet Centre and London Road Industrial Estate, had no housing allocation yet could take between 500 and 1000 homes without new infrastructure being needed. As a result of this exclusion, up to 1000 more homes were proposed for North East Thatcham than would otherwise have been built, all on green fields and in car dependent estates.

Councillor Vickers argued that it was unreasonable to expect Members to be confident that all the supporting documents amounted to an adequate evidence base, the foundation upon which the case would rest in the public examination. He remarked that it needed more work and time given that his initial reading of the documents had found minor errors such as a lack of cross referencing, and that the members of PAG had not had their attention drawn to the numerous evolving supporting documents at its most

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recent meeting. Councillor Vickers confirmed that his political group were not prepared to approve publication until all Members beyond the Executive were confident that it would garner support from developers and the Inspectorate.

Councillor Vickers reiterated that planning officers had worked incredibly hard for many years but suggested they had been under resourced and that the timetable had been rushed by the Executive. He expressed the view that this was a political timetable, set to get the few key policy points of disagreement through to the Secretary of State before the May 2023 election. Councillor Vickers then drew attention to the recently appointed Executive Director for Place, whom he remarked should be the officer with delegated authority to take the Plan through its public examination with the full confidence of the incoming Council and its ruling administration. He further opined that delaying the decision on this matter to the May 2023 Council meeting would not be an issue since the current deadline for the Regulation 22 submission to the Secretary of State was the end of 2023. In doing so, Councillor Vickers believed that the corporate body of Members and Directors in place at that time would have a Local Plan more fit for purpose.

Councillor Jeff Brooks asserted that this Amendment was concerned with ensuring proper due process by having Council take a decision of this magnitude and not delegating it to officers. He observed that distinctions made by officers between minor and more substantive matters raised during consultation were subjective, but that a delayed collective decision by Council in three months' time removed that issue.

Councillor Alan Law sought clarification on his understanding that the Regulation 19 consultation was only for minor changes to the draft Plan, and that anything significant raised would result in the Plan being re-drafted. Mr Eric Owens, the Interim Executive Director for Place, confirmed that this was correct under the recommendations and the delegations proposed within the report. Anything significant would mean that the Plan could not be submitted to the Inspectorate and would then have to be reviewed by officers. The significant issues raised would then be brought to Council for consideration in due course.

Councillor Lee Dillon observed that the Minerals and Waste Plan had just been adopted for approval via a vote of full Council. In support of the comments made by Councillor Brooks, he pointed out that a matter of significance for one person might not be so for the next person, and a small matter in the context of the overall Plan might have an inordinate impact on residents in a Ward. He recognised that the public had the right to lobby Councillors on how to vote but argued that the delegation of this decision to officers removed the democratic accountability of Members. Regardless of the scale of changes required to the draft Plan following consultation, Councillor Dillon made clear his belief that any democratic mandate should come from full Council.

Councillor Ross Mackinnon called for the Amendment to be rejected as he considered it to be purely a delaying tactic to obtain deferral on the decision until after the May 2023 election.

Councillor David Marsh offered the Green Party's point of view about the principle in discussion, which was that far too few important decisions were debated properly or voted on by full Council. This had been a surprise to him upon election, and also to his residents when asking him his voting record. Councillor Marsh speculated as to why a Member of the Council would not want to have the opportunity to take the final decision on the Local Plan, especially since it only caused a relatively short delay of two or three months and gave Members the opportunity to represent their residents.

Councillor Bridgman suggested that Councillors Marsh and Dillon had missed the fact that public consultation had taken place during the Regulation 18 stage, which had fed in

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to the documentation presented for consideration at this meeting. In his view, it was not correct to amend the Motion in order to bring it back to full Council after the Regulation 19 stage, because any substantial proposals decided by the Inspector as necessary would have to be brought back anyway.

Councillor Jeff Cant commented that the draft Plan had gone through a protracted development process resulting in a very coherent document. He noted that anything beyond minor typographical and nonmaterial changes arising from the Regulation 19 stage would result in it being brought before Council again, therefore making this Amendment redundant.

Councillor Owen Jeffery confirmed that ten years ago full Council determined to do exactly what this Amendment was asking Council to do for this Motion. He pleaded with his colleagues to disregard the timings around the election, and to focus on what was best for the district by making the decision at full Council in two to three months' time.

Councillor Graham Pask expressed sympathy with the view regarding bringing the decision back to Council rather than delegating to officers. However, he noted that the Minerals and Waste Plan had already gone through the Inspectorate stage and was a decision for adoption, whereas this decision concerned moving on to the next stage of Regulation 19 consultation. It was then for the Planning Inspectorate to appoint a Planning Inspector to examine everything in detail, including responses submitted by residents and developers, and he believed this was the proper process.

Councillor Steve Ardagh-Walter made clear his view that the Amendment was a political manoeuvre introduced at the last possible minute to stall the Motion, especially given the previous constructive participation of opposition Members in PAG.

Councillor Tony Linden reflected on his 35 years of experience as a Councillor and assured his fellow Members that this was the start of this process. He believed that the Plan should be considered by the Inspectorate without delay and so would be voting against the Amendment.

Councillor Abbs advised that the late submission of this Amendment related to his recent ill health. He highlighted that Council had agreed to do what the Amendment proposed in 2010 and to therefore not make the same decision tonight would be an anomaly. He stated that the Amendment was not political and provided Members the opportunity for further input. This could reduce the likelihood of feedback being provided during the Regulation 19 consultation which could potentially put the whole draft Plan into disarray.

Councillor Somner expressed his disappointment at the Amendment and the comments made during debate given the extensive and cross party working that had been taking place at PAG. He noted that the draft Plan had been amended as a result of the Regulation 18 consultation, and that the Minerals and Waste Plan had gone through the same process as proposed for the Local Plan. Councillor Somner suggested that the protracted process in developing the draft Plan meant it was time to start moving forward and to open the public consultation. He reiterated that any major issues raised during the Regulation 19 consultation would be brought back by default and stated he would not therefore be supporting the Amendment.

The Amended Motion was put to the vote and declared **LOST**.

Councillor Tony Vickers highlighted the importance of this being evidence based policy and expressed concern as to how developers and agents were going to respond to the consultation and public examination when, in his opinion, the draft Plan did not work as a cohesive set of documents. He asked that the publication and collation periods not be rushed and to allow the new Executive Director for Place involvement in the process,

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though he acknowledged the opinion of officers that major issues had been addressed through the Regulation 18 consultation. Councillor Vickers concluded by praising his colleagues on PAG for their collaborative cross party work and reiterated his concerns that the failure of Members to have another opportunity to review the draft Plan would lead to dissatisfied developers and landowners successfully lobbying against it. He advised that his political group would not be supporting the Motion.

Councillor Dillon explained that his political group were not against every detail or policy in the draft Plan, and had welcomed the environmental policies being given more prominence. However, he and his group were opposed to this being rushed through before the election due to what they perceived as a worrying lack of key documents and outdated information. Councillor Dillon remarked that this seemed to be particularly true for those communities taking the largest share in this Plan period, quoting the reduced number of dwellings proposed in Thatcham and its subsequent effect on potential funding for a new secondary school as an example. He believed it inappropriate to invite local communities and stakeholders to give views on an unfinished piece of work but felt sure in assuming that the current version of the draft Plan would deliver more houses in Thatcham, in a shorter period, and with less education infrastructure. Councillor Dillon argued this was unfair, unsustainable, and resulted in future failure. He noted that the reduction or loss of any school would also impact the Playing Pitch Strategy which required the use of school fields to meet the required criteria of pitches within the area. He further noted other discrepancies relating to the growth study and it no longer being a valid master plan for Thatcham given that its housing allocation had been reduced. Councillor Dillon thought it irreconcilable that future housing allocation for the next generation would be left to delegated decision when the public would be making comments on flawed thinking. He called upon Members to pause and allow the collation of the correct information which could be taken to the public in full confidence that they could then make informed contributions based upon it.

Councillor Pask reflected on the many officer hours it had taken to complete the Local Plan Review and the comprehensiveness of the document. He made clear that he had always supported West Berkshire being a plan-led authority and that there was much to praise in the review such as the policies to protect the environment, water resources, listed buildings, and assets of archaeological importance. Other important policies which he believed would garner general support included exception sites to boost the rural economy and residential extensions. However, Councillor Pask expressed concerns regarding Policy SP17, the North East Thatcham strategic site, which he gratefully acknowledged had been reduced by 40% but felt would still cause an increase in local road use which needed to be addressed. Other concerns raised by Councillor Pask related to the use of Bucklebury Common to facilitate connection to the Area of Outstanding Natural Beauty given that its fragile ecosystem required protection, and the importance of having a strategic gap policy and a separation of settlements.

Councillor Phil Barnett, in relation to the comments made by Councillor Pask, submitted a plea that the strategic gap between Newbury and Greenham not be encroached upon further. He expressed concern over what he felt appeared to be factually incorrect wording in the documents, and he hoped that consideration would be given to the access and egress should the retail park in Newbury be expanded given the traffic problems already experienced on the A339. Councillor Barnett also mentioned that he could find no reference to the Newbury and Greenham golf course, he referred to the disturbance caused to residents from developments, and he also challenged whether the proposal for Newbury Racecourse and the need to have high quality sustainable development sensitive to environmental quality and the historical character of the area was actually taking place.

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Councillor Alan Macro agreed with the sentiment expressed by Councillor Pask regarding strategic gaps, and he suggested gaps were also needed between Calcot and Theale, Tilehurst and Theale, and Purley-on-Thames and Pangbourne. He noted that in the east the emphasis had mostly been on Theale, and he was pleased to note that a housing allocation for Princes Hill had not come to fruition. Councillor Macro expressed concern that the lakeside development near Theale had begun with seemingly no provision for upgraded facilities and services planned, and that this and another 100 proposed homes would increase the size of Theale by around 25%. This continued development in the area was leading to ongoing complaints from residents regarding the lack of infrastructure which Councillor Macro believed would only get worse. He welcomed that a site from the Regulation 18 consultation for 20,000 square metres of office space had been dropped from the latest iteration of the Plan, but expressed concerns at the number of smaller developments on windfall sites of less than 10 units. He felt these were not accounted for resulting in more greenfield sites being developed than necessary. He concluded by suggesting that the Plan should not be submitted to the Planning Inspectors due to the inconsistencies between the documents and the incomplete documentation.

Councillor Marsh stated that developers should not be given 'get out' clauses if the overall number of zero carbon housing was to be increased, and that the Local Plan must also be effectively enforced. He expressed reservations that the Plan, in its current form, relied on building two large developments on greenfield sites which he felt was incompatible and contradictory to other policies expressed elsewhere in the Plan. As an example, he talked about Policy SP16, the Sandford Strategic Site Allocation, which he argued contradicted the prioritising of sites of lower environmental value on previously developed land, and conserving and enhancing the natural environment. Councillor Marsh also highlighted other policies in the Plan, such as the policy of not losing wildlife corridors and habitat connectivity, maintaining appropriate buffer zones for ancient woodland (which he believed at 15 metres to be inadequate), and minimising the impact of all forms of travel on the environment, and described in detail how building on greenfield sites did not achieve these.

In relation to maintaining the separation between Newbury and Greenham, Councillor Marsh referred to a number of proposals within the Plan which he argued reduced that gap. He also expressed astonishment at the statement within the Plan that SP16 was likely to have a positive impact on sustainability just because it would help to deliver new housing to meet local needs, especially since the Inspector who had approved the first phase of Sandford had acknowledged the damage that future phases would cause. Councillor Marsh then referred to the Warren Road access road, originally designated for pedestrians, cyclists and public transport only, which, without explanation, had been re-designated for primary vehicle access in the latest version of the Plan. He further explained the negative impact this would have on the surrounding area. He also noted that the single planning application to cover the whole Sandford site would not be brought forward because the developers did not agree with each other, and the Administration had chosen not to challenge them as they were of the opinion that this site was the most appropriate for strategic housing delivery in Newbury which Councillor Marsh disagreed with. He concluded by announcing that large scale developments on Greenfield sites were not green, not sustainable, did not protect or enhance biodiversity, did not promote active travel and were not compatible with this Plan. For those reasons, he advised that his political group would not be supporting the Motion.

Councillor Jeffery wished to focus on the proposal for 1500 houses in Thatcham which he argued would have a massive impact on every resident in the town. He referred to the

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infrastructure promised as part of the proposal which he felt had been hollow. He acknowledged the pressure on admissions to Kennet School, which shared a site with a public sports centre and whose original main building was no longer fit for purpose. Councillor Jeffery expressed his disbelief that this issue had been ignored in the Local Plan Review and felt it to be a wasted opportunity. He suggested that Thatcham required a purpose designed, purpose built educational campus with proper playing fields provision, its own gymnasium, its own swimming pool, and extensive playing fields. It should contain an 1800 entry school, with 600 in an additional sixth form, along with a couple of primary schools. He further suggested that the existing school site could then be redeveloped for sustainable housing. In conclusion, Councillor Jeffery stated that a proactive Administration would be resolving the needs of its communities, and not just ticking a box for a given number of houses against a government plan.

Councillor Jeremy Cottam expressed his concerns that additional homes would be built without any reference to infrastructure. He believed the Plan was missing key information, and that children should be able to be educated in their local area. He felt it irresponsible of Members to support the Plan in its present form because of the missing information and lack of infrastructure, and that the Administration was putting this through at pace rather than with care.

Councillor Linden was pleased with the proposals for Pincents Lane, and he reflected that this Council had been more successful than neighbouring authorities in making sure that development took place in the right areas and at the right time. He noted that the Council had a more than five year supply of land and that the Inspectorate had indicated a lack of support for previous iterations of the Plan, but he felt that this process now needed to move forward. He acknowledged the concerns raised in relation to Thatcham and Newbury but remarked that development would be steady and necessary rather than excessive as a result of the Plan. In conclusion, Councillor Linden urged his fellow Members to support the Motion.

Councillor Martha Vickers took the opportunity to raise awareness of the Newbury Development Plan as referenced in the Local Plan Review. She highlighted the importance of obtaining residents' contributions to the Newbury Development Plan, and that it was accessible via the Town Council website. She noted that the deadline for ending the consultation on the first phase of the Plan had been extended until the end of January 2023.

Councillor Brooks, further to the statements made by Councillor Somner regarding PAG, stated that Liberal Democrat Members nodding at those meetings meant that those Members had understood the points, but not necessarily that they were indicating acceptance. Those Members had then taken those points to their political group meetings at which the position of the group had been agreed. He acknowledged that there were parts of the Plan that stood up to good scrutiny, but disapproved of what he believed to yet again be the dumping of thousands of houses in Thatcham with no infrastructure, irrespective of whether it had been reduced to 1500 units. He went on to highlight how his political party had subsequently put infrastructure in place during the 1990s and 2000s that the Conservatives had not provided in the 1970s and 1980s. He noted that there was time to delay the Plan but that the Administration was refusing to do so.

Councillor Abbs advised that the residents within his Ward were opposed to further development in Sandford. He noted that the Inspector had confirmed that the two sites did not need to be connected and Councillor Abbs questioned whether one of the developments could therefore be moved to another site with the potential for development. He suggested that those in opposition to Sandford would also be

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submitting that feedback straight to the Inspector. Councillor Abbs went on to also suggest that West Berkshire should be viewed as a whole, particularly on issues such as what the villages and smaller locations required to remain viable, which could have been easily integrated into the Plan.

CouncillorCarolyn Culver wanted to focus on positive aspects of the Plan, which included its response to climate change and its promotion of sustainable homes and businesses. She referred to the advice from a company called Bioregional who had said an Inspector would be happy if the Council pushed further on its carbon reduction targets, and Councillor Culver welcomed this. She also welcomed the policy relating to housing type mix since she was very supportive of increasing the number of smaller homes available in the district. She believed that there was a discrepancy however when it came to planning decisions at Committee, as too often it appeared that full weight was not given to the protective policies already in place and enforcement was lax. Councillor Culver asked that going forward these policies should be more respected and communities advised as to why they were in place. She wanted to celebrate the policies around housing biodiversity net gain and climate, and hoped ultimately that the government adopted better policies and were more robust on matters such as climate change to help address the emergency being faced.

Councillor Hilary Cole reminded Members that this vote was for the Plan to go out for final consultation and that people would have ample opportunity during the six week consultation period to make their views known. She further reminded Members that without a sound Local Plan in place residents would be exposed to district wide wholesale development by developers who would win planning applications on appeal. In response to comments made by Councillor Abbs regarding viewing West Berkshire as a whole, Councillor Cole drew attention to the settlement hierarchy for villages and used this as an example to suggest that some comments made so far during debate had been ill-informed and parochial. She was concerned that Members should be looking at this Plan as a district and as a whole, whereas a lot of emphasis had been placed on local Wards. Councillor Cole also remarked on the very collaborative working relationship across the political parties she had witnessed during her involvement with PAG and expressed disappointment at the contrary comments made by the Opposition Group who she felt were making political points.

Councillor Law described how he had been involved both in 2010 and 2015 in bringing the components of the current Plan, the Core Strategy, and the Housing Site Allocations DPD for decision, and confirmed he had been a member of PAG for the last four or five years working on this version. He expressed surprise at the comments made by Councillor Tony Vickers that PAG had not seen a number of the key reports and explained how some had been brought in detail and some in summary format. Councillor Law set out how this vote was about local democracy and about who controlled and managed the local development in West Berkshire for the next 17 years, and he wanted to take forward the consultations and not delay the process. He also disagreed with Councillor Abbs and Dillon that this was the last opportunity for Member involvement with the Plan since Regulation 19 provided an opportunity to submit comments, along with the public hearing led by an Inspector. Councillor Law was concerned that voting against this Motion deprived the public of one more consultation before it went to the Secretary of State and a public hearing, and also could result in the Plan being discarded and started again. He noted that four to five years of evidence collection, research, review, and scrutiny would all have to begin again. He highlighted that this Plan suggested around 27 sites and about 8,500 to 9,000 houses, whereas developers and land owners submitted almost 250 sites and about 30,000 houses when asked during consultation. He argued that not having a Plan increased the risk of more than 9,000 homes across 27 sites being

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built, and cited the example of planning chaos in South Oxfordshire District Council which rejected its Local Plan at a similar stage. He concluded by thanking the officers in Policy Development and urged Members to support the Motion.

Councillor Abbs requested a point of clarification on whether Members could, in fact, submit comments directly to the Inspector during that phase of the process as his political group had received conflicting advice on this matter. The Monitoring Officer, after consulting with planning colleagues, advised that it was her understanding that Ward Members could attend and had previously attended the public examination.

Councillor Ardagh-Walter began by thanking officers for their diligent and attentive work on the Plan and welcomed its emphasis on matters such as good environmental standards and biodiversity net gain obligations on developers. He then focussed on comments made by Members during debate regarding Thatcham. In particular he referred to comments made that a new secondary school had been promised as part of the initial plans for 2,500 houses which was now uncertain given this number had reduced to 1,500 houses. He agreed that Kennet School was full and that the secondary school provision needed sustained growth, but pointed out that fewer houses being built resulted in fewer school spaces being needed. He also looked forward to working in the future with officers and the Kennet School Academy to develop the best plan not only for the school but for the children of the town.

Councillor Ardagh-Walter also touched on the car use of residents in new housing developments and the fact that some people having fewer transport choices was something that should collectively be worked on. He believed it important to balance the needs of future generations wanting to stay in the area against the needs of more elderly people and felt that growth in housing was essential. In conclusion and in reference to comments made by Councillor Brooks regarding infrastructure not being put in place by Conservative Administrations, he quoted some examples where he felt Liberal Democrat Administrations had created developments without supporting infrastructure.

Councillor Mackinnon reflected on a recent example of cross party working with a Green Party member on a Fair Tax Motion which he felt had been effective and successful. He went on to talk about the petition relating to water companies which had demonstrated spontaneous collaboration from the Liberal Democrats resulting in a Motion agreed by all parties. He was disappointed, however, that three weeks later newsletters were being posted through letterboxes by the Liberal Democrats indicating the opposite. With regards to the Local Plan, he believed it was the culmination of five years of hard work from both officers and members of all parties on PAG and was disappointed at the remarks made by Councillor Brooks on not expecting cross party agreement. Councillor Mackinnon then referenced comments made by Councillor Tony Vickers on 24 November in The Penny Post that the Liberal Democrat view was broadly consistent with the district wide policies and that they would not be voting against the Local Plan being published for the Regulation 19 consultation. He pointed out that the Liberal Democrats were all now in opposition to the Motion and questioned what had changed in the days since that article was published. He suggested that they were in opposition for opposition's sake and were willing to ruin five years of work for a perceived political advantage. Councillor Mackinnon referred to the Liberal Democrat pledge to build 380,000 homes per year and the plans for zero carbon housing being proposed by Somerset County Council, and queried why the party members in West Berkshire were therefore not more supportive of new homes being built in this district.

Councillor Bridgman referred to the Newbury Development Plan as mentioned by Councillor Martha Vickers and took the opportunity to encourage any community to develop a Neighbourhood Development Plan. He advised that Stratfield Mortimer Parish



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Council was now at the point of drafting its second iteration of its Neighbourhood Development Plan and noted that Mortimer was not being asked to take any housing in the Local Plan. Concerning comments made by Councillor Law regarding the planning chaos in South Oxfordshire, Councillor Bridgman wished to highlight the amount of housing being built in Wokingham which also did not have a Local Plan. He then drew attention to the original Regulation 18 consultation dated November 2018 which showed how long this process had been going on for and, to his mind, demonstrated that the decision about Regulation 19 was not being rushed. He supported the Motion as he thought it time for the Plan to be put before the Inspectorate and adopted.

Councillor Biyi Oloko stated his belief that the process had been agreed for this activity, and had involved the cross party working group. This next part of the process was thanking those involved for their work, taking the Plan through another round of consultation and subsequent independent examination, and entrusting that process to the Executive Director. He was disappointed at what he perceived to be political jousting, especially because of the prior involvement and work of the cross party working group. Councillor Oloko also mentioned the litany of issues and complaints about the content of the Plan raised by the Opposition and his surprise, therefore, at the wording of the Motion Amendment they had proposed. He argued that the Opposition had been involved fully in the process of developing the Local Plan Review but were now denying the content of the work they had done for political grandstanding purposes. Councillor Oloko concluded by indicating his support for the Motion given that it concerned moving to the next stage of activity in the process.

Councillor Dillon requested clarification from the Monitoring Officer regarding the limitations on wording for potential Amendments to the Motion in response to the comments made by Councillor Oloko. It was his understanding that Amendments could not make changes to the content of the Local Plan because it would negate the whole Motion. Therefore the Amendment proposed had related to the process. The Monitoring Officer confirmed that advice had been provided to all Members that Amendments under the current rules of the Constitution could not be to negate the Motion that had been moved. Any Amendment therefore that sought to change the recommendations within the Plan itself would have failed because the whole Plan would then have failed due to all of the assessments and documents supporting that.

Councillor Tom Marino stated how effective and productive he considered working groups to be and therefore how saddened he was to hear the earlier comments made by Councillor Brooks regarding PAG.

Councillor Howard Woollaston advised that he had sat on PAG since becoming the Executive Member with portfolio responsibility for housing, and he wished to join with colleagues who had congratulated officers for their monumental effort in getting the Local Plan Review to this stage. He noted that PAG was comprised of officers and ten councillors; six Conservatives, three Liberal Democrats and one Green Party member. He felt there had been a consensus at the meetings to ensure that the Council was a plan-led authority to help avoid a potential excess of developments. He was therefore disappointed that the Opposition, despite their involvement in the process, had backtracked for what he saw as political opportunism. He commented on the planning issues present in most Wards, giving the Membury Industrial Estate in his Ward as an example, but he also accepted that there was a major shortage of industrial commercial sites for allocation. As such, he reluctantly saw the need for additional site allocation at Membury although he wanted to see major constraints on vehicle movements and traffic speeds in the area. He remarked on the constraints placed upon the provision of sites in West Berkshire due to the Area of Outstanding Natural Beauty, and the risk of flooding

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from the River Kennet. He also acknowledged the need for affordable housing to enable younger generations to live and work in the district. Councillor Woollaston explained how the Administration was on track to produce over 200 affordable housing units this year but, with the cost of living crisis and energy issues, the demand on the housing list was bound to grow. He further noted that smaller schemes of 10 or 20 homes would go some way to meeting that need but, in reality, larger developments such as Sandford, North Newbury, Calcot and North East Thatcham were needed to meet the demand of the Plan period up to 2039. Councillor Woollaston went on to say that he had sincerely hoped for cross party agreement to approve the Motion for the benefit of West Berkshire as a whole.

Councillor Macro interjected and claimed that Councillor Woollaston was accusing members of saying one thing in PAG meetings but saying another here at this Council meeting. Councillor Macro wished to note that he had spoken several times at PAG against the housing allocation for North East Thatcham and Theale and so the accusations of hypocrisy by Councillor Woollaston were completely unfounded.

In summation, Councillor Somner thanked those Members who had expressed support for the Motion which he knew was appreciated both by himself and the officers involved. He wanted to state a few points for clarification which included: that the Executive Director for Place started on the 6 March 2023 which was well within the period before the Local Plan Review was due to go to the Inspector; that any points raised during this debate about particular sites should be fed in to the Regulation 19 process; and the recognition that the removal of Pincents Lane had been proposed by Councillor Macro.

Councillor Somner also wanted to note that current negotiations with developers were proactive, and that negotiation prior to applications being submitted was a correct and efficient process to help resolve issues prior to submission. He referred to the doubts raised over sustainability and directed Members to SP17 which clearly detailed on page 64 of the Local Plan what sustainability was. He drew attention to the language used within the documentation, with references to 'will do' or 'will be', not 'should do' or 'should be', which he felt was forthright and telling developers exactly what was expected of them. He also acknowledged and supported the points made earlier by Councillor Culver around enforcement.

Councillor Somner reiterated that the Plan was now at a stage where it was ready to be taken forward. It needed to go out to consultation and to the Inspector so that the people of West Berkshire could make comments on it. He concluded by urging Members to vote in support of the Motion.

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

### 75. Notices of Motion

*Councillor Jeff Brooks declared an interest in Agenda Item 19. Notices of Motion (Motion A: Support the Watermill Theatre) by virtue of his wife's former employment at the venue and his current status as a paying 'Friend of the Watermill'. 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 Owen Jeffery declared an interest in Agenda Item 19. Notices of Motion (Motion A: Support the Watermill Theatre) by virtue of his current status as a paying 'Friend of the Watermill'. 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.*

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*Councillor Tom Marino declared an interest in Agenda Item 19. Notices of Motion (Motion A: Support the Watermill Theatre) by virtue of his employment in the Office of Alok Sharma MP. 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.*

The Chairman advised that, in accordance with Rule 4.9.4, he had agreed to accept an Urgent Motion submitted by Councillor Graham Bridgman, Motion C (Constitution), the details of which were circulated to all Members prior to the meeting and published on the website.

As the Motion to be moved would rescind a decision made by Council within the preceding six months, in accordance with Rule 4.16.1 notice had been given under Rule 4.9 and had been signed by at least one-quarter of all Members of Council.

The Chairman also advised he would be re-ordering the Motions to consider Motion C first.

The Council considered the under-mentioned Motion (Agenda Item 19(c) refers) submitted in the name of Councillor Graham Bridgman relating to the Constitution.

**MOTION:** Proposed by Councillor Graham Bridgman and seconded by Councillor Andy Moore:

### “Background

On 6 October 2022 Council approved changes to the Constitution (to Parts 4, 5, 6, 7 and elements of Part 13 – in essence the rules relating to meetings and bodies), but resolved that they were not to be introduced until 1 January 2023. The delay was: (a) to allow a tidying up of minor elements of the new rules, (b) to ensure that other Constitutional changes (to Parts 9, 10, and 11 - the budget and policy rules, the financial rules, and the contract rules) were brought to Council at this meeting (1 December) such that both sets of changes tied together, and (c) to ensure that there was no conflict between the two sets of changes.

The tidying up has been completed but the second set of changes are not yet ready to be put before Council.

### Motion

In order to ensure that there is no conflict between the key elements of the Constitution, this Council RESOLVES that:

- recommendation 2.1(g) of Agenda Item 17 ‘Updates to the Constitution’ approved by Council on 6 October 2022, stating that Council “agrees that the changes to the Constitution detailed in this report take effect from 1st January 2023” be rescinded;
- and
- it is agreed that the proposed updates to the Constitution already approved by Council will not come into effect until Council has also approved the revised rules for the Budget and Policy Framework, the Financial Rules, and the Contract Rules”.

Councillor Bridgman introduced what he believed to be a very straightforward and self-explanatory Motion. He expressed his gratitude to those Members who had signed to support the Motion as well as the members of the Task Group.

Councillor Jeff Brooks confirmed that the Task Group had agreed with and supported this Motion for the avoidance of doubt.

In summation Councillor Andy Moore, as the seconder of the Motion, stated he had nothing further to add to the introduction made by Councillor Bridgman.

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The Motion was put to the vote and declared **CARRIED**.

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The Council considered the under-mentioned Motion (Agenda Item 19(a) refers) submitted in the name of Councillor Jeff Brooks relating to the Watermill Theatre.

The Chairman advised that an alteration to the Motion had been agreed prior to the meeting, and it was the altered version being proposed by Councillor Brooks and seconded by Councillor Lynne Doherty.

**ALTERED MOTION:** Proposed by Councillor Jeff Brooks and seconded by Councillor Lynne Doherty:

“This Council recognises, and welcomes, that Laura Farris MP has discussed the issue with the management of the Watermill and written to the Secretary of State for Digital, Culture, Media and Sport seeking a reconsideration of the decision. This Council therefore resolves to (a) write to the Arts Council and the District’s three MPs, in support of the Watermill Theatre and to ask (i) the Arts Council to re-consider its decision and consider what other funding options could be available to the Theatre, and (ii) the Rt Hon Alok Sharma MP and the Rt Hon Sir John Redwood MP to support that campaign, and (b) assist, and give advice to, the Watermill in respect of exploring such other avenues of financial support as might be available”.

Councillor Brooks introduced the Motion by highlighting the jewel that the Watermill Theatre was as a facility within the district. He noted that the Watermill Theatre had not only hosted touring shows, plays and musicals, but that it was one of a very small number of producing theatres in the South East of England outside of London. He referred to its production of a version of Stephen Sondheim's Sweeney Todd that ended up just off Broadway and won a Tony Award, which he felt demonstrated the quality of the theatre available in the district. He referred to the Theatre’s outreach programme which involved thousands of people across the district, including their work with young people. The decision of the Arts Council would negatively impact the budget of the Watermill Theatre as confirmed by Mr Paul Hart, its Creative Director. Councillor Brooks acknowledged the work already undertaken by Laura Farris MP to help the Watermill Theatre but argued that the Council also needed to take action and provide practical support such as asking other MPs to put their support behind it, or perhaps assisting the Theatre with their bid to the Arts Council. He asked Members for their unanimous support for the Motion to help continue the national recognition of the quality of theatre in the district.

Councillor Doherty quoted Othello, the last production she had watched at the Watermill Theatre. She stated that West Berkshire residents were lucky to have such a small and intimate venue in a unique rural setting, and agreed that the Council did need to provide practical support where possible. Councillor Doherty also referred to the work already done to assist the Theatre by Laura Farris MP, and encouraged residents to support it by purchasing tickets and becoming Friends of the Watermill Theatre. She referred to the potential for the Theatre to embed itself in to the community, and what it could take forward in its Business Plan to become sustainable.

Councillor Steve Masters welcomed and supported this Motion as he believed the Watermill Theatre was an extremely valuable resource, and a source of entertainment and great pleasure for many people across the district.

Councillor Lee Dillon referred to his visits with his family to the Watermill Theatre and their enjoyment of the pre-show meals. He noted that the Liberal Democrat Group had used it as an external training venue which he felt helped to demonstrate what it offered to the community. He described how his local school had struggled to receive voluntary

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contributions towards the cost of attending a pantomime but that the availability and affordability of this local theatre meant it could be provided. He argued that it was crucial to maintain this asset in West Berkshire so that local children could experience the magic of theatre and the opportunities it brought, be it in acting, stage directing or behind the scenes doing arts, crafts and lighting. There was a whole economy around the theatre and Councillor Dillon felt lucky to have that in West Berkshire.

Councillor Graham Bridgman highlighted that the Conservative Group were using, and had previously used, the Watermill Theatre as the venue for their Christmas meal. He encouraged residents to use the facilities, to attend the theatre, and to use the restaurant.

Councillor Adrian Abbs indicated his support for the Motion and queried if it was possible for Council officers to visit the venue and provide advice where possible as part of the practical support the Council could offer to the Watermill Theatre.

Councillor Howard Woollaston indicated his support for the Motion and was pleased to hear the cross party support being expressed for it in the Chamber. He had visited the Watermill Theatre on a number of occasions and highly recommended it.

In summing up Councillor Brooks encouraged all Members to vote in support of the Motion and thereby vote to help the Watermill Theatre.

The Motion was put to the vote and declared **CARRIED**.

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The Council considered the under-mentioned Motion (Agenda Item 19(b) refers) submitted in the name of Councillor Adrian Abbs relating to insulation.

The Chairman advised that notice of an alteration to the Motion had been circulated to all Members prior to the meeting, and it was the altered version being proposed by Councillor Abbs and seconded by Councillor Steve Ardagh-Walter.

The Chairman advised that Council would not debate the Motion and, in accordance with Rule 4.9.8, this would be referred to the Executive for consideration as the detail of the Motion fell within its remit. A report would be considered by the Executive and the outcome of that would be reported to Council.

**ALTERED MOTION:** Proposed by Councillor Adrian Abbs and seconded by Councillor Steve Ardagh-Walter:

“Overview:

Council acknowledges that people living in poorly insulated homes suffer from significantly higher heating bills per sqm and are amongst the highest CO2 contributors from a heating perspective.

This motion commits West Berkshire Council to take a bold step in helping as many residents as possible and as rapidly as possible to have a positive impact on energy needs next winter.

Council notes:

- That we declared a climate emergency across the district, and we need to make progress on our district target as a matter of urgency.
- That the better a property is insulated the lower the need for any kind of heating.
- That for any insulation scheme, there will be a shortage of skills needed to implement the scheme.
- That many believe the costs of fossil fuel will not return fully to previous levels for many years, if ever.

## COUNCIL - 1 DECEMBER 2022 - MINUTES

- That better insulation is one of the best ways to jump up from a poor EPC rating.
- That we can learn from the government's current Sustainable Warmth initiative which comes to an end in March 2023
- That by having our own scheme we can more directly target relevant residents of West Berkshire.

### In order to help:

This Council will introduce a scheme which will begin by focusing on those who cannot afford to undertake basic insulation, or lack the skills, or physical ability to do it. The intent for the scheme would be to allow council to undertake a long-term programme which would help towards our enabling of net zero by 2030 for the district.

### Criteria that should be met:

- Living in a home or flat that has an EPC of D or below;
- Can demonstrate to the Council that they are not in a position to:
  - Afford the simple steps to better insulation, in which case material will be supplied;
  - Afford the simple steps to better insulation and don't have the skills to implement. In which case, materials will be provided and a suitable course made available for them to gain the skills;
  - Afford the simple steps to better insulation and don't have the physical ability to undertake the work, in which case, the material would be provided, and work carried out for them.

### This council commits to:

- Presenting a scheme to council a.s.a.p in order to be able to take advantage of funds like the Household Support Fund which we expect to get further funding from.
- Officers developing details for a scheme to be considered by the Environment Advisory Group at their next meeting, leading to presenting to the Executive for a decision.
- Officers identifying
  - homes that meet the affordability and physical ability criteria.
  - homes that meet the supply and training criteria.
  - homes that meet the supply only criteria.
- Officers to investigate creating a directory of local tradespeople who will participate in the implementation of the scheme.
- Officers to work with local education facilities (such as Newbury College) to ensure the suitable availability of short courses for those wanting to skill-up.
- Officers to present costs for such courses that will need to be funded
- Ensuring those that have the greatest need are helped first.
- Working with both the public and private sectors to ensure anyone meeting the criteria can take advantage of the scheme (no matter who owns the property).
- Applying for complete funding from government to fund the project.
- Investigating the creation of a WBC Insulation Bond that would act as a backstop or allow for the extension of the programme dependant on the success of the grant bid
- Approaching Greenham Trust to support WBC in this program with whatever match funding they could make available.
- Investigate other funding sources as the scheme develops".

## 76. **Members' Questions**

A full transcription of the Member question and answer session is available from the following link: [Transcription of Q&As](#).

## COUNCIL - 1 DECEMBER 2022 - MINUTES

- (a) A question standing in the name of Councillor Jeremy Cottam on the subject of environmental causes being reflected in the Council's Risk Register was answered by the Portfolio Holder for Internal Governance and Strategic Partnerships.
- (b) A question standing in the name of Councillor Adrian Abbs on the subject of the Council's plans for filling the gaps in provision of defibrillators across the district was answered by the Portfolio Holder for Health and Wellbeing.
- (c) A question standing in the name of Councillor Lee Dillon on the subject of the London Road Industrial Estate project not being in the Local Plan was answered by the Portfolio Holder for Planning, Transport and Countryside.
- (d) A question standing in the name of Councillor Phil Barnett on the subject of contractors overriding planning conditions to suit their own schedules was answered by the Portfolio Holder for Planning, Transport and Countryside.
- (e) A question standing in the name of Councillor Carlyne Culver on the subject of the Administration working co-operatively with opposition groups to set the next Budget was answered by the Leader of the Council.
- (f) A question standing in the name of Councillor Steve Masters on the subject of the availability of emergency accommodation was answered by the Portfolio Holder for Housing, Leisure and Culture.
- (g) A question standing in the name of Councillor Adrian Abbs on the subject of the current typology of the old football ground grass pitch at the southern end of Faraday Road was answered by the Portfolio Holder for Planning, Transport and Countryside.
- (h) A question standing in the name of Councillor Carlyne Culver on the subject of when the recruitment freeze in planning would be lifted was answered by the Portfolio Holder for Internal Governance and Strategic Partnerships.
- (i) A question standing in the name of Councillor Steve Masters on the subject of how many major developments completed since May 2019 had met the affordable housing target, in particular the 70% social rent target, was answered by the Portfolio Holder for Housing, Leisure and Culture.
- (j) A question standing in the name of Councillor Adrian Abbs on the subject of why the old football ground grass pitch at the southern end of Faraday Road had been or was to be included in the Brownfield site BR/201729 when the National Planning Policy Framework Criteria for Brownfield sites (as well as the Council's website) specifically excluded Recreation Grounds was answered by the Portfolio Holder for Planning, Transport and Countryside.
- (k) A question standing in the name of Councillor Steve Masters on the subject of the current numbers on the housing register was answered by the Portfolio Holder for Housing, Leisure and Culture.

*(The meeting commenced at 6.00 pm and closed at 9.50 pm)*

**CHAIRMAN** .....

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

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**DRAFT**

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

**COUNCIL**

**MINUTES OF THE MEETING HELD ON  
THURSDAY, 23 FEBRUARY 2023**

**Councillors Present:** Rick Jones (Chairman), Alan Law (Vice-Chairman), Adrian Abbs, Steve Ardagh-Walter, Phil Barnett, Dennis Benneyworth, Dominic Boeck, Graham Bridgman, Jeff Brooks, Jeremy Cottam, Carlyne Culver, Lee Dillon, Lynne Doherty, Billy Drummond, Clive Hooker, Owen Jeffery, Thomas Marino, David Marsh, Steve Masters, Geoff Mayes, Andy Moore, Biyi Oloko, Erik Pattenden, Richard Somner, Joanne Stewart, Tony Vickers, Keith Woodhams and Howard Woollaston

**Also Present:** Nigel Lynn (Chief Executive), Joseph Holmes (Executive Director for Resources), Paul Coe (Executive Director for People), Eric Owens (Interim Executive Director for Place). Sarah Clark (Service Director, Strategy and Governance and Monitoring Officer), Stephen Chard (Democratic Services Manager) and David Cook (Principle Democratic Services Officer)

**Apologies for inability to attend the meeting:** Councillor Jeff Beck, Councillor Jeff Cant, Councillor Hilary Cole, Councillor James Cole, Councillor Nassar Hunt, Councillor Gareth Hurley, Councillor Tony Linden, Councillor Alan Law, Councillor Royce Longton, Councillor Ross Mackinnon, Councillor Alan Macro, Councillor Graham Pask, Councillor Claire Rowles, Councillor Garth Simpson, Councillor Martha Vickers and Councillor Andrew Williamson

**PART I**

**77. Declarations of Interest**

Councillors Adrian Abbs, Tony Vickers, Billy Drummond and Phil Barnett declared an interest in Agenda Item 3, but reported that, as their interest was a personal or another registrable interest, but not a disclosable pecuniary interest, they determined to remain to take part in the debate and vote on the matter.

**78. Request for approval of the LGBCE consented Reorganisation Order for the governance arrangements for Greenham parish**

*(Councillors Abbs, T Vickers, Drummond and Barnett declared a personal interest in Agenda item 3 by virtue of the fact that they were Greenham Parish Councillors. Councillor T Vickers was a Greenham Parish Councillor but his position would be abolished if this agenda item was approved. As their interests were personal and not prejudicial they were permitted to take part in the debate and vote on the matter).*

The Council considered a report (Agenda Item 3) concerning the request for approval of the Local Government Boundary Commission for England consented Reorganisation Order for the governance arrangements for Greenham parish.

**MOTION:** Proposed by Councillor Marino and seconded by Councillor Vickers:

That the Council resolves to:

a) "Approve the draft *West Berkshire District Council (Reorganisation of Community Governance) Order 2022 (Appendix C)*, with specific reference to section 4 of the Order,

## COUNCIL - 23 FEBRUARY 2023 - MINUTES

as final, as consented to by the LGBCE in its letter to the Electoral Services manager, dated 24 November 2022 **Appendix D**;

For clarity, Section 4 of the Order states:

*“(1) The existing wards of the parish of Greenham shall be abolished.*

*(2) The parish of Greenham shall again be divided into the two parish wards, which shall be named Common ward (polling districts GB1 + GB3) and Racecourse ward (polling district GB2), as listed in the first column of table 1 in Schedule 1 (Names of parish wards and number of Councillors).*

*(3) Each parish ward shall comprise the area designated on the map by reference to the name of the parish ward (as indicated on the map legend) and demarcated by the respective colours (Common ward in blue and Racecourse ward in yellow).*

*The polling district divisions, GB1, GB2 and GB3, (as indicated on the attached map) within the parish of Greenham shall remain unchanged.*

*(4) The number of Councillors to be elected for each parish ward is the number specified in relation to that ward in the second column of the relevant table 1 in Schedule 1. (Ten Councillors shall be elected for Common parish ward, and five Councillors shall be elected for Racecourse parish ward.)*

*(5) The alterations are contained within the boundary of the parish of Greenham, and do not affect any other parishes within the district.*

*(6) The alteration to incorporate Sandleford ward ( polling district GB3), with only six (6) electors and five (5) parish Council seats (of which only one (1) is filled), into Common ward, with three thousand and twenty four (3024) electors and ten (10) parish Council seats, will ensure good governance across the whole of this area.*

*(7) The separation of the polling district GB2, with one thousand four hundred and seventy two (1472) electors, into a stand-alone ward, known as Racecourse ward, with five (5) parish Council seats, will improve governance for this area, and allow for the contrasting needs of this unique residential cohort.”;*

b) Delegate authority to Service Lead – Legal & Democratic Services to exercise all relevant powers under the 2007 Act in relation to the CGR, and to seal the final approved Order to complete that Order and give it effect”.

Councillor Marino introduced the report and informed that there were currently two wards in Greenham Parish Council, however the Sandleford Ward only had 6 electors despite having five Parish Council seats. The report had been produced following a lot of work by officers and the Parish Council and proposed that the current wards be abolished and divided into new wards called Common and Racecourse.

Councillor Barnett said that the Parish of Greenham was originally a rural parish but due to the level of development over the years it was now a mixture of rural and urban sites with mixed tenure from large properties to many flats and apartments. The demographic had been changing with single occupancy through to large family homes.

One of the most recent developments was the Newbury Racecourse site that had completely changed the makeup of Greenham Parish with representation currently at about 1202 residents who had registered to have their say at a parish level. This was just the start and it would be increased in the future. The proposals before Council tonight would include the five nominated representatives within the Parish that had intended to be set aside for the Sandleford area. Some of the Racecourse residents at the moment could put their names forward to become Members of the old Greenham Parish but these proposals would also allow them to nominate five Members in the new

**COUNCIL - 23 FEBRUARY 2023 - MINUTES**

ward if they wished so that the ward would get representation. He welcomed the proposals.

Councillor Vickers informed that it had been over ten years since he first thought that something needed to be done and this was when the Sandleford development had been formally approved. When he looked at the boundaries he saw that the Newbury and Greenham boundary ran straight through the middle of the proposed development. He felt that this was not right but if it was going to happen then someone needed to represent the Greenham part of the development. As it was in the Wash Common part of the Greenham Ward when he stood for election in 2019 he stood in the Greenham district seat and the Sandleford seat at a parish level. When it came to the election count for the Sandleford seat there had been no voters, four years later there were still no more voters so he felt that this was a good proposal.

Councillor Vickers did raise one concern that at the time of the district boundary review it was not permitted to have two parish wards in two different district wards and this was the reason for the anomaly of the five parish councillors. New development was coming forward such as Mayfield Court and thus he was sure that these proposals were the best outcome. He felt that there would still be a need to look at parish and town boundaries in the Newbury area and in other parts of the district in the future.

Councillor Vickers asked for three things to be corrected; in the minutes of the annual meeting when this issue first arose it said that he proposed it should be in one council area but this should say one district ward area, it also said that no one had been elected to the Sandleford ward but he had been albeit with zero votes and in schedule one column 5 the ward would have at least two hundred more electors by the next election.

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

*(The meeting commenced at 7.04 pm and closed at 7.18 pm)*

**CHAIRMAN** .....

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

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Council – 16 March 2023

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

Verbal Item

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Council – 16 March 2023

## **Item 5 – Petitions**

Verbal Item

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## Agenda Item 6

### Public Questions to be answered at the Council meeting on 16 March 2023.

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

- (A) Question not related to an item of business to be answered by the Portfolio Holder for Environment and Transformation submitted by Kathryn Hodgson:**

*“What steps are the council taking to deal with the horrendous litter problem on our roadsides which are a blight on all our lives and reflect badly to visitors to our area?”*

- (B) Question not related to an item of business to be answered by the Portfolio Holder for Health and Wellbeing submitted by Vaughan Miller:**

*“Given that West Berkshire Council is planning to cease funding and delivery of the "Community Based Support & Community Building" service on 31st March this year, a service targeting people with a long term conditions, mental ill health, people with a physical or learning disability and people at risk of being lonely or socially isolated. This service has benefitted more than a hundred people with mental health issues in smaller West Berkshire communities, can the council confirm the reasons for discontinuing this vital service for these communities”*

- (C) Question not related to an item of business to be answered by the Portfolio Holder for Governance and Strategic Partnerships submitted by Paul Morgan:**

*“The Constitution states that “Strategic and key operational decision making at an officer level is undertaken through Corporate Board which meets fortnightly” - Is there any reason why the agenda items and minutes of these Corporate Board meetings are not available to the public and members”*

- (D) Question not related to an item of business to be answered by the Portfolio Holder for Health and Wellbeing submitted by Vaughan Miller:**

*“Can the Council confirm which of the nine services in the Voluntary Sector Prospectus are to be discontinued”*

- (E) Question not related to an item of business to be answered by the Portfolio Holder for Finance and Economic Development submitted by Paul Morgan:**

*“I wrote to the CEO and Executive Director (Resources), copying all members on 22 February 2023 regarding serious concerns with respect to the Medium-Term Financial Strategy (MTFS) especially as it relates (or not) to the Monks Lane Sports Hub. How long do you think is reasonable to wait for a response”*

## Agenda Item 6

### Public Questions to be answered at the Council meeting on 16 March 2023.

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

- (F) Question not related to an item of business to be answered by the Portfolio Holder for Housing Leisure and Culture submitted by Vaughan Miller:**

*“Has the council revised its business case for the operation of the Sports Hub, given the impact of inflation and the increases in energy costs since this was first published and what is now expected to be the ongoing subsidy the council is committing future administrations to over the next 20 to 40 years”*

- (G) Question not related to an item of business to be answered by the Portfolio Holder for Housing Leisure and Culture submitted by Vaughan Miller:**

*“It has been 3 years since the Playing Pitch Strategy was published. Why has the Council not yet published the Schedule E review that was due last year”*

Council – 16 March 2023

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

Verbal Item

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Council – 16 March 2023

**Item 8 – Licensing Committee**

**Item 9 – Personnel Committee**

**Item 10 – Governance and Ethics Committee**

**Item 11 – District Planning Committee**

**Item 12 – Overview and Scrutiny  
Management Commission**

**Item 13 – Health Scrutiny Committee**

**Item 14 – Health and Wellbeing Board**

**Item 15 – Joint Public Protection Committee**

Verbal Items

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## Statutory Pay Policy 2023

<b>Committee considering report:</b>	Council
<b>Date of Committee:</b>	16 March 2023
<b>Portfolio Member:</b>	Councillor Tom Marino
<b>Date Portfolio Member agreed report:</b>	13 November 2022
<b>Report Author:</b>	Katie Penlington
<b>Forward Plan Ref:</b>	C4304

### 1 Purpose of the Report

The Council is required, in accordance with section 38 of the Localism Act 2011, to publish an annual pay policy statement. This report seeks to secure compliance with that duty, by seeking approval of the Statutory Pay Policy Statement for publication from 1<sup>st</sup> April 2023.

### 2 Recommendations

- 2.1 It is recommended that Council adopt and approve the Statutory Pay Policy Statement at appendix C of this report, for publication from 1<sup>st</sup> April 2023.
- 2.2 It is further recommended that Council delegate authority to the Service Director, Strategy and Governance, in consultation with the Portfolio Holder for Internal Governance and Strategic Partnerships to update the pay policy statement following any pay awards to be effective from 1<sup>st</sup> April 2023.

### 3 Implications and Impact Assessment

Implication	Commentary
<b>Financial:</b>	None.
<b>Human Resource:</b>	The report details the HR implications within it
<b>Legal:</b>	This report satisfies the Localism Act 2011 in respect of a pay policy statement
<b>Risk Management:</b>	None

<b>Property:</b>	None			
<b>Policy:</b>	This report satisfies the Localism Act 2011 in respect of a pay policy statement			
	<b>Positive</b>	<b>Neutral</b>	<b>Negative</b>	<b>Commentary</b>
<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		The Council is obligated to publish this anonymised salary data by the Localism Act 2011
<b>Consultation and Engagement:</b>	Corporate Board, Operations Board, Personnel Committee			

## 4 Executive Summary

- 4.1 Section 38 of the Localism Act 2011 requires local authorities to publish an annual pay policy statement. The method of publication is at the discretion of the authority, but it is expected to comply with the principles set out in the Local Government Transparency Code. The statement must be approved by the full Council.
- 4.2 Council approved the annual publication of the statement, in principle, on 1st March 2012. This report seeks Council’s for approval, for publication of the 2023 Pay Policy Statement (attached at appendix C) with effect from 1st April 2023.
- 4.3 The statement should set out the policies in relation to;
- (a) Remuneration of its chief officers
  - (b) The remuneration of its lowest paid employees (and our definition and reasons for defining it)
  - (c) The relationship between the remuneration of its chief officers and those who are not chief officers
- 4.4 The definition of chief officers includes the Chief Executive, the Monitoring Officer, the Section 151 Officer, Executive Directors, as well as those who report directly to any of these post holders. Thus, in West Berkshire Council, this definition would include all Service Directors and Heads of Service.
- 4.5 Chief Officer remuneration includes salary, bonuses, performance-related pay, fees or allowances (including as returning officer), benefits in kind, etc. The policy should also state how chief officer salary will be determined on appointment and any arrangements for payments upon leaving office.
- 4.6 This matter was considered at personnel committee on 21<sup>st</sup> February 2023, which resolved to recommend this policy to Council for adoption. Since that meeting, the Pay Policy has been amended to reflect the resolution of the Executive report in March 2019, which confirmed that where a statutory role is undertaken by a Service Director, an additional payment would be made. This is detailed in paragraph 3.1.6 of the Pay Policy Statement.

## 5 Other options considered

The Council could determine not to publish a pay policy statement but this is not recommended as there is a legal duty to publish this information.

## 6 Conclusion

The Pay Policy Statement attached as Appendix C should be approved and published on the Council website with effect from 1<sup>st</sup> April 2023, to comply with our statutory duty under the Localism Act.

## 7 Appendices

- 7.1 Appendix A – Equalities Impact Assessment
- 7.2 Appendix B – Data Protection Impact Assessment
- 7.3 Appendix C – Draft Pay Policy Statement 2023

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### Background Papers:

None

### 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 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:** All

### Officer details:

Name: Paula Goodwin  
Job Title: Service Lead (HR)  
Tel No: 07385413479  
E-mail: paula.goodwin1@westberks.gov.uk

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## Appendix A

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

<b>What is the proposed decision that you are asking the Executive to make:</b>	To seek Council’s approval of the Statutory Pay Policy Statement for publication from 1 <sup>st</sup> April 2023.
<b>Summary of relevant legislation:</b>	Section 38 of the Localism Act 2011 requires local authorities to publish an annual pay policy statement. The method of publication is at the discretion of the authority, but it is expected to comply with the principles set out in the Local Government Transparency Code. The statement must be approved by the full Council.
<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>	Yes <input type="checkbox"/> No <input checked="" type="checkbox"/>
<b>Name of Budget Holder:</b>	N/A
<b>Name of Service/Directorate:</b>	<b>Strategy and Governance</b>
<b>Name of assessor:</b>	Katie Penlington
<b>Date of assessment:</b>	27/10/2022
<b>Version and release date (if applicable):</b>	

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 type="checkbox"/> No <input checked="" type="checkbox"/>
<b>Service</b>	Yes <input type="checkbox"/> No <input checked="" type="checkbox"/>		

<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 meet statutory obligations in relation to pay transparency.
<b>Objectives:</b>	To publish a statutory pay policy following Council approval.
<b>Outcomes:</b>	Published policy meeting statutory obligations
<b>Benefits:</b>	Published policy ensures compliance with statutory obligations.

<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>		
<b>Group Affected</b>	<b>What might be the effect?</b>	<b>Information to support this</b>
Age	None	
Disability	None	
Gender Reassignment	None	
Marriage and Civil Partnership	None	
Pregnancy and Maternity	None	
Race	None	
Religion or Belief	None	
Sex	None	
Sexual Orientation	None	
<b>Further Comments:</b>		
The Council's workforce is predominantly female but there are no equality impacts arising from this proposal as the policy reports on the pay to be applied to specified posts		

**(3) Result**

<b>Are there any aspects of the proposed decision, including how it is delivered or accessed, that could contribute to inequality?</b>	Yes <input type="checkbox"/> No <input checked="" type="checkbox"/>
<b>Please provide an explanation for your answer:</b> Pay transparency is just reporting on actual pay for certain posts.	
<b>Will the proposed decision have an adverse impact upon the lives of people, including employees and service users?</b>	Yes <input type="checkbox"/> No <input checked="" type="checkbox"/>
<b>Please provide an explanation for your answer:</b> Pay transparency is just reporting on actual pay for certain posts.	

**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 EqIA 2.**

**If an EqIA 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 EqIA guidance and template – <http://intranet/index.aspx?articleid=32255>.**

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

## Appendix B

### Data Protection Impact Assessment – Stage One

The General Data Protection Regulations require a Data Protection Impact Assessment (DPIA) for certain projects that have a significant impact on the rights of data subjects.

Should you require additional guidance in completing this assessment, please refer to the Information Management Officer via [dp@westberks.gov.uk](mailto:dp@westberks.gov.uk)

Directorate:	Resources
Service:	Strategy and Governance
Team:	Human Resources
Lead Officer:	Katie Penlington
Title of Project/System:	Statutory Pay Policy 2023
Date of Assessment:	27/10/2022

#### Do you need to do a Data Protection Impact Assessment (DPIA)?

	Yes	No
<p><b>Will you be processing SENSITIVE or “special category” personal data?</b></p> <p><i>Note – sensitive personal data is described as “ data revealing racial or ethnic origin, political opinions, religious or philosophical beliefs, or trade union membership, and the processing of genetic data, biometric data for the purpose of uniquely identifying a natural person, data concerning health or data concerning a natural person’s sex life or sexual orientation”</i></p>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
<p><b>Will you be processing data on a large scale?</b></p> <p><i>Note – Large scale might apply to the number of individuals affected OR the volume of data you are processing OR both</i></p>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
<p><b>Will your project or system have a “social media” dimension?</b></p> <p><i>Note – will it have an interactive element which allows users to communicate directly with one another?</i></p>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
<p><b>Will any decisions be automated?</b></p> <p><i>Note – does your system or process involve circumstances where an individual’s input is “scored” or assessed without intervention/review/checking by a human being? Will there be any “profiling” of data subjects?</i></p>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

	Yes	No
Will your project/system involve CCTV or monitoring of an area accessible to the public?	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Will you be using the data you collect to match or cross-reference against another existing set of data?	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Will you be using any novel, or technologically advanced systems or processes?	<input type="checkbox"/>	<input checked="" type="checkbox"/>
<p>Note – this could include biometrics, “internet of things” connectivity or anything that is currently not widely utilised</p>		

If you answer “Yes” to any of the above, you will probably need to complete [Data Protection Impact Assessment - Stage Two](#). If you are unsure, please consult with the Information Management Officer before proceeding.

## **Statutory Pay Policy 2023**

See attached.



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# Pay Policy Statement – April 2023

## Document Control

<b>Document Ref:</b>	Pay Policy Statement 2023	<b>Date Created:</b>	March 2023
<b>Version:</b>	1	<b>Date Modified:</b>	
<b>Revision due</b>	New Policy adopted at least annually		
<b>Author:</b>	Paula Goodwin	<b>Sign &amp; Date:</b>	
<b>Owning Service</b>	HR		

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## 1. Purpose

This document covers the requirements to publish a pay policy statement under s38 of the Localism Act 2011. This Pay Policy Statement does not apply to employees working within schools.

Full Council has approved the Pay Policy Statement.

## 2. Definitions used in this document

**Chief Officers** are defined in s43 of the Localism Act as

- the head of the authority's paid service;
- the monitoring officer
- a statutory chief officer, which under the Local Government & Housing Act 1989 means Director of Children's Services, Director of Adult Social Services, Director of Public Health, Chief Education Officer, Chief Social Worker and the Section 151 officer;
- a non-statutory chief officer which under section s2(7) of the 1989 Act means direct reports of the head of paid service (HOPS), a person for whom the HOPS is directly responsible, a person who as respects all or most of their duties is required to report directly or is directly accountable to the HOPS, or a person who as respects all or most of their duties is required to report directly or is directly accountable to the local authority themselves, or any committee or sub-committee of the authority;
- a deputy chief officer which under s2(8) of the 1989 Act means a person who, as respects all or most of the duties of his post, is required to report directly or is directly accountable to one or more of the statutory or non-statutory chief officers.

In West Berkshire Council these posts are:

- 2.1.1 Chief Executive (Head of Paid Service)
- 2.1.2 Executive Director (People)
- 2.1.3 Executive Director (Resources) (Section 151 Officer)
- 2.1.4 Executive Director (Place)
- 2.1.5 Service Directors:
  - Service Director: Adult Social Care
  - Service Director: Communities & Wellbeing
  - Service Director: Development & Regulation
  - Service Director: Environment
  - Service Director: Strategy & Governance (Monitoring Officer)
- 2.1.6 Heads of Service
  - Head of Finance and Property
  - Head of Education

- Head of Children and Family Services
- Head of Commissioning and Procurement
- Head of ICT

2.1.7 All Service Managers reporting to a Head of Service or Service Director.

2.1.8 All Service Leads.

**Employees who are not chief officers:** all other employees (including those employed on a casual basis) employed directly by the Council.

This policy does not cover the remuneration of other 'workers' employed by the Council, as employees of agencies or as self-employed consultants.

**Lowest paid employee:** minimum of £10.23 per hour. Notes on this definition are set out below:

2.1.9 Apprentices aged 16-18, may be paid on the age-related National Minimum Wage. The Apprentice NMW rate is not used. Apprentices have been excluded from this definition on the basis that they are in specific posts created for training purposes.

**Median salary:** £32,020 (full time equivalent). This is a measure of the 'average' salary for employees in the Council. It is defined as the 'midpoint' salary, such that there is an equal probability of falling above or below it.

**Mean salary:** £34,653 (full time equivalent). This is an alternative measure of the 'average' salary for employees in the Council. The arithmetic mean is defined as the sum of all the salaries divided by the number of salaries.

**Highest paid employee:** the Chief Executive is paid £154,565.

### 3. Pay Policy from April 2023

All jobs within the Council are paid on salary grades with five or more incremental points.

Job evaluation – employees grade M and below:

3.1.1 The Hay (Local Government) job evaluation scheme is used to establish the grade for each post relative to all other jobs within the Council. The job evaluation procedure is used to evaluate all new jobs and to re-evaluate existing jobs where there have been significant changes.

3.1.2 All jobs are assigned to a grade within the West Berkshire Council salary structure on the basis of the job evaluation score. The individual salary scale points are based on the National Joint Council for Local Government Employees (Green Book) salary scale up to SCP42.

Salary structure – employees on Service Lead Grade (N) and above

- 3.1.3 The establishment of any post attracting a total remuneration (basic salary, contribution to car lease or equivalent and employer's pension contribution) package of £100,000 or more requires approval from Full Council.
- 3.1.4 A post level called Service Lead was established within the staffing structure in 2020 and may be used by Service Directors as they are appointed, as appropriate. Service Lead posts form part of the fourth tier of management but not all fourth tier posts will be Service Leads. Service Leads will normally report to a Service Director (third tier). A separate pay grade has been established for these posts.
- 3.1.5 Service Directors are paid on Grade O. Along with the remaining Heads of Service in an emerging structure, they constitute the third tier of management within the Council. Service Directors report to an Executive Director (second tier).
- 3.1.6 Service Directors who undertake one of the statutory roles of DASS, DCS, Monitoring Officer, or Section 151 Officer will be paid an allowance of £7,500 per annum.
- 3.1.7 Where Heads of Service remain, they are paid on the HOS grade. Along with Service Directors, they constitute the third tier of management and may be allocated new responsibilities as required to meet the needs of the Council at this level, within their grade. Heads of Service report to an Executive Director (second tier).
- 3.1.8 An additional Special Recruitment Payment (SRP) of £6,925 - £9,925 may be paid to any Service Director subject to approval by Head of Paid Service in consultation with the Leader of the Council. If applied, this payment will be reviewed every five years to ensure it remains objectively justifiable. A SRP may be reduced or removed with one year's notice. The value of SRPs will increase with any national pay awards from 1<sup>st</sup> April 2022 onwards at 5 year intervals (next review due 1<sup>st</sup> April 2027).
- 3.1.9 The Executive Director (Place) and the Chief Executive are both paid on specific grades for those posts. The Executive Directors for People and Resources are paid on a grade for both those posts. The different grades for the three Executive Director posts reflect the difference in responsibilities, including whether a statutory role is part of their post. All four posts (Chief Executive and Executive Directors) may be allocated new responsibilities as required to meet the needs of the Council within their grade.

#### Salary on appointment – all employees

- 3.1.10 Appointments will normally be made to the minimum point of the grade. Heads of Service/ Service Directors and Managers may take into account the previous experience and skills of the employee to offer appointment above the salary minimum for the post.

#### Incremental progression – all employees

- 3.1.11 Each employee progresses through the grade band for the post by the award of one increment (or spinal column point (SCP)) on 1st April each year until the maximum of the grade band is reached, subject to six months service in the grade band (whether that band has been attained by appointment, promotion or regrading) and satisfactory performance in the job.
- 3.1.12 Any existing employee who is appointed to a new post within the Council whose salary, on 1st April, would otherwise be less than one column point in excess of the salary they would have received on that day in their old grade band, will be entitled to an increment on that day even if he/she has not been 6 months in the new post, subject to satisfactory performance.
- 3.1.13 An increment may be withheld if an employee is subject to formal capability procedures during the year leading up to the 1<sup>st</sup> April.
- 3.1.14 An additional increment may be awarded in any one year to an employee, at the discretion of the Head of Service/ Service Director, on the grounds of special merit or ability, provided the maximum of the grade is not exceeded.

#### Additional payments – all employees

- 3.1.15 Additional payment may be made for additional hours, overtime, undertaking higher responsibilities, and for non-standard working arrangements such as stand-by or evening work, or for exceptional working conditions. Senior Managers are only entitled to overtime payments in exceptional circumstances where regular overtime cannot be practically compensated by time off in lieu, there is no other solution to ensuring the work is covered, the Executive Director believes the payment to be necessary and appropriate and it can be contained within the service budget. See Appendix 2 for details.
- 3.1.16 Car allowance payments for new senior managers ceased to be paid from November 2007. Some senior employees who were already in receipt of such allowances continue to receive them on a protected basis whilst in post.
- 3.1.17 Essential car users (defined as those who travel at least 1,500 business miles per annum) receive an allowance.
- 3.1.18 All employees can claim expenses for essential business travel at the rate of the cost of public transport, or a mileage rate. Subsistence expenses may be claimed at the rates recommended by HMRC.
- 3.1.19 Employees with a 'home' or 'community' workstyle under the Council's Hybrid Working Policy (introduced in April 2022) are paid a monthly allowance of £12.50. This is a contribution towards the cost to employees of home working including set up of an appropriate work space, broad band charges and utility bills.

- 3.1.20 The Council does not operate a separate bonus scheme for its Chief Officers. With the exception of the Special Recruitment Payment mentioned in 3.1.7 and the hybrid working workstyle allowance mentioned in 3.1.18 above no other charges, fees or allowances or remuneration are payable to Chief Officers in connection with their responsibilities.
- 3.1.21 Fees for Returning Officer duties during elections are payable to the Chief Executive or their nominated representative acting as the Returning Officer. Fees for national elections are set by central Government and vary according to the type of election. Fees for local elections (parish and district elections) are set by the Council.
- 3.1.22 There are no benefits in kind, such as private health insurance, payable to Chief Officers.
- 3.1.23 Chief Officers are eligible to join the Local Government Pension Scheme in the same way as other employees.

#### Severance arrangements

- 3.1.24 Chief Officers are subject to the same redundancy payment and pension arrangements as other employees. These are set out in the Council's [Employer Statement of Policy on Discretionary Compensation](#) and the [Employer Statement – Local Government Pension Scheme Discretions Policy](#).)
- 3.1.25 All redundancy or severance costs (including the cost of mandatory early payment of pension) of between £10,000 and £99,999 must be approved by the Executive. Severance costs linked to sickness absence can be approved by Head of Service/Service Director or above, with a maximum cost as defined in [Sickness Absence - Reporting and Management, Procedure and Guidance](#) .
- 3.1.26 An employee who has left the Council, with a redundancy or other severance payment under the discretionary compensation scheme, will not normally be re-engaged by the Council within two years of the termination date. In exceptional circumstances the HR Service Lead may make a decision, after consultation with the Chief Executive, the Monitoring Officer, the Section 151 Officer, and the Leader and Shadow Leader of the Council, to authorise re-engagement where it is in the interests of the Council to do so. (See the [Re- Employment Policy](#).)

#### 4. Pay ratios in the Council

It is the Policy of the Council to ensure that the ratio of the salary of the highest paid officer and the lowest paid officer is well below the 20:1 ratio recommended as a maximum in the terms of reference for the 2011 Hutton Review of Fair Pay in the Public Sector.

As at 1<sup>st</sup> April 2022, pay ratios within the Council stand as follows:

- *Highest:lowest* = 7.43:1
- *Highest:median* = 4.83:1

This is based on the following salary packages:

- Highest paid (maximum CX) = £154,565
- Lowest paid (minimum grade B) = £20,812
- Median (average excluding car allowances) = £32,020

## 5. Pensions

5.1 Council employees are entitled to join an occupational pension scheme. Scheme members contribute a percentage of their monthly salary and the council contributes an additional amount into the relevant scheme. Contribution rates vary according to the level of pay.

5.2 New employees are automatically enrolled onto the relevant pension scheme, but may choose to opt out. Employees who have opted out of the scheme may also choose to opt back in.

5.3 Most council employees are eligible to join the [Local Government Pension Scheme](#) (administered by [Berkshire Pensions](#)). Teachers are eligible to join the [Teachers' Pension Scheme](#). Review

This policy will be reviewed at least annually and more frequently if necessary to respond to any changes.

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## Appendix 1 – Revised West Berkshire Pay Scales

These are correct at the time of publishing.

NB scales to be updated once the pay awards effective from 1<sup>st</sup> April 2023 have been agreed.

West Berkshire Pay Scales		with effect from 1st April 2022		
<u>Grade</u>		<u>SCP</u>	<u>Salary</u>	
A	B	1	£ 20,258	
		2	£ 20,441	
C		3	£ 20,812	
		4	£ 21,189	
E		D	5	£ 21,575
			6	£ 21,968
			7	£ 22,369
			8	£ 22,777
			9	£ 23,194
			10	£ 23,620
G	F	11	£ 24,054	
		12	£ 24,496	
		13	£ 24,948	
		14	£ 25,409	
		15	£ 25,878	
		16	£ 26,357	
		17	£ 26,845	
		18	£ 27,344	
		19	£ 27,852	
		20	£ 28,371	
I	H	21	£ 28,900	
		22	£ 29,439	
		23	£ 30,151	
		24	£ 31,099	
		25	£ 32,020	
		26	£ 32,909	
		27	£ 33,820	
		28	£ 34,723	
		29	£ 35,411	
		30	£ 36,298	
K	J	31	£ 37,261	
		32	£ 38,296	
		33	£ 39,493	
		34	£ 40,478	
		35	£ 41,496	
		36	£ 42,503	
		37	£ 43,516	
		38	£ 44,539	
		39	£ 45,495	

	L	40	£	46,549
		41	£	47,573
		42	£	48,587
		43	£	50,995
		44	£	53,440
M		45	£	55,303
		46	£	57,160
		47	£	59,035
		48	£	59,853
		49	£	62,066
		50	£	64,273
		51	£	66,481
		52	obsolete	
N- Service Lead		53	£	68,835
		54	£	69,881
		55	£	70,927
		56	£	71,973
		57	£	73,018
		58	£	74,063
		59	£	75,109
HOS-phasing out		60	obsolete	
		61	obsolete	
		62	£	78,061
		63	£	80,554
		64	£	83,023
		65	£	85,512
		66	£	87,991
		67	£	90,481
O- Service Directors		68	£	93,927
		69	£	95,496
		70	£	97,064
		71	£	98,632
		72	£	100,200
CORPD		73	obsolete	
		74	obsolete	
		75	obsolete	
		76	obsolete	
		77	obsolete	
		78	obsolete	
P-ED Place		79	£	125,292
		80	£	126,337
		81	£	127,383
		82	£	128,428
		83	£	129,474
Q- ED People/Resources		84	£	130,519
		85	£	131,565
		86	£	132,610
		87	£	133,656
		88	£	134,701

		<b>89</b>	<b>£</b>	<b>135,747</b>
<b>CEX</b>		<b>90</b>	<b>£</b>	<b>153,520</b>
		<b>91</b>	<b>£</b>	<b>154,565</b>
		<b>92</b>	<b>£</b>	<b>155,611</b>
		<b>93</b>	<b>£</b>	<b>156,656</b>

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## Appendix 2 – Additional Payments Scheme

### Criteria for making service related additional payments

The scheme provides for additional payments to be made where:

- There is a clear service need to resolve organisational and/or staffing difficulties;
- Other organisational responses (e.g. restructuring or re-allocation of work) will not overcome the difficulties;
- No other provision exists for payments to be made under WBC Conditions of Service;
- Costs can be contained within service budgets;
- The relevant Executive Director is satisfied that payments are necessary and appropriate in all the circumstances.

If the above criteria apply, and other conditions and criteria are met (see sections below) additional payments may be made at the discretion of the Head of Service/ Service Director, in consultation with their Executive Director. Where the Chief Executive is agreeing these payments they should be made in consultation with the Leader of the Council.

### Payment for Exceptional Working Patterns

The normal working week will be the working week or regular work pattern defined in the contract of employment, normally based on any five named days out of seven.

Some jobs require regular working patterns which, because of service demands, are particularly disruptive to social or domestic life and these jobs may therefore present difficulties of recruitment and retention e.g. week end working, split duty or sleeping in.

Others may require acceptance of occasional severe disruption to regular work patterns which are not commonly acceptable under normal basic pay arrangements. Where there is clear evidence that such circumstances present service delivery problems, additional payments, based on a maximum of time and a third of basic pay may be made at the discretion of the Head of Service/ Service Director in consultation with their Executive Director. Where the Chief Executive is agreeing these payments they should be made in consultation with the Leader of the Council.

### Payment for night work

Time and a third may be paid for night work undertaken between the hours of 10pm and 6am.

### Payment for stand-by duty

For some jobs, where stand-by duty is a regular requirement, specific stand-by payments may be written into the employment contract. The HR Service Lead or the relevant Head of Service/ Service Director will advise where these apply.

Where there is no contractual requirement or payment for stand-by duty, and stand-by duty is not reflected in the grading of the post, payment of one third of basic pay may be paid. Payment will be at the discretion of the Head of Service/ Service Director in consultation with their Executive Director. Where the Chief Executive is agreeing these payments they should be made in consultation with the Leader of the Council.

#### Payment for higher responsibility

WBC Conditions of Service provide for an employee, who for reasons other than annual leave of another employee, is called upon to undertake the duties and responsibilities of a higher graded post for a period of at least four weeks may, at the discretion of the Head of Service/ Service Director, receive an honorarium to reflect the additional duties and responsibilities.

In determining the appropriate level of additional payment, the Head of Service/ Service Director should take into account factors like:

- The difference between grading between the absent employee and the employee providing cover
- The duration of the period of absence
- The level of support provided to the covering employee
- Arrangements relating to the employee's normal duties;

Although not normally provided for in WBC Conditions, Heads of Service may, exceptionally, make additional payments to employees covering for absence resulting from annual leave. The above criteria are relevant in deciding to make payments in these circumstances, in particular, the duration of cover and the difference in grading.

Any such payments should only be made in consultation with their Executive Director. Where the Chief Executive is agreeing these payments they should be made in consultation with the Leader of the Council.

#### Payment for Regular Overtime

Some jobs require regular overtime working that cannot, practicably, be compensated by time off in lieu. These jobs may be held by employees above the normal ceiling for overtime payment (scp26).

Where regular overtime is a feature of the job (e.g. regular requirement for attendance at evening Council and/or Committee meetings), the Head of Service/ Service Director may agree the payment of a flat rate allowance that reflects the regular nature of the demand and the normal basis for calculating additional payments (time and one third). Any such payments should only be made in consultation with their Executive Director. Where the Chief Executive is agreeing these payments they should be made in consultation with the Leader of the Council.

#### Payment for Exceptional Working Conditions

WBC job evaluation takes account of physical aspects of jobs where they are a regular feature e.g. heavy and awkward working conditions. Normal pay reflects the conditions of such jobs. However, in some jobs such conditions may occur only occasionally and will not, therefore, be reflected in grading.

In other jobs, employees may be required, from time to time, to work in particularly dirty or otherwise unpleasant circumstances.

Where job grading has not taken exceptional working conditions into account, additional payments may be made. Where the exceptional conditions extend over a period of time, payment of time and a third for hours worked in those conditions will be appropriate. In the case of a short, one-off situation, a payment for Other Exceptional Circumstances, as described below, may be paid.

#### Payment for election duties

Election fees are payable to some staff as and when elections are held for National Elections. The fees are set by HM Government and vary according to type of election.

#### Payment for Other Exceptional Circumstances

From time to time, other exceptional circumstances may arise that merit an additional payment e.g. short and unusual exposure to particularly unpleasant work conditions, reward for a sustained period of particularly heavy increased responsibility, or exceptional achievement. In such circumstances, an additional payment may be made. Although not a limit in truly exceptional circumstances, the normal ceiling of time and a third for additional payments should be taken into account when determining an appropriate additional payment.

#### Payment for Emergency Operations Centre (EOC) work

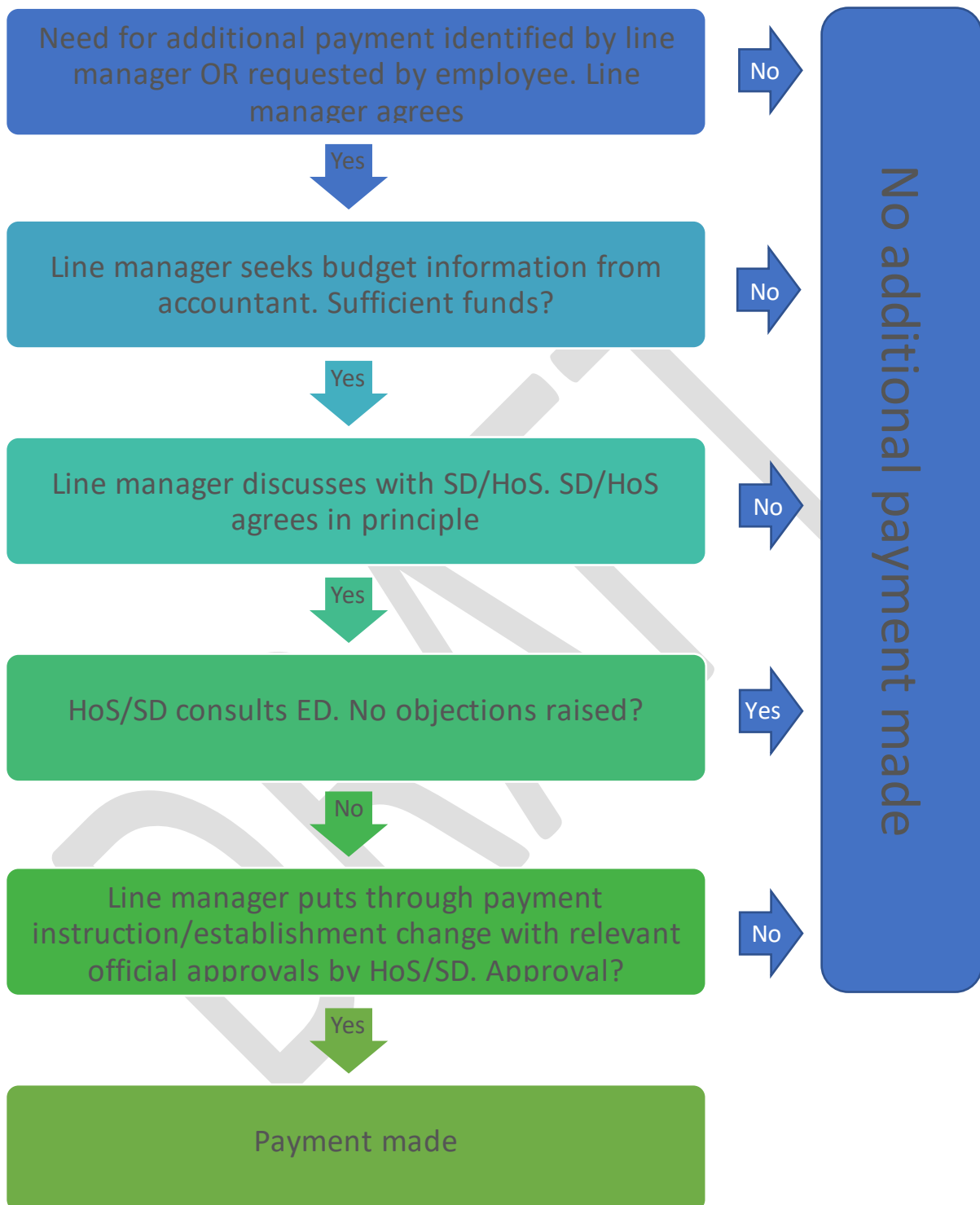
Where the Emergency Operations Centre (EOC) is set up to respond to an emergency, staff carrying out EOC work will be paid as follows:

- All hours worked on EOC duties outside 0800 to 1700 Monday to Friday will be paid at £18.35 per hour.
- Full time employees working the day shift (8am to 4pm) will receive an honorarium payment of £30 for each day shift worked.
- Part time employees working extra hours on the day shift will be paid £18.35 per hour for each additional hour worked in addition to the £30 honorarium payment for each day shift worked.
- The hours paid will include the time it takes to come in and go home if the employee would not have had to make this journey in normal circumstances (for example travelling back in for a midnight start or travelling at weekends). However employees cannot claim 'petrol costs'.
- These payments are payable to all employees regardless of grade.

Where employees who have worked weekends, late or night shifts would prefer to take the extra hours they worked as time off in lieu (TOIL) rather than receive £18.35 per hour they should inform HR by email.

Staff who had booked annual leave but come in for a day shift should swap their leave to another day. If the EOC work occurs towards the end of an annual leave period, and as a result, there is a need to carry forward leave after the end of the leave year, the employee should agree this with his/her line manager. The employee will receive the £30 honorarium for each day shift worked.

## Additional Payments – General Approvals Flowchart



## Change History

Version	Date	Description	Change ID
1	April 2012	First publication	
2	April 2013	Second publication	
3	April 2014	Third publication	
4	April 2015	Fourth publication	
5	April 2016	Fifth publication	
6	April 2017	Sixth publication	
7	April 2018	Seventh publication	
8	April 2019	Eighth publication	RB
9	April 2020	Ninth publication	RB
10	April 2021	Tenth Publication	RB
11	April 2022	Eleventh Publication	RB
12	April 2023	Twelfth publication	KP



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## Updates to the Constitution

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<b>Committee considering report:</b>	Council
<b>Date of Committee:</b>	16 March 2023
<b>Portfolio Member:</b>	Councillor Tom Marino
<b>Date Portfolio Member agreed report:</b>	08 March 2023
<b>Report Author:</b>	Sarah Clarke
<b>Forward Plan Ref:</b>	C4272

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### 1 Purpose of the Report

- 1.1 The purpose of this report is to update Council regarding the work undertaken by the Constitution Review Task Group (“the Task Group”), and to propose the approval of the proposed Constitutional updates detailed in this report.
- 1.2 The completion of the Constitution review is an important part of the overall good governance of the Council and has been highlighted as an area to complete in the Annual Governance Statement.

### 2 Recommendations

- 2.1 It is proposed that Council:
  - (a) approves the Budget and Policy Framework, which is attached at Appendix A to this Report;
  - (b) approves the Financial Rules, which are attached at Appendix B to this Report;
  - (c) approves the Contract Rules, which are attached at Appendix C to this Report;
  - (d) notes that the above Rules will replace current Parts of the Constitution, namely:
    - Part 9 – Budget and Policy Framework Rules of Procedure
    - Part 10 – Financial Rules of Procedure
    - Part 11 – Contract Rules of Procedure
  - (e) approves the Glossary that is attached at Appendix D to this Report, and delegates authority to the Monitoring Officer to keep the Glossary updated;
  - (f) approves a requirement that upon receipt of a requisition for an extraordinary meeting of Council, the Chairman of Council will call the meeting within the statutory timeframe and the meeting will normally be held within 30 clear working days;

## Updates to the Constitution

- (g) notes the final version of the Parts of the Constitution that were previously agreed by Council in October 2022, which are attached at Appendix E to this Report;
- (h) agrees that the changes to the Constitution detailed in this report, take effect from 30<sup>th</sup> April 2023;
- (i) delegates to the Monitoring Officer in consultation with the Chairman of the Constitution Review Task Group the power to update Parts 1 and 2 of the Constitution to ensure that this reflects the new rules, and to make any minor additional corrections to the parts of the Constitution to ensure consistency in terminology and presentation;
- (j) delegates to the Monitoring Officer the power to make corrections to the Constitution to reflect organisational restructures.

## 3 Implications and Impact Assessment

Implication	Commentary			
<b>Financial:</b>	None directly although the report details the procedures to be followed at full Council when setting the budget, and when decisions are taken that have financial implications.			
<b>Human Resource:</b>	None			
<b>Legal:</b>	This report proposes changes to the Council's Constitution, and will ensure a clear and transparent decision making framework.			
<b>Risk Management:</b>	There is a risk that any decision of Council could be challenged. Having clear rules governing the manner in which meetings will be conducted, should reduce the risk of challenges being successful.			
<b>Property:</b>	None			
<b>Policy:</b>	None			
	<b>Positive</b>	<b>Neutral</b>	<b>Negative</b>	<b>Commentary</b>
<b>Equalities Impact:</b>				

Updates to the Constitution

<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			The recommendations in this report will enable some participation in Meetings remotely via technology, which will reduce the need for individuals to travel in person to meetings.
<b>Health Impact:</b>		X		
<b>ICT Impact:</b>		X		
<b>Digital Services Impact:</b>	X			The recommendations in this report recognise the ability to engage effectively with residents via social media and digital technology.
<b>Council Strategy Priorities:</b>		X		
<b>Core Business:</b>	X			It is considered that the recommendations in this report will support the effective administration of Council business and contribute to the good governance of the Council.
<b>Data Impact:</b>		X		

<b>Consultation and Engagement:</b>	These proposals have been discussed with: The Constitution Review Task Group Finance & Governance Group Joseph Holmes – Executive Director (Resources) Nicola Thomas – Service Lead, Legal and Democratic Stephen Chard – Democratic Services Manager
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## 4 Executive Summary

- 4.1 It was agreed in July 2019 that a Task Group of the Governance and Ethics Committee would be created to review the entire Constitution to ensure that it remained fit for purpose. The Task Group first met in September 2019, but work was subsequently delayed due to the pandemic.
- 4.2 The review of the Constitution has not proposed any significant alterations to the existing rules, but it should provide clarity regarding the Council’s rules and procedures, and a product that will be easier for everybody to navigate and understand.
- 4.3 At its meeting in October 2022, Council approved a number of replacement parts of the Constitution, largely governing how business would be transacted at meetings of various Council Bodies. Implementation of those parts was delayed pending the conclusion of Phase 2 of the Constitution Review, which is detailed in this report.
- 4.4 This report outlines changes proposed following the Phase 2 work, which comprised of a review of the following Parts of the Constitution:
- Part 9 – Budget and Policy Framework Rules of Procedure
  - Part 10 – Financial Rules of Procedure
  - Part 11 – Contract Rules of Procedure
- 4.5 The Constitution will be supported by a Glossary, which will define the meaning of key words that appear throughout the various parts of the updated Constitution. This is attached at Appendix D. The Glossary will be a living document and will therefore need to be maintained and be regularly reviewed, and Council is therefore requested to delegate authority to the Monitoring Officer to update this document as required.

## 5 Supporting Information

### Introduction & Background

- 5.1 The Council is undertaking a comprehensive review of the Constitution and this report seeks approval to adopt the updated Parts following the completion of Phase 2 of the review.
- 5.2 The Constitution Review Task Group (‘Task Group’) is a working group consisting of the following Members: Jeff Beck, Graham Bridgman (Chairman), Jeff Brooks, James Cole, David Marsh, Andy Moore, and Howard Woollaston. Councillor Geoff Mayes is a former member of the Task Group.

## Updates to the Constitution

- 5.3 Since Phase 1 of the Constitution Review was approved by Council in October, the Task Group met on 6 occasions, with each meeting taking place over a number of hours. The significant contribution of all Members of the Task Group in the formulation of these proposals, and the updating of the Constitution should therefore be noted.
- 5.4 This work has also been supported by a number of officers in Democratic Services, Legal, Finance, Audit, and in Commissioning and Procurement, and their contribution to this significant piece of work should also be recognised.
- 5.5 The need to undertake the wholesale review of the Constitution was driven by a desire to make the document more user friendly and accessible to all. It has also assisted to ensure that the rules reflect and support current operational procedures. If approved, the Constitution will be published on-line when it becomes operational, and there will be full indexing with hyperlinks where appropriate.
- 5.6 At its meeting in October 2022, Council approved a number of replacement parts of the Constitution, largely governing how business would be transacted at meetings of various Council Bodies. The final version of those parts are attached to this report at Appendix E for Council to note. Council is also asked to approve a further amendment to these parts as detailed at paragraphs 5.19 and recommendation 2.1(f) of this report.
- 5.7 This report also proposes changes to a number of business critical parts of the Constitution, namely:
- Part 9 – Budget and Policy Framework Rules of Procedure
  - Part 10 – Financial Rules of Procedure
  - Part 11 – Contract Rules of Procedure

## Proposals

- 5.8 It is proposed that the Council adopt the updated Budget and Policy Framework, detailed at Appendix A of this report. This details the process by which plans, policies or strategies detailed within the Framework will be developed and approved.
- 5.9 The Budget and Policy Framework also details the actions that must be taken in the event that a decision is taken, or is proposed to be taken, which is or would be outside the scope of the Framework.
- 5.10 The Council is subject to statutory controls, audit, and must account for its actions and financial decisions. The report therefore proposes updates to the Financial Rules, which will provide a common standard to be adopted in any financial dealings by or on behalf of the Council. The updated Financial Rules, which are recommended for approval, are attached at Appendix B.
- 5.11 The changes proposed do not recommend any significant changes to the existing rules. However, these have been restructured so that there are a set of common Financial Rules, supported by a series of appendices which provide detailed rules of procedure.
- 5.12 Council will note that it is proposed that the virement threshold for Capital Spend be increased so that it is aligned with the Revenue virement thresholds. This increases the threshold for delegated officer decisions on Capital virements from £50k to £100k, subject to the parameters detailed in Appendix B.

## Updates to the Constitution

- 5.13 Section 135 of the Local Government Act 1972 requires that local authorities have in place standing orders (or rules) for the making by them, or on their behalf, of contracts for the supply of goods or materials or for the execution of works. The Council's Contract Rules ensure that the Council complies with this legal obligation.
- 5.14 The Contract Rules of procedure have therefore been reviewed, and the proposed updated Contract Rules appear at Appendix C of this report. As with other parts, the amendments proposed do not make any significant changes to the existing rules, but it is hoped that the changes will make the document easier to navigate and understand.
- 5.15 The Task Group considered whether it would be appropriate to review the current contract thresholds, with a view to increasing those as comparative data across Berkshire obtained by colleagues in the Commissioning and Procurement Service, indicates that West Berkshire Council has lower delegated thresholds than the other Berkshire authorities.
- 5.16 Internal Audit are however about to conduct an audit review of the procurement processes, and it was considered that it would be beneficial to await the conclusion of that review, which will consider the apparent anomalies with neighbouring councils. If following that it is considered that the thresholds should be amended, these will form part of a separate report.
- 5.17 The report is proposing a slight variation to the process by which contracts, requiring Executive approval, are dealt with. At present, contracts with a value over £2.5million are sent to Executive at the end of the procurement process, prior to contract award. This can present difficulties with the timing of an award. It is therefore proposed that the Executive will be provided with Quarterly Contract Update reports, which shall seek delegated authority within the parameters detailed in that report, and which will require consultation with the Executive Portfolio Holder, the Section 151 Officer and the Monitoring Officer.
- 5.18 In the event that delegated authority is given, officers would still be required to place a notice on the forward plan prior to the exercise of a delegated authority to enter into a contract with such a value. This will ensure that such decisions continue to be taken in an open and transparent manner.
- 5.19 Council is also asked to approve a requirement that following a requisition for an extraordinary meeting of Council submitted by the relevant number of Members, the meeting will normally take place within 30 clear working days. It is proposed that the Meeting rules be amended to include:
- 5.20 Where Members of the Body requisition an Extraordinary Meeting:
- the Extraordinary Meeting shall be called by the Body Chairman or Monitoring Officer as soon as is practicably possible, but not later than seven days from the date that the requisition is presented to them; and
  - the Extraordinary Meeting shall normally be held within 30 Clear Working Days of the requisition calling the Meeting.
- 5.21 Once Council has approved the changes, work will be required by the Digital Services Team to create new webpages with relevant hyperlinks. All changes to key operational

elements of the Constitution will then be implemented and published together. It is therefore proposed that these provisions be implemented with effect from 30 April 2023.

- 5.22 The new constitution will be supported by a Glossary, which is considered essential to assist with the understanding and use of the Constitution by any party. The proposed Glossary is therefore attached at Appendix D.
- 5.23 The Introduction and the Articles of the Constitution will need to be updated to reflect the new Rules, and delegated authority is therefore requested to permit the Monitoring Officer, in consultation with the Chairman of the Task Group, to amend and update those Parts.

## 6 Other options considered

- 6.1 Not making any changes to the current Constitution. This option was rejected as the Council must keep the Constitution under review and it is suggested that changes will assist good governance as the procedures by which the Council is operating will be easier to understand, which will improve transparency and openness.

## 7 Conclusion

- 7.1 The ongoing hard work and significant contribution of the Task Group to the review of the Constitution is noted. This work will now continue with Phase 3, which will review the Council's Scheme of Delegation and Codes and Protocols.
- 7.2 It is considered important to secure Council's approval of these core operating rules, which will assist the effective operation of the Council, and help to promote strong and effective governance.
- 7.3 It is therefore recommended that Council approve the proposals detailed in paragraph 2 of this report, to be implemented from 30<sup>th</sup> April 2023.

## 8 Appendices

- 8.1 Appendix A – Budget and Policy Framework
- 8.2 Appendix B – Financial Rules
- 8.3 Appendix C – Contract Rules
- 8.4 Appendix D – Glossary
- 8.5 Appendix E – Meeting and Council Bodies Rules

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**Background Papers:** None

**Subject to Call-In:**

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**Updates to the Constitution**

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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

**Officer details:**

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## Part []

### Budget and Policy Framework

#### 1 Introduction

- 1.1 The Local Authorities (Functions and Responsibilities) (England) Regulations 2000, as amended, set out (amongst other things) functions that may or may not be the responsibility (or sole responsibility) of the Executive.
- 1.2 The Council’s Budget and Policy Framework (the “**Framework**”) sets out the budget, plans, policies and strategies (each a “**Framework Component**”) that are reserved to Council for determination.
- 1.3 Other plans, policies and strategies requiring approval that are not included in the Framework and are not otherwise reserved by law to the Council will be the responsibility of the Executive in accordance with the Local Government Act 2000.
- 1.4 The Council, usually at its Annual Meeting, will be responsible for the adoption of the Framework.
- 1.5 The Executive is responsible for the implementation of the Framework.
- 1.6 The Appendix to this Part contains a list of the current Framework Components.

#### 2 Process for Developing the Framework

##### Preparation of Timetable

- 2.1 The Executive will publicise, by inclusion in the Forward Plan, a timetable for making proposals to the Council for the adoption of any Framework Component (the “**Proposals**”).
- 2.2 With regard to setting a timetable so as to comply with the requirement to set a balanced budget, consideration will be given to:
  - 2.2.1 an early assessment of assumptions that will be used in the drafting of the budget, taking account of financial issues that may have a significant impact on the medium term financial position of the Council;
  - 2.2.2 an overview of the financial position in the coming financial year following publication of the settlement details regarding the anticipated funding from the Government; and
  - 2.2.3 a detailed consideration of items of growth or potential savings.

##### Role of the Scrutiny Commission

- 2.3 As the Scrutiny Commission and Scrutiny Sub-Committees have responsibility for fixing their own work programme, it is for them to decide whether and how to investigate, research or report in detail regarding Framework Components.
- 2.4 The Executive will take any response from the Scrutiny Commission or a Scrutiny Sub-Committee into account in drawing up the Proposals.

##### Role of Council

- 2.5 The Council shall consider the Proposals and:
  - 2.5.1 adopt them without amendment;
  - 2.5.2 refer them back to the Executive for further consideration; or
  - 2.5.3 amend them or substitute its own Proposals.

### Result of Council Decision

- 2.6 The Council's decision will be publicised and the notice of decision shall confirm that:
- 2.6.1 (adoption) - the Proposals will be effective immediately;
  - 2.6.2 (reference back to Executive) – the matter shall be referred back to the Executive;
  - 2.6.3 (amendment or substitution) - the amended/substituted Proposals will become effective on the expiry of five Clear Working Days after the publication of the notice of decision unless the Leader formally objects in writing in that period, in which event:
    - 2.6.3.1 a further, Extraordinary, Council Meeting shall take place within ten Clear Working Days of the receipt of the Leader's written objection; and
    - 2.6.3.2 at that Meeting, the decision of the Council shall be reconsidered in the light of the objection; and
    - 2.6.3.3 the Council shall make a final decision on the Proposals which shall be given effect to immediately.

### Extent of Virement by Executive

- 2.7 In approving the Framework, the Council will also confirm the extent of virement permitted within the Budget and degree of in-year changes to the Framework which may be undertaken by the Executive. Any other changes to the Framework are reserved to the Council.
- 2.8 The Council policy in respect of virement/Supplementary Estimates is contained in the Financial Rules (Part []).

## 3 Decisions Outside the Framework

### Scope

- 3.1 Only the Council may agree the Framework and decisions by Executive Decision Makers must comply with it.

### Advice on Decisions

- 3.2 Executive Decision Makers shall take appropriate advice from the Monitoring Officer and/or the S.151 Officer as to whether the decision they want to make is in accordance with the Framework.
- 3.3 If the advice of such Officer is that a decision would not be in accordance with the Framework, then the decision must be referred to the Council for decision, unless the decision is a matter of urgency, in which case the provisions relating to urgent decisions outside the Framework shall apply.

### Urgent Decisions Outside the Framework

- 3.4 An Executive Decision Maker may take a decision which is contrary to, or not wholly in accordance with, the Framework if the decision is a matter of urgency and:
- 3.4.1 it is not practical to convene a Meeting of the Council; and
  - 3.4.2 the Chairman of the Scrutiny Commission, or in their absence the Chairman of Council, or in the absence of both the Vice-Chairman of Council, certifies that the decision is a matter of urgency.
- 3.5 The reasons why it is not practical to convene a Meeting of the Council and the relevant certification of urgency must be noted on the record of the decision.
- 3.6 Following the decision, the Executive Decision Maker must provide a report to the next appropriate Meeting of Council explaining the decision, the reasons for it, and why the decision was treated as a matter of urgency.

## 4 In-Year Changes to Framework

- 4.1 Changes to any Framework Component may only be made where the Executive, having taken the advice of the Monitoring Officer and S.151 Officer, is satisfied that the departure is permitted by law, and where it:
- 4.1.1 will result in the closure or discontinuance of a service or part of service to meet a budgetary constraint; or
  - 4.1.2 is necessary to ensure compliance with the law, ministerial direction or Government guidance; or
  - 4.1.3 is in respect of a policy which would normally be agreed annually by the Council following consultation, but where the existing policy document is silent on the matter under consideration.

## 5 Call-in of Decisions Outside the Framework

### Officer Advice on Decisions

- 5.1 Where the Scrutiny Commission is considering whether an Executive Decision is, or proposed Executive Decision would be, contrary to the Framework it shall seek advice from the Monitoring Officer and/or S.151 Officer.

### Referring Decisions to Council

- 5.2 If the decision has yet to be made, or has been made but not yet implemented, and the advice from the Monitoring Officer and/or s.151 Officer is that the decision is or would be contrary to or not wholly in accordance with the Framework, the Scrutiny Commission must:
- 5.2.1 commission a report regarding the decision and the advice of the Monitoring Officer and/or the Section 151 Officer (the “**Report**”);
  - 5.2.2 refer the matter to Council.
- 5.3 No further action may be taken in respect of the decision or its implementation until the Council has met and considered the matter.
- 5.4 The Council shall:
- 5.4.1 meet within ten Clear Working Days of the request by the Scrutiny Commission;
  - 5.4.2 consider the Report and either:
    - 5.4.2.1 endorse the decision as falling within the existing Framework, in which case no further action is required; or
    - 5.4.2.2 amend the Council’s Financial Rules or the Framework Component concerned to encompass the decision and then endorse the decision with immediate effect, in which case no further action is required; or
    - 5.4.2.3 require the Executive to reconsider the matter in accordance with the advice of the Monitoring Officer and/or S.151 Officer.

## Budget and Policy Framework - Appendix

### Current Framework – 2022/23

The Framework Components reserved to Council for the municipal year above are:

- The Council's Budget;
- Council Strategy;
- Local Transport Plan;
- Licensing Policy;
- Gambling Policy;
- Plans and strategies which together comprise the Development Plan;
- Statutory Pay Policy Statement;
- Property Investment Strategy.

## Part []

### Financial Rules of Procedure

#### 1 Purpose and Scope

##### Introduction

- 1.1 The Council is a body corporate which derives its powers from statute. Any organisation with a large financial turnover needs to lay down the procedures to be observed in its financial dealings.
- 1.2 Such procedures are especially necessary in the case of a local authority which is subject to statutory controls, statutory audit, and must account for its actions and stewardship to the general public.
- 1.3 The purpose of these Financial Rules of Procedure (“**Rules**”) is therefore to set down basic financial rules and guidance to ensure that there is an approved common standard that is adhered to in the financial dealings of the Council. They do not over-ride the requirement to observe any legislative provisions.
- 1.4 These Rules apply to all areas of the Council and should be read in conjunction with the rest of the Council’s Constitution.
- 1.5 These Rules seek to ensure that:
  - 1.5.1 Budget Holders:
    - remain within their budget and only spend what they have in their budget;
    - maintain adequate commitment records;
    - monitor their budgets;
    - report at the earliest opportunity any potential overspend;
    - have effective reporting arrangements from their Budget Holders;
    - report to the Executive Directors details of any problems with budgets.
  - 1.5.2 Executive Directors have in place effective reporting arrangements to ensure that they are advised of any problems with budgets at the earliest opportunity.

##### Non-Compliance with Rules

- 1.6 The S.151 Officer must, after consultation with the relevant Head of Service/Service Director, report to the Executive any relevant non-compliance with these Rules that come to their attention.

##### Approval of Head of Finance and Property or Nominated Officer

- 1.7 Where matters are to be considered by the Executive that in any way affect the finances of the Council or that require the supply of financial information by the S.151 Officer, the Head of Service/Service Director concerned must raise this with the S.151 Officer in sufficient time to enable them to report.
- 1.8 The S.151 Officer must approve all financial implications on all committee reports and the relevant implications section of the report template must be completed, in consultation with the relevant officer in Finance.

##### Interpretation

- 1.9 Any doubt as to the interpretation of these Rules will be a matter for the S.151 Officer in consultation with the Monitoring Officer.

## Appendices

- 1.10 These Rules are supported by a number of Appendices, which provide detailed guidance on the following matters (and are to be followed in accordance with these Rules):
- Treasury Management
  - Revenue Expenditure Controls
  - Capital Expenditure Controls
  - Contract Finance Rules
  - Local Bank Accounts (Imprest/Petty Cash/Procurement cards)
  - Income
  - Salaries and Wages
  - Estates and Inventories
  - Insurance
  - Trust Funds
  - Financial Rules for Schools

## 2 The Legal Framework

- 2.1 Local authority finance is subject to statutory controls, such as the Accounts and Audit Regulations 2015 (the “**2015 Regulations**”), and the Local Government Finance Acts 1982, 1988 (the “**LGFA 1988**”) and 1992.
- 2.2 Regulation 4 of the 2015 Regulations requires:
- 2.2.1 that the accounting records required by the S.151 Officer are sufficient to show the Council’s transactions and to enable the responsible Financial Officer to ensure that any statement of accounts, incoming expenditure account, balance sheet or record of receipts and payments, and additional information to be provided by way of notes to the accounts, comply with the 2015 Regulations and in particular the accounting records contain:
- 2.2.1.1 entries from day to day of all sums of money received and expended by the Council and the matters to which the incoming expenditure or receipts and payments account relate;
- 2.2.1.2 a record of the assets and liabilities of the Council; and
- 2.2.1.3 a record of incoming expenditure of the Council in relation to claims made or to be made by them for contribution grant or subsidy from any Minister of the Crown, a body to whom such a Minister may pay sums out of monies provided by Parliament, or a European Union Institution.
- 2.2.2 that the accounting controls systems ensure that the financial transactions of the Council are recorded as soon and as accurately as reasonably possible, that there are measures in place to enable the prevention and detection of inaccuracies and fraud and there is the ability to reconstitute any lost records and
- 2.2.3 that the duties of officers dealing with financial transactions are identified and the division of responsibilities of those officers are identified in relation to significant transactions and that procedures for uncollectable amounts including bad Debts will not be written off except with the approval of the S.151 Officer or a member of staff nominated by the S.151 Officer.
- 2.3 In accordance with ss.114 and 114A, LGFA 1988 the S.151 Officer will report to the Council or Executive as relevant if they have reason to believe that:

- 2.3.1 the Council or Executive, or any part of the Council or Executive:
  - 2.3.1.1 has made or is about to make a decision which involves or would involve the Council incurring expenditure which is unlawful;
  - 2.3.1.2 has taken or is about to take a course of action which if pursued to its conclusion would be unlawful and likely to cause loss or deficiency on the part of the Council; or
  - 2.3.1.3 is about to enter an item of account the entry of which is unlawful;
- 2.3.2 the expenditure of the Council incurred (including expenditure it proposes to incur) in a financial year is likely to exceed the resources (including sums borrowed) available to it to meet that expenditure.

### 3 Responsibilities

- 3.1 The S.151 Officer:
  - 3.1.1 shall be responsible for the compilation of the main accounting records for the Council;
  - 3.1.2 may from time to time, after consultation with the Heads of Service/Service Directors affected, issue written "financial instructions" dealing with detailed procedures to be followed in certain matters;
  - 3.1.3 shall be responsible for the maintenance of a management information system, the General Ledger (and no feeder computer system shall be linked into any corporate financial system without prior consent of the S.151 Officer);
  - 3.1.4 shall be consulted at an early stage on any proposals to introduce financial systems (and no such system shall go live without the specific authorisation of the S.151 Officer);
  - 3.1.5 has a statutory responsibility for ensuring that adequate systems and procedures exist to account for all Income due to, and expenditure made on behalf of, the Council and that controls operate to protect the Council's assets from loss, waste, fraud or other impropriety, and shall discharge that responsibility in part by the maintenance of these Rules.
- 3.2 The Council is responsible for the adoption of its Budget and Policy Framework (see Part []), with the Executive responsible for implementing the Framework (which includes regulating and controlling the finances of the Council).
- 3.3 Heads of Service/Service Directors:
  - 3.3.1 are individually responsible for the proper financial management of resources allocated to their operational areas through the budget setting process, and in accordance with these Rules;
  - 3.3.2 are also responsible for the identification of all Income arising from the activities within their areas - this responsibility includes the accountability for and control of staff, and the security, custody and management of assets including plant, equipment, buildings, materials, cash and stores.

### 4 Allocation of Accounting Duties

- 4.1 The following principles shall be observed in the allocation of accounting duties by all employees or consultants engaged by the Council:
  - 4.1.1 the duties of providing information regarding sums due to or from the Council and of calculating, checking and recording these sums, shall be separated as completely as possible from the duty of collecting or disbursing them;
  - 4.1.2 officers charged with the duty of examining and checking the accounts of cash transactions shall not themselves be engaged in any of these transactions.

## 5 Financial Planning and the Budget Process

### Financial Strategy

- 5.1 The S.151 Officer shall prepare annually a financial strategy for the Council for a short (one year), and medium term (three to four year) period.
- 5.2 This will be reported to Corporate Board and the Executive and will set out the parameters for the budget build process for the coming year in the light of likely grant settlement, service pressures, available balances, and consultation with clients and partners of the Council.

### Asset Management Strategy

- 5.3 The Service Director with responsibility for Property Services or their nominated officer will produce and maintain an Asset Management Strategy that includes the current accounting period.

### Capital and Revenues Budgets

- 5.4 The detailed form of Capital and Revenue budgets shall be determined by the S.151 Officer consistent with the general directions of the Executive and after consultation with Corporate Board.
- 5.5 Heads of Service/Service Directors and their nominated Budget Holders, in consultation with the S.151 Officer, shall jointly prepare for consideration by Corporate Board and the Executive, in accordance with the policies and timescales determined by the Executive:
  - 5.5.1 a draft Capital Programme; and
  - 5.5.2 Revenue Income and expenditure budgets

### Submission to Executive

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

### Approval of Estimates

- 5.8 The estimates, once approved by the Council shall become the Council's Revenue Budget and Capital Programme for the next financial year.
- 5.9 Approval of the annual estimates by the Council will confer authority on the Executive, Committees, and Budget Holders to incur expenditure so provided for the next financial year subject to compliance with the relevant provisions of the Constitution.

## 6 Internal Audit

- 6.1 In accordance with the 2015 Regulations the S.151 Officer shall arrange for a continuous and current internal audit of all activities of the Council.
- 6.2 Internal Audit will assist Heads of Service/Service Directors and Senior Managers in the effective discharge of their responsibilities by:
  - giving assurance on financial and management control systems;
  - identifying weaknesses;
  - giving advice on how to resolve financial and management problems and improve control;



- investigating suspected irregularities
  - undertaking advisory/consultancy work; and
  - undertaking Value for Money (VFM) reviews.
- 6.3 Any Member or Officer shall make available documents relating to financial or other records of the Council which relate to their accounting.
- 6.4 Other records, as appear to the S.151 Officer necessary for the purpose of Internal Audit, will be supplied together with any such information and explanation as the S.151 Officer considers necessary for that purpose.
- 6.5 Internal Audit staff are authorised to enter at reasonable times any premises or land owned by or in the control of the Council, if appropriate, and require employees to produce Council property and records under their control.
- 6.6 The Role and Responsibilities of Internal Audit are as follows:
- 6.6.1 Internal Auditors will at all times respect confidentiality;
- 6.6.2 Internal Audit will be carried out in accordance with the Public Sector Internal Audit Standards (as revised) issued by CIPFA;
- 6.6.3 on the conclusion of each internal audit review, Internal Audit will submit a report and recommendations (if any) to relevant Portfolio Holders, Executive Directors, the S.151 Officer, Monitoring Officer (as line management for Internal Audit), Head of Service/Service Director and the Service Manager concerned, and:
- 6.6.3.1 the Head of Service/Service Director is responsible for agreeing an action plan to implement any recommendations;
- 6.6.3.2 Executive Directors and the Chief Executive will, through the performance management process, monitor progress on implementation of agreed recommendations;
- 6.6.4 Internal Audit will report to Corporate Board, and the Governance Committee on the outcome of audit work and progress in implementing audit recommendations;
- 6.6.5 Internal Audit will confirm whether the policies and procedures approved by the Council are in place and being maintained throughout the Council's operations;
- 6.6.6 the Audit Manager will produce an annual report for the Governance Committee that will give an opinion on the effectiveness on the Council's system of internal control, risk management and governance.

## 7 Financial Irregularities

- 7.1 Where matters arise which involve or are thought to involve financial irregularities, the Executive Director and Head of Service/Service Director concerned must ensure that the matter is notified immediately to the S.151 Officer/Monitoring Officer.
- 7.2 Where there is a possibility of criminal proceedings any interviews should be conducted following advice from the Monitoring Officer or the Chief Internal Auditor in consultation with the Service Lead for HR.
- 7.3 A decision to refer matters to the Police will be taken by either the S.151 Officer or Monitoring Officer or Audit Manager.
- 7.4 Should any Member fail to disclose a Disclosable Pecuniary Interest and the matter was referred to the Monitoring Officer they shall refer such breach to the Police in accordance with the Code of Conduct and related procedures.

- 7.5 Internal Audit shall log details of any financial irregularities they are made aware of, instigate an appropriate investigation (liaising with HR where appropriate), and keep the S.151 Officer and Monitoring Officer up to date regarding progress with the investigation. The S.151 Officer in consultation with the Monitoring Officer will decide if a report is needed to the Governance Committee.

## 8 Emergency Provisions

- 8.1 The provision of these Rules does not prevent the Council acting through the Chief Executive, Executive Directors or a Senior Officer from incurring expenditure which is essential to meet any immediate needs created by a sudden emergency or situation in accordance with s. 138, LGA 72.

## Financial Rules of Procedure

### Appendix A - Treasury Management

#### 1 Activities of Treasury Management

- 1.1 All Treasury Management activities will be carried out in accordance with the CIPFA “Treasury Management in the Public Services Code of Practice and Cross-Sectoral Guidance Notes (the Treasury Management Code) and through the Investment and Borrowing Strategy as currently approved by the Full Council.
- 1.2 All money in the hands of the Council shall be aggregated for the purposes of Treasury Management.

#### 2 Executive Decisions involving Finance

- 2.1 All Executive decisions on borrowing, investment or financing are delegated to the S.151 Officer who is required to act in accordance with the Prudential Code for Capital Finance 2021 and the Council’s Investment and Borrowing Strategy.

#### 3 Banking Arrangements

- 3.1 All arrangements with the Council’s bankers must be made by or under arrangements approved by the S.151 Officer, who is authorised to operate such banking accounts and other electronic transactions as they may consider necessary.
- 3.2 No other officer has authority to open a bank account without prior specific written delegation of that authority by the S.151 Officer.

# Financial Rules of Procedure

## Appendix B - Revenue Expenditure Controls

### 1 Budgetary Control

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

### 2 Role of Service Directors and Heads of Service

- 2.1 Budgets are allocated to Service Directors/Heads of Service to enable them to deliver services approved by Members through the relevant Service or Department Plan. It is the responsibility of each Service Director/Head of Service to ensure that the budgets for which they are responsible are used to deliver the Service Plan and are not overspent. Where budget pressures indicate that overspending may occur, then the Service Director/Head of Service must apply the rules set out under cash limited budgets below.
- 2.2 Service Directors/Heads of Service are responsible for allocating responsibility for managing each cost centre within their service. They must inform the S.151 Officer or their nominated representative of the allocation and any changes as soon as they occur.
- 2.3 Service Directors/Heads of Service must ensure, through the Performance Management Scheme that their managers who are Budget Holders are properly trained in budget management and apply adequate budgetary control through local commitment accounting by requiring regular reports from Budget Holders.

### 3 Moving Budgets Between Cost Centres

- 3.1 The rules for moving budgets between revenue cost centres (virement) are shown in the table below:

<b>Amount to be moved</b>	<b>Who can approve it?</b>
<b>Within Directorate</b>	
Up to £100k	Relevant Service Director/Head of Service in consultation with Budget Holders and Finance Manager
Over £100k and up to £250k	Executive Director and Finance Manager
Over £250k and up to £500k	Section 151 Officer in consultation with Portfolio Holder, reported to Executive
Over £500k	Executive
<b>Between Directorates</b>	
Up to £100k	Relevant Executive Directors and Finance Manager
Over £100k and up to £250k	Section 151 Officer in consultation with Portfolio Holder, reported to Executive
Over £250k	Executive
<b>New/additional Government Grant funding</b>	
All values	Section 151 Officer in consultation with Portfolio Holder, reported to Executive

- 3.2 The following transfers will not count as virement for these purposes:
  - 3.2.1 budget movements which occur as a result of year end procedures;
  - 3.2.2 transfers of budgets when a whole service transfers from one Directorate to another;
  - 3.2.3 Income and expenditure budgets related to additional grants not included in the Council's approved budget;
  - 3.2.4 transfers arising from changes in legislation;
  - 3.2.5 any support service recharges (allocation of overheads) for accounting purposes.
- 3.3 Any in year unplanned contributions from reserves will need to be reported to the Executive; those at year end are considered by the Governance Committee as part of approving the Council's financial statements.
- 3.4 Rules on use of funds in an emergency are set out in these Rules.
- 3.5 Any in-year amendments from central government to the Council's net approved budget of 1% or more will require the sign off of the S.151 Officer in consultation with the Portfolio Holder for Finance, followed by a report to the Executive .

## 4 Unauthorised Overspend

- 4.1 The unauthorised overspend of a budget may lead to disciplinary action being taken against either or both:
  - 4.1.1 the Budget Holder; and
  - 4.1.2 the Service Director/Head of Service.

## 5 Monthly Statements

- 5.1 The S.151 Officer will provide each Head of Service/Service Director and each Budget Holder with monthly statements of receipts and payments under each cost centre.
- 5.2 Budget Holders must provide the S.151 Officer with written confirmation at intervals specified by the S.151 Officer that this information is correct, as this information forms the basis of reporting to the Executive.

## 6 Cash Limited Budgets

- 6.1 Budgets are limited to the net annual budget for the relevant service. The Council maintains a general reserve which is to be used in exceptional circumstances where there is an uncontrollable overspend position at the end of the financial year. Therefore, Service Directors/Heads of Service must ensure that they and their Budget Holders do not overspend their service budgets.
- 6.2 Revenue Expenditure may not be incurred which cannot be met from the amount provided in the revenue budget under the Service for that Service Director/Head of Service to which the expenditure would be charged.
- 6.3 The Service Director/Head of Service can present an overspend to the relevant Executive Director who can, subject to the delegated limits, consider whether the overspend can be contained within the overall service grouping.
- 6.4 The S.151 Officer in consultation with the Chief Executive will need to take a view on what is a significant overspend in terms of the overall budget for the Council and anything which they consider significant should be reported to the Executive. In all cases the Rules must be complied with. The approval of the additional expenditure budget may include provision for the repayment of the overspend.

## 7 Exceeding Cost Centre Estimate

- 7.1 Service Directors/Heads of Service may authorise expenditure which would otherwise exceed the estimate for a cost centre, provided that the expenditure:
  - 7.1.1 can be met from savings or under spending on other cost centres within the same service with the exception of windfall increases in Income or decreases in expenditure;
  - 7.1.2 will not constitute Capital Expenditure or result in:
    - 7.1.2.1 a change in the level of service provision; or
    - 7.1.2.2 a commitment to incur expenditure in future years; or
    - 7.1.2.3 a change in policy; or
    - 7.1.2.4 a breach of the Council's Workforce Strategy;
  - 7.1.3 is not a virement from a support service recharge code; and
  - 7.1.4 is notified in the prescribed form to the S.151 Officer who may require a report to be submitted to the Executive.

## 8 Carry Forward of Under and Overspends

- 8.1 Genuine provisions for liability, as recognised by the CIPFA Code of Practice in force, must be accounted for in accordance with this guidance. Where Budget Holders wish to carry forward any unspent monies into the next financial year, then they must provide a business case to the Head of Finance and Property. These cases will be assessed against the relevant accounting guidance and the explanations provided in the case. The final decision for the carry forward of under spends is for the Head of Finance and Property. These requests are to be considered by the Finance and Governance Group
- 8.2 Overspends are not permitted to be carried forward; all known overspends where no action can take place to rebalance budgets should be corrected via service investments and approved by the Council when setting the next financial year's budget.

## 9 Coding of Expenditure and Income

- 9.1 All expenditure and Income must be charged/credited to the cost centre and appropriate account code to which it relates.
- 9.2 Miscoding expenditure/Income distorts the Council's financial information and, therefore, may result in disciplinary action being taken against the officer responsible.
- 9.3 The detailed form of Capital and Revenue budgets shall be determined by the Head of Finance and Property or nominated officer consistent with the general directions of the Executive and after consultation with Corporate Board.
- 9.4 Journal transfers may only be made if they have been approved by the Budget Holder or accountant in the respective area charged with the expenditure.
- 9.5 Budget Holders may only charge expenditure against budgets for which they are responsible.

## Financial Rules of Procedure

### Appendix C - Capital Expenditure Controls

#### 1 Council Approval of Capital Strategy and Programme

- 1.1 The Council's approval of the Capital Budget - within the Budget and Policy Framework - constitutes authority for:
- 1.1.1 capital expenditure to be incurred in the budget year and for commitments to be made on capital schemes included for the budget year and for the previous years to the extent that provision has already been made;
- 1.1.2 expenditure to be incurred or commitments to be made for advance site acquisition, design fees and other associated preliminary expenditure, but only if an appropriate budget allocation has been approved in the relevant year within the Capital Strategy and Programme.

#### 2 Variations to the Approved Capital Strategy and Programme

- 2.1 The Council's five year Capital Strategy and Programme, which forms an integral part of the Council's Budget and Policy Framework, is generally agreed in March by Council.
- 2.2 Amendments to the approved Capital Programme may only be made in the following ways:

Type of Amendment	Who can approve it
<b>Virements (ie transfers of expenditure budgets between different cost centres)</b>	
Up to £100k per cost centre per transaction within a service	Head of Service/Service Director and Finance Manager
Up to £100k per cost centre per transaction across services within a Directorate	Executive Director and Finance Manager
Up to £100k across Directorates and between £100k and £250k per cost centre per transaction	S151 Officer (or nominated officer) in consultation with the Portfolio Holder for Finance
Over £250k per cost centre per transaction	S151 Officer (or nominated officer) in consultation with the Portfolio Holder for Finance, with the change being subsequently reported to the Executive
<b>New Invest to Save Schemes to be Added to the Budget (ie new schemes, or additions to existing schemes, where the capital financing cost is met from revenue savings)</b>	
Up to £100k per scheme	S151 Officer (or nominated officer) in consultation with the Portfolio Holder for Finance
Over £100k per scheme	Executive
<b>Additions to Expenditure Budgets Funded from Government Grants, Developers Contributions or other sources of external funding</b>	
Up to £100k per cost centre or per source of funding (excluding s106 contributions or CIL	Head of Service/Service Director and Finance Manager

<b>Type of Amendment</b>	<b>Who can approve it</b>
Up to £100k per cost centre per transaction from s106 contributions	Head of Service/Service Director and Chief Accountant in consultation with the Portfolio Holder for the relevant service
All additions from CIL up to £250k and any other additions between £100k and £250k per cost centre per source of funding	S.151 Officer (or nominated officer) in consultation with the Portfolio Holder for Finance
Over £250k per cost centre or per source of funding (excluding s106 contributions)	S.151 Officer (or nominated officer) in consultation with the Portfolio Holder for Finance, with the change being subsequently reported to the Executive
Over £250k per cost centre per transaction from s106 contributions	S.151 Officer (or nominated officer) in consultation with the Portfolio Holders for Finance and for the relevant service, with the change being subsequently reported to the Executive
<b>Movement of Capital Budget between Programme Years</b>	
Less than £250k approved budget per cost centre to be brought forward from a future year of the programme	S.151 Officer (or nominated officer) in consultation with the Portfolio Holder for Finance
More than £250k approved budget per cost centre to be brought forward from a future year of the programme	Executive
Any approved capital budget to be reprofiled to later years of the programme	S.151 Officer (or nominated officer) in consultation with the Portfolio Holder for Finance, with the change being subsequently reported to the Executive

### 3 Other Additional Expenditure Requests

- 3.1 Any other additions to capital budgets (excluding the items in the Table above) outside the agreed budget must be in accordance with the Council's Budget and Policy Framework and approved by the Executive.

### 4 Moving Expenditure between years within the Capital Strategy and Programme

- 4.1 In general, expenditure on capital schemes can only occur during the year for which approval was given by Council as part of the Capital Strategy and Programme.
- 4.2 In exceptional circumstances and with the endorsement of the relevant Portfolio Holder (relevant Shadow Portfolio Member to be advised for information), following consideration by the Capital Strategy Group, a scheme which has been approved in a later year(s) of the Capital Strategy and Programme may be brought forward, provided that:
- 4.2.1 sound reasons for so doing are accepted by Capital Strategy Group or
- 4.2.2 future viability or delivery of the scheme is in question.
- 4.3 No more than £250,000 of such individual schemes may be brought forward in any financial year.



# Financial Rules of Procedure

## Appendix C - Contract Finance Rules

### 1 Rules of Procedure

- 1.1 All officers must adhere to the Council's Contract Rules and these Rules before they enter into any contract.

### 2 Official Orders

- 2.1 Official orders shall be issued for all work, goods or services to be supplied to the Council except for supplies of public utility services, for periodical payments (eg rent and rates), petty cash purchases, or such exceptions as the S.151 Officer may approve (included on the Approved List of Payment not Requiring a Purchase Order).
- 2.2 Orders must clearly state the quantity of the goods and nature of the work or services and whether covered by contract or an agreed price and discounts specified therein or an estimated value.
- 2.3 No payment shall be made to suppliers without a purchase order having been raised.

### 3 Raising a Purchase Requisition

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

### 4 Placing an Order

- 4.1 Unless the service has a budget an order cannot be placed since placing an order commits the Council to the expenditure.
- 4.2 All official orders for goods and services must be raised using the Council's Financial System. Exceptions to this requirement require written approval from the S.151 Officer.
- 4.3 The Council's Finance system will generate the appropriate commitment accounting record of outstanding orders. Verbal orders must not be made except as a matter of genuine urgency and must be confirmed immediately with a written order produced through the Council's Finance System.
- 4.4 Other than in cases of genuine emergency, no supplier shall be asked to provide goods or services before a purchase order has been issued to them.

### 5 Regular Periodic Payments

- 5.1 Any circumstances causing the cessation or variation of a regular periodical payment must be notified immediately to the Head of Finance and Property or nominated officer.

### 6 Approval of Order

- 6.1 The ability to raise a requisition for goods or services and the subsequent approval and creation of the Order must only be undertaken by Officers nominated by the Head of Service/Service Director. Nominations shall be notified in writing to the Head of Finance and Property or nominated Officer.

- 6.2 Goods properly supplied or work done without an official order due to a genuine emergency must be covered as soon as possible by a confirmation order.
- 6.3 The duties of requisitioning goods or services and the subsequent confirmation of their receipt (goods received note process) shall not be performed by the same officer authorising the Order.
- 6.4 Each Head of Service/Service Director shall be responsible for all orders issued from their Service.

## 7 Goods Received Process

- 7.1 The Head of Service/Service Director or Delegated Officer shall ensure that the Corporate Finance System is promptly updated when goods or services are received.
- 7.2 Before completing the Goods Received Note process the verifying officer shall, save to the extent that the S.151 Officer may otherwise determine, be satisfied where relevant that the:
  - 7.2.1 goods have been duly received examined and approved as being in accordance with the specification or match the official order and are satisfactory; and/or
  - 7.2.2 works done or services rendered have been satisfactorily carried out and that, the materials used were of the requisite standard; and
  - 7.2.3 proper entries have been made in the inventories or stores records, where appropriate; and
  - 7.2.4 Council's purchasing guidance has been followed.

## 8 Payment of Accounts

### Processing of Invoices

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

### Other Payment Requests

- 8.3 Payment requests shall be prepared in accordance with the format determined by the S.151 Officer who, if satisfied, shall process and pay in accordance with a timetable prepared by them.

### Destination of Invoices

- 8.4 Invoices for payment must be sent in the first instance to the Central Payments Team.
- 8.5 Such invoices must be made out by creditors themselves and must not be made out by any officer.

### Amendments and Deletions

- 8.6 Amendments to or deletions from an invoice must only be made in exceptional circumstances and must be authorised by the S.151 Officer.
- 8.7 Where changes are required they must be made in ink of a distinctive colour and initialled by, or on behalf of the Head of Service/Service Director, and the reasons, if not obvious, briefly stated on the invoice.
- 8.8 No alterations to a Value Added Tax invoice may be made but a new invoice or credit note must be sought from the supplier.

8.9 To avoid the possibility of duplicate payments photocopies or faxes are not accepted as valid invoices except in an emergency.

#### Payment of Invoices

8.10 The S.151 Officer or their nominated officer shall pay all invoices and other payment requests which they are satisfied are in order.

8.11 The S.151 Officer shall ensure that appropriate arrangements are in place for ensuring that invoices received in the Central Payments Team are matched against official orders.

8.12 Payment of invoices shall only be made when:

8.12.1 the ordering Service has confirmed that the goods have been duly received, examined and approved;

8.12.2 the prices are in accordance with the order;

8.12.3 the payment is in accordance with Council Policy and legally payable;

8.12.4 the account is correct, and that VAT is properly accounted for where appropriate;

8.12.5 the item has not been previously passed for payment and is a proper liability of the Council.

8.13 The normal method of payment of money due from the Council shall be by electronic transfer or other instrument drawn on the Council's bank account by the S.151 Officer.

#### Examination of Accounts

8.14 The S.151 Officer may at their discretion examine the verified accounts passed for payment, as to their compliance with Council regulations, contracts, accepted tenders or other authorities and for this purpose shall be entitled to receive such information and explanation as may be required.

# Financial Rules of Procedure

## Appendix D - Local Arrangements

### 1 Imprest/Petty Cash Advances

- 1.1 The S.151 Officer will provide imprests and petty cash advances, where appropriate, to officers for the purpose of defraying expenses.
- 1.2 A receipt shall be signed in respect of each advance by the officer concerned, who shall be responsible for accounting for monies.
- 1.3 A receipt should be signed in respect of sub-floats issued to officers.

### 2 Changes to officers

- 2.1 Any changes to officers responsible must be immediately notified to the S.151 Officer.
- 2.2 An outgoing imprest holder must reconcile the imprest to the total amount held.
- 2.3 An incoming responsible officer should satisfy themselves that all is in order before accepting responsibility for the imprest.

### 3 Disbursements

- 3.1 Vouchers for disbursements must be obtained, and attached to claims for reimbursement.
- 3.2 Claims must be properly certified and forwarded for payment to the S.151 Officer at specified intervals, normally not exceeding one month.
- 3.3 Nil returns will be forwarded to the S.151 Officer if no reimbursement is required.

### 4 Security of Cash

- 4.1 Heads of Service/Service Directors are responsible for ensuring that all cash is kept in a safe and secure place and that bank accounts are reconciled on a regular basis, not less than monthly.
- 4.2 A bank statement must be received at least monthly for all imprest bank accounts.
- 4.3 Heads of Service/Service Directors are advised for reasons of security that cash balances of greater than £250 must be kept in a bank account.

### 5 Use of Imprest Accounts

- 5.1 Imprest accounts can be used for amounts up to £250:
  - 5.1.1 to pay for local purchases by cheque at the time of collection or delivery;
  - 5.1.2 to secure discounts or take advantage of special offers;
  - 5.1.3 to reimburse staff who have purchased small value items directly;
- 5.2 All such payments must be supported by VAT invoices or receipts.

### 6 Use of Imprest Funds

- 6.1 Imprest funds must never be used to pay salaries, wages, or other employee expenses, ie travel/subsistence and removal/relocation expenses, without the specific approval of the S.151 Officer (such payments may attract liability to Income Tax or National Insurance contributions and must therefore be made via the payroll system).

## 7 Examination of Local Bank Accounts

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

## 8 Use of Procurements Cards

- 8.1 A standard template application form must be submitted to Accountancy in Finance and Property before any request for a new card will be considered.
- 8.2 Card applications will be reviewed and approved by the Finance Governance Group.
- 8.3 Cards must only be used as per the corporate guidance (provided when a card is issued/readily available from Accountancy).

# Financial Rules of Procedure

## Appendix E - Income

### 1 Local Collection of Monies

- 1.1 The framework and regulation of the collection of all monies due to the Council shall be subject to the approval of the S.151 Officer and shall comply with these Rules.
- 1.2 The S.151 Officer shall be notified promptly of all monies due to the Council and of contracts, leases and other agreements and arrangements entered into which involve the receipt of money by the Council - the S.151 Officer or officer nominated by them shall have the right to inspect any documents or other evidence in this connection as they may decide.
- 1.3 “**Income**” includes any money paid or due to the Council as a result of sales, fees, and/or charges.
- 1.4 “**Debt**” shall refer to any Income due to the Council.

### 2 Invoicing for Sums Due

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

### 3 Payment of Amounts Due

- 3.1 All accounts rendered in respect of amounts due to the Council shall contain a statement that payment must be made to the Council.

### 4 Payments made to Service Units

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

### 5 Payment into Council Accounts

- 5.1 All monies received by an officer on behalf of the Council shall be banked without delay.

### 6 Issue of Receipts

- 6.1 Every sum received by a cashier or other officer of the Council shall be immediately acknowledged by the issue of an official receipt, ticket or voucher except in the case of cheques other arrangements may only be established with the express approval of the Head of Finance and Property or nominated officer.
- 6.2 All official receipts, tickets, books and other cash tokens shall, except by special arrangements approved by the S.151 Officer, be controlled and issued to Service Units by the S.151 Officer or their nominated officer, who shall keep a register of their receipt and issue. Departments shall keep proper records of the issue and use of all receipts, tickets and cash tokens.

## 7 Recording Receipt of Monies

- 7.1 Each officer who receives monies on behalf of the Council, or for which they are accountable to the Council, shall keep records in a form approved by the S.151 Officer or nominated officer.

## 8 Transfer of Monies

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

## 9 Write-Offs - Income

### Discharge of Debts

- 9.1 No Debt shall be discharged otherwise than by payment in full or by the writing-off of the Debt or the unpaid portion of it.

### Write-off of Debts

- 9.2 A Debt may only be written off on the authority of the S.151 Officer:
- 9.2.1 where the Debt does not exceed £25,000 and:
- 9.2.1.1 the Debt is not enforceable; or
- 9.2.1.2 attempted recovery is likely to involve expensive litigation with limited hope of success; or
- 9.2.1.3 the cost of recovery would be disproportionate to the amount involved;
- 9.2.2 with the agreement of the Portfolio Holder for Finance where the Debtor is formally insolvent and the Debt is between £25,000 and £100,000.
- 9.3 All other Debts may only be written off following approval by the Executive.
- 9.4 Any Debt written off shall be properly recorded on the Council's Financial System.
- 9.5 Written off Debts will be charged back to the originating budget.
- 9.6 Budget Holders will be provided with details of those Debts where write off is appropriate, and such details are to include information on recovery action already taken.
- 9.7 In exceptional circumstances officers, having consulted Corporate Board, may recommend to the Executive that a Debt should not be written off to the service budget but written off corporately.

## 10 Charging for Services

### Review of Service Charges

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

### Unmet Estimates

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

# Financial Rules of Procedure

## Appendix F - Salaries and Wages

### 1 Responsibility for Payments to Employees

- 1.1 The Service Director Strategy and Governance or nominated officer shall be responsible for making arrangements for the payment of all salaries, wages, pensions, compensation and other payments to all current and former employees of the Council.

### 2 Notification of Relevant Matters

- 2.1 Heads of Service/Service Directors shall notify Human Resources/Payroll as soon as possible and in the approved form, of all matters affecting the payment of salaries and wages, and in particular regarding:
  - 2.1.1 appointments, resignations, dismissals, suspensions, secondments and transfers;
  - 2.1.2 absences from duty for sickness or other reason apart from approved leave;
  - 2.1.3 changes in remuneration, other than normal increments and pay awards and agreements of general application;
  - 2.1.4 information necessary to maintain records for compliance with Inland Revenue reporting on benefits provided to staff.

### 3 Appointment of Employees

- 3.1 Appointments of all employees shall be made in accordance with the Constitution and the approved grades and rates of pay.

### 4 Externally Funded Posts

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

### 5 Timesheets & Overtime Claims

- 5.1 The Head of Service/Service Director, or other authorised officer, shall be responsible for the authorisation of all staff timesheets and overtime claims.

### 6 Travelling and Subsistence

- 6.1 All claims for payment of car allowances, subsistence allowances, travelling and incidental expenses shall be made in a form approved by the S.151 Officer and shall be submitted to the payroll section, duly authorised.
- 6.2 The Service Director, Strategy & Governance or nominated officer shall make payments in accordance with Statute, Regulations, Schemes and Conditions of Service and any resolutions of the Council.



- 6.3 The authorisation by or on behalf of the Head of Service/Service Director shall be taken to mean that the authorising officer is satisfied that:
- 6.3.1 the journeys were authorised;
  - 6.3.2 the expenses were properly and necessarily incurred;
  - 6.3.3 the most economical method of travelling was undertaken; and
  - 6.3.4 the allowances are properly payable by the Council.
- 6.4 Officer's claims should be submitted promptly at the end of each month in which the journeys were made or the expenses incurred. The Service Director, Strategy & Governance or nominated officer may refuse to make payment of claims over two months old.

## 7 Members Allowances

- 7.1 Members Allowances will be dealt with in accordance with Part [] (Members' Allowances Scheme).

## Financial Rules of Procedure

### Appendix G - Estates and Inventories

#### 1 Responsibility of Service Directors/Heads of Service in Relation to Asset Register

- 1.1 The Head of Finance and Property or their nominated officer will maintain an asset register of all land and properties owned by the Council, recording:
  - 1.1.1 the purpose for which the property is held;
  - 1.1.2 the location, extent and plan reference(s);
  - 1.1.3 purchase details where available; and
  - 1.1.4 details of interest and rents payable and particulars of tenancies or other interests granted.
- 1.2 This register will also be updated by the assets team as appropriate.
- 1.3 The Service Director responsible for Education or nominated officer must notify all changes to the asset register to the nominated officer responsible for Risk Management for updating of the insurance database.
- 1.4 The S.151 Officer is responsible for producing an Asset Management Plan which is approved at Full Council as part of the Capital Strategy.

#### 2 Custody of Deeds

- 2.1 The Monitoring officer has custody of all title deeds under secure arrangements.

#### 3 Valuation of Assets

- 3.1 The S.151 Officer shall ensure that all assets are valued (reinstatement and open market valuation) for capital accounting purposes in accordance with the latest CIPFA code.

#### 4 Notification of Purchase or Disposal

- 4.1 Any purchases or disposals of property for which responsibilities are assumed under any contract must be notified to the S.151 Officer. Additionally the nominated officer responsible for insurance must be notified to ensure that the Council's databases are fully up to date and accurate.

#### 5 Preparation of Inventories

- 5.1 Inventories in a form approved by the S.151 Officer shall be prepared and kept up to date by each Head of Service/Service Director for all moveable plant, machinery, or items which are considered to be portable and desirable belonging to the Council.
- 5.2 Details of make model and serial numbers should be recorded where relevant so items can be individually identified.
- 5.3 Inventories should be updated in a timely fashion to reflect acquisitions or disposals. Disposals should be approved by the relevant manager.

#### 6 Checking and Maintenance of Inventories

- 6.1 The S.151 Officer shall be entitled to check stores and equipment and be supplied with such information relating to the accounting, costing and financial records of the Council.

- 6.2 Heads of Service/Service Directors shall arrange in respect of their inventories for an annual check. Evidence of the annual check should be recorded. Where possible the roles of maintaining the inventory and checking the inventory for completeness and accuracy should be undertaken by two separate officers.
- 6.3 All items belonging to the Council which are required to be included on the inventory shall be marked as the property of the Council.

## 7 Stocks/Stores

- 7.1 Each Head of Service/Service Director shall ensure so far as relevant:
- 7.1.1 the proper custody of their stocks and stores in their Service Unit and shall ensure that they are subject to an effective system of stock recording and control;
  - 7.1.2 that stores are held in reasonable quantities and that consideration has been given to turnover, value, delivery quantities and delivery periods;
  - 7.1.3 that practicable steps are taken to ensure that a delivery note is submitted by a supplier for every delivery at the time of delivery;
  - 7.1.4 as soon as practicable after the delivery has been made that goods are checked to ensure that the correct quantity has been delivered and that they meet the appropriate quality standard;
  - 7.1.5 that no articles or goods are removed from stock without proper authority;
  - 7.1.6 that stocktakes are carried out in accordance with the procedures laid down by the S. 151 Officer;
  - 7.1.7 that an annual review of stocks held is undertaken with a view to reducing the number of slow moving items and disposing of obsolete stock items;
  - 7.1.8 that obsolete or other stocks no longer required for the purpose acquired are disposed of under arrangements approved by the S. 151 Officer;
  - 7.1.9 that accounts and records are maintained in connection with the receipt and issue of stores in such form and timetable as the S. 151 Officer may approve after consultation with the Statutory officers;
  - 7.1.10 that on 31 March each year the value of stocks held is certified and reported to the S. 151 Officer.

## 8 Surplus or Deficiency

- 8.1 Where any surplus or deficiency is revealed in excess of £5,000 in any item of stock the Chief Internal Auditor shall be advised.
- 8.2 The appropriate form should be completed for any deficiency and sent to the nominated officer responsible for Risk Management.
- 8.3 A report shall be presented to the Statutory Officers in order that authority to write off deficiencies or bring surpluses into charge may be obtained.

## 9 Checking of Stock

- 9.1 The S151 Officer is entitled to check stores and be supplied with any information relating to the accounting, costing, and financial records of the Council.

## 10 Disposal of Surplus or Obsolete Goods, Plant and Stocks

- 10.1 Surplus or obsolete goods or plant, whether held in store, on inventories must not be disposed of either by sale or destruction except upon the authorisation of:
  - 10.1.1 the relevant Executive Director where the value of the item or group of items is up to £10,000;
  - 10.1.2 the S.151 Officer in consultation with the relevant Portfolio Holder where the value is £10,000 or above.
- 10.2 In relation to inventory items (eg IT equipment) all items surplus to requirements should, in the first instance, be offered to other Council departments, schools etc prior to being disposed of.
- 10.3 Sale must be effected by public tender except when, in the opinion of the appropriate Executive Director and the S.151 Officer or Chief Executive (if the Executive Director is the S.151 Officer), the financial interest of the Council is better served by disposal by any other means. This could be by public auction.
- 10.4 A record of each disposal should be maintained (ie the approval, the price obtained and if appropriate the alternative method of disposal used). Inventories or stock records should be up-dated in a timely fashion to reflect the disposal.
- 10.5 Income from disposals shall be credited to the holding service unit.
- 10.6 Value Added Tax shall be accounted for on the sale proceeds if appropriate and the amount identified when banking the Income. The S.151 Officer or their nominated officer should be contacted if clarification of the VAT position is required.

# Financial Rules of Procedure

## Appendix H - Insurance

### 1 Responsibility for Insurance

- 1.1 The S.151 Officer is responsible for the arrangement of risk funding on advice from the Chief Financial Accountant.
- 1.2 The administration and resolution of all losses is the responsibility of the nominated officer in consultation with other officers where necessary by reporting to the S.151 Officer.

### 2 Record of Insurances

- 2.1 The S.151 Officer will keep a permanent record of all insurances, risks covered, premiums paid and of all self-funded risks and losses paid. This includes third parties arranging insurance where the Council has an insurable interest.
- 2.2 Documents to be permanently retained must include policy schedules and all liability insurance certificates for every period of insurance. Such responsibilities may be delegated to the nominated officer.

### 3 Incident/Accident Reporting

- 3.1 Every event with the potential to give rise to a financial loss, or involving injury to a member of staff, an elected Councillor or client of the Council, must be reported via the Council's incident reporting system.
- 3.2 It is the responsibility of the Head of Service/Service Director to ensure that there are nominated staff trained to input information on the Council's reporting systems.
- 3.3 Any serious incidents covered by Reporting of Injuries, Diseases or Dangerous Occurrences Regulations (RIDDOR) will be automatically reported to the Health and Safety Executive, once inputted onto the system by nominated staff.

### 4 Review of Risk Financing Arrangements

- 4.1 The S.151 Officer and the Chief Financial Accountant shall annually review the Council's risk financing arrangements and look at adequacy of provision in the light of changes in the environment including new legislation, imposed or contractual responsibilities, legal precedent, newly identified and quantified risks, or other concerns identified.

### 5 Consultation

- 5.1 Before any indemnity requested from the Council is provided, the Head of Service/Service Director responsible shall obtain written agreement from the S.151 Officer.
- 5.2 Generally Heads of Service/Service Directors should not allow burdens or responsibilities to be imposed on the Council through contract that would not otherwise be imposed by common law or statute.

### 6 Hiring of Professional Services

- 6.1 Heads of Service/Service Directors must provide, on a quarterly basis, through the budget monitoring process, full details of all professional services hired or sold to others and the estimated fee income for the twelve month period ahead.
- 6.2 The S.151 Officer will ensure that appropriate professional indemnity insurance is in place for the exposure notified.

## 7 Security – Responsibility for Security

- 7.1 All Heads of Service/Service Directors are responsible for maintaining proper security at all times for all information, buildings, stocks, stores, furniture, equipment and cash under their control and shall consult via the Head of Service/Service Director chairing the Security Group or nominated officer (such as the Information Security officer or Facilities Manager) where they consider security is thought to be defective or where they consider special arrangements are needed.
- 7.2 Appropriate security controls for all assets shall be identified by the risk assessment process and by referring to security standards and procedures. Arrangements shall be agreed as above.
- 7.3 Maximum limits for cash holdings shall be identified by the risk assessment process and agreed with the S.151 Officer and shall not be exceeded without permission.
- 7.4 Key holders for safes and similar security receptacles are to be agreed by each Head of Service/Service Director in conjunction with the S.151 Officer. The loss of keys shall be reported immediately using the security incident reporting procedures.

## Financial Rules of Procedure

### Appendix I - Trust Funds and Private Funds

#### 1 Responsibility of officers

- 1.1 Officers administering any funds (Trust or Private) on behalf of others shall declare all such funds to the S.151 or nominated officer and shall deposit all securities etc., relating to such funds, with the S.151 or nominated officer unless the deeds otherwise provide.

#### 2 Funds Held by Schools

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

#### 3 Funds Held on Behalf of Others

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

#### 4 Value Added Tax

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

#### 5 Investment

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

# Financial Rules of Procedure

## Appendix J – Schools

### 1 Financial Rules Applying to Schools (Fair Funding Scheme)

- 1.1 In relation to Schools operating under the Council’s Fair Funding Scheme the basis for advice and guidance to governors and head teachers is contained in these Rules and in the Council’s Contract Rules.
- 1.2 Under West Berkshire’s Scheme of Local Management for Schools (Fair Funding), governors will be required to observe certain financial conditions relating to:
  - 1.2.1 arrangements for the management of delegated expenditure, in particular for authorising expenditure, or transactions involving commitments to expenditure;
  - 1.2.2 the keeping and auditing of accounts and records (including school funds);
  - 1.2.3 the provision to the Local Education Authority (LEA) of copies of accounts and records (including school funds) and any other relevant documents and information that the LEA may, from time to time, require from the governing body.
- 1.3 Entering into a finance lease is prohibited without the consideration and permission of the Head of Finance and Property.



## Part []

### Contract Rules

#### 1 Introduction

1.1 S.135, LGA 1972 (“s.135”) includes as follows:

- (1) “A local authority may make standing orders with respect to the making of contracts by them or on their behalf”;
- (2) “A local authority shall make standing orders with respect to the making by them or on their behalf of contracts for the supply of goods or materials or for the execution of works”.

1.2 These Contract Rules (“Rules”) are the Council’s Contract Standing Orders made in accordance with s.135.

1.3 The Procurement Legislation (“the Procurement Legislation”) referred to in these Rules include the following:

1.3.1 The EU Directives, as follows:

- Directive 2014/24/EU on public procurement, replacing Directive 2004/18/EC, for Public Sector Contracts;
- Directive 2014/25/EU procurement by entities operating in water, energy, transport and postal services sectors, replacing Directive 2004/17/EC; and
- Directive 2014/23/EU on award of concession contracts, which does not directly replace any previous directive.

1.3.2 The Regulations (as amended from time to time and all implementing the above EU Directives), as follows:

- Public Contracts Regulations 2015 (“PCR”);
- Utilities Contracts Regulations 2016 (“UCR”);
- Concessions Contracts Regulations 2016 (“CCR”).

#### 2 Purpose of the Rules

2.1 These Rules do not provide guidelines on the best way to purchase works, supplies and services but, rather, they set out minimum requirements to be followed.

2.2 These Rules provide a structure within which procurement decisions are made and implemented to ensure that the Council furthers its corporate objectives in an efficient manner leading to procurement of quality supplies, services and works.

2.3 These Rules protect the legal position of the Council in respect of compliance with the law and in its contractual dealings with external suppliers and contractors. They protect the interests of Members, Officers and the citizens of West Berkshire.

#### 3 Application

3.1 These Rules apply to:

3.1.1 purchases by or on behalf of the Council of works, supplies and services;

3.1.2 all contracts including (but not limited to) purchase orders, consultancy agreements, service level agreements, software licenses, concessions and contractual arrangements

entered into by or on behalf of the Council, except for contracts and purchasing methods expressly excluded under Procurement Legislation.

- 3.2 The Monitoring Officer (or any officer nominated by the Monitoring Officer for the purpose) shall be responsible for interpreting these Rules.
- 3.3 If a Governing Body of a school under the control of the Council as Local Education Authority intends to enter into a contract for works, supplies or services, the Headteacher or such persons delegated for the purpose by them must follow these Rules.
- 3.4 Every purchase, contract or official order for works, supplies or services made by the Council shall be for the purpose of implementing the Council's policies and must be made in accordance with the Council's duties of Best Value, Equality, Sustainable Commissioning and its Social Value Policy.
- 3.5 When proposing to procure or make arrangements for procuring a service contract where the estimated value exceeds the Threshold (for Services), consideration must be given as to how the procurement or contract might improve the economic, social and environmental wellbeing of West Berkshire, as required by the Public Services (Social Value) Act 2012, and the Council's Social Value Policy.
- 3.6 Annexed are Appendices comprising Tables referred to.

## 4 Authority

- 4.1 All contracts must be in accordance with a decision:
  - 4.1.1 of the Council; or
  - 4.1.2 of the Executive; or
  - 4.1.3 within the Council's Scheme of Delegation by:
    - 4.1.3.1 an Executive Decision Maker;
    - 4.1.3.2 a Council Committee or Sub-Committee; or
    - 4.1.3.3 an officer or their delegate for the purpose.
- 4.2 No contract shall be entered into unless it is in accordance with an existing budgetary provision within the Budget approved by the Council.
- 4.3 Any contract award with a value over £500,000 is a **Key Decision** of the Council.
- 4.4 Where a Service Director / Head of Service does not have delegated authority to enter into a contract, approval in accordance with Appendix A is required before the contract can be awarded.
- 4.5 All contracts over £50,000 in Total Contract Value will be reported to Procurement Board on at least a quarterly basis by the Service Director / Heads of Services for review and scrutiny.

## 5 Tendering

### Preliminaries

- 5.1 It is the responsibility of the Chief Executive, Executive Directors, Service Directors / Heads of Service, and Budget Holders to ensure all purchases of supplies and services and works comply with:
  - 5.1.1 all relevant statutory requirements;
  - 5.1.2 the relevant Procurement Legislation;
  - 5.1.3 the Council Constitution including these Rules, the Financial Rules and Scheme of Delegation;

- 5.1.4 any code, guidance or conditions approved by the Governance Committee and/or the Executive and/or the Council and/or the Health and Wellbeing Board to the exercise of powers delegated by them;
- 5.1.5 any conditions attached by the Executive or the Council to the exercise of powers delegated by them;
- 5.1.6 the guidance and updates (available from time to time) on the Legal intranet pages (to include Consultancy Guides) and other policies and procedures of the Council as appropriate.

5.2 In the event of conflict between the above, the Procurement Legislation will take precedence, followed by the requirements detailed in 5.1 above.

#### Financial Thresholds & Procedures

- 5.3 Officers undertaking procurement are responsible for ensuring that all persons awarded contracts for the supplies, services or works to the Council meet the Council's minimum standards of suitability, capability, legal status and financial standing.
- 5.4 Where the contract is below the Find a Tender Service ("FTS") threshold for goods and services, officers are not required to include a pre-qualification stage. However questions relating to a supplier's suitability assessment may be included provided such questions are relevant to the subject matter of the procurement and proportionate.
- 5.5 The financial value thresholds (inclusive of Value Added Tax) at which processes become mandatory are set out in Appendix B.

#### Advertising

- 5.6 There is a general presumption in favour of competition.
- 5.7 All contract opportunities being advertised by the relevant Service Director / Head of Service should be done so electronically on the Council's Procurement Portal to ensure that such opportunities also appear on the Contracts Finder database. For opportunities relating to works, services and supplies which fall below the FTS threshold a UK Government Certified national database can be used to select tenderers.
- 5.8 All contract opportunities which are:
  - above the FTS thresholds and
  - subject to the full application of EU Rules,
 must be advertised by 'FTS notice' and via the Contracts Finder database (a web-based portal provided by the Cabinet Office) prior to such advertisement appearing on any other advertising medium (such as a trade journal etc).
- 5.9 However under the principles detailed in the Procurement Legislation, where the contract is of potential cross border interest then it must be publicised to ensure that tenderers from other member states have an opportunity to participate and the process is conducted in a fair and transparent manner.
- 5.10 Where a contract is above the FTS financial threshold there are five main types of procedure available:
  - Open Procedure;
  - Restricted Procedure;
  - Competitive Procedure With Negotiation;
  - Competitive Dialogue; and
  - Innovation Partnership.

- 5.11 Care must be taken to ensure that the correct and most appropriate procedure is used and advice is sought from Legal Services and/or Commissioning as necessary on the choice and use of procedures detailed in the Procurement Legislation.
- 5.12 FTS notices must be approved and issued by Legal Services and/or Commissioning as appropriate, who will also assist in the conduct of the procurement

#### Contract Value & Aggregation

- 5.13 The contract value shall be the total cost of the supply, service or work to be procured over the contract term. The starting point for calculating the contract value for the purposes of these Rules is that the contract value shall be the genuine pre-estimate of the value of the entire contract including Value Added Tax. This includes all payments to be made, or potentially to be made, under the entirety of the contract and for the whole of the predicted contract period (including proposed extensions, variations and options).
- 5.14 There shall be no artificial splitting or disaggregation of a contract to avoid the application of the provisions of the Procurement Legislation and/or these Rules.
- 5.15 The Procurement Legislation can cover contracts which are below the stated FTS threshold where they constitute repeat purchases and/or purchases of a similar type in a specified period. Officers responsible for such procurement should therefore seek advice on the application of the Procurement Legislation where they envisage that they may be required to make such purchases.

#### Principles and Evaluation

- 5.16 All tendering procedures (including obtaining quotes), from planning to contract award and execution (seal or signature), shall be undertaken in a manner so as to ensure:
- sufficient time is given to plan and run the process;
  - equal opportunity and equal treatment;
  - openness and transparency;
  - proportionality;
  - probity;
  - outcomes that deliver sustainability, efficiency and cost savings (where appropriate).

#### Submission and Opening of Tenders

- 5.17 An electronic Invitation to Tender shall be issued by the Council for all contracts with an estimated value of £100,000 or more and tenders shall be submitted electronically via the Council's Procurement Portal.
- 5.18 The Council Procurement Portal and the Invitation to Tender must specify the format in which an electronic tender is submitted by tenderers and such tenders shall be stored in a secure portal account which is locked until the date and time specified for its opening.
- 5.19 No tender received after the time and date specified for its opening shall be accepted or considered by the Council unless the Monitoring Officer is satisfied that there are exceptional circumstances and the other tenders have not been opened.
- 5.20 The electronic opening of tenders submitted on the Procurement Portal shall be conducted by a Procurement or Legal Officer and the relevant Service Director / Head of Service or their nominated representative.
- 5.21 Only in limited circumstances should a tender process be undertaken by hard copy submissions. In such cases the written approval of the Monitoring Officer is required and the following circumstances shall apply:

- 5.21.1 the Invitation to Tender shall specify that such tenders should be returned to the relevant Head of Service in an unmarked, plain and sealed envelope marked "Tender" followed by the subject matter to which it relates;
- 5.21.2 tenders shall be kept unopened in a secured cabinet until the tender opening date; and
- 5.21.3 the relevant Service Director / Head of Services shall invite the appropriate Portfolio Holder and an officer from Legal Services and/or Commissioning to undertake the tender opening and shall complete a standard tender opening form (available on the intranet) in order to avoid risk of challenge.

#### Evaluations of Quotes and Tenders

- 5.22 All quotes and tenders shall be evaluated in accordance with evaluation criteria notified in advance to those submitting quotes/tenders.
- 5.23 Tenders subject to the provisions of the Procurement Legislation shall be evaluated in accordance with the legislative provisions. Advice from Legal Services should be sought on the selection and evaluation criteria.
- 5.24 Save in exceptional circumstances approved in advance by the relevant Service Director / Head of Service all contracts shall be awarded on the basis of the quote or tender which is most economically advantageous and represents best value for money to the Council having regard to the provisions of the Social Value Policy, and not only on the basis of lowest price.

## 6 Exclusions and Exceptions to Contract Rules

### Exclusions

- 6.1 The requirement to conduct a competitive procurement process is excluded in the circumstances detailed in Appendix C.
- 6.2 In the interests of clarity, where an exemption is applied all contracts with an annual or total value of more than £50,000 must be approved by Procurement Board. Please refer to 5.3.

### Exceptions

- 6.3 Subject to 5.4 the requirement for the Council to conduct a competitive purchasing process for contracts in excess of £9,999.99, may be excepted or waived in the following circumstance:
  - 6.3.1 for contracts which are not subject to the FTS Rules, the work, supply or service is required as a matter of urgency and a delay would be likely to lead to financial loss, personal injury or damage to property; or
  - 6.3.2 at the discretion of the relevant Executive Director and/or the Chief Executive, acting lawfully, who may proceed in a manner most expedient for the efficient management of the Council with reasons recorded in writing.
- 6.4 Only the Monitoring Officer and/or the S.151 Officer may grant a waiver or an exception to these Rules, subject to exception values and delegation thresholds detailed in these Rules. An officer who seeks a waiver of these Rules shall do so only in advance and only in exceptional circumstances.
- 6.5 Exception values and delegations:
  - 6.5.1 for all contracts up to £50,000 the S.151 Officer must approve the exception;
  - 6.5.2 for contracts above £50,000 and up to £500,000, the S.151 Officer will consult with the Monitoring Officer and the appropriate Executive Director provided an exception report has been approved by Procurement Board;

- 6.5.3 for contracts over £500,000 the S.151 Officer and the Monitoring Officer will make a recommendation to the Executive provided an exception report has been prepared and approved by Procurement Board and Corporate Board.
- 6.6 All exceptions or waivers to these Rules must:
  - 6.6.1 be fully documented;
  - 6.6.2 for any contract where the requirement to hold a competitive process is not excluded by the Procurement Legislation, be subject to a written exception report to be submitted in advance to Procurement Board by the relevant Head of Service, Service Director or Executive Director (which shall include reasons for the exception or waiver which demonstrate that the exception or waiver is genuinely required);
  - 6.6.3 be subject to approval by the S.151 Officer who shall record they have considered the reasons for the waiver and that they are satisfied that the circumstances justifying the waiver are genuinely exceptional (applications for waivers which are a result of poor contract planning will rarely be considered genuinely exceptional);
  - 6.6.4 have had relevant approval sought under these Rules.
- 6.7 For contracts subject to the Procurement Legislation, any waiver or an exception from the requirement for competition must meet the conditions set out in the Procurement Legislation in addition to the general requirements above.
- 6.8 The exclusions that apply to the competitive procurement process are set out at Appendix C.

## 7 Purchasing Schemes

- 7.1 A "**Purchasing Scheme**" may include:
  - 7.1.1 contractor prequalification lists/select lists;
  - 7.1.2 framework arrangements (including those set up by the Government Procurement Service);
  - 7.1.3 purchasing arrangements set up by central purchasing bodies and commercial organizations;
  - 7.1.4 consortium purchasing;
  - 7.1.5 collaborative working arrangements;
  - 7.1.6 formal agency arrangements;
  - 7.1.7 e-procurement / purchasing schemes and methods;
  - 7.1.8 other similar arrangements.
- 7.2 An officer responsible for a procurement exercise may use a Purchasing Scheme provided that they have sought advice to confirm that:
  - 7.2.1 the Council is legally entitled to use the Purchasing Scheme;
  - 7.2.2 the purchases to be made do properly fall within the coverage of the Purchasing Scheme;
  - 7.2.3 the establishment and operation of the Purchasing Scheme is in compliance with the Procurement Legislation (where such applies) and meets the Council's own requirements.
- 7.3 Where a Purchasing Scheme is used there shall be a whole or partial exemption from the obligations under these Rules in respect of the choice and conduct of procedures. Advice should be sought from Legal Services prior to entering to such arrangements.

## 8 Reporting Requirements

- 8.1 A written report in accordance with the Procurement Legislation shall be produced by the relevant Service Director / Head of Service for each contract that is awarded which is above the FTS threshold and subject to the Procurement Legislation (the Procurement Legislation places an obligation on the Council to document, for each procurement, key decisions and steps taken and stages leading to the award of contracts).
- 8.2 This report may be requested by the Cabinet Office and shall be kept for three years.
- 8.3 A guidance note and template for such report is available on the Legal Services intranet pages which accompany these Rules.
- 8.4 In addition to the above, the relevant Service Director / Head of Service should document the progress of all procurement procedures including ensuring sufficient information is kept to justify decisions such as communications with contractors and internal deliberations, preparation of procurement documents, any dialogue and negotiation, selection and award. Such documentation must be kept for three years from the award of the contract.

## 9 Entering into a Contract

- 9.1 There should be written evidence of all purchases (which shall include electronic evidence).
- 9.2 All contracts entered into by the Council as detailed in Appendix B must be in writing in a form approved by the Monitoring Officer or their delegated officer.
- 9.3 Legal Services shall retain all contract documents that are sealed on behalf of the Council.
- 9.4 The relevant Service Director / Head of Service must formally notify the Head of Commissioning and Procurement (or nominated officer) of the award of all contracts for the purpose of it being recorded on the Council Contract Register.
- 9.5 Every contract shall include the standard clauses set out in the relevant Standard Form of Agreement issued and updated from time to time by the Monitoring Officer or their nominated officer and available from Legal Services.
- 9.6 Where a Standard Form of Agreement is to be amended, the form of contract shall be prepared/amended by the Monitoring Officer or their delegated officer.
- 9.7 As a minimum, where appropriate, all contracts shall include clauses setting out:
  - 9.7.1 the works, supplies/goods, services, material, matters or things to be carried out or supplied;
  - 9.7.2 the time within which the contract is to be performed;
  - 9.7.3 the quality requirements and/or standards that must be met;
  - 9.7.4 requirements on the contractor to hold and maintain appropriate insurance;
  - 9.7.5 the consequences of the contractor failing to comply with contractual obligations in whole or in part;
  - 9.7.6 requirements on the contractor to comply with all relevant legislation, including (but not limited to) equalities and health and safety legislation;
  - 9.7.7 the entitlement of the Council to cancel the contract and recover losses in the event that the contractor acted improperly (eg seeking to influence the Council to give the contractor any contract) or committed an offence under the Bribery Act 2010.
  - 9.7.8 payment obligations requiring that:
    - 9.7.8.1 any payment due from the Council is made no **sooner** than 30 days from the date on which the relevant invoice is regarded as valid and undisputed; and

- 9.7.8.2 any subcontract imposes the same obligations upon the subcontractor, and requires that the subcontractor imposes such obligations in any further subcontract.
- 9.7.9 All contracts shall include relevant specifications and/or briefs/technical requirements which are prepared taking into account the need for effectiveness of delivery, quality, sustainability and efficiency (as appropriate).

## 10 Legal Consideration

### Indemnities

- 10.1 No relaxation of full indemnities releasing the Council from all liability whether provided by public liability insurance or other instrument shall be allowed unless authorised in writing by the Monitoring Officer and the S.151 Officer or their nominated officers.

### Risk Assessment & Performance Bond

- 10.2 Where a contract is estimated to exceed £500,000, in value or amount and is for the execution of works (or for the supplies or services by a particular date or series of dates) the relevant Service Director / Head of Service should consider requiring a performance bond (for an amount equal to at least 10% of the value of the contract) from the contractor (to provide sufficient security for the due performance of the contract).
- 10.3 The bond must be in a form approved by Legal Services and must be included in the Invitation to Tender.
- 10.4 If a performance bond is not considered to be necessary, the relevant Service Director / Head of Service must:
- 10.4.1 undertake a risk assessment in writing; and
  - 10.4.2 seek approval from the Head of Finance and Property; and
  - 10.4.3 keep a copy the risk assessment on the contract file for inspection.

### Insurances

- 10.5 Every contract should be assessed for risk. If the risk assessment identifies the need for insurance the Service Director / Head of Service must:
- 10.5.1 in consultation with the Head of Finance and Property or nominated officer set adequate levels of insurance cover (including employer's liability, public liability and any other as determined by the needs of the particular contract);
  - 10.5.2 in consultation with the Head of Finance and Property or nominated officer ensure that such insurances are held by the contractor and that the policies concerned are up to date (and/or renewed, as necessary, during the relevant period);
  - 10.5.3 in consultation with the Head of Finance and Property or nominated officer who must ensure the contractor's status under the Inland Revenue Construction Industry Tax Deduction Scheme (for construction contracts);
  - 10.5.4 in consultation with the Head of Finance and Property set an appropriate level of professional indemnity insurance for each specific contract that require professional and/or design services (this should not be a standard level but be assessed on a case by case basis).

### Sealing

- 10.6 The Common Seal of the Council (the "Seal") shall be in the Custody of the Monitoring Officer and kept in a safe place at their discretion.



- 10.7 The Seal may be affixed, physically or electronically, to any document or proposal that has been approved by a resolution of the Council or Executive, or of an appropriate Committee, or by an officer with delegated powers.
- 10.8 The affixing of the Seal shall be attested and witnessed in writing by the Monitoring Officer or an officer duly designated by them in accordance with the delegated powers conferred by the Council.
- 10.9 An entry of every sealing of a document shall be made and consecutively numbered in a book or electronic record to be provided for the purpose and shall be signed (including a digital signature) by the person attesting the sealing.
- 10.10 The Seal shall be affixed, physically or electronically, to any document required to be sealed, including but not limited to:
- 10.10.1 a petition to be presented to Parliament against the promotion of any Bill or confirmation of any Provisional Order which the Council opposes;
- 10.10.2 a mortgage;
- 10.10.3 an incomplete form of transfer for the duly authorised sale of securities by the Council as necessary for the purposes of dealing with stocks and shares in accordance with the Stock Transfer Act 1963.
- 10.11 All contracts above the value of £49,999 shall be sealed.

#### Signature of Documents

- 10.12 Where any document will be a necessary step in legal proceedings on behalf of the Council it shall, unless any enactment otherwise requires or authorises or the Council shall have given the necessary authority to some other person for the purpose of such proceedings, be signed by the Monitoring Officer or duly authorised officer.
- 10.13 Where it becomes necessary to execute any document on behalf of the Council not required by law to be under seal, the Monitoring Officer or an officer designated by them in accordance with the delegated powers conferred by the Council shall be deemed to have authority to sign such a document accordingly. A register of such documents shall be kept by the Monitoring Officer or officer duly designated by them.

#### Counsel:

- 10.14 Only the Monitoring Officer (or nominated officer) shall have discretion to select and instruct Counsel.

## Contract Rules - Appendix A

### Delegated authority to enter into contracts - limits and thresholds

Total Contract Value*	Delegated decision or Resolution of:
£100,000 or less	Relevant Service Director / Head of Service (or such officers as nominated by the Service Director / Head of Service in writing) shall have delegated authority to award the contract.
£100,000 or more and less than £500,000	Relevant Service Director / Head of Service (following recommendation of the S151 officer and Monitoring Officer) shall have delegated authority to award the contract provided a written report by the relevant Service Director / Head of Service (or such officers as nominated by them in writing) has been provided and approved by Procurement Board.
£500,000 or more and less than £2.5million	<p>The award of these contracts shall be a Key Decision delegated to the relevant Service Director / Head of Service in consultation with the relevant Portfolio Holder (following recommendation by the relevant Executive Director, S151 officer and Monitoring Officer) to award the contract provided:</p> <ul style="list-style-type: none"> <li>a) a written report by the relevant Service Director / Head of Service (or such officers as nominated by them in writing) has been provided and approved by Procurement Board; and</li> <li>b) such decision have been made in accordance with Parts [] (Call-In) and [] (Forward Plan).</li> </ul>
£2.5million or more	Contracts with a value in excess of £2.5million shall require Executive approval, which may be given as below. The Executive shall receive quarterly reports detailing contracts being procured and seeking delegated authority from Executive for the relevant Head of Service or Service Director to award the contract following the procurement process in consultation with the relevant Portfolio Holder, S.151 Officer and the Monitoring Officer.

*\* Total Contract Value is the calculation of the estimated value of procurement based on the total amount payable, inclusive of VAT, including any renewals, extensions, any form of option and variation calculated in accordance with the Procurement Legislation. Please also refer to Paragraph 11.7.*

## Contract Rules - Appendix B

### Financial thresholds and mandatory processes

Table showing the financial value thresholds at which processes become mandatory. The thresholds apply to contracts for works, supplies and services.

	<b>Total Value inclusive of VAT</b>	<b>Award Procedure</b>	<b>Advertising requirements</b>
A	£1,000 or more and less than £10,000	At least one quote must be sought from an appropriate source via the Procurement Portal.	None mandated.
B	£10,000 or more and less than £100,000	Invitations to quote must be sent via the Procurement Portal to at least three appropriate sources, including at least one SME* or VCSE* organisation (where appropriate and possible**).	Procurement opportunities and awards in excess of £25,000 must be published on Contracts Finder
C	£100,000 or more and less than relevant FTS threshold***	Full competitive tender process applies and at least five written tenders must be sought via the Procurement Portal.	An advert should be placed on the Portal together with information on the Contracts Finder database
D	Relevant FTS threshold*** or more	Procurement Legislation Procedures apply—full competitive tender process with at least five written tenders sought (where appropriate) via the Procurement portal.	An advert should be placed on the Find a Tender portal together with information on the Contracts Finder database.

*\*SME (means an enterprise falling within the category of micro, small and medium-sized enterprises) or \*VCSE (means a non-governmental organisation that is value-driven and which principally reinvests its surpluses to further social, environmental or cultural objectives).*

*\*\*The Council cannot give preference to SME/ VCSE or local contractors/suppliers, as there are legislative constraints and such a policy would be incompatible with Best Value. However, the Council recognises that there can be barriers limiting or restricting the ability of such smaller suppliers to compete for Council business. The Council will seek to reduce the impact of such barriers, where it can do so legally, without discrimination, and without placing unacceptable levels of risk on the Council.*

*\*\*\*There are three different FTS thresholds for Works; Supply and Services; Social and Other Specific Services. The latest values are published on Legal intranet page as updated from time to time.*

## Contract Rules - Appendix C

### Exclusion of competitive procurement process

The requirement to conduct a competitive procurement process is excluded in the circumstances detailed below.

	<b>Circumstance</b>	<b>Written record and approval</b>
A	The proposed contract is excluded under the Procurement Legislation.	Prior written approval from the Monitoring Officer is required.
B	The proposed contract is being awarded under a Purchasing Scheme (refer to 11.12) of a type where a competition has already been undertaken on behalf of the Council or other public sector organisation; or	Prior written approval from the Monitoring Officer is required.
C	The proposed contract is an extension to or a variation of the scope of an existing contract where the existing contract provides for such extension or a variation or where the variation is a modification permitted under the Procurement Legislation.	For contract value below £50,000 prior written approval from the Monitoring Officer and S151 Officer is required. For contract value greater than £50,000, approval of the Procurement Board, following the submission of an extension report to Procurement Board with recommendation from Monitoring Officer and S151 Officer
D	The contract is for the following social care services: <ul style="list-style-type: none"> <li>a) residential placements sought for an individual with a registered care provider of their choice;</li> <li>b) supported living services sought for an individual with an appropriate care and support provider of their choice under the National Health Service and Community Care Act 1990;</li> <li>c) individual school placements sought for a child with Special Educational Needs (SEN);</li> <li>d) social care packages managed by or on behalf of individual clients under the personalisation agenda;</li> <li>e) where certain needs of an individual (either an adult or a child) require a particular social care package, which is only available from a specific provider;</li> <li>f) residential placements sought for an individual under the Shared Lives scheme (or any equivalent scheme).</li> </ul>	Service Directors / Heads of Service must ensure that a record of the reasons for the choice of provider is maintained on the individual's case notes.

*In the interests of clarity where an exemption is applied all contracts with an annual or total value of more than £50,000 must be approved by Procurement Board.*

## Constitution Glossary

Term	Definition
Access To Information Rules	The legislative framework giving public access to information held by the Council (see also Confidential and Exempt information)
Administration	The political group on the Council with the most seats and able to form a majority
Advisory Groups	Informal meetings which may involve non-councillors and may, or may not, be open to the public. No decisions can be taken by such groups (see also Task Groups)
Agenda	These set out the business to be considered at formal meetings of the Council, Executive, Scrutiny Commission, Appeals Panels and Committees. They are public documents and are available for inspection before each meeting at the Council's main offices and on the Council's website
Amendment	Motion to insert or alter or omit words in the resolution under discussion. A direct negative is not an amendment.
Annual Meeting	The annual meeting of the Council which elects the Leader of the Council and appoints Chairs and Councillors to memberships of Committees. The meeting takes place in May each year.
Appeals Panel	A Panel constituted to determine an appeal against a relevant decision of the Council
Council Bodies / Council Body	The Council, Executive and any Body constituted by them to exercise powers delegated to them
Budget	The budget agreed by Council for the upcoming financial year at the Budget Meeting as delegated to Budget Holders to manage in accordance with the powers given to them
Budget Holder	An Officer with responsibility for managing, monitoring, authorising and reporting on spend within specified council budgets
Budget Meeting of Council	The Ordinary Meeting of the Council taking place in February/March each year which considers the Budget.
Call In	"Call In" is a statutory right for Members of the Council to call in a decision of Executive or an individual Executive Member or Executive

Term	Definition
	Members after it has been made or before it has been implemented.
Call for Action	The “Councillor Call for Action” was introduced under Section 119 of the Local Government and Public Involvement in Health Act 2007 (the Act). The Act enables any Member of the Council to refer to the Scrutiny Commission any local government matter or any crime and disorder matter. A Councillor can refer a matter even if no citizen has asked him/her to consider it, and there is no requirement for councillors in multi-member wards to agree – any of them can refer a matter.
Chairman	The Councillor who presides over a meeting of the Council’s Executive, Committees, Sub-Committees or Panels.
Chief Executive	See <b>Statutory Officers</b>
Chief Financial Officer	The officer appointed by the Council under Section 151 of the Local Government Act 1972, to exercise the proper administration of the Council’s financial affairs, with specific responsibilities under the Local Government Act 1972  See <b>Statutory Officers</b>
Clear Working Days	A period of days, excluding the day of issue and the day of the meeting, weekends and bank holidays during which copies of the agenda and reports of a meeting must normally be available for inspection under the Access to Information Rules.
Closure Motion	A closure motion is a proposal that the debate should cease and make a decision on the matter being discussed. It may be moved at any time during proceedings.
Code of Conduct	A model code prepared by the Council to regulate the conduct of Councillors under the Localism Act 2011
Committees	The Local Government Act 1972 permits a local authority to discharge functions by way of a committee made up of nominated councillors appointed by Council to serve on that committee with delegated powers from Council to decide on matters within the Terms of reference agreed by Council

Term	Definition
Commissions	
Confidential Information	Information given to the Council by a Government Department on terms which forbid its public disclosure or information which cannot be publicly disclosed by Court Order. (see also Exempt Information).
Constitution	Every principal Council must produce a document known as the Constitution which sets out how the Council will conduct its business.
Corporate Complaints Procedure	Formal process to investigate and resolve complaints
Council	A legal entity created by law to administer certain functions within a local area. Within this constitution it means West Berkshire Council
Councillors	A Councillor represents his or her Ward on the Council and acts as an advocate and decision-maker for local issues.  You can find who your Councillor is <a href="#">here</a> .
Chairman of Council	Elected annually by councillors at the Annual Meeting and presides over meetings of Council
Decisions	Decision of a decision of relevant Council Body or Officer
Declaration of Interest	Councillors must declare interests under The Relevant Authorities (Disclosable Pecuniary Interests) Regulations 2012  The Register of Members' Interests is maintained by the Monitoring Officer.  Interests must be declared 28 days from becoming a member and 28 days from becoming aware of the interest  Declarations of interest should be made at all meetings where relevant to the business on the agenda.
Deputation	A group of people appointed to take part in a formal process on behalf of a larger group or to represent the views of that group
District	The administrative area of West Berkshire
Exempt Information	Information that the Council may not be required to publish because it falls within specific

Term	Definition
	categories defined in Schedule 12A of the Local Government Act 1972.
Extraordinary Meeting	A Council Meeting called by resolution of the Council, the Head of Paid Service or by requisition of any five Councillors which takes place in addition to an Ordinary Meeting or the Annual Meeting.
Executive	<p>The Executive is a group of Councillors including the Leader who work with Council staff to run the Council and take most decisions except those about major policy issues or setting the annual budget (which only the Full Council Meeting can do) or decisions on regulatory matters such as whether to give planning permissions or licenses which only Committees established for those purposes can take.</p> <p>The Leader of the Council appoints the Executive and chairs its meetings. Executive Members remain in office until the next election unless they resign, are suspended, are no longer a member of the Council or are removed from office by the Leader.</p> <p>The Executive is made of up to 9 Councillors and the Leader.</p> <p>The Councillors in the Executive can only make decisions within the scope of the overall Budget and Policy Framework set by the Council and the Constitution.</p>
Executive Decisions	<p>A decision within the remit of the Executive under the Local Government Act 2000</p> <p>See also <b>Key Decisions</b> and <b>Urgent Key Decisions</b></p>
Executive Decision Maker	The Executive, Individual Executive Member, a Committee of the Executive, or an officer taking a decision that is an Executive Decision
Executive Members	<p>The Councillors in the Executive each have responsibility for areas of the Council's work allocated to them by the Leader.</p> <p>Each area of responsibility is known as an Executive Member portfolio and each portfolio is given a title.</p>



<b>Term</b>	<b>Definition</b>
First Annual Meeting of Council	The first meeting of Council in the municipal year
Forward Plan	The plan of future key decisions. The Forward Plan must be published 28 clear working days before the decision is made, unless an urgent decision is required.
Group Leaders (and Deputy Group Leaders)	Political groups will appoint a person to lead their group who are known as Group Leaders.
Head of Paid Service	See <b>Statutory Officers</b>
Independent Person (Audit)	An individual that is separate from and not influenced or controlled by those providing the information.
Independent Person (Standards)	An individual that is separate from the Monitoring Officer and not influenced or controlled by them.
Items of business	Items on an agenda requiring a decision
Key Decisions	<p>A key decision is an Executive decision which is likely:</p> <p>to result in the local authority incurring expenditure which is, or the making of savings which are, <i>significant</i> having regard to the local authority's budget for the service or function to which the decision relates; or</p> <p>to be significant in terms of its effects on communities living or working in an area comprising two or more Wards in the area of the local authority.</p> <p><b>Note: Can list what is considered "significant" here by reference to financial thresholds</b></p> <p><b>Any Contract with a value in excess of £500,000 shall be deemed to be a key decision</b></p>
Leader	Leader of the Executive appointed under the Stronger Leader and Cabinet Model as the political Head of the Council.
Legislation	Laws passed by Government
Licensing Sub-committee	Councillors trained in licensing matters appointed to hear licensing applications.
LGA 1972	Local Government Act 1972 as amended
LGA 2000	Local Government Act 2000 as amended

Term	Definition
Local Government Elector	A person registered as a local government elector in the register of electors in the authority's area in accordance with the Representation of the People Acts
Meetings	Formally constituted meetings convened in accordance with the LGA 1972 with due notice, formal agenda, open to the public and with minutes taken forming the legal record of the discussion
Meeting Procedure Rules	
Minutes	Notes taken at meeting, approved at subsequent meeting as a correct record and which then form the legal record of the meeting
Monitoring Officer	<p>This is a statutory appointment under Section 5 of the Local Government and Housing Act 1989. The Monitoring Officer is responsible for reporting the actual or potential breach of a legal requirement to the Council Meeting or Executive and for dealing with complaints of breaches of the code of conduct by Councillors, reporting as necessary to the Governance and Ethics Committee. The Service Director, Strategy and Governance is the designated 'Monitoring Officer'.</p> <p>See <b>Statutory Officers</b></p>
Motions	Formal proposal from a councillor
Named for disorderly conduct	Process by which Chairman calls out a councillor for disorderly conduct, requests them to stop and, if they do not do so, asks them to leave
Officer	Person appointed to or holding a paid office of the authority or employed by the authority. Officers carry out the decisions made by Councillors and ensure that council policies are put in place and council services are being delivered well.
Ordinary Meeting	Council Meetings held in accordance with a programme of meetings decided by the Council.
Outside Bodies	Organisations with whom the Council works in partnership, appoints councillors to but over whom the Council has no direct control

<b>Term</b>	<b>Definition</b>
Overview and Scrutiny	The action of overseeing and scrutinising decisions made by the Executive undertaken by the Scrutiny Board.
Petitions	A written or electronic communication signed or sent to the Council on behalf of at least 10 signatories from at least 5 identifiable households and including a clear and concise statement indicating what action the petitioners wish the Council to take and the name, identifiable address and signature of any person supporting the petition. Petitions will be received by the Council in accordance with the Petitions Scheme <i>add link?</i>
Point of Explanation	Restriction on what a councillor may say in a debate. In this case a point made that will assist other councillors in understanding the matter under debate.
Point of Order	Restriction on what a councillor may say in a debate. In this case a point made about the process which should be followed.
Presenter of a Report	The councillor with responsibility for presenting a report to Council
Procedural Motions	Motions that can be moved without notice
Proposals	Proposal to adopt a recommendation. It must be moved and seconded and can then be debated in accordance with the Rules of Procedure
Questions	Written questions submitted by the public to Council [in the context of the Meeting Rules]
Quorum	This is the required number of Councillors which need to be present at a meeting to enable the business of that meeting to be transacted.
Recommendations	May be moved on notice at a particular meeting (often contained within a report to that meeting by an officer or from another authority)
Relevant officer	A person designated as being responsible for a particular function or range of functions. This can be the Chief Executive, S151 Finance Officer or Monitoring officer.
Reports	Written items prepared by officers for consideration by Councillors

Term	Definition
Rules of Procedure (Rules of Debate)	These set out how meetings of the Council, the Executive, the Scrutiny Commission, other Committees and other bodies will be conducted.
Scrutiny Commission	<p>Scrutiny is a role fulfilled by all Councillors who are not Members of the Executive.</p> <p>It is a statutory function under the Local Government Act 2000.</p> <p>The role of the Scrutiny Commission is to help develop policy, to carry out reviews of Council and other local services and to hold Executive and Executive Members to account for their actions and decisions.</p>
Second the Motion	To indicate support of a Motion proposed by another councillor, which enables that Motion to be considered
S.151 Officer	See <b>Statutory Officers</b>
Senior Officers (tiers of management)	Officers who are Heads of Service or above
<p>Statutory Officers:</p> <p>Chief Executive / Head of Paid Service</p> <p>Monitoring Officer / MO</p> <p>Section 151 Officer / S.151 Officer / Chief Finance Officer</p>	<p>A statutory appointment under Section 4 of the Local Government and Housing Act 1989. Every Council has to have a Head of Paid Service, who is ultimately responsible for the Councils' delivery of effective services and is responsible for reporting to the Council on how employees are organised and deployed. The Chief Executive has been designated as the Head of Paid Service.</p> <p>A statutory appointment under Section 5 of the Local Government and Housing Act 1989. The Monitoring Officer is responsible for reporting the actual or potential breach of a legal requirement to the Council or Executive and for dealing with complaints of breaches of the code of conduct by Councillors. Any reference to Monitoring Officer shall include their duly appointed deputy.</p> <p>A statutory appointment required under S151 of the Local Government Act 1972. Every Council must designate an officer as responsible for the proper administration of the Council's financial</p>

Term	Definition
	affairs. Any reference to Section 151 Officer shall include their duly appointed deputy.
Sub-committees	Formed by the Council, or a committee, to carry out specific tasks with the Council, or committee, delegating the powers (hence “sub” because the powers are taken from the committee and cannot exceed the powers of the parent body)
Summons	Formal notification of a meeting setting out the agenda for business it is proposed will be considered at the meeting.
Task Groups	Informal meetings which may involve non-councillors and may, or may not, be open to the public. No decisions can be taken by such groups (see also Advisory Groups)
Timetable of Meetings	The timetable for the year put forward for approval by Council at the Annual Meeting
Urgent Key Decisions	A Key Decision that cannot wait for the next meeting of the decision making of the Executive. Such decision, if made, are certified not to be subject to Call In
Urgent Motion	A motion proposed without the requisite notice accepted as urgent by the Chairman
Vice-Chairman of Council	The Councillor appointed to deputise for the Chairman

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## Part []

### Meeting Procedure Rules

#### 1 Introduction

- 1.1 Council Meetings will be conducted in accordance with all relevant legislation including the LGA 1972, the Local Government and Housing Act 1989, the LGA 2000, the Localism Act 2011 and The Local Authorities (Standing Orders) (England) (Amendment) Regulations 2014.
- 1.2 Where they apply (see below), and subject to any specific Procedure Rules for particular Bodies or Meetings set out in other Parts of the Constitution, these Procedure Rules are required to be followed in relation to public Meetings of the Council, the Executive and other Council Bodies.
- 1.3 These Procedure Rules are not required to be followed in relation to private meetings of Bodies (including Task Groups) but the meeting Chairman may choose to follow some or all of them as desirable in the circumstances.
- 1.4 These Procedure Rules may be:
  - 1.4.1 common to all Bodies; or
  - 1.4.2 specific to a particular Body or Meeting.
- 1.5 These Procedure Rules set out:
  - 1.5.1 items of Business that must be taken first and in a particular order;
  - 1.5.2 items of Business that may be taken after those in the category above, but where the order may be varied:
    - 1.5.2.1 by the Meeting Chairman; or
    - 1.5.2.2 upon a successful Motion to do so;
  - 1.5.3 Procedural Motions that may be Moved without Notice;
  - 1.5.4 Proposals that may be Moved on Notice.

#### 2 Business at a Meeting – the Meetings Rules Table

- 2.1 The First Appendix to this Part is a Meetings Rules Table setting out various matters including:
  - standard Items of Business for particular Meetings;
  - the order in which those Items of Business will be taken;
  - Procedural Motions that may be Moved without Notice at a particular Meeting;
  - Motions and Recommendations that may be Moved on Notice at a particular Meeting;
  - Questions and Petitions that may be asked or presented at a particular Meeting.
- 2.2 If there is any conflict between the wording of the Constitution (excluding the Meetings Rules Table) and the contents of the Meetings Rules Table, the Constitution will prevail.

#### 3 Business at a Meeting – Questions and Petitions

- 3.1 The Second Appendix to this Part sets out the Rules relating to the procedure for Public and Councillor Questions at particular Meetings.
- 3.2 The Third Appendix to this Part sets out the Rules relating to the procedure for dealing with Petitions.

## 4 Types of Public Meeting

- 4.1 Annual Meeting:
  - 4.1.1 the First Annual Council Meeting following local elections - the Leader of Council is elected for the duration of the Council (four years);
  - 4.1.2 an Annual Council Meeting (including the First Annual Council Meeting following local elections) - the Chairman and Vice-Chairman of Council are elected, the Leader announces the composition of the Executive, and the size, terms of reference and membership of Bodies is decided;
  - 4.1.3 an Annual Meeting of a Body - generally these take place in turn during an adjournment or at the close of the Annual Council Meeting to elect the Body Chairman and Vice-Chairman only.
- 4.2 Council Budget Meeting – more fully detailed in Part [] (Council), this generally takes place in March each year and sets the Council’s budget for the following financial year (and the substantive business of the Meeting is restricted to the budget.
- 4.3 Ordinary Meeting – the Body in question transacts general business, as described further below.
- 4.4 Extraordinary Meeting – the Body in question transacts only the specific business for which the Meeting has been called, as described further below.

## 5 Calling Meetings

- 5.1 The dates and times for Annual, Council Budget, and Ordinary, Meetings are set out in the Timetable of Meetings agreed from time to time by Council.
  - 5.2 In any event:
    - 5.2.1 the First Annual Council Meeting following an election will take place within twenty-one days of the retirement of the outgoing Councillors;
    - 5.2.2 in any other year, the Annual Council Meeting will usually take place in May.
  - 5.3 In the event that any adjustment to the date of a Meeting is found to be necessary the appropriate Officer should discuss matters with the Body Chairman and/or Vice-Chairman (and, as necessary and appropriate in the circumstances, the Group Leaders and/or Deputy Group Leaders), with the Body Chairman having the final say as to how to proceed.
  - 5.4 An Extraordinary Meeting of a Body may be convened:
    - 5.4.1 by the Body Chairman; or
    - 5.4.2 by the Monitoring Officer; or
    - 5.4.3 by Members of the Body presenting a requisition to the Monitoring Officer signed by at least:
      - 5.4.3.1 five Councillors for an Extraordinary Council Meeting; or
      - 5.4.3.2 three Members of any other Body for an Extraordinary Meeting of that Body;
- in which event the Extraordinary Meeting shall be called by the Body Chairman or Monitoring Officer as soon as is practicably possible, but not later than seven days from the date that the requisition is presented to them.

## 6 Quorum

- 6.1 The quorum for a Meeting of:
  - 6.1.1 Council is 11 Councillors;



- 6.1.2 the Executive is four Executive Members;
- 6.1.3 a Body is one third of the Body membership or four Body Members, whichever is the greater;
- 6.1.4 of a Joint Committee shall be determined by reference to the rules relevant to that Body;
- 6.1.5 a Licensing Sub-Committee or Appeals Panel is three Members;
- 6.1.6 a Sub-Body is one third of the Sub-Body membership or three Sub-Body Members, whichever is the greater, unless the Parent Body decides otherwise where permitted.
- 6.2 During any Meeting if the Meeting Chairman counts the number of Members present and declares there is not a quorum present:
  - 6.2.1 the Meeting will adjourn immediately; and
  - 6.2.2 the remaining business will be considered at a time and date fixed by the Meeting Chairman (or, if the Meeting Chairman does not fix a date, at the next Ordinary Meeting).

## 7 Non-Member Councillors

- 7.1 Councillors who are not Members of a Body may attend any Meeting of that Body.

## 8 Standard Business to be taken in order (where applicable – see Meeting Rules Table)

- 8.1 To elect a Member to be Meeting Chairman if the Body Chairman/Vice-Chairman is not present - any power or duty assigned to the Body Chairman in relation to the conduct of the Meeting may be exercised by the Meeting Chairman.
- 8.2 To receive apologies for an inability to attend the Meeting.
- 8.3 Any Meeting Chairman's remarks to the Meeting and presentations.
- 8.4 To elect the Body Chairman (only at the Annual Meeting, unless there is a vacancy).
- 8.5 To elect the Body Vice-Chairman (only at the Annual Meeting, unless there is a vacancy).
- 8.6 To approve the Minutes of the previous Meeting(s).
- 8.7 To receive Declarations of Interest.
- 8.8 To elect the Leader for a four year term (only at the First Annual Council Meeting following an election, unless there is a vacancy).
- 8.9 To receive the Leader's notification of the number and membership of the Executive (only at an Annual Council Meeting, unless there is a change).
- 8.10 To receive announcements from the Meeting Chairman/Leader/Executive/Chief Executive.

## 9 Standard Business where order can be varied by the Meeting Chairman or on Motion (where applicable – see Meeting Rules Table)

- 9.1 To receive Petitions submitted in accordance with the Petitions Appendix.
- 9.2 To respond to public written Questions submitted in accordance with the Questions Appendix.
- 9.3 To decide on Bodies including:
  - 9.3.1 the size and terms of reference;
  - 9.3.2 the allocation of seats to political groups in accordance with the political balance rules.
- 9.4 To appoint Councillors to Bodies.

- 9.5 To appoint Councillors to Outside Bodies (where the power to appoint has not been delegated, eg to the Leader).
- 9.6 To agree amendments to the Constitution.
- 9.7 To respond to Petitions previously received.
- 9.8 To receive and consider Reports and Recommendations.
- 9.9 To deal with matters referred to the Body.
- 9.10 To consider Motions.
- 9.11 To respond to Councillors' written Questions submitted in accordance with the Questions Appendix.
- 9.12 To consider Called In items.
- 9.13 To consider the business/any other business specified in the Agenda.

## 10 Procedural Motions (Motions that may be Moved without Notice)

- 10.1 To appoint a Meeting Chairman if the Body Chairman and Vice-Chairman are both absent.
- 10.2 To agree the accuracy of the Minutes/any amendments.
- 10.3 To refer any matter to the Council, the Executive, a Body or an Officer.
- 10.4 To establish a Body or Sub-Body if such need arises from an Agenda item.
- 10.5 To amend or withdraw a Proposal as permitted.
- 10.6 To amend the time limit for speeches (if any).
- 10.7 To allow a member of the public to speak in accordance with these Procedure Rules.
- 10.8 To allow the continuation of the Meeting past 22:00 (to conclude by 22:30 or, at the Meeting Chairman's discretion, by 22:45 for meetings of Council).
- 10.9 To suspend a Procedure Rule where permitted.
- 10.10 To exclude the press and public in accordance with statute.
- 10.11 That a Member Named for Disorderly Conduct not to be further heard or leave the Meeting.
- 10.12 A Closure Motion (see Rules of Debate – Closure Motions below).

## 11 Motions other than Procedural Motions - submission

- 11.1 A Motion must:
  - 11.1.1 be submitted in writing to the Monitoring Officer;
  - 11.1.2 relate to a matter or matters of concern to the District;
  - 11.1.3 be submitted in the name of a Member or Members of the Body to which it is addressed;
  - 11.1.4 identify the Meeting to which it is submitted.
- 11.2 A Motion may:
  - 11.2.1 be submitted to any Executive Meeting;
  - 11.2.2 not be submitted to an Annual Meeting or an Extraordinary Meeting (other than of the Executive);
  - 11.2.3 only be submitted to the Council Budget Meeting if (in the sole opinion of the S151 Officer) it relates to expenditure or revenue;
  - 11.2.4 be submitted to an Ordinary Meeting.

- 11.3 A Motion:
  - 11.3.1 may be submitted for any Executive Meeting without Notice;
  - 11.3.2 must be submitted for any other Meeting on Notice:
    - 11.3.2.1 by 10:00 at least seven Clear Working Days before the Meeting to which it is to be submitted; or
    - 11.3.2.2 by 10:00 on the day of the Meeting if it is an Urgent Motion and has the written consent of the Body Chairman to which it relates.
- 11.4 Motions will be included in the Summons for the next Meeting of the Body in the order in which they are received unless they are:
  - 11.4.1 Motions to the Executive submitted too late to be included; or
  - 11.4.2 Urgent Motions.
- 11.5 A Motions may be:
  - 11.5.1 amended by the Monitoring Officer for the purpose of clarification, in consultation with the Member(s) who submitted it; or
  - 11.5.2 amended or withdrawn by the Body Chairman, after informing the Member who submitted it, if it appears the wording is not in order or is framed in improper or unbecoming language.
- 11.6 Motions shall be dated, numbered and entered onto a database in the order in which they are received and the database may be inspected by Members and be open to inspection by the public.
- 11.7 A Motion or amendment in similar terms to one that has been rejected at a meeting of a Body in the past six months cannot be moved.
- 11.8 A Motion may not be moved to rescind a decision made at a meeting of a Body within the preceding six months unless notice of the Motion is given and is signed by at least one quarter of all Members of the Body.

## 12 Motions other than Procedural Motions – procedure at Meeting

- 12.1 The Member who submitted the Motion, or another Member nominated by them, must Move the Motion and another Member must Second the Motion for it to be considered.
- 12.2 If a Motion specified in the Summons is not Moved, it shall be treated as abandoned and shall not be Moved without fresh Notice.
- 12.3 In the event that multiple Motions are submitted for debate at a Meeting, the Chairman will consult with the Group Leaders to determine the appropriate priority for the order of debate.
- 12.4 The Meeting Chairman will have absolute discretion during the Meeting to move from the item of business considering Motions to the next item of business on the Agenda, where the Meeting Chairman considers that to be necessary for the effective administration of the business on the Agenda.
- 12.5 Any Motion submitted to the Executive that relates to a Key Decision will need to comply with the requirements regarding publication of the proposed decision on the Executive Forward Plan prior to any decision being taken (see Part [] (Executive)).
- 12.6 Once Moved and Seconded, the Meeting Chairman will indicate that the Motion will be dealt with in one of the following ways:

- 12.6.1 be referred without debate to a relevant Body for decision because the subject matter falls within their remit for such (for the avoidance of doubt, except in respect of the Council Budget Meeting, any Motion that would materially increase expenditure, involve capital expenditure, materially reduce the revenue of the Council, or involve the disposal of a significant asset, falls within the remit of the Executive);
- 12.6.2 stand adjourned and be referred without debate to a relevant Body for initial consideration and report back because the subject matter falls within their remit for such;
- 12.6.3 be debated at the Meeting in accordance with the Rules of Debate; or
- 12.6.4 stand adjourned to a future Meeting.
- 12.7 Where a Motion has been moved and seconded but is not to be considered at the Meeting:
  - 12.7.1 the mover of the Motion shall be entitled to speak to the Motion for a three minute period;
  - 12.7.2 the Leader or relevant Executive Member shall be entitled to speak in response for a two minute period;
  - 12.7.3 the Motion shall be referred to the next appropriate Meeting of the relevant Body; and
  - 12.7.4 the Mover of the Motion, the Leader and the relevant Executive Member shall receive a copy of the Agenda for that Meeting and shall be invited to attend that Meeting; and:
    - 12.7.4.1 the Mover of the Motion shall be entitled to speak to the Motion in accordance with the Rules of Debate; and
    - 12.7.4.2 the Leader or relevant Executive Member shall be entitled to speak in response in accordance with the Rules of Debate; and
    - 12.7.4.3 if the Motion has been referred to the relevant Body for decision, a Report as to the outcome will be included in the Agenda of the next appropriate meeting of the referring Body; or
    - 12.7.4.4 if the Motion has been stood adjourned and referred to the relevant Body for initial consideration, a Report as to the outcome will be included in the Agenda of the next appropriate Meeting of the referring Body and the Motion shall be debated at that Meeting in accordance with the Rules of Debate.

## 13 Reports and Recommendations

- 13.1 A Report may be presented to a Meeting:
  - 13.1.1 to be noted; or
  - 13.1.2 with a proposal to adopt a Recommendation.
- 13.2 The Presenter of a Report shall generally be:
  - 13.2.1 for a Report from or to the Executive, the Leader, relevant Executive Member or a relevant Officer;
  - 13.2.2 for a Report from or to any other Body, the Body Chairman or other Member of the Body, or a relevant Officer.
- 13.3 Where a Report is presented for information, a Member may ask the Presenter a question or may make a statement lasting no longer than three minutes. The Presenter shall be entitled to reply.
- 13.4 Where a Report is presented with a proposal to adopt a Recommendation and that proposal is Moved and Seconded, the Report and Recommendation will be debated in accordance with the Rules of Debate.

## 14 Amendments to Motions or Recommendations

- 14.1 Provided that it could be Moved as an Amendment, the Proposer of a Motion or Recommendation may make a minor alteration to the Motion or Recommendation with the consent of the Secunder and the agreement of the Body Chairman.
- 14.2 A proposed Amendment to a Motion or Recommendation, other than a minor alteration, must:
  - 14.2.1 be relevant to the Motion or Recommendation; and
  - 14.2.2 not have the effect of negating the Motion or Recommendation; and
  - 14.2.3 not seek to introduce new subject matter; and
  - 14.2.4 be to remove and/or add words.
- 14.3 The Member who submitted the Amendment, or another Member nominated by them, must Move the Amendment and another Member must Second the Amendment for it to be considered.
- 14.4 Only one Amendment may be Moved and discussed at any one time. No further Amendment may be Moved until the Amendment under discussion has been disposed of in accordance with the Rules of Debate.
- 14.5 If an Amendment is carried, the Motion, as amended, takes the place of the original Motion and becomes the Substantive Motion to which any further Amendments are Moved.
- 14.6 Once all Amendments have been disposed of, the Meeting Chairman will put the Substantive Motion to the vote.
- 14.7 Any Amendment considered to be substantial by the S151 Officer in relation to a Motion or Recommendation that has a financial implication shall be the subject of discussion with and must receive the approval of the S151 Officer in advance of the Meeting to ensure that the Amendment does not compromise the Council's financial position.
- 14.8 In relation to the Council Budget Meeting, Part [] (Council) sets out the Rules for substantive Amendments proposed to the budget.

## 15 Withdrawal of Proposal

- 15.1 A Proposal may be withdrawn by the Proposer if the Secunder and the Meeting Chairman consent.
- 15.2 If consent to withdraw is granted no Member may then speak on the Proposal.

## 16 Rules of Debate - Speaking

- 16.1 If the Meeting Chairman stands, raises their hand, or speaks during a Meeting, the Meeting shall be silent and any Member then standing shall resume their seat.
- 16.2 The Meeting Chairman may request an appropriate Officer to speak by way of explanation of, or to draw the attention of the Meeting to, any legal, technical or administrative matter.
- 16.3 The Meeting Chairman may remain seated throughout a Meeting.
- 16.4 Councillors attending a Council Meeting in person may (where able) stand when speaking. Anyone attending a Council Meeting remotely, or attending any other Meeting, may remain seated when speaking.
- 16.5 All speakers shall address the Meeting Chairman when speaking.
- 16.6 The Meeting Chairman shall decide the order of speakers if more than one speaker wishes to speak.

- 16.7 Members shall direct speeches to the matter under discussion, a Point of Order or a Point of Explanation.
- 16.8 In a Council Meeting, speeches shall not exceed three minutes, unless the Meeting consents or another time limit is specified in these Procedure Rules.
- 16.9 There is a general assumption that Councillors who are not Members of a Body but attend a Meeting of that Body will, at the absolute discretion and upon the invitation of the Meeting Chairman, be permitted to speak at the Meeting.

## 17 Rules of Debate – Proposals

- 17.1 In a Council Meeting, a Proposal shall not be debated until it has been formally Moved and Seconded. The Secunder may reserve their speech until a later period in the debate.
- 17.2 In any other Meeting, with the consent of the Meeting Chairman, there may be discussion and debate prior to any Proposal being formally Moved.
- 17.3 The Meeting Chairman may require a Proposal to be put into writing before it is debated or voted upon.
- 17.4 A Member shall speak only once on any Proposal except to Move a relevant Procedural Motion or to raise a Point of Order or Explanation, and when a Proposal is under debate no other Proposal shall be Moved except a relevant Procedural Motion.

## 18 Rules of Debate - Points of Order/Explanation

- 18.1 A Member shall be heard:
- 18.1.1 immediately on a Point of Order relating to an alleged breach of a Procedure Rule or statutory provision identified by the Member;
- 18.1.2 when the Meeting Chairman decides it is relevant on a Point of Explanation concerning some material point in the present debate which appears to have been misunderstood.
- 18.2 The ruling of the Meeting Chairman on the validity, and any action to be taken in respect, of Points of Order or Explanation shall be final.
- 18.3 The Meeting Chairman shall rule on the interpretation of the Constitution having, where necessary, taken the advice of the Meeting Clerk and/or Monitoring Officer.

## 19 Rules of Debate - Closure Motions

- 19.1 At the conclusion of a speech of another Member, a Member may Move without comment that:
- 19.1.1 the debate be adjourned;
- 19.1.2 the Meeting be adjourned;
- 19.1.3 the Meeting proceed to the next business; or
- 19.1.4 the Meeting proceed immediately to Close of Debate.
- 19.2 Should the Closure Motion be Seconded and the Meeting Chairman is content that the question before the Meeting has been sufficiently discussed:
- 19.2.1 if the Closure Motion is to adjourn the debate or the Meeting, or to proceed to the next business:
- 19.2.1.1 the Meeting Chairman shall invite the Proposer to reply;
- 19.2.1.2 the Closure Motion shall be put to the vote and, if carried, the debate or Meeting shall stand adjourned, or the Meeting shall proceed to the next business, as the case may be;

- 19.2.2 if the Closure Motion is to proceed immediately to Close of Debate it shall be put to the vote and if carried the Meeting shall proceed immediately to Close of Debate.

## 20 Rules of Debate - Close of Debate

- 20.1 At the close of the debate on a Proposal, the following shall have the right of speech or reply in this order, but shall not introduce any new matter:
- 20.1.1 the Secunder, if they have not already spoken;
- 20.1.2 the relevant Executive Member or Body Chairman if they have not already spoken;
- 20.1.3 the Mover;
- 20.1.4 and, on an Amendment only, the Mover of the original Motion or Recommendation who shall not otherwise speak on the Amendment.

## 21 Voting

- 21.1 Voting shall be by show of hands, or electronically, or otherwise as determined by the Meeting Chairman.
- 21.2 Unless this Constitution or the law provides otherwise any matter will be decided by a simple majority of those present in person and permitted to vote on the matter at the time the question is put.
- 21.3 If there are equal numbers of votes for and against the Meeting Chairman will have a second or casting vote. There will be no restriction on how the Meeting Chairman exercises their vote.
- 21.4 Generally, the voting record in the Minutes will simply indicate whether the vote on the item under consideration was won or lost, but a record of how a vote was, or votes were, cast (as the case may be) will be made:
- 21.4.1 if, immediately after a vote has been taken, any Member requests that their vote for or against or their abstention be recorded; or
- 21.4.2 by way of a named vote such that the Monitoring Officer or Meeting Clerk can identify how each Member voting has cast their vote (eg electronically):
- 21.4.2.1 if any Member requests that the vote be so recorded and three other Members support that request; or
- 21.4.2.2 in accordance with The Local Authorities (Standing Orders) (England) (Amendment) Regulations 2014 (SI 2014/165) (2014 Regulations) in relation to any decisions relating to the setting of the Council's budget, at the Council Budget Meeting.
- 21.5 A Member may request that their opposition to a decision be recorded in the Minutes.

## 22 Confidentiality and Non-Disclosure of Reports

- 22.1 Reports for Meetings which are 'not for publication' in accordance with statutory provisions on the grounds that they contain Confidential Information or Exempt Information shall be treated as confidential and shall not be disclosed by any Member or Officer.
- 22.2 Such Information shall continue to be treated as confidential after the Meeting at which the Report is presented, except insofar as it ceases to be confidential by virtue of any statutory provision or by its inclusion in the public Minutes of the Meeting.

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The Health & Wellbeing Board (HWB) is a statutory body constituted as a Committee of the Council. Some members are identified by statute, some are appointed by the Council (by the Leader), and some are appointed by the Board. Any obligation to allocate seats to political parties is disapplied in relation to the HWB. The Chairman is nominated by the Council and the Vice-Chairman by the ICB. The quorum must include at least one WBC Councillor and one ICB representative.

At the first meeting of a committee in the municipal year, the Clerk will (i) take apologies for absence and (ii) seek nominations for Chairman, then the (newly) elected Chairman (or the Clerk if they are absent) will take nominations for Vice-Chairman.

The District Planning Committee membership is comprised of the Executive Portfolio Holder with responsibility for Planning plus five Members each from the Eastern and Western Area Planning Committees.

The members for a Licensing Sub-Committee are identified by Officers based on availability following consultation with the Chairman of the Licensing Committee.

The Chairman (or Vice Chairman if the Chairman is absent) of the Licensing Committee will chair a Licensing Sub Committee meeting if present.

The Governance Committee membership is comprised of eight Councillors plus two Parish Council representatives

The Advisory Panel membership comprises two Councillors from the Administration, two from the main opposition party, two Parish or Town Councillors and two (out of three) Independent Persons.

There are no substitutes for Councillor members of the Advisory Panel, but there are two Parish Council member substitutes (and three Independent Persons, with two sitting on a Panel).

Members for an Appeals Panel are identified by Officers based on availability.

The Appeals Committee as a body does not have a Chairman - the Chairman for each Appeals Panel Meeting will be elected at the Meeting.

The Joint Public Protection Committee (JPPC) comprises four members, two from each local authority (for WBC, the relevant Executive Member and the Chairman of the Licensing Committee), plus a Substitute or Substitutes (for WBC the other Executive Members) with the Chairmanship and Vice-Chairmanship rotating between the Executive membership.

## Part []

### Meeting Procedure Rules

#### Appendix: Questions

##### 1 Public Written Questions

- 1.1 Members of the public residing or working in the District, or their representative, may put a question to a relevant Meeting (see Meetings Rules Table).
- 1.2 Questions must:
  - 1.2.1 relate to the business of the Council;
  - 1.2.2 be a matter for which the Council has responsibility; or
  - 1.2.3 be related to the wellbeing of West Berkshire.

##### 2 Councillors' Written Questions

- 2.1 Councillors may put a question to any Member of the Executive relating to:
  - 2.1.1 the business of the Council;
  - 2.1.2 a matter over which the Council has responsibility; or
  - 2.1.3 the wellbeing of West Berkshire.
- 2.2 Councillors may put a question to any Chairman of a Committee relating to the business of that Committee.

##### 3 Procedure - Submission

- 3.1 Questions may only be asked at an Ordinary Meeting of the Body in question.
- 3.2 Questions must be submitted in writing by post, or electronic mail, to the Monitoring Officer and must specify:
  - 3.2.1 the name of the Councillor; or
  - 3.2.2 the name, address and contact telephone number of the member of the public (or representative).
- 3.3 Questions that do not relate to an item of business on the Agenda for the Meeting in question must be submitted no later than 10:00, seven Clear Working Days before the Meeting.
- 3.4 Questions relating to an item of business on the Meeting Agenda must be submitted no later than 10:00, two Clear Working Days before the Meeting.
- 3.5 Provided that the Body Chairman consents, a question relates to an urgent matter may be considered by a Body if it is submitted to the Monitoring Officer by 10:00 on the day of the Meeting.

##### 4 Procedure - Scrutiny

- 4.1 The Monitoring Officer may reject a question if (in their sole opinion):
  - 4.1.1 it is not about a matter over which the Body to which it has been put has responsibility;
  - 4.1.2 it contains an excessive element of statement beyond the scope of the question;
  - 4.1.3 it is defamatory, frivolous, abusive, or argumentative;
  - 4.1.4 it requires the disclosure of confidential or exempt information;

- 4.1.5 it relates to a licensing or planning application; or
- 4.1.6 it is substantially the same as a question which has been put at a meeting of any Body in the past six months.
- 4.2 Where a question has been rejected a letter will be sent to the questioner setting out the reasons for the rejection.

## 5 Procedure – Written Questions

- 5.1 The Meeting Chairman will nominate an appropriate person to provide an answer to each question in turn or indicate how such an answer will be provided.
- 5.2 An answer may take the form of:
  - 5.2.1 a direct oral answer;
  - 5.2.2 a reference to a Council publication containing the desired information;
  - 5.2.3 a written answer where an oral reply cannot conveniently be given.

## 6 Procedure – Supplementary Questions

- 6.1 A person having received an answer to a written question may ask one supplementary question which must:
  - 6.1.1 arise directly out of the answer given to the original question; and
  - 6.1.2 not introduce any new subject matter.
- 6.2 For the avoidance of doubt the person answering the original question, or the Meeting Chairman, will invite the questioner to ask a supplementary question if the questioner has one.
- 6.3 Questioners must confine their contributions to questions, and answers and must not make statements or attempt to debate the matter.
- 6.4 Where the Meeting Chairman considers that a questioner is contravening this rule they will stop the individual concerned from speaking on this matter.

## 7 Order of Questions and Multiple Questions

- 7.1 The Meeting Agenda shall list the questions to be answered in order, but the Meeting Chairman may determine that the questions shall be answered in a different order.
- 7.2 Subject to the Meeting Chairman's discretion, if there is more than one questioner at any Meeting only their first question shall be answered in turn.
- 7.3 If, after all initial questions have been answered, there is sufficient time available the Meeting Chairman may allow answers to be given to such questions as remain in such order as the Meeting Chairman determines.

## 8 Time Limit on Questions

- 8.1 Subject to other Parts (eg in relation to the Council Budget Meeting), the time allowed for written and supplementary questions at any meeting shall not exceed thirty minutes for public questions or one hour for Councillors' questions or such period as the Meeting Chairman may permit.
- 8.2 Questions not answered within that period shall receive a written reply.

## 9 Written Questions concerning the Thames Valley Police and Crime Panel (TVPCP) and Royal Berkshire Fire and Rescue Service (RBFRS)

- 9.1 Subject to the rules within this Appendix, a Councillor may also ask:
  - 9.1.1 the Council's representative on the TVPCP a question on the functions or performance of the TVPCP; or
  - 9.1.2 one of the Council's representatives on the RBFRS a question on the functions or performance of the RBFRS.

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## Part []

# Meeting Procedure Rules

## Appendix: Petitions

### 1 Introduction

- 1.1 The Council welcomes petitions and recognises that they are one way in which people can let the Council know about their concerns. Petitions have a long tradition and can be useful in suggesting levels of support for various proposals.
- 1.2 The Council publishes advice regarding the content and submission of petitions on its website.
- 1.3 In this Appendix “Petitions Officer” refers to the Council Officer or Officers dealing with received petitions.

### 2 What is a Petition?

- 2.1 The Council defines a petition as ‘any communication which is signed or sent to us on behalf of a number of people’. There is a minimum requirement of at least 50 signatories before something is treated as a petition, but exceptions can be made in special cases at the discretion of the Monitoring Officer.
- 2.2 A petition must include:
  - 2.2.1 the name and contact details of the signatory who is the “Petition Organiser” - the person that the Council will contact in relation to dealing with the petition (if the Petition Organiser relinquishes the role another signatory must be identified as Petition Organiser);
  - 2.2.2 either:
    - 2.2.2.1 the name of the Body being asked to consider the petition (see Meetings Rules Table for Bodies able to accept petitions); or
    - 2.2.2.2 the matter or consultation it relates to;
  - 2.2.3 a clear and concise statement of the issue and what is being requested;
  - 2.2.4 unless the Monitoring Officer agrees otherwise, the names of at least 50 valid petitioners (in most cases this will mean that they live, work or study in West Berkshire), which may include the Petition Organiser:
    - 2.2.4.1 for a paper petition, actual signatures from each petitioner would be preferable but this is not essential;
    - 2.2.4.2 petitioners may be required to provide verifiable details that they live, work or study in West Berkshire;
    - 2.2.4.3 other petitioners may be considered if they are relevant to the issue in the petition subject (whilst the Council is keen to hear from people who live, study or work in West Berkshire, this is not always a requirement – for example, a petition from 50 visitors about the quality of tourism facilities in the district would qualify).
- 2.3 The subject matter of the petition must relate to the District or to something which the Council has responsibility for or over which it has influence:
  - 2.3.1 where the petition relates to a matter which is the responsibility of another public authority the Council will ask the Petition Organiser whether they would like to redirect the petition to that authority;

- 2.3.2 where the petition relates to a matter over which the Council has no influence or responsibility, the petition will be returned to the Petition Organiser with an explanation for that decision.
- 2.4 A petition may be rejected if it:
  - 2.4.1 fails to comply with the requirements above;
  - 2.4.2 is, in the opinion of the Monitoring Officer:
    - 2.4.2.1 a duplicate or a near duplicate of a petition submitted within the previous 12 months;
    - 2.4.2.2 vexatious, abusive or otherwise inappropriate (eg relating to information about an individual or individuals);
  - 2.4.3 contains false signatories, or details of alleged signatories who have not given their permission for their details to be used (the Council has a duty to verify signatories to all petitions, using publicly available databases, and by contacting those named).
- 2.5 In the period immediately before an election or a referendum the Council may need to deal with a petition differently – this will be explained to the Petition Organiser.
- 2.6 Where the guidelines set out here are not followed the Council may decide not to do anything further with the petition.

### 3 Types of Petition

#### 3.1 Ordinary Petitions

These are petitions which do not fall into any of the other petition categories below (nb that a petition raising the issue of possible Councillor misconduct will be taken as a complaint arising under the Localism Act 2011 and dealt with under the Council's Procedure for Local Determination of Allegations as a complaint, and not dealt with under this Petition Scheme).

#### 3.2 Consultation Petitions

These are petitions in response to an invitation from the Council to comment on a particular proposal, policy or application. For example, planning or licensing applications, or proposals concerning speed limits.

#### 3.3 Statutory Petitions

Certain statutes require the Council to consider petitions (eg proposing a directly-elected Mayor or for a review of Parish Councils).

#### 3.4 Petitions to Hold an Officer to Account

Petitioners can seek to require a Senior Officer (Chief Executive, Executive Director, Service Director or Head of Service), identified either by name or by role, to answer questions on a particular matter at a Meeting of the Scrutiny Commission. Such a petition will require a minimum of 750 petitioners, unless it relates to an issue affecting no more than two electoral wards in West Berkshire, in which case the requirement may be reduced to 500 petitioners at the discretion of the Monitoring Officer.

Where such a petition raises issues of competence or misconduct it will be referred to the Chief Executive (or the Head of Human Resources in the case of the Chief Executive) for consideration under the Council's Capability and/or Disciplinary Procedures, and will not be dealt with under this Petition Scheme.



### 3.5 Petitions for Debate

A petition can seek to have an issue debated at a relevant Meeting. For a petition to be reported to a Meeting for debate by Members it must contain a minimum of 1,500 petitioners, unless it relates to an issue affecting no more than two electoral wards in West Berkshire, in which case the requirement may be reduced to 500 petitioners per ward at the discretion of the Body Chairman in consultation with the Monitoring Officer.

Where it is desired to have a petition debated at a specific Meeting (eg because the Petition Organiser believes that the subject will be an item on the Agenda for that meeting), the petition must be submitted at least ten Clear Working Days before the Meeting in question.

## 4 Submission

4.1 A Consultation Petition should be directed to the return address specified in the consultation details or in the notice (etc) regarding the matter in question, application, etc - this will ensure that it is considered at the appropriate time in relation to the matter in question (but nb that relevant consultation, etc, deadlines will be enforced and a petition received after such a deadline will not be valid in relation to the process in question).

4.2 If a petition is in relation to a statutory process, or where there is an existing appeal mechanism in place (for example council tax banding), particular submission requirements may apply and will be advised to the Petition Organiser.

4.3 For all other petitions, there is a choice of means of submission:

- paper petitions should be addressed to the Monitoring Officer, West Berkshire Council, Market Street, Newbury RG14 5LD;
- emailed petitions should be sent to [petitions@westberks.gov.uk](mailto:petitions@westberks.gov.uk);
- online petitions should be submitted via [www.westberks.gov.uk/petitions](http://www.westberks.gov.uk/petitions) (“the Webpage”). Online petitions will remain open for six weeks unless otherwise agreed with the Petition Organiser;
- petitions may be submitted at a relevant Meeting by a Councillor or a member of the public (see Meetings Rules Table – nb, only at an Ordinary Meeting – not an Annual Meeting, the Council Budget Meeting or an Extraordinary Meeting).

## 5 Process – Initial Recording

5.1 Consultation Petitions will be reported at the relevant Meeting or to the relevant person taking the decision.

5.2 Where the petition is not accepted for consideration, the Petitions Officer will advise the Petition Organiser of the grounds for rejection.

5.3 All other petitions will be detailed on the Webpage, including:

- the subject matter of the petition;
- the date the petition was received and the closing date for receipt of additional signatures;
- the number of petitioners (this will be updated weekly until the petition has closed);
- the name and contact details of the Petition Organiser.

5.4 Within ten Clear Working Days of receipt of the completed petition, Officers shall determine how the petition will be considered and when. These details will be added to the petition details on the Webpage and sent to the Petition Organiser. If the petition meets the threshold for a debate, this will be confirmed with the Petition Organiser as will details of when the Meeting will take place.

- 5.5 The Monitoring Officer or Petitions Officer will notify relevant Councillors as to petitions received (eg a Ward Councillor or Executive Member in relation to a petition relevant to that Ward or Portfolio).

## 6 Process – Petition for Debate

- 6.1 A Petition for Debate will generally be listed on the Summons/Agenda for the next Ordinary Meeting of the Body in question after a minimum of ten Clear Working Days after submission (or on the Summons/Agenda for a different Meeting if in the opinion of the Petitions Officer this will be more relevant to the subject matter of the petition – in which event the Petitions Officer will discuss the circumstances with the Petition Organiser).
- 6.2 Where a Petition for Debate is included on the Summons/Agenda for a Meeting:
- 6.2.1 the Petition Organiser will be sent a copy of the Summons/Agenda and invited to the Meeting;
  - 6.2.2 a Report on the subject matter of the Petition may be submitted by Officers;
  - 6.2.3 an Officer, or relevant Member (eg an Executive Member) may set out the background to the issue at the Meeting;
  - 6.2.4 the Petition Organiser or their nominated spokesperson will have up to five minutes to present their position at the meeting.
- 6.3 For a localised petition, Ward Councillors will have up to five minutes (between them if more than one) to make any comments on the petition, which will not limit their ability to participate in the debate.
- 6.4 Members may ask questions of the parties following their submissions.
- 6.5 The Body may decide to:
- 6.5.1 take or not take the action sought in the petition; or
  - 6.5.2 commission any further investigation or Report, etc, into the matter.
- 6.6 Subject to the discretion of the Meeting Chairman, a maximum of 30 minutes is permitted for the discussion of petitions prior to the normal business of a relevant Meeting. Any petitions not considered in this time will be held over to the next appropriate Meeting.
- 6.7 Once determined, and if the Petition Organiser was not present for the decision, the Petitions Officer will notify the Petition Organiser of the decision within five Clear Working Days.

## 7 Process – Other Petitions

- 7.1 Consultation Petitions will be dealt with in accordance with the consultation or application process as appropriate (nb that certain petitions of objection to a planning application may trigger a meeting of an Area Planning Committee – see the Planning Committee Appendix).
- 7.2 Statutory Petitions will be dealt with in accordance with the relevant statutory process.
- 7.3 Petitions to Hold an Officer to Account (other than those raising issues of competence or misconduct, which will be dealt with under the Council's Capability and/or Disciplinary Procedures) will be dealt with by the Scrutiny Commission.
- 7.4 The process for dealing with Ordinary Petitions will depend upon the nature of the petition:
- 7.4.1 in some instances the Petitions Officer may be able to seek to resolve the matter by involving the relevant Executive Member or Officer to consider what is being sought and take appropriate action:

- 7.4.1.1 in this event the Petitions Officer will ask the Petition Organiser whether they consider the matter to have been resolved and, if they agree, that will be an end to the petition process;
- 7.4.1.2 failing this the petition will continue as if the Executive Member or Officer had not been consulted;
- 7.4.2 unless the matter is in the process of Executive Member/Officer consultation as above (or that process has ended without resolution) the Petitions Officer will provide a response to the Petition Organiser which sets out:
  - 7.4.2.1 who or what Body the petition will be reported to for consideration;
  - 7.4.2.2 when and where that consideration will take place.
- 7.5 Where an Ordinary Petition is submitted and the Petitions Officer determines that it should be referred to a Meeting, and notice has been given to the Monitoring Officer by 10:00 seven Clear Working Days before such a relevant Meeting, details will be included in the Summons or Agenda for the Meeting.
- 7.6 Where an Ordinary Petition is presented at an Executive Meeting (or with less notice than above) and relates to an item of business on the Agenda for that Meeting, it will be dealt with under that Agenda item, otherwise (unless the Leader determines to deal with it at the Meeting) it will be dealt with at the next relevant Executive Meeting.
- 7.7 In all other cases where a petition is to be referred to a Meeting, it will wait for the next relevant Meeting after seven Clear Working Days and details will be included in the Summons or Agenda for the Meeting.

## 8 Process – Consideration of Ordinary Petition at a Meeting

- 8.1 If an Ordinary Petition is to be considered at a Meeting, the following process will be followed:
  - 8.1.1 details will be included on the Summons or Agenda for the Meeting as set out above;
  - 8.1.2 the Petition Organiser will be sent a copy of or link to the Summons/Agenda;
  - 8.1.3 an Officer may be asked to set out the background to the issue at the meeting;
  - 8.1.4 the Petition Organiser or their nominated spokesperson will have up to five minutes to present their petition at the meeting;
- 8.2 Ward Councillors will have up to five minutes to make any comments on the petition;
- 8.3 Members may then ask questions of the parties.
- 8.4 The matter will then be discussed by the Body and the Body may:
  - 8.4.1 determine the matter;
  - 8.4.2 refer the matter for investigation and report back; or
  - 8.4.3 refer the matter up to a Meeting of Council or the Executive for determination.
- 8.5 In the case of an Individual Executive Member Decision, the Executive Member will consider representations from the Petition Organiser and Ward Councillors before they proceed to take a decision.
- 8.6 Once determined, the Petitions Officer will notify the Petition Organiser of the decision within five Clear Working Days.

## 9 Communication with the Petition Organiser

- 9.1 The Petitions Officer will keep the Petition Organiser regularly updated with developments on the petition and notify them of the outcome of the petition's consideration in writing within five Clear Working Days of the decision.
- 9.2 When responding to the Petitions Organiser, the Petitions Officer will also forward the same information to the relevant Executive and Shadow Executive Members and Ward Councillors.
- 9.3 The outcome will also be reported to the next practical/appropriate Meeting of the referring Body for information.

## Part []

### Council

#### 1 Establishment

- 1.1 West Berkshire District Council (usually referred to as “West Berkshire Council”) is a body corporate which derives its powers from statute.
- 1.2 The Council is the principal authority for the district of West Berkshire, which has a single tier of local government (and is also referred to as a unitary authority).

#### 2 Scope of Role - Statutory

- 2.1 A unitary authority is responsible for the full range of local government services, such as education, transport, planning, social care, waste, trading standards, council tax collection, housing, and licensing.

#### 3 Scope of Role – General

- 3.1 The Council operates an executive form of governance in accordance with the LGA 2000 and associated legislation.
- 3.2 Legislation reserves a number of functions to Council. Local authorities also have discretion to determine where responsibility for some functions will sit. All other functions are reserved to the Executive by law.
- 3.3 Thus some functions are the responsibility of the Executive, some are the responsibility of Council, and some are the responsibility of both the Executive and Council.

#### 4 Membership

- 4.1 The Council is comprised of 43 District Councillors elected every four years.

#### 5 Chairman of Council

- 5.1 In accordance with s3, LGA 1972, the Chairman of Council shall, unless they resign or become disqualified, continue in office until their successor becomes entitled to act as Chairman of Council.
- 5.2 During their term of office, the Chairman of Council shall not be elected as Chairman of any Body.

#### 6 Meetings – General

- 6.1 Council Meetings will be conducted in accordance with the Meetings Procedure Rules save as set out/added to below.

#### 7 Budget Meeting – Procedure

- 7.1 Budget papers will have been available to Members since the meeting of the Executive prior to the Budget Meeting.
- 7.2 Prior to the Budget Meeting, the Chairman of Council will invite the Political Group Leaders or their duly nominated representatives, together with the Portfolio Holder with responsibility for Finance, to a pre-council briefing to support the effective operation of the Budget Meeting.
- 7.3 The standard items of business (and see the Meetings Rules Table) shall (only) be to:
  - 7.3.1 elect a person to preside if the Chairman or Vice-Chairman of Council is not present;

- 7.3.2 receive apologies for an inability to attend the meeting;
- 7.3.3 receive any declarations of interest from Members;
- 7.3.4 debate the proposed Medium Term Financial Strategy (MTFS);
- 7.3.5 debate the proposed Investment Strategy;
- 7.3.6 debate the proposed Capital Strategy;
- 7.3.7 debate the proposed Revenue Budget.
- 7.4 Proposed Amendments to items on the Agenda must be tabled by the Political Groups, and:
  - 7.4.1 where there has been no substantive change to the item (eg excluding any minor grammatical, typographical, etc, amendments) following the meeting of the Executive prior to the Budget Meeting:
    - 7.4.1.1 must be submitted to the S151 Officer by no later than 17:00, five Clear Working Days before the meeting; and
    - 7.4.1.2 following submission, the S151 Officer will add an opinion to the proposed Amendments and will distribute to all Councillors at least three Clear Working Days before the meeting; or
  - 7.4.2 where there has been any substantive change to the item following the meeting of the Executive prior to the Budget Meeting:
    - 7.4.2.1 must be submitted to the S151 Officer by no later than 17:00, three Clear Working Days before the meeting; and
    - 7.4.2.2 following submission, the S151 Officer will add an opinion to the proposed Amendments and will distribute to all Councillors at least one Clear Working Day before the meeting.
- 7.5 Prior to an Amendment being voted upon, the Proposer of the Amendment may request that the Meeting Chairman permit that there be separate votes in respect of parts of the Amendment. Subject to any comments from the Council's Statutory Officers, it shall be within the Meeting Chairman's discretion to permit separate votes on items within a proposed Amendment.

## 8 Themed Debates

- 8.1 Themed debates may occur during the early autumn Meeting of Council.
- 8.2 The subject matter of themed debates are to be agreed at a meeting of the Political Group Leaders, to take place at least six weeks prior to the Meeting. Any theme to be debated should be of relevance to the residents of West Berkshire.
- 8.3 In the absence of agreement, the Chairman of Council will determine the subject matter for debate.
- 8.4 At the Meeting, the Meeting Chairman may determine that questions submitted will receive a written response in accordance with the Questions appendix in order to allow time for the themed debate.
- 8.5 The following guidelines shall be followed for the debate:
  - 8.5.1 the debate will be for a maximum of one hour;
  - 8.5.2 the Leader of each Political Group (or their nominated representative) will be invited to make opening remarks;
  - 8.5.3 there will be no formal time limit on speeches, but the Meeting Chairman will control the allocation of time during the debate, having regard to the political balance of the Council.

## Part []

### Executive

#### 1 Introduction

- 1.1 The Council operates an executive leader and cabinet executive model of governance, as set out in the LGA 2000.

#### 2 Leader of Council

- 2.1 The Leader of Council (“the Leader”) shall be a Councillor elected as Leader at the Annual Meeting of Council following local elections, or in the event of a vacancy.
- 2.2 The Leader shall hold office until:
- 2.2.1 they resign from office; or
- 2.2.2 they are removed from office by resolution of the Council; or
- 2.2.3 (following local elections) their successor becomes entitled to act as Leader.

#### 3 Deputy Leader of Council

- 3.1 The Leader shall appoint a Deputy Leader of Council (“the Deputy Leader”) who shall cease to be Deputy Leader if they:
- 3.1.1 resign from the office; or
- 3.1.2 are no longer a Councillor; or
- 3.1.3 they are removed from office by the Leader.
- 3.2 In the event of a vacancy in the post of Deputy Leader, the Leader shall appoint a new Deputy Leader.
- 3.3 The Deputy Leader shall:
- 3.3.1 chair the Executive in the Leader’s absence;
- 3.3.2 act in the Leader’s place if for any reason the Leader is unable to act.

#### 4 Appointment of the Executive

- 4.1 The Leader shall appoint an Executive of at least two, but no more than nine, Councillors including the Deputy Leader (plus themselves) upon their election as Leader.
- 4.2 The Leader shall ascribe executive portfolios to individual Executive Members (each the “Lead Member” for that portfolio).
- 4.3 The Leader shall chair the Executive.
- 4.4 The Executive may not include the Chairman or Vice-Chairman of Council.
- 4.5 There may be no Substitutes for Executive Members at Executive Meetings.
- 4.6 The Leader may change the number and/or composition of the Executive at any time by notifying the Chief Executive in writing.
- 4.7 The Leader shall announce the current composition of the Executive at each Annual Council Meeting and at the next Council Meeting following any change.

## 5 Scope of Role - Statutory

- 5.1 The Leader is responsible for all executive functions as set out in the LGA2000 (“Executive Functions”).
- 5.2 The Executive may make decisions on all matters except those prohibited by law (eg under the Local Authorities (Functions and Responsibilities) (England) Regulations 2000).

## 6 Scope of Role – General

- 6.1 The Leader shall establish an Executive Scheme of Delegation from time to time setting out how Executive Functions are to be discharged.
- 6.2 The Leader may amend the Executive Scheme of Delegation at any time by notifying the Chief Executive and Monitoring Officer in writing.
- 6.3 The Monitoring Officer shall ensure that changes to the Executive Scheme of Delegation are incorporated in the Constitution and notified to all Councillors.
- 6.4 Decisions of the Leader, the Executive, Committees of the Executive, individual Lead Members, and Key Decisions taken under delegated powers of Officers, are referred to together as “Executive Decisions” (for the avoidance of doubt, reports published for information only will not be treated as requiring an Executive Decision).
- 6.5 A Protocol in respect of decisions by the Leader or other Executive Members is contained in an Appendix to this Part.

## 7 Key Decisions

- 7.1 A “Key Decision” is a decision in respect of an Executive Function that is significant within the meaning of the Local Authorities (Executive Arrangements) (Meetings and Access to Information) (England) Regulations 2012 in that, in the opinion of the Chief Executive, or the S151 Officer, or the Monitoring Officer (each a “Relevant Officer”), it meets the financial and/or community impact criteria set out below.
- 7.2 A decision is significant financially if it will result in the Council:
  - 7.2.1 incurring potential revenue expenditure or making savings above an amount determined by Council;
  - 7.2.2 incurring potential capital expenditure or making savings above an amount determined by Council.
- 7.3 A decision is significant in terms of community impact if its effect on communities living or working in an area comprising two or more Wards or electoral divisions would result in:
  - 7.3.1 a significant number of users of the service in the Wards or divisions being affected; and/or
  - 7.3.2 an impact that will last for a number of years or be permanent; and/or
  - 7.3.3 a significant impact on communities in terms of environmental and social well-being.
- 7.4 The following are not regarded as constituting Key Decisions:
  - 7.4.1 implementing approved budgets or policies and strategies where there is little or no further choice involved and the main decision has already been taken by the Council in agreeing the Budget and Policy Framework;
  - 7.4.2 implementing approved actions and targets in annual service plans;
  - 7.4.3 changes arising from amendments to statute where there is little or no discretion.
- 7.5 Where a Key Decision is taken by the Executive, it must be taken in public, except for items that are deemed to include Exempt Information.



## 8 Publicity in connection with Key Decisions (the Executive Forward Plan)

- 8.1 A Forward Plan will be prepared and published at least 28 days before the Key Decision is made unless an urgent decision is required.
- 8.2 The Forward Plan will contain matters which the Leader has reason to believe will be the subject of a Key Decision.
- 8.3 The Forward Plan will describe the following particulars insofar as the information is available, applicable or might reasonably be obtained:
- 8.3.1 the matter in respect of which a decision is to be made;
  - 8.3.2 where the decision taken is by an individual their name and title, if any, and where the decision-taker is a body, its name and details of membership;
  - 8.3.3 the date on which, or the period within which, the decision will be taken;
  - 8.3.4 the identity of the principal individuals or groups that the decision-taker proposes to consult before taking the decision;
  - 8.3.5 the means by which any such consultation is proposed to be undertaken;
  - 8.3.6 the steps any person might take who wishes to make representations to the Executive or decision-taker about the matter in respect of which the decision is to be made, and the date by which those steps must be taken; and
  - 8.3.7 a list of the documents submitted to the decision-taker for consideration in relation to the matter.
- 8.4 Exempt Information and Confidential Information will not be included in the Forward Plan.

## 9 Exceptions to publicity in connection with Key Decisions

- 9.1 Where publicity of a Key Decision for 28 days is impractical, that decision may only be taken:
- 9.1.1 If it is an Urgent Key Decision and the rules relating to such have been followed; or
  - 9.1.2 if the Monitoring Officer has:
    - 9.1.2.1 informed the Scrutiny Commission Chairman or, in their absence, each Scrutiny Commission Member, by notice in writing, of the matter about which the decision is to be made;
    - 9.1.2.2 made a copy of that notice available at the Council offices for inspection by the public and published it on the Council's website.
- 9.2 As soon as reasonably practicable after the Monitoring Officer has complied with paragraph 9.1.2 they must:
- 9.2.1 make available at the Council offices a notice setting out the reasons why compliance with paragraph 8.1 is impracticable; and
  - 9.2.2 publish that notice on the Council's website.
- 9.3 Where the procedure at 9.1.2 has been followed, the decision may be taken after five Clear Days have elapsed.

## 10 Urgent Key Decisions

- 10.1 An Urgent Key Decision is a Key Decision that, in the opinion of a Relevant Officer, needs to be determined urgently, making publicity of the decision in accordance with paragraph 8.1 or compliance with paragraph 9.1.2 impractical. In those circumstances, the Urgent Key Decision can only be made where the Relevant Officer has obtained agreement that the making of the decision is urgent and cannot reasonably be deferred from:

- 10.1.1 the Scrutiny Commission Chairman; or
- 10.1.2 in the absence of the Scrutiny Commission Chairman, the Chairman of Council; or
- 10.1.3 in the absence of the Chairman of Council, the Vice-Chairman of Council.
- 10.2 Where the procedure at 10.1 has been followed, the decision may be taken immediately.
- 10.3 As soon as reasonably practicable after the Relevant Officer has obtained agreement as above, they must:
  - 10.3.1 make available at the Council offices a notice setting out the reasons that the decision is urgent and cannot reasonably be deferred; and
  - 10.3.2 publish that notice on the Council's website.

## 11 Recording and Publication of Executive Decisions

- 11.1 All Executive Decisions will be recorded as soon as practicable, including:
  - 11.1.1 a record of the Executive Decision and the date it was made;
  - 11.1.2 the reasons for the Executive Decision;
  - 11.1.3 any alternative options considered and rejected in making the Executive Decision; and
  - 11.1.4 any conflict declared by the decision maker(s) and any dispensations granted.
- 11.2 All Executive Decisions shall be published on the Council's website as soon as practical.

## 12 Call-In

- 12.1 The procedure for Calling-In an Executive Decision is set out in Part [] (Council Bodies, Scrutiny Commission Appendix).

## 13 Decisions not Subject to Call-In

- 13.1 The Call-In procedure shall not apply where the Executive Decision:
  - 13.1.1 has been the subject of a previous Call-In request; or
  - 13.1.2 is due to be referred to Council for final approval (eg the budget);
  - 13.1.3 has been considered by the Scrutiny Commission or one of its Sub-Bodies within the preceding six months; or
  - 13.1.4 in the opinion of a Relevant Officer has to be implemented before the expiry of the Call-in Period, and:
    - 13.1.4.1 is an Urgent Key Decision; or
    - 13.1.4.2 in the opinion of a Relevant Officer a delay in implementing the decision would have serious financial implications for the Council or could compromise the Council's position.
- 13.2 If a decision is stated not to be subject to Call-In, an explanation to support the reason why that is asserted must be specified in the report. In the event of a dispute over the reason why the item is not subject to Call-In, a decision of a Relevant Officer shall be final.

## 14 Implementation of Decisions

- 14.1 Except for an item that is not subject to Call-In (see 13), Executive Decisions shall not be implemented until either:
  - 14.1.1 the Call-In Period has expired without such a request being made; or

14.1.2 the Call-In process has concluded.

## 15 Executive Agenda

15.1 The Agenda for an Executive Meeting shall include any item requested by:

15.1.1 the Leader;

15.1.2 the Council;

15.1.3 the Scrutiny Commission or any Scrutiny Commission Sub-Body;

15.1.4 any Council Committee;

15.1.5 any Statutory Officer (and reports of Statutory Officers may not be deferred if, in the opinion of the Officer concerned, it is necessary for the report to be considered at that Executive Meeting).

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

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## Part []

### Executive

## Appendix: Protocol for Decision-Making by Individual Executive Member

### 1 Introduction

- 1.1 Individual Executive Members (Portfolio Holders) may make “Individual Decisions”.
- 1.2 Individual Decisions are subject to the same rules and requirements as for Executive Decisions (see Part [] (Executive)) – eg relating to publicity in relation to any proposed decision, and they may be subject to Call In if they meet the relevant criteria (see below).
- 1.3 It has been agreed by Council that Individual Executive Members can make the following Key Decisions:
  - 1.3.1 all decisions relating to Highway Matters which are within the approved budget and policy framework;
  - 1.3.2 with the exception of those strategic plans, strategies and policies requiring Council approval (as set out in Article 5 of the Constitution) decisions relating to all other plans, strategies and policies that the Council is required to produce;
  - 1.3.3 the Council’s response to Government and other consultation documents;
  - 1.3.4 appointments to outside bodies;
  - 1.3.5 decisions relating to Public Rights of Way;
  - 1.3.6 approval by the Leader of the Council’s Forward Plan for Key Decisions to be taken by or on behalf of the Executive;
  - 1.3.7 agreement of Annual Reports and Statements of Purpose;
  - 1.3.8 granting permission to consult publically regarding a Report (etc).
- 1.4 A step by step guide to Individual Decisions is attached to this Appendix.

### 2 The Executive Forward Plan.

- 2.1 The rules relating to publicity in connection with Key Decisions and exceptions to the publicity requirements as set out in Part [ ] (the Executive Rules) apply to any decision of an Individual Executive Member.

### 3 Dates when Individual Decisions can be made

- 3.1 It is the responsibility of each Service Area to ensure that the Executive Member is aware of the forthcoming Individual Decisions and to agree the date when the decision will be taken.
- 3.2 The Executive Member will normally make their decision following advice from relevant Officers.
- 3.3 In the absence of the Executive Member (and with their agreement) the Leader or Deputy Leader of the Council can be authorised to make a decision on their behalf under this procedure.

## 4 Formal Written Report

- 4.1 Before an Individual Decision is made, a written report will be prepared for consideration by the Executive Member.
- 4.2 The report shall include the following information:
  - 4.2.1 the name of the Executive Member within whose portfolio the matter falls;
  - 4.2.2 the issue to be decided with reasons for the decision;
  - 4.2.3 supporting information – a summary of the facts relating to the matter under consideration;
  - 4.2.4 confirmation that the proposed course of action is in accordance with the approved policy and budget framework;
  - 4.2.5 details of any corporate implications (finance, personnel, legal, etc);
  - 4.2.6 the Officer's recommendation and the reasons for that recommendation;
  - 4.2.7 other options considered;
  - 4.2.8 a list of background papers;
  - 4.2.9 details of any consultation undertaken, the method of consultation, and a summary of any representations.
- 4.3 A report which excludes certain information on the grounds that it is Confidential or Exempt Information must state the reasons why such information is exempt from publication.
- 4.4 The report must be emailed to the Monitoring Officer at least seven Clear Working Days before the decision is due to be made.
- 4.5 The report will be sent out to all Members at least five Clear Working Days prior to any decision being made.

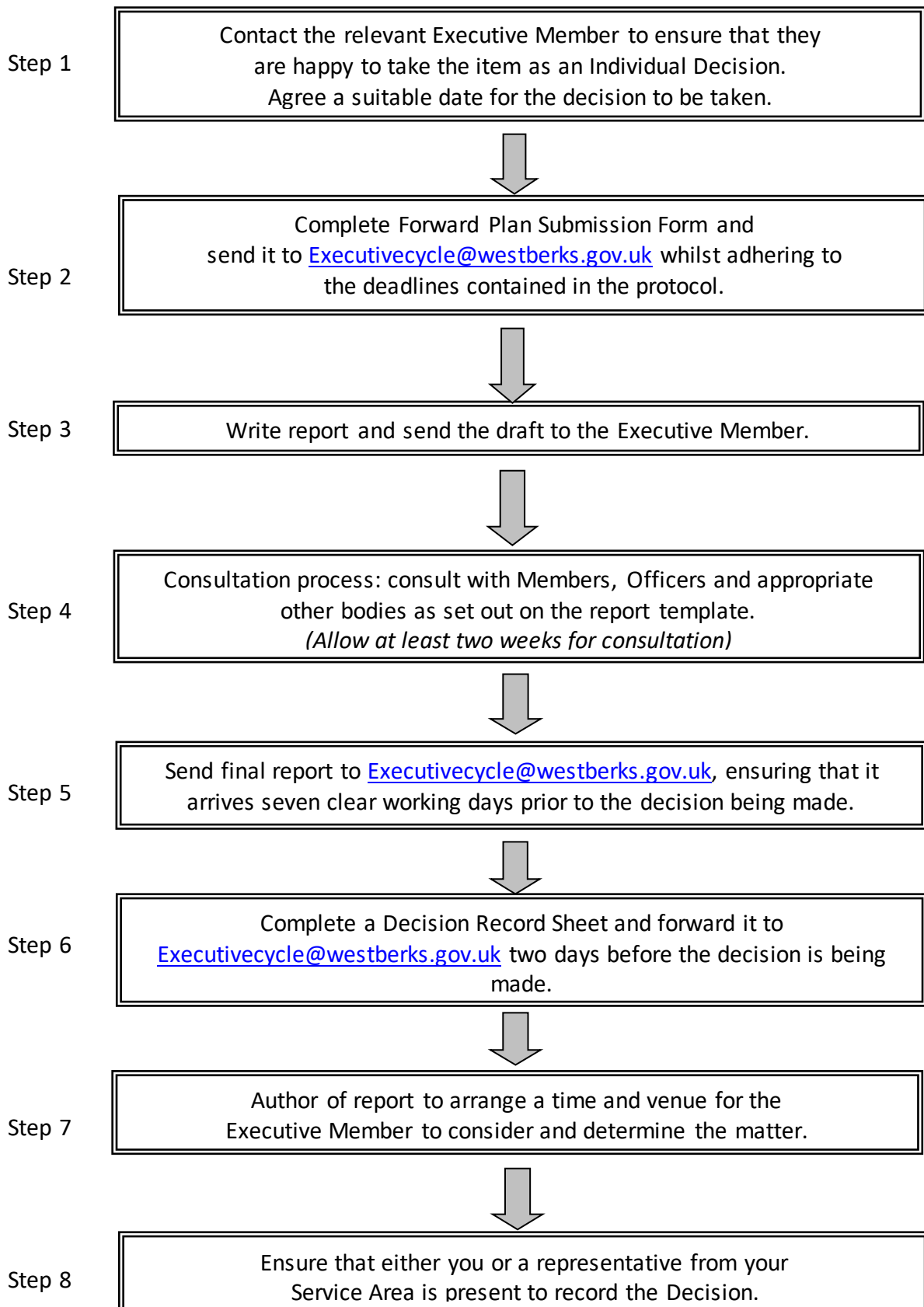
## 5 Decision Record Notice

- 5.1 A Decision Record Notice will be prepared by the relevant Officer and contain the following information if not included within the report:
  - 5.1.1 the matter to be decided with reasons for the decision;
  - 5.1.2 other options considered and rejected;
  - 5.1.3 a summary of comments received in response to consultations (including other Members consulted if appropriate);
  - 5.1.4 a list of background papers;
  - 5.1.5 whether or not any Member consulted in connection with the matter or participating in the making of the decision has declared a Conflict of Interest under the Local Code of Conduct.
- 5.2 If a conflict of interest has been declared as above, a copy of the minute of any dispensation granted by the Governance Committee or Chief Executive (as Head of Paid Service) should be attached to the decision notice.
- 5.3 Where the Decision Record Notice contains Confidential or Exempt Information reasons must be given as to why such information is contained.
- 5.4 After each decision has been taken, the relevant Executive Member shall sign, or approve electronic signature of, the Decision Record Notice.
- 5.5 The Decision Record Notice will then be sent to the Monitoring Officer who will make this and the report available via the Council's website.

## 6 Call-In

- 6.1 Decisions of Individual Executive Members are subject to the same Call-In provisions as apply to decisions of the Executive.
- 6.2 The rules relating Call-In are contained in Part [] (Council Bodies, Scrutiny Commission Appendix).

## Individual Decision Making Process - Flowchart





## Part []

### Council Bodies

#### 1 Bodies - Introduction

- 1.1 The Council has established various Bodies (the term includes Committees, Boards and Commissions – see Glossary) - these may only be added to or removed by the Council.
- 1.2 Each Body will have a number of aspects, many of which will be common (to a greater or lesser extent) to other Bodies and to the Council or Executive. Each Body will have:
- A specified Composition;
  - Terms of Reference;
  - Rules of Procedure;
- and may have:
- Delegated or Statutory Powers.
- 1.3 The Bodies of the Council are:
- The Appeals Committee;
  - The District Planning Committee;
  - The Eastern Area Planning Committee;
  - The Governance Committee;
  - The Health Scrutiny Committee
  - The Licensing Committee;
  - The Personnel Committee;
  - The Scrutiny Commission;
  - The Western Area Planning Committee.
- 1.4 The following bodies also act in accordance with these Rules with aspects similar to Council Bodies:
- The Health and Wellbeing Board;
  - The Joint Public Protection Committee;

#### 2 Bodies – Composition

- 2.1 At each Annual Meeting (or at any other Meeting as necessary) Council will confirm the continuation of, or establish, or amend, or disband, its Bodies and decide upon the composition of each and appoint the membership.
- 2.2 Membership may be required by statute to reflect the Political Balance of the Council.
- 2.3 Bodies may or may not have Substitute Members able to substitute for a Member of a Body unable to attend a particular meeting.
- 2.4 Bodies may or may not have external members.
- 2.5 The specific composition of all Bodies, including the number of members and political affiliations (where the Body is politically balanced), substitutes, etc, is set out in a list published in respect of each Council Annual Meeting and re-published in the event of any changes, and available on the Website, and reflected in the Meetings Rules Table.

### 3 Sub-Committees, Panels and Task Groups (“Sub-Bodies”)

- 3.1 A Body (“Parent Body”) may form one or more Sub-Committees, Panels or Task Groups (together “Sub-Bodies”) as described in this Part and/or in the relevant Appendix to this Part (“Body Appendix”).
- 3.2 In particular:
- The Governance Committee has a Standing Advisory Panel established by Council for certain purposes in relation to the Code of Conduct (and only the Governance Committee has a Standing Panel);
  - The Licensing Committee forms task-limited Sub-Committees from time to time to determine certain types of licensing application;
  - The Appeals Committee forms task-limited Panels from time to time to determine certain appeals against Officer Decisions;
  - The Health and Wellbeing Board has a Steering Group and a number of Sub-, Sub-Sub-, and Sub-Sub-Sub- Bodies (each a “Health and Wellbeing Sub-Body”) as more fully detailed in the relevant Committee Appendices;
  - The Scrutiny Commission and Health Scrutiny Committee may form Task Groups for the purpose of conducting in depth scrutiny reviews on a particular topic.
- 3.3 The Governance Committee Standing Advisory Panel, Licensing Sub-Committees and Appeals Panels are together referred to as the “Standing Sub-Bodies”.
- 3.4 So far as a Sub-Body other than a Standing Sub-Body, is concerned (eg a Health and Wellbeing Sub-Body, a Sub-Committee or a Task Group), unless the relevant Body Appendix and/or the minutes of the meeting of the Parent Body that established it state otherwise:
- 3.4.1 Health and Wellbeing Sub-Bodies:
- 3.4.1.1 will be standing bodies meeting in private; and
- 3.4.1.2 any powers to act will be set out in the relevant Body Appendix and/or the Scheme of Delegation;
- 3.4.2 Sub-Committees:
- 3.4.2.1 will be standing bodies meeting in public; and
- 3.4.2.2 any powers to act will be set out in the relevant Body Appendix and/or the Scheme of Delegation;
- 3.4.3 Task Groups:
- 3.4.3.1 will be time- or task- limited bodies generally meeting in private; and
- 3.4.3.2 have no powers to act, only to advise/recommend.

### 4 Sub-Bodies - Composition

- 4.1 Sub-Body membership may be required by statute to reflect the Political Balance of the Council.
- 4.2 Sub-Bodies may or may not have Substitute Members able to substitute for a Sub-Body Member unable to attend a particular meeting.
- 4.3 Sub-Bodies may or may not have external members, subject to the agreement of the Monitoring Officer.
- 4.4 The composition of the Standing Sub-Bodies is set out in the relevant Body Appendix and reflected in the Meetings Rules Table.

- 4.5 The composition of Sub-Bodies other than the Standing Sub-Bodies will be set out, as appropriate in the circumstances, in the relevant Body Appendix and/or the minutes of the meeting of the Parent Body that established it.
- 4.6 The Parent Body may determine that certain classes of Sub-Body Member (eg Members of the Parent Body) shall be voting members of the Sub-Body and others (eg Non-Councillors) shall be non-voting.
- 4.7 The minimum membership shall be three voting Members for a Task Group and four voting Members for any other Sub-Body, apart from a Licensing Sub-Committee which shall be formed of three voting Members.

## 5 Bodies and Sub-Bodies – Terms of Reference and Delegated Powers

- 5.1 The terms of reference for each Body and Standing Sub-Body are set out in the relevant Body Appendix.
- 5.2 The terms of reference for Sub-Bodies other than the Standing Sub-Bodies are set out, as appropriate in the circumstances, in the relevant Body Appendix and/or the minutes of the meeting of the Parent Body that established it.
- 5.3 When establishing a Task Group, the Parent Body will determine:
- 5.3.1 the membership of the Task Group;
  - 5.3.2 whether to appoint one of those Members to act as the chairman of the Task Group or let this be determined by the Task Group;
  - 5.3.3 whether any non-Body members should be appointed to the Task Group;
  - 5.3.4 whether there should be substitute members of the Task Group;
  - 5.3.5 who other than Task Group members should be involved with the Task Group's work and who (if anyone) should be consulted
  - 5.3.6 the Terms of Reference for the Task Group;
  - 5.3.7 what the timescale for the task in question should be;
  - 5.3.8 who should be responsible for reporting progress back to the Parent Body and how often;
  - 5.3.9 and any other appropriate matter.
- 5.4 The powers delegated to each Body and, where relevant, Sub-Body are set out in Part [] (Scheme of Delegation).

## 6 Bodies and Sub-Bodies – Rules of Procedure

- 6.1 The general rules of procedure for each Body or Sub-Body are set out in Part [] (Meeting Procedure Rules).
- 6.2 Specific Procedure Rules relating to a Body and/or its Sub-Bodies are set out in the relevant Body Appendix.

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## Part []

### Council Bodies

#### Appendix: Appeals Committee

##### 1 Preamble

- 1.1 Part [] (Meeting Procedure Rules) sets out the rules and procedures that apply to all of the Council's Bodies and Sub-Bodies.
- 1.2 If there is any conflict between the wording of Part [] and this Appendix, this Appendix will prevail.

##### 2 Establishment

- 2.1 The Appeals Committee shall consist of 12 Councillors reflecting the political balance of the Council. The membership is set out in the Committees List and Meeting Rules Table. There shall be no Substitute Members on the Appeals Committee.
- 2.2 The Appeals Committee shall not have a Chairman, nor an Annual Meeting.
- 2.3 This Appendix shall be circulated amongst the Committee Membership on an annual basis (to coincide with the Annual Meetings of other Bodies) to ensure that it continues to be fit for purpose.

##### 3 Scope of Role - General

- 3.1 The Appeals Committee forms task-limited Panels from time to time to determine certain appeals against Officer Decisions.
- 3.2 An Appeals Panel shall consist of at least three, but preferably four, Members chosen on the basis of availability (and Appeals Panels need not be politically balanced).
- 3.3 The quorum for an Appeals Panel is three Members.
- 3.4 Each Member must receive such formal training and refresher training in the relevant areas as determined by the appropriate Service Manager(s).
- 3.5 Members may not sit on an Appeals Panel in relation to matters concerning their Ward.

##### 4 Scope of Role – Appeals Panels

- 4.1 An Appeals Panel will be formed to determine appeals in respect of:
  - 4.1.1 Council Tax liability;
  - 4.1.2 a refusal to grant permission for Tourist Information Signs;
  - 4.1.3 entitlement to Home-to-School Transport.

##### 5 Scope of Role – employment appeals

- 5.1 A single Member shall be appointed to an employment appeals panel (to consider an appeal by an employee of the Council against a decision affecting their employment) where an employment policy requires that a Councillor to be appointed to such. Such employment appeals panels are governed by their own procedure rules.

##### 6 Appeals Panel Procedure – Prior to Meeting

- 6.1 The parties entitled to speak at a Panel Meeting are:

- 6.1.1 the Appellant (or representative) (references below to the Appellant are to be taken to include any representative of the Appellant);
- 6.1.2 an Officer or Officers.
- 6.2 Officers arranging a Panel Meeting will seek to find a date that the Appellant and sufficient Members can attend (taking into account any statutory limits within which appeals must be heard).
- 6.3 Prior to the Panel Meeting the Appellant will be sent details of the Meeting and of any papers that Officers intend to present to the Panel.
- 6.4 The Appellant will be invited to the Meeting, but may be represented by someone on their behalf if they wish.
- 6.5 Any other person wishing to speak will only be permitted to do so with the agreement of the Panel Chairman.

## 7 Appeals Panel Procedure – Meeting

- 7.1 The first order of business will be for the Members to appoint a Panel Chairman.
- 7.2 The following procedure shall apply in respect of each item as relevant in the circumstances (but the Panel Chairman may change the order at their discretion, or invite any speaker or other person appearing at the hearing to clarify a factual issue at any time):
  - 7.2.1 introduction of item by Officer(s);
  - 7.2.2 questions to Officer(s) from the Panel;
  - 7.2.3 questions to Officer(s) from the Appellant;
  - 7.2.4 representations by the Appellant;
  - 7.2.5 questions to the Appellant from the Panel;
  - 7.2.6 questions to the Appellant from the Officer(s);
  - 7.2.7 summing up by the Officer(s);
  - 7.2.8 summing up by the Appellant;
  - 7.2.9 close of Meeting by the Panel Chairman (with explanation as to next steps).

## 8 Determination following Panel Meeting

- 8.1 Once the Panel Meeting is closed the Members will retire to deliberate.
- 8.2 Determinations will be made within any legislative timescales and the parties informed.

## 9 Signing Minutes

- 9.1 Due to the nature of Appeal Panel Meetings, the Appeals Panel Minutes (Record of Proceedings) will be circulated after the meeting to the Members for them to approve as a true and correct record. Once approved, the Chairman's signature will be applied to the minutes.

## Part []

### Council Bodies

#### Appendix: Governance Committee

##### 1 Preamble

- 1.1 Part [] (Meeting Procedure Rules) sets out the rules and procedures that apply to all of the Council's Bodies and Sub-Bodies.
- 1.2 If there is any conflict between the wording of Part [] and this Appendix, this Appendix will prevail.

##### 2 Scope of Role

- 2.1 The Governance Committee ("the Committee") will support the Council to establish, maintain, and improve effective governance, risk management, and internal controls.
- 2.2 The Committee is responsible for supporting the Council in the areas of governance, risk management, external audit, internal audit, financial reporting, and for managing the risk of the Council's exposure to fraud and corruption.
- 2.3 S.27 of the Localism Act 2011 imposes a duty on local authorities to promote and maintain high standards of conduct. S.28(6) of the same Act requires that arrangements are in place under which allegations can be investigated and arrangements under which decisions on allegations can be made. The Committee will have oversight of these arrangements.

##### 3 Membership

- 3.1 The Committee shall consist of nine Councillors reflecting the political balance of the Council, together with up to two co-opted but non-voting Independent Members (Audit), and up to two co-opted but non-voting Parish or Town Councillors.
- 3.2 The membership is set out in the Committees List and Meeting Rules Table.
- 3.3 The Committee shall also have Substitute Members, but to sit a Substitute Member must be a Member of the same political group as the Member they are substituting for.
- 3.4 In undertaking its duties, the Committee may request attendance of the external auditors at its meetings when appropriate.

##### 4 Terms of Reference

- 4.1 The Committee is responsible for:
  - 4.1.1 ensuring that the Council's corporate governance arrangements are adequate and operating effectively in practice;
  - 4.1.2 considering the Council's corporate governance arrangements and the Annual Governance Statement;
  - 4.1.3 considering and making recommendations to the Council on proposed changes to the Constitution;
  - 4.1.4 providing effective challenge and independent assurance on the risk management and governance framework;
  - 4.1.5 monitoring the effectiveness of the Council's the internal control environment including arrangements for financial management and ensuring value for money;

- 4.1.6 ensuring that counter fraud and corruption arrangements are appropriate for managing the Council's exposure to the risks of fraud and corruption;
- 4.1.7 endorsing the annual Risk Management Strategy and recommending it to the Executive for adoption;
- 4.1.8 reviewing and approving the Council's Statement of Accounts and reviewing the external auditors' annual audit letter;
- 4.1.9 considering any governance issues emanating from the Government and determine their effect on the Council's business and governance processes;
- 4.1.10 considering any issues brought to the attention of the Committee, by the Chief Internal Auditor at any time during the year; and
- 4.1.11 approving the Internal Audit Strategy and Plan (to ensure adequate coverage) and monitor performance (assessing whether adequate skills and resources are available to provide an effective function).
- 4.2 The Committee will review Partnerships arrangements that the Council has entered into, to ensure that they have robust Governance and Risk Management arrangements and that any risk to the Council from the Partnership is minimised.
- 4.3 With the support of the Monitoring Officer, the Committee will promote and maintain high standards of conduct by all Councillors and co-opted members, including:
  - 4.3.1 assisting Councillors and co-opted members to observe the Councillors' Code of Conduct;
  - 4.3.2 advising the Council on the adoption, or revision of, the Councillors' Code of Conduct;
  - 4.3.3 monitoring operation of the Councillors' Code of Conduct;
  - 4.3.4 advising and training councillors and co-opted councillors on matters relating to the Councillors' Code of Conduct;
  - 4.3.5 granting dispensations to Councillors and co-opted members on requirements relating to interests.
- 4.4 The Committee has responsibility for ensuring that arrangements are in place by which allegations against Councillors and other Members of a Body, or of Town or Parish Councillors, which assert a breach of the relevant Code of Conduct, can be investigated and determined.

## 5 Advisory Panel

- 5.1 An Advisory Panel comprising of ten Members - two Councillors each from the Administration, the main Opposition Party, and the Minority Party, together with two Independent Members (Standards), and two Parish or Town Councillors - will be appointed and will be responsible for dealing with any complaints where evidence of a breach of the relevant Code of Conduct has been identified.
- 5.2 In the event that the Advisory Panel finds there has been a breach of the relevant Code of Conduct, it will report its findings to the Governance Committee for a formal decision.
- 5.3 The Advisory Panel will be chaired by an Independent Person (Standards).



## Part []

### Council Bodies

#### Appendix: Health and Wellbeing Board

##### 1 Preamble

- 1.1 Part [] (Meeting Procedure Rules) sets out the rules and procedures that apply to all of the Council's Bodies and Sub-Bodies.
- 1.2 If there is any conflict between the wording of Part [] and this Appendix, this Appendix will prevail.

##### 2 Establishment

- 2.1 S.194(1) Health and Social Care Act 2012 ("HSCA") requires first tier local authorities, such as the Council, to establish a Health and Wellbeing Board ("HWB"). The West Berkshire HWB is referred to below as "the Board".
- 2.2 By s.194(11) HSCA the Board is a committee of the Council and is to be treated as if it were a committee appointed by the Council under s.102 LGA 1972.

##### 3 Scope of Role - Statutory

- 3.1 S.195 HSCA requires the Board to:
  - 3.1.1 encourage integrated working between bodies involved in the commissioning and delivery of health, social care and other public services in order to improve health and wellbeing outcomes for local residents, and in particular;
  - 3.1.2 encourage arrangements between the authority and the NHS under s.75 National Health Service Act 2006 ("NHSA").
- 3.2 S.196 HSCA provides that the Board shall exercise the functions of the Council under ss.116 and 116A Local Government and Public Involvement in Health Act 2007, namely to lead and co-ordinate actions to:
  - 3.2.1 assess the health needs of local residents and to prepare and publish a Joint Strategic Needs Assessment (JSNA); and
  - 3.2.2 support the preparation and publication of a Joint Health and Wellbeing Strategy, and to oversee delivery of that Strategy.
- 3.3 Ss.2B and 111 NHSA require the Board to ensure that the Council complies with its duties to improve public health.
- 3.4 S.128A NHSA requires the Board to assess the need for pharmaceutical services in its area and to publish a Pharmaceutical Needs Assessment.
- 3.5 The Better Care Fund Policy Framework published by NHS England further to s.223 NHSA (as amended by s.121 Care Act 2014, and the Health and Care Act 2022) requires the Board, subject to any direction by the Secretary of State, to approve submission of the Better Care Fund Plan to NHS England.

##### 4 Scope of Role – General

- 4.1 In general terms HWBs act "as a forum in which key leaders from the local health and care system ... work together to improve the health and wellbeing of their local population" (King's Fund).

- 4.2 The Board will lead the development and review of the Council’s Vision as set out in its Vision Document.
- 4.3 The Board will undertake such oversight of local safeguarding arrangements as it considers appropriate and necessary.
- 4.4 The Board will consider, as appropriate and necessary, reports from Sub-Groups.

## 5 Membership

- 5.1 Applying s.194 HSCA (as amended by the Health and Social Care Act 2022) to the Council, the minimum core Board membership is:
  - 5.1.1 at least one elected Councillor appointed (s.194(3)(a) HSCA) by the Leader of Council;
  - 5.1.2 at least one representative from the Buckinghamshire, Oxfordshire and Berkshire West Integrated Care Board (“ICB”);
  - 5.1.3 the Council’s Executive Director – People (as both DASS (Director of Adult Social Services) and DCS (Director of Children’s Services));
  - 5.1.4 the Director of Public Health for Berkshire West;
  - 5.1.5 a representative from Healthwatch West Berkshire.
- 5.2 Ss.194(8) and (9) HSCA set out that further Board Members may be appointed:
  - 5.2.1 by the Council (ie by the Leader of Council) in consultation with the Board; or
  - 5.2.2 by the Board itself.
- 5.3 Regulation 7 The Local Authority (Public Health, Health and Wellbeing Boards and Health Scrutiny) Regulations 2013 disapplies ss.15 and 16, and Schedule 1, Local Government and Housing Act 1989 vis-a-vis HWBs such that rules as to political proportionality of seats (etc) on Council committees do not apply to the Board.
- 5.4 Membership of the Board currently consists of the following (with Members encouraged to identify Substitutes to attend if they are unable to do so):
  - the WBC Leader of Council;
  - the WBC Portfolio Holder with responsibility for Adult Social Care;
  - the WBC Portfolio Holder with responsibility for Children and Young People;
  - the WBC Portfolio Holder with responsibility for Health and Wellbeing;
  - the WBC Shadow Spokesperson for Health and Wellbeing;
  - the WBC Minority Group Spokesperson for Health and Wellbeing;
  - the WBC Executive Director – People (as both DASS and DCS);
  - the Director of Public Health, Berkshire West;
  - the WBC Service Director for Communities and Wellbeing;
  - two nominated representatives from the ICB;
  - a nominated representative from Healthwatch West Berkshire;
  - a nominated representative from Berkshire Healthcare NHS Foundation Trust;
  - a nominated representative from Royal Berkshire NHS Foundation Trust;
  - a nominated representative from the Voluntary and Community Sector;
  - a nominated representative from Thames Valley Police;

- a nominated representative from Royal Berkshire Fire and Rescue Service;
- a nominated representative from the housing sector;
- a nominated representative from the arts and leisure sector;

## 6 Chairmanship, Quorum and Voting

- 6.1 The Chairman of the Board shall be nominated by the Leader of Council from amongst the Councillors on the Board.
- 6.2 The Vice-Chairman of the Board shall be nominated from amongst the ICB representatives on the board.
- 6.3 The quorum for a meeting shall be four Members, which must include at least one WBC Councillor and at least one ICB representative.

## 7 Governance and Code of Conduct

- 7.1 S.27 Localism Act 2011 requires that all members of a Council committee (and thus all Board Members in respect of the Board) adhere to the relevant Councillors' Code of Conduct.
- 7.2 Members other than Councillors and Officers (who must do so anyway) must also complete a Register of Interests Form and declare any interests, gifts or hospitality they receive that could influence their decisions.
- 7.3 Members must notify the Monitoring Officer of any disclosable pecuniary interest (DPI) within 28 days of being appointed to the Board and are prohibited from participating in discussion or voting on any matter where they have a DPI.

## 8 Meetings and Decisions

- 8.1 The Board will meet at least five times per year, with ordinary meeting dates published in the Council's timetable for meetings.
- 8.2 Any recommendation, or proposed or prospective action, of the Board that would, in the opinion of the Chairman, impact on the finances or general operation of the Council must be referred to the Executive for final determination and decision.

## 9 Sub-Bodies and Steering Group

- 9.1 The Board is supported by a number of Sub-Bodies, which may have Sub-Bodies themselves, each responsible for an aspect of the Board's work or, in some cases, statutory obligations:
- Ageing Well Task Group;
  - Building Communities Together Partnership;
  - Domestic Abuse Board;
  - Lived Experience Sub-Group;
  - Children's Delivery Group;
  - Health and Wellbeing Engagement Group;
  - Health Inequalities Taskforce;
  - Homelessness Strategy Group;
  - Locality Integration Board;
  - Mental Health Action Group;
  - Skills and Enterprise Partnership;

- Substance Misuse Harm Reduction Partnership;
  - Suicide Prevention Action Group.
- 9.2 The Sub-Bodies may have responsibility for overseeing implementation of particular aspects of the Joint Health and Wellbeing Strategy and its associated Delivery Plan.
- 9.3 The Board is supported by a Steering Group, which is comprised of the Chairman and Vice-Chairman of the Board, together with the chairmen or a representative of each of the Sub-Bodies.
- 9.4 The Vice-Chairman and Chairman of the Board shall be the chairman and vice-chairman respectively of the Steering Group.
- 9.5 The Steering Group's role shall be the effective forward planning, agenda preparation, performance and programme management, and delivery of the Board's decisions.
- 9.6 The Steering Group and the Sub-Bodies may:
- have their own Terms of Reference; or
  - act in accordance with any resolution of the Board establishing them, or any other resolution of the Board.

## Part []

### Council Bodies

#### Appendix: Health Scrutiny Committee

##### 1 Preamble

- 1.1 Part [] (Council Bodies) sets out the rules and procedures that apply to all of the Council's Bodies and Sub-Bodies.
- 1.2 If there is any conflict between the wording of Part [] and this Appendix, this Appendix will prevail.

##### 2 Scope of Role

- 2.1 The role of this Committee is to undertake scrutiny of the planning, development and operation of Public Health and NHS services for citizens of West Berkshire, in accordance with the National Health Service Act 2006 (as amended by the Health and Social Care Act 2012) and the Local Authority (Public Health, Health and Wellbeing Boards and Health Scrutiny) Regulations 2013.
- 2.2 Scrutiny of Social Care services within West Berkshire shall remain with the Council's Scrutiny Commission and the Health Scrutiny Committee will report to the Commission.

##### 3 Membership

- 3.1 There will be five Members of the Committee, which will be politically balanced and its membership will be as set out in the Committees List and Meetings Rules Table.
- 3.2 No Executive Member may be a Member or Substitute Member of the Committee or any of its Sub Bodies.
- 3.3 Up to two non-voting co-optees can be appointed to the Committee to provide particular health expertise to assist with a particular review.
- 3.4 No Committee Member may be involved in scrutinising a decision in which they have been directly involved. Any query about the meaning of "directly involved" will be decided by the Monitoring Officer.

##### 4 Terms of Reference

- 4.1 The Committee has the power to review and scrutinise any matter relating to the planning, provision and operation of Public Health and NHS services for citizens of West Berkshire, and in doing so to ensure that services are safe and effective in improving health and wellbeing of local citizens and reducing health inequalities.
- 4.2 Although the Committee may make recommendations for changes or improvements in the way that the Council or other bodies enact their business it does not have any direct decision-making powers, except in the way that it discharges its own responsibilities.
- 4.3 The Committee shall:
  - 4.3.1 proactively seek information about the quality of local Public Health and NHS services, and about the performance of the commissioners and providers of these services, and also to test information provided by commissioners and providers by drawing on different sources of intelligence;

- 4.3.2 consider and respond to consultations by relevant NHS bodies or health service providers, on proposals that both parties agree constitute a substantial development or substantial variation in the provision of health services for citizens of West Berkshire, using the powers set out in the relevant legislation and referring to any guidance issued by the Secretary of State for Health;
- 4.3.3 develop and maintain a joint protocol about how the Committee and responsible NHS bodies and health service providers will reach a view as to whether or not a proposal constitutes a “substantial development” or “substantial variation”;
- 4.3.4 require the relevant NHS body or health service provider to provide information about the proposal under consideration and its impacts on patients in West Berkshire, and where appropriate to require the attendance of a representative of NHS body or health service provider before the Committee to answer such questions as appear to it to be necessary for the discharge of its function in connection with the consultation;
- 4.3.5 liaise with Healthwatch West Berkshire (or its contractors) in relation to the health care element of their work programme, and to consider and respond to referrals from Healthwatch West Berkshire in relation to the planning, provision and operation of health services in the area;
- 4.3.6 set up task and finish groups to undertake in-depth scrutiny reviews in relation to the above services on behalf of the Committee;
- 4.3.7 consider and approve reports, including recommendations, prepared following in-depth reviews undertaken by task and finish groups, for submission to the relevant NHS organisation or other decision maker. Such reports and recommendations to include:
- an explanation of the matter reviewed or scrutinised;
  - summary of the evidence considered;
  - a list of participants involved in the review or scrutiny; and
  - an explanation of any recommendations on the matter reviewed or scrutinised.
- 4.3.8 report on a quarterly basis to the Commission on progress against the work programme and any recommendations it makes.
- 4.4 Where there is a disagreement between the Committee and the relevant NHS body or health service provider, which cannot be resolved after reasonable practicable steps and the Committee believes that:
- the proposed substantial variation or development would not be in the interests of the citizens of West Berkshire; or
  - the arrangements put in place by the relevant NHS body or health service provider for consultation have not been adequate in relation to content or time allowed; or
  - the reasons given for not consulting by the relevant NHS body or health service provider are not adequate;
- the Committee may determine whether to refer the matter to the Secretary of State for Health, in accordance with the relevant legislation and any government guidance, and taking account of any protocol agreed between the Committee and the NHS body or health service provider.
- 4.5 In undertaking the above, the Committee should seek opportunities to engage with and represent local people, and engage them in the health scrutiny process.

## 5 Proceedings

- 5.1 The Committee is responsible for setting its own work programme.

- 5.2 The Committee is not obliged to pursue a matter referred by a Member, Committee or Task Group but it must give reasons for its decision.
- 5.3 If it decides to pursue the matter, the Committee shall:
- 5.3.1 consider representations from the Member who referred it; and
- 5.3.2 report its findings and any recommendations back to the relevant person.
- 5.4 Where a matter is referred to the Committee by local Healthwatch organisations or contractors the Committee must:
- 5.4.1 acknowledge receipt of referrals within 20 working days.
- 5.4.2 keep the local Healthwatch organisations (or contractors as the case may be) informed of any action it takes in relation to the matter referred.

## 6 Evidence - Documents

- 6.1 All relevant NHS bodies and health service providers (including GP practices and other primary care providers and any private, independent or third sector providers delivering services under arrangements made by Integrated Care Boards, NHS England or the Council) have a duty to provide such information about the planning, provision and operation of health services in the area of the authority as the Council may reasonably require to discharge its health scrutiny functions.
- 6.2 The type of information requested and provided will depend on the subject under scrutiny. It may include:
- financial information about the operation of an NHS trust, ICB or other body;
  - management information such as commissioning plans for a particular type of service;
  - operational information such as information about performance against targets or quality standards, waiting times;
  - patient information such as patient flows, patient satisfaction surveys, numbers and types of complaints and action taken to address them.
  - any other information relating to the topic of a health scrutiny review which can reasonably be requested.
- 6.3 As commissioners or providers of public health services and as providers of health services to the NHS, services commissioned or provided by local authorities are themselves within the scope of the health scrutiny legislation. To that end the Council may be a body that is scrutinised, as well as a body that carries out health scrutiny. The duties which apply to scrutinised bodies such as the duty to provide information, to attend before health scrutiny and to consult on substantial reconfiguration proposals will apply to the Council insofar as it may be a “relevant health service provider”.
- 6.4 In relation to services provided or commissioned by the Council, Committee and Task Group Members have the right to documents as set out in the Access to Information Rules in Part [ ].
- 6.5 To facilitate effective scrutiny, more detailed liaison between the Executive and the Committee or a Task Group may take place depending on the particular matter under consideration.
- 6.6 The Committee will be entitled to copies of any document which is in the possession or control of the Executive that relates to a matter under review and which contains material relating to:
- 6.6.1 any business transacted at a meeting of the Executive or its Committees; or
- 6.6.2 any decision taken by an individual Member of the Executive; or

- 6.6.3 any decision made by an Officer under the Executive arrangements
- 6.7 But the Committee will not be entitled to:
  - 6.7.1 any document that is in draft form;
  - 6.7.2 any part of a document that contains Exempt or Confidential Information, unless:
    - 6.7.2.1 that information is relevant to an action or decision they are reviewing or scrutinising or intend to scrutinise; and
    - 6.7.2.2 the Monitoring Officer decides that it is appropriate for such Exempt or Confidential Information to be provided (in which event Commission Members shall respect the confidentiality of the information); or
    - 6.7.2.3 the advice of a political adviser or Group Executive that would be exempt under a Freedom of Information Act request.

## 7 Evidence – Testimony

- 7.1 Members and employees of a relevant NHS body or relevant health service provider have a duty to attend before the Committee or a Task Group (provided reasonable notice has been given) to answer questions the Committee or a Task Group believes are necessary to carry out its health scrutiny functions.
- 7.2 In relation to services provided or commissioned by the Council, the Committee or a Task Group may require the attendance of the relevant Executive Member, or any Senior Officer, to attend a meeting in order to provide advice and evidence in pursuit of a review being undertaken.
- 7.3 The Committee or a Task Group may invite other persons relevant to an item of business or matter under review to address it and/or answer questions on a voluntary basis.
- 7.4 The Committee may consider evidence in open or confidential session as the Chairman thinks appropriate following advice from the Monitoring Officer.
- 7.5 Where the Committee or a Task Group conducts a scrutiny review, the Committee will ask people to attend to give evidence at meetings which will be conducted in accordance with the following principles:
  - 7.5.1 that the meeting is conducted fairly and all Members of the Committee are given an opportunity to ask questions of attendees and speak;
  - 7.5.2 that those assisting the Committee by giving evidence are treated with respect and courtesy; and
  - 7.5.3 that the meeting is conducted so as to maximise the efficiency of the review.
- 7.6 Where any Member or Officer is required to attend the Committee, or Task Groups under this provision, the Chairman of the Committee will inform the Monitoring Officer. Senior Officers can be asked to attend. Officers below second tier may attend but will usually be accompanied by a senior manager.
- 7.7 The Monitoring Officer shall inform the Member or Officer in writing giving at least five clear working days' notice of the meeting at which they are required to attend. The notice will state the nature of the item on which they are required to attend to give account and whether any papers are required to be produced for the Committee or Task Group. Where the account to be given to the Committee or Task Group will require the production of a report, then the Member or Officer concerned will be given sufficient notice to allow for the preparation of that documentation.



## 8 Reports

- 8.1 Following any review, the scrutinising body shall prepare a draft report, with recommendations as appropriate, for publication and submission to the Committee. The Committee will agree or amend the report and direct it to the Monitoring Officer. In cases where the Committee is the scrutinising body, the agreed report will be directed to the Monitoring Officer. The Monitoring Officer will then refer the report, via the Chief Executive and S151 Officer, to check for factual errors and consideration of any financial implications, to:
- 8.1.1 the Council (if the recommendations would require a departure from, or a change to, the agreed Budget or Policy Framework); or
  - 8.1.2 the Executive (if the proposals are consistent with the Budget and Policy Framework); or
  - 8.1.3 another Body as they deem appropriate for a formal response to the report's recommendations; or
  - 8.1.4 an outside body or bodies in respect of a report with implications for such.
- 8.2 Where the Committee or Task Group requests a response from the relevant NHS body or health service provider to which it has made a report or recommendation, there is a statutory requirement (Regulation 22) for the body or provider to provide a response in writing within 28 days of the request.
- 8.3 The response to a recommendation from a decision-maker should consist of:
- 8.3.1 a clear commitment to delivering the measure within the timescale set out
  - 8.3.2 a commitment to be held to account on that delivery in six months or a year's time
  - 8.3.3 where it is not proposed that a recommendation be accepted, the provision of detailed, substantive reasons why not.
- 8.4 It is the Committee's responsibility to monitor and evaluate recommendations once they are implemented.

## 9 Minority Report

- 9.1 If the Committee or a Task Group cannot agree on one single report to the Executive or to Council or to a named external organisation as appropriate, then up to one minority report may be prepared and submitted for consideration with the majority report.

## 10 Response to Consultation

- 10.1 Where the Committee has been consulted by a relevant NHS body or health service provider on substantial developments or variations, the Committee has the power to make comments on the proposals by the date notified by the body or provider undertaking the consultation. Having considered the proposals and local evidence, the Committee should normally respond in writing to the body undertaking the consultation.
- 10.2 Where the Committee's comments include a recommendation and the consulting organisation disagrees with that recommendation, that organisation must notify the Committee of the disagreement. Both the consulting organisation and the Committee must take such steps as are reasonably practicable to try to reach agreement. Where NHS England or a clinical commissioning group is acting on behalf of a provider, in accordance with the Regulations, the Committee and NHS England or the ICB (as the case may be) must involve the provider in the steps they are taking to try to reach agreement.

- 10.3 Where the Committee has not commented on the proposal or has commented but without making a recommendation, it must notify the consulting organisation as to its decision as to whether to refer the matter to the Secretary of State and if so, the date by which it proposes to make the referral or the date by which it will make a decision on whether to refer the matter to the Secretary of State.

## 11 Referral to Secretary of State

- 11.1 The Committee may refer proposals for substantial developments or variations to the Secretary of State in writing if:
- 11.1.1 it is not satisfied with the adequacy of content of the consultation;
  - 11.1.2 it is not satisfied that sufficient time has been allowed for consultation;
  - 11.1.3 it considers that the proposal would not be in the interests of the health service in its area;
  - 11.1.4 it has not been consulted, and it is not satisfied that the reasons given for not carrying out consultation are adequate.
- 11.2 Where the Committee has made a recommendation and the relevant NHS body or health service provider has disagreed with the recommendation, the health scrutiny body may not refer a proposal unless:
- 11.2.1 it is satisfied that reasonably practicable steps have been taken to try to reach agreement (with steps taken to involve the provider where NHS England or a CCG is acting on the provider's behalf) but agreement has not been reached within a reasonable time; or
  - 11.2.2 it is satisfied that the relevant NHS body or health service provider has failed to take reasonably practicable steps to try to reach agreement within a reasonable period.
- 11.3 In a case where the Committee has not commented on the proposal or has commented without making a recommendation, it may not refer a proposal unless:
- 11.3.1 it has informed the relevant NHS body or health service provider of:
    - 11.3.1.1 its decision as to whether to exercise its power of referral and, if applicable, the date by which it proposed to exercise that power, or
    - 11.3.1.2 the date by which it proposes to make a decision as to whether to exercise its power of referral; and
  - 11.3.2 in a situation where it informed the relevant NHS body or health service provider of the date by which it proposed to decide whether to exercise the power of referral, it has made that decision by that date and informed the body or provider of the decision.
- 11.4 Before making a referral to the Secretary of State, the referral shall be checked by the Monitoring Officer to ensure that it satisfies the requirements as set out in the Regulations and contains the necessary information and evidence.

## 12 Report to Council – Key Decision

- 12.1 The Committee can require a report if it thinks that a Key Decision that affects the health and wellbeing of the local population has been taken which was not:
- 12.1.1 treated as being a Key Decision; or
  - 12.1.2 included in the Forward Plan; or
  - 12.1.3 the subject of the general exception procedure; or
  - 12.1.4 the subject of an agreement with the Committee Chairman, or the Chairman/Vice-Chairman of the Council.

- 12.2 The Committee may then require the Executive to submit a report to the Council within such reasonable time as the Committee specifies. The power to require a report rests with the Committee, but is also delegated to the Monitoring Officer, who shall require such a report on behalf of the Committee when so requested by the Chairman or any five Members. Alternatively the requirement may be raised by resolution passed at a meeting of the Committee.

### 13 Decisions of the Executive

- 13.1 All decisions of the Executive are subject to rules regarding publicity as set out in Part [] (Executive Rules).
- 13.2 Any decision of the Executive which affects the health and wellbeing of the local population may be subject to the Call in Procedure that is fully set out in Part [] (the Scrutiny Commission Appendix). Rules 11 to 17 of the Scrutiny Commission Appendix will apply to the Health Scrutiny Committee, save that any reference to Commission shall be taken for these purposes to refer to the Health Scrutiny Committee.

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## Part []

### Council Bodies

#### Appendix: Joint Public Protection Committee

##### 1 Preamble

- 1.1 Part [] (Meeting Procedure Rules) sets out the rules and procedures that apply to all of the Council's Bodies and Sub-Bodies.
- 1.2 If there is any conflict between the wording of Part [] and this Appendix, this Appendix will prevail.

##### 2 Introduction

- 2.1 The Joint Public Protection Committee ("JPPC") has been established to oversee the strategic leadership of the Joint Public Protection Partnership ("PPP"), comprising Bracknell Forest Council ("BFC") and West Berkshire District Council ("WBC") (together, "the Councils").
- 2.2 WBC is the host authority for the PPP and, unless otherwise agreed in writing, the WBC Constitution will apply to all procedures and Meetings of the JPPC.

##### 3 Scope of Role

- 3.1 The purpose of the JPPC is to:
  - 3.1.1 set the strategic direction for the PPP; and
  - 3.1.2 review:
    - standards of service delivery and performance;
    - fee income and costs (on a cost recovery basis unless a statutory basis applies);
    - the treatment of trading surpluses or deficits;
    - an action plan for business growth and development.

##### 4 Membership

- 4.1 The JPPC shall comprise of four Members, two from each of BFC and WBC as follows:
  - 4.1.1 the Executive/Cabinet Member with responsibility for Public Protection Services (appointed by the Leader of the respective council);
  - 4.1.2 one additional Member (appointed by each Council at its respective Annual Meeting or in the event of a vacancy).
- 4.2 At least one officer representing each partner local authority will attend the JPPC to advise Members. Where possible, the Public Protection Manager for the Service will also attend.

##### 5 Chairman and Vice-Chairman

- 5.1 The JPPC shall appoint one of its Members to be Chairman of the JPPC on an annual basis (or in the event of a vacancy) who shall continue in office until their successor becomes entitled to act.
- 5.2 The Chairmanship and Vice-Chairmanship of the JPPC shall rotate between the Councils on an annual basis, with each post being held by a different Council.

## 6 Quorum

- 6.1 The quorum of a Meeting shall be two.
- 6.2 At least one Member from each Council must be present for the meeting to be quorate.

## 7 Frequency of Meetings

- 7.1 The JPPC will meet a minimum of twice per year (on a six monthly basis). Additional meetings may take place with the agreement of the Chairman. Meetings will be held at a venue to be agreed with the Chairman.

## 8 Significant Decisions

- 8.1 The JPPC shall refer back to the Councils for decision any proposal that it has agreed in principle seeking to:
  - 8.1.1 admit an additional party or parties to the PPP;
  - 8.1.2 incur expenditure which requires increased contributions by the Councils; or
  - 8.1.3 make significant changes to the fundamental principles or operation of the PPP.

## 9 Forward Plan

- 9.1 The JPPC will take Key Decisions on behalf of the two Councils in accordance with Part [] (Executive).

## 10 Administration

- 10.1 WBC will provide administration for the JPPC.

## Part []

### Council Bodies

#### Appendix: Licensing Committee

##### 1 Preamble

- 1.1 Part [] (Meeting Procedure Rules) sets out the rules and procedures that apply to all of the Council's Bodies and Sub-Bodies.
- 1.2 If there is any conflict between the wording of Part [] and this Appendix, this Appendix will prevail.

##### 2 Establishment

- 2.1 The Licensing Act 2003 requires each licensing authority to establish a licensing committee.
- 2.2 The Licensing Committee shall consist of 12 Members reflecting the political balance of the Council. The membership is set out in the Committees List and Meeting Rules Table. There shall be no Substitute Members on the Licensing Committee.

##### 3 Scope of Role

- 3.1 The Licensing Committee is responsible for exercising (or delegating), where legislation permits;
  - 3.1.1 any of the Council's licensing functions under or related to:
    - 3.1.1.1 the Licensing Act 2003;
    - 3.1.1.2 the Gambling Act 2005; or
  - 3.1.2 any other:
    - 3.1.2.1 functions which legislation confers on a Licensing Authority or Licensing Committee;
    - 3.1.2.2 matters associated with or related to Licensing Committee functions or delegated to it by the Council.
- 3.2 Where a duty arises to hold a hearing to determine a matter pursuant to the Licensing Committee's functions:
  - 3.2.1 a Sub-Committee of the Licensing Committee will generally be formed to determine such matters; but
  - 3.2.2 where the Licensing Committee Chairman so decides, the Licensing Committee may determine the matter rather than a Sub-Committee being formed to do so, in which case it will adopt the same process as outlined in the Licensing Sub-Committee Appendix.
- 3.3 The Licensing Committee also makes determinations in respect of the Council's other regulatory licensing functions including taxi licensing and street trading.
- 3.4 The Licensing Committee will also consider licensing matters generally.

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## Part []

### Council Bodies

#### Appendix: Licensing Sub-Committee

##### 1 Preamble

- 1.1 Part [] (Meeting Procedure Rules) sets out the rules and procedures that apply to all of the Council's Bodies and Sub-Bodies.
- 1.2 If there is any conflict between the wording of Part [] and this Appendix, this Appendix will prevail.
- 1.3 Any reference to a 'hearing' in this Appendix shall also be taken to mean Meeting.

##### 2 Establishment

- 2.1 Licensing Sub-Committees consist of three Members of the Licensing Committee. They need not be politically balanced and Members of the Sub-Committee are chosen on the basis of availability.
- 2.2 Sub-Committees may have one Substitute Member, but a Substitute Member must be drawn from the Licensing Committee and is chosen on the basis of availability.
- 2.3 Before serving on any Sub-Committee, each Licensing Committee Member must receive such formal training and subsequently refresher training in the licensing system as determined by the Council.
- 2.4 Members of the Licensing Committee may not sit on a Sub-Committee in relation to a matter concerning a premises, activity or event which is within their Ward.
- 2.5 If the Chairman or Vice-Chairman of the Licensing Committee is sitting on the Sub-Committee they will be Meeting Chairman unless they decline. If neither are present or they decline, the first item of business of the Sub-Committee will be to elect a Chairman.

##### 3 Scope of Role

- 3.1 Generally Sub-Committees will be established where a duty arises for a hearing to be held to make determinations pursuant to Licensing Committee functions. This Appendix sets out the procedure to be followed for Licensing Sub-Committee hearings. If a Sub-Committee or other Sub-Body is established to exercise another function, the Licensing Committee may specify the procedure or terms of reference of that Sub-Committee or Sub-Body is to follow upon delegating that function to it.
- 3.2 The procedure in this Appendix is subject to legislative requirements. The hearing procedures that may be prescribed by legislation will depend on the matter to be determined. For example, certain procedures are set out in:
  - 3.2.1 the Licensing Act 2003 (Hearings) Regulations 2005; and,
  - 3.2.2 the Gambling Act 2005 (Proceedings of Licensing Committees and Sub-committees) (Premises Licences and Provisional Statements) (England and Wales) Regulations 2007.
- 3.3 The relevant procedural information will be provided to those entitled to speak at a hearing when notice of the hearing is given. The Sub-Committee will be assisted by a Legal Advisor.

##### 4 Hearing Procedure – Speakers

- 4.1 The parties entitled to speak at a hearing will generally include:

- 4.1.1 the Applicant;
- 4.1.2 persons who have made relevant representations, as defined by the relevant legislation;
- 4.1.3 Responsible Authorities, as defined by the relevant legislation, who have made relevant representations;
- 4.1.4 the Chief of Police, where a statutory notice has been given under the relevant legislation; and
- 4.1.5 the (proposed or actual) holder of the licence, certificate or permit affected, where they are not the Applicant.
- 4.2 The Sub-Committee shall also ask and permit to speak, where appropriate and where they attend:
  - 4.2.1 Responsible Authorities who have not made relevant representations; and
  - 4.2.2 the relevant Ward Councillor(s).
- 4.3 Any reference to a party/parties in this Appendix shall also include that party's/parties' representative or agent.
- 4.4 Parties, excluding Responsible Authorities and Ward Councillors, who have made relevant representations will be grouped together as 'Supporters' or 'Objectors' as appropriate.
- 4.5 Prior to a hearing, the parties will be notified of the hearing and will be asked to confirm whether they intend to attend and to register to speak. Any failure to confirm attendance or register to speak may affect speaking rights at the hearing.
- 4.6 Any person or body not referred to above, who attends the hearing, shall only be permitted to speak with the agreement of the Sub-Committee, or as otherwise permitted in legislation.

## 5 Meeting Procedure – Order of Representations etc

- 5.1 The Meeting Chairman, on behalf of the Sub-Committee, shall explain the procedure being followed at the beginning of a hearing.
- 5.2 The following procedure shall apply in respect of each item as relevant in the circumstances (but the Meeting Chairman may change the order at their discretion, or invite any speaker or other person appearing at the hearing to clarify a factual issue at any time):
  - 5.2.1 introduction of item by Officer(s);
  - 5.2.2 questions to Officer(s);
  - 5.2.3 representations by Applicant;
  - 5.2.4 questions to Applicant;
  - 5.2.5 representations by party responding to the application, where applicable (ie (proposed or actual) holder of the licence, certificate or permit affected);
  - 5.2.6 questions to Respondent, where applicable;
  - 5.2.7 representations by Objector(s);
  - 5.2.8 questions to Objector(s);
  - 5.2.9 representations by Supporter(s);
  - 5.2.10 questions to Supporter(s);
  - 5.2.11 representations by Responsible Authorities;
  - 5.2.12 questions to Responsible Authorities;
  - 5.2.13 representations by Ward Councillor(s);

- 5.2.14 questions to Ward Councillor(s);
- 5.2.15 summing up by the Applicant;
- 5.2.16 summing up by the party responding to the application, where applicable;
- 5.2.17 closing of the hearing by the Chairman.
- 5.3 The total time allowed for representations in respect of each of the groups of speakers shall not exceed ten minutes or such longer period as the Chairman may allow with the consent of the Sub-Committee.
- 5.4 Each individual Responsible Authority shall be treated as an individual group for the purposes of speaking rights.
- 5.5 Where more than one person is entitled or has registered to speak in any of the groups of speakers, the ten minute period shall be shared between them. In such circumstances, speakers are encouraged to appoint a spokesperson, but if no spokesperson is nominated, the speaker will be heard in the order in which they have registered until the ten minute period has elapsed.
- 5.6 Where there is more than one Ward Councillor speaking, but requiring a fundamentally different outcome, the speakers will be allowed ten minutes each; where the outcome required is fundamentally the same, the ten minutes will be shared by the speakers.
- 5.7 Any questions to each group shall be from the Sub-Committee first, followed in turn by each group listed in the order of speakers above unless otherwise directed by the Chairman and shall be through the Chairman.
- 5.8 Questions raised as part of the above process may only seek to clarify a statement made and not to introduce new business.
- 5.9 The total time allowed for summing up (to respond to any of the representations made), in respect of each of the groups of speakers identified above shall not exceed ten minutes, and shall only take place after all representations and questions are dealt with.

## 6 Determination following hearing

- 6.1 Once the hearing is closed the Members of the Sub-Committee will retire to deliberate in private.
- 6.2 Determinations will be made within the timescales set out in legislation, which depends on the type of hearing. For most hearings the Sub-Committee must make its determination within the period of five working days beginning with the day or the last day on which the hearing was held.

## 7 Signing Minutes

- 7.1 Due to the nature of Meetings, the Sub-Committee Minutes (Record of Proceedings) will be circulated after the meeting to the three Members of the Sub-Committee for them to approve as a true and correct record. Once approved, the Chairman's signature will be applied to the minutes.

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## Part []

### Council Bodies

#### Appendix: Personnel Committee

##### 1 Preamble

- 1.1 Part [] (Meeting Procedure Rules) sets out the rules and procedures that apply to all of the Council's Bodies and Sub-Bodies.
- 1.2 If there is any conflict between the wording of Part [] and this Appendix, this Appendix will prevail.

##### 2 Scope of Role

- 2.1 The Local Authorities (Standing Orders) (England) Regulations 2001, set out specific requirements in relation to the recruitment and appointment of the Head of Paid Service, Chief Officers and Deputy Chief Officers. These include a requirement to draw up job descriptions and person specifications.
- 2.2 The Council's recruitment and selection policy is set out in the Recruitment and Selection Policy, Procedure and Guidance document on the Council's intranet.

##### 3 Membership

- 3.1 The Committee shall consist of five Members reflecting the political balance of the Council.
- 3.2 The membership is set out in the Committees List and Meeting Rules Table.
- 3.3 The Committee shall also have Substitute Members, but to sit a Substitute Member must be a Member of the same political group as the Member they are substituting for.

##### 4 Terms of Reference

- 4.1 The principal functions of the Committee shall be to:
  - 4.1.1 appoint staff at Head of Service level or above by means of an Appointments Panel and to agree terms of reference for that Appointments Panel;
  - 4.1.2 agree and make necessary changes to the Council's Human Resources policies and procedures;
  - 4.1.3 designate an Officer as the Director of Adult Social Care and to designate an Officer as the Director of Children's Services;
  - 4.1.4 recommend Officers as Monitoring Officer and S151 Officer; and
  - 4.1.5 consider requests for the early release of pensions (the financial implications of which will need to be considered and approved by the Executive).

##### 5 Recruitment of Chief Executive, Executive Directors, Service Directors and Heads of Service

- 5.1 Where the Council proposes to appoint a Chief Executive, Executive Director, Service Director or Head of Service it will convene an Appointments Panel, which shall:
  - 5.1.1 in the case of the recruitment of a Chief Executive, consist of five Councillors;
  - 5.1.2 In the case of Executive Directors, Service Directors, or Heads of Service, consist of three Councillors;

- 5.1.3 include at least one Executive Member;
- 5.1.4 have regard to the political balance of the Council;
- 5.1.5 draw up a statement specifying the duties of the Officer concerned and any qualifications or qualities to be sought in the person to be appointed;
- 5.1.6 make arrangements for the post to be suitably advertised.
- 5.2 The Council must approve the appointment of the Chief Executive having regard to the recommendations of the Appointments Panel before an offer of employment is made to that person.
- 5.3 The Council must approve the designation of an Officer as the S151 Officer or the Monitoring Officer, having regard to the recommendations of the Appointments Panel.
- 5.4 The Council may only make or approve the appointment of the Chief Executive where no well-founded objection has been made by any Member of the Executive.
- 5.5 Executive Directors, Service Directors, or Heads of Service will be appointed by the Appointments Panel.
- 5.6 An offer of employment as an Executive Director, Service Director, or Head of Service must not be made until:
  - 5.6.1 the Proper Officer has been advised of the name of the person to whom the offer is going to be made, and any other particulars relevant to the appointment;
  - 5.6.2 the Proper Officer has notified every Member of the Executive as to:
    - 5.6.2.1 the name of the person to whom the Appointments Panel wish to make the offer;
    - 5.6.2.2 any other particulars relevant to the appointment which the Appointments Panel has notified to the Proper Officer; and
    - 5.6.2.3 the period within which any objection to the making of the offer is to be made by the Executive Leader, on behalf of the Executive, to the Proper Officer; and either:
      - the Leader has, within the period specified in the Notice, notified the Appointments Panel that neither they nor any other Member of the Executive has any objection to the making of the offer; or
      - the Appointments Panel is satisfied that any objection received from the Leader within that period is not material or is not well-founded.

## 6 Dismissal of Chief Executive, S151 Officer, or Monitoring Officer

- 6.1 In this Part –
  - “Chief Finance Officer”, “Head of the Authority’s Paid Service” and “Monitoring Officer” (each a “Relevant Officer”), and “disciplinary action” have the same meaning as in Regulation 2 of the Local Authorities (Standing Orders) (England) Regulations 2001;
  - “Independent Person” means an Independent Person (Standards) appointed under s.28(7) of the Localism Act 2011;
  - “the Panel” means a Committee appointed by the Council under s.102(4) of LGA 1972 for the purposes of advising the Council on matters relating to the dismissal of relevant Officers of the authority; and
  - “Relevant Meeting” means a meeting of the Council to consider whether or not to approve a proposal to dismiss a relevant Officer.
- 6.2 The Council must approve that dismissal of a Relevant Officer before notice is given to that person.

- 6.3 In this paragraph, “Dismissor” means, in relation to the dismissal of a Relevant Officer, the Council or Body as the case may be.
- 6.4 Notice of the dismissal of an Officer referred to above, must not be given by the Dismissor until:
- 6.4.1 the Dismissor has notified the Proper Officer of the name of the person who the Dismissor wishes to dismiss, and any other particulars which the Dismissor considers are relevant to the dismissal;
- 6.4.2 the Proper Officer has notified every Member of the Executive of:
- 6.4.2.1 the name of the person to whom the Dismissor wishes to dismiss;
- 6.4.2.2 any other particulars relevant to the dismissal which the Dismissor has notified to the Proper Officer; and
- 6.4.2.3 the period within which any objection to the dismissal is to be made by the Leader, on behalf of the Executive, to the Proper Officer, and either:
- the Leader has, within the period specified in the Notice above, notified the Dismissor that neither they nor any other Member of the Executive has any objection to the dismissal;
  - the Dismissor is satisfied that any objection received from the Leader within that period is not material or is not well-founded.
- 6.5 A Relevant Officer may not be dismissed by the Council unless the procedure set out in the following paragraphs is complied with.
- 6.6 The Council must invite its Independent Persons (Standards) to be considered for appointment to the Panel, with a view to appointing at least two such Persons to the Panel.
- 6.7 Where there are fewer than two such Persons available, the Council shall seek to appoint one or more Independent Persons as have been appointed by another authority or authorities as the Council considers appropriate, so that there are at least two Independent Persons appointed to the Panel.
- 6.8 Subject to paragraph 6.9, the Council must appoint to the Panel such Independent Persons who have accepted an invitation issued in accordance with paragraph 6.6 in accordance with the following priority order:
- 6.8.1 an Independent Person (Standards) who has been appointed by the Council and who is a local government elector;
- 6.8.2 any other Independent Person (Standards) who has been appointed by the Council;
- 6.8.3 an Independent Person or Persons who have been appointed by another authority or authorities.
- 6.9 Not more than two Independent Persons shall be required to be in appointed to the Panel.
- 6.10 The Council must appoint the Panel at least 20 Working Days before the Relevant Meeting.
- 6.11 Before the taking of a vote at the Relevant Meeting on whether or not to approve such a dismissal, the Council must take into account, in particular:
- 6.11.1 any advice, views or recommendations of the Panel;
- 6.11.2 the conclusions of any investigation into the proposed dismissal; and
- 6.11.3 any representations from the relevant Officer.

- 6.12 Any remuneration, allowances or fees paid by the Council to an Independent Person appointed to the Panel must exceed the level of remuneration, allowances or fees payable to that Independent Person in respect of that person's role as Independent Person under the 2011 Act.



## Part []

### Council Bodies

#### Appendix: Planning Committees

##### 1 Preamble

- 1.1 Part [] (Meeting Procedure Rules) sets out the rules and procedures that apply to all of the Council's Bodies and Sub-Bodies.
- 1.2 If there is any conflict between the wording of Part [] and this Appendix, this Appendix will prevail.

##### 2 Establishment

- 2.1 The Council is a Local Planning Authority ("LPA") and has established a District Planning Committee and two Area Planning Committees (the Eastern Area Planning Committee and the Western Area Planning Committee).
- 2.2 The Eastern Area Committee covers the following Wards:
  - Aldermaston;
  - Basildon;
  - Bradfield;
  - Bucklebury;
  - Burghfield and Mortimer;
  - Pangbourne;
  - Thatcham Central;
  - Thatcham Colthrop and Crookham;
  - Thatcham North East;
  - Thatcham West;
  - Theale;
  - Tilehurst Birch Copse;
  - Tilehurst South and Holybrook;
  - Tilehurst and Purley.
- 2.3 The Western Area Committee covers the following Wards:
  - Chieveley and Cold Ash;
  - Downlands;
  - Hungerford and Kintbury;
  - Lambourn;
  - Newbury Central;
  - Newbury Clay Hill;
  - Newbury Greenham;
  - Newbury Speen;

- Newbury Wash Common;
- Ridgeway.

### 3 Membership

- 3.1 Each Area Planning Committee shall consist of nine Members drawn from the Wards covered by the committee and reflecting the political balance of the Council.
- 3.2 Each Area Planning Committee shall also have Substitute Members drawn from the Wards covered by the committee, but to sit a Substitute Member must be a Member of the same political group as the Member they are substituting for.
- 3.3 The District Planning Committee shall consist of 11 Members reflecting the political balance of the Council - the Portfolio Member responsible for Planning plus five Members from each of the Area Planning Committees.
- 3.4 The District Planning Committee shall also have Substitute Members, but to sit a Substitute Member must be a Member of the same political group and of the same Area Planning Committee as the Member they are substituting for.
- 3.5 Before serving on any Planning Committee, each Committee Member or Substitute Member must receive such formal training (and refresher training) in the planning system as the Service Director with responsibility for Planning shall determine.

### 4 Scope of Role - Statutory

- 4.1 Section 101 of the Local Government Act 1972 allows an LPA to arrange for the discharge any of its functions by a committee, sub-committee, or an officer or by any other local authority.
- 4.2 All applications for planning permission and other Development Control issues (jointly “applications”) must be assessed in accordance with Section 38(6) of the Planning and Compensation Act 2004 and Section 70 of the Town and Country Planning Act 1990 as amended by Section 143 of the Localism Act 2011.

### 5 Scope of Role - Planning Principles

- 5.1 The general principle in planning is that where the Development Plan is up to date and relevant, planning applications should be determined in accordance with it unless material considerations indicate otherwise.
- 5.2 Any application contrary to the Development Plan must be advertised as such. If such an application is to be approved the material considerations leading to this conclusion must be clearly identified.

### 6 Scope of Role – Area Planning Committee

- 6.1 Each Area Planning Committee will consider applications where:
- 6.1.1 the application is referred to the committee for decision by:
- 6.1.1.1 the Service Director with responsibility for Planning or the Development Control Manager; or
- 6.1.1.2 the relevant Area Planning Committee Chairman;
- 6.1.2 the application is Called-In to the committee by a Member for the Ward to which the application relates, or a Member for a Ward adjoining the Ward to which the application relates, and that Member:
- 6.1.2.1 has first obtained the consent of the relevant Planning Committee Chairman (or Vice-Chairman in their absence) to the Call-In; and

- 6.1.2.2 has completed the required Call-In form and submitted it within any deadline set out in the form;
- 6.1.3 the application is recommended for approval and is by or on behalf of:
  - 6.1.3.1 the Council; or
  - 6.1.3.2 any applicant where the Council owns the land in question (or part of it);
- 6.1.4 the application is recommended for approval and is by or on behalf of:
  - 6.1.4.1 a member of staff of Planning; or
  - 6.1.4.2 a Councillor;
- 6.1.5 the application is recommended for approval and:
  - 6.1.5.1 at least 10 letters of objection have been received; or
  - 6.1.5.2 a petition of objection has been received naming at least 20 signatories.

## 7 Scope of Role – District Planning Committee

- 7.1 The District Planning Committee will consider, on behalf of the Council, applications for planning permission and other Development Control issues where:
  - 7.1.1 an Area Planning Committee has referred the application to the District Planning Committee for determination following a majority vote;
  - 7.1.2 an Area Planning Committee has considered the application but the Service Director with responsibility for Planning or the Development Control Manager has determined that the decision:
    - 7.1.2.1 has a possible conflict with a policy that would undermine the Development Plan; or
    - 7.1.2.2 is of a district wide public interest; or
    - 7.1.2.3 there is a possibility for claims for significant costs against the Council.
- 7.2 Where a decision of an Area Planning Committee has been referred to the District Planning Committee as above, that decision shall not take effect until the District Planning Committee has considered it.

## 8 Site Visits

- 8.1 Site Visits are not to be used to debate the merits of the application, but rather to assess the impact of the proposed development on any locality.
- 8.2 A Site Visit is a formal meeting of the relevant Committee and the same rules apply to chairing it as apply to a Meeting.
- 8.3 Site Visits should be by those Planning Committee Members able to attend, with Officer assistance. Others attending (Town or Parish Council representatives, applicant, supporters, objectors, etc) do so at the discretion of the Meeting Chairman and may express statements (factual and not of opinion) and ask questions but only at the direction of the Meeting Chairman.

## 9 Meeting Procedure – Registering to Speak

- 9.1 Members of the groups below may address the Committee during consideration of any application (but only provided that they have first registered to speak as set out below):
  - 9.1.1 Parish/Town Council representative(s);
  - 9.1.2 Adjoining Parish/Town Council representative(s);

- 9.1.3 Objectors;
- 9.1.4 Supporters;
- 9.1.5 Applicant or their agent.
- 9.2 Apart from the applicant or their agent, applications to speak must be by persons or on behalf of bodies that have made written representations on an application as part of the consultation process.
- 9.3 The deadline to register to speak at a Meeting is 16:00 on the last working day before the Meeting. Requests must be made to the Planning Service in writing (preferably by email).
- 9.4 Those registering to speak must provide:
  - the name of the person wishing to speak;
  - a contact telephone number;
  - the application they wish to speak on;
  - the capacity in which they are registering.
- 9.5 Persons registering to speak should also confirm if they are willing for the Council to share their contact details with other speakers so that arrangements can be made to nominate a spokesperson if necessary.

## 10 Meeting Procedure – Representations and Time Limits

- 10.1 In addition to those listed above, and further to the Meeting Rules of Procedure, the Ward Councillor(s) shall be entitled to speak on any application affecting their Ward.
- 10.2 Further, when the Committee considers an application affecting more than one Ward, the Chairman, with the agreement of the Committee, may allow additional speakers from the relevant Ward(s).
- 10.3 The total time allowed for speeches in respect of each of the groups of speakers shall not exceed five minutes or such longer period as the Meeting Chairman may allow with the consent of the Committee.
- 10.4 Where more than one person is entitled or has registered to speak in any of the groups of speakers, the five minute period shall be shared between them. In such circumstances, speakers are encouraged to appoint a spokesperson, but if no spokesperson is nominated, the speakers will be heard in the order in which they have registered until the five minute period has elapsed.
- 10.5 Where there is more than one Ward Councillor speaking:
  - 10.5.1 where they each seek the same outcome, they will share a speaking time of five minutes;
  - 10.5.2 where they seek a fundamentally different outcome, each speaker or group will be allowed five minutes.
- 10.6 When there is a linked application (for example, in the case of linked applications for planning permission and listed building consent on the same property), they will generally be treated as one agenda item such that speakers may only speak once.
- 10.7 Any material (plans, photographs, documents, etc) that a speaker wishes to refer to must have been provided to Planning Officers at least five Clear Working Days before the Meeting (Local Authorities (Access to Meetings and Documents) (Period of Notice) (England) Order 2002) and otherwise no such material may be produced or referred to at the Meeting.

## 11 Meeting Procedure – Order of Representations etc

- 11.1 The following procedure shall apply in respect of each item as relevant in the circumstances (but the Meeting Chairman may change the order at their discretion, or invite any representative to clarify a factual issue at any time):
- 11.1.1 introduction of item by Officers;
  - 11.1.2 representations by Parish/Town Council representative(s);
  - 11.1.3 Members' questions to Parish/Town Council representative(s);
  - 11.1.4 representations by Adjoining Parish/Town Council representative(s) (where agreed by the Meeting Chairman);
  - 11.1.5 Members' questions to Adjoining Parish/Town Council representative(s);
  - 11.1.6 representations by objector(s);
  - 11.1.7 Members' questions to objector(s);
  - 11.1.8 representations by supporter(s);
  - 11.1.9 Members' questions to supporter(s);
  - 11.1.10 representations by applicant or agent;
  - 11.1.11 Members' questions to applicant or agent;
  - 11.1.12 representations by Adjoining Ward Councillor(s);
  - 11.1.13 Members' questions to Adjoining Ward Councillor(s);
  - 11.1.14 representations by Ward Councillor(s);
  - 11.1.15 Members' questions to Ward Councillor(s);
  - 11.1.16 Members' questions to Officers.
- 11.2 Questions raised as part of the above process may only seek to clarify a statement made and not to introduce new business.

## 12 Meeting Procedure – Debate and Decision

- 12.1 Once all submissions and questions have been dealt with, Committee Members shall then debate the application.
- 12.2 For the avoidance of doubt, subject to the Council's Code of Conduct, Ward Councillors on Planning Committees may take part in the debate and/or vote on an application affecting their Ward.
- 12.3 At any stage of the debate, a Member of the Committee may propose that the Committee approve or refuse an application before it (a "Proposal"), and:
- 12.4 where the Proposal is for refusal, must provide clear reasons for a decision to refuse planning permission, particularly when the recommendation is contrary to the advice of Officers;
  - 12.5 where the Proposal is for approval, either:
    - 12.5.1 adopt Officers' suggested planning conditions ("Conditions") (where Officers have recommended approval); or
    - 12.5.2 propose Conditions with reasons (where Officers have recommended refusal); or
    - 12.5.3 suggest amendments to, or additional, Conditions with reasons (including removing such).
- 12.6 Any Proposal must be formally seconded to proceed.

- 12.7 At any stage of the debate any Committee Member (including the Proposer and Secunder) may:
  - 12.7.1 seek Officers' guidance as to the wording of a Proposal or Condition or a reason for refusal (or any other issue affecting the matter being considered);
  - 12.7.2 propose an amendment to a Proposal (eg adding a fresh Condition or a fresh reason for refusal) and, if the Proposer and Secunder agree, the Proposal shall be amended accordingly.
- 12.8 The making of a Proposal shall not necessarily halt debate – the Meeting Chairman shall decide when the debate has concluded and when a vote is to be taken.
- 12.9 Once the Meeting Chairman decides that the debate has concluded they will:
  - 12.9.1 seek a Proposal if none has yet been put; and
  - 12.9.2 put the Proposal to the vote; and
  - 12.9.3 if the Proposal is not carried, seek (an) alternative Proposal(s), such that the application before the meeting is determined.

## Part []

### Council Bodies

#### Appendix: Scrutiny Commission

##### 1 Preamble

- 1.1 Part [] (Meeting Procedure Rules) sets out the rules and procedures that apply to all of the Council's Bodies and Sub-Bodies.
- 1.2 If there is any conflict between the wording of Part [] and this Appendix, this Appendix will prevail.

##### 2 Scope of Role

- 2.1 The requirement for local authorities in England to establish overview and scrutiny committees is set out in sections 9F to 9FI of the Local Government Act 2000 as amended by the Localism Act 2011.
- 2.2 The Council's Scrutiny Commission ("the Commission") will be, and will perform the functions of, its overview and scrutiny committee as required by that legislation.
- 2.3 The role of the Commission in relation to the development of the Council's Budget and Policy Framework is set out within Part [].
- 2.4 The role of the Commission in relation to matters outside the development of the Council's Budget and Policy Framework is set out within this Appendix.

##### 3 Membership

- 3.1 The Commission shall be politically balanced and its membership will be as set out in the Bodies List and Meetings Rules Table.
- 3.2 No Executive Member may be a Member or Substitute Member of the Commission or any of its Sub Bodies.
- 3.3 No Commission Member may be involved in scrutinising a decision in which they have been directly involved. Any query about the meaning of "directly involved" will be decided by the Monitoring Officer.

##### 4 Terms of Reference

- 4.1 The Commission has the power to review or scrutinise decisions taken by the Executive or any other part of the Council (excluding decisions made by Council). It can make reports or recommendations to the Executive or to the Council. It can also make reports or recommendations on any matters that affect the District and Residents. Its role includes both developing and reviewing policy and holding the Executive to account for their decisions and actions.
- 4.2 Although the Commission may make recommendations for changes or improvements in the way that the Council or other bodies enact their business, it does not have any direct decision-making powers, except in the way that it discharges its own responsibilities.
- 4.3 The Commission is responsible for setting its own work programme and in doing so shall take into account the wishes of Councillors.
- 4.4 The Commission has responsibility for progressing and monitoring the overall objectives of the scrutiny function and the power to:

- 4.4.1 co-ordinate and develop the scrutiny function through which the decisions taken by the Executive, Bodies or Officers are scrutinised, and their use of resources/the provision of services are reviewed;
- 4.4.2 undertake pre-decision scrutiny of items on the Executive Forward Plan;
- 4.4.3 discharge the overview function in terms of policy development activities;
- 4.4.4 monitor decisions taken by or on behalf of the Executive;
- 4.4.5 monitor the activities of Directorates;
- 4.4.6 manage the Call-In process and recommend for reconsideration any decisions made but not yet implemented by on or behalf of the Executive, Leader, Executive Members or Officers under delegated powers;
- 4.4.7 consider requests from Councillors, Officers, residents and organisations for particular topics to be scrutinised and determine the appropriate action;
- 4.4.8 take responsibility for the development and co-ordination of the overview and scrutiny of partnerships and external bodies (excluding partnerships and external bodies that fall within the remit of the Health Scrutiny Committee);
- 4.4.9 undertake scrutiny reviews, as deemed appropriate.
- 4.5 The Commission shall coordinate with (but not direct the work of) the Council's Health Scrutiny Committee, established in accordance with the Health and Social Care Act 2012 and responsible for the scrutiny of health bodies as detailed in its Appendix.
- 4.6 It will be normal practice for the Health Scrutiny Committee Chairman to be a member of the Commission.
- 4.7 The Commission shall be the Council's Crime and Disorder Committee established in accordance with s.19, Police and Justice Act 2006 (which requires the Council to have a crime and disorder committee with power (a) to review or scrutinise decisions made, or other action taken, in connection with the discharge by the responsible authorities of their crime and disorder functions; and (b) to make reports or recommendations to the local authority with respect to the discharge of those functions).

## 5 Proceedings

- 5.1 The Commission shall respond, as soon as its work programme permits, to requests from the Council and Executive to undertake a piece of work on their behalf. Where the Commission does so, it shall report its findings and any recommendations back to the Executive or Council, which shall consider the report of the Commission at its first available Meeting unless the Monitoring Officer determines that it should be considered at a later Meeting.
- 5.2 Any Councillor shall be entitled to give notice to the Monitoring Officer that they wish an item relevant to the functions of the Commission or a Commission Sub Body to be included on the agenda for the next meeting, or referred to the Commission for inclusion in the approved work programme, and:
  - 5.2.1 in deciding whether to pursue the matter, the Commission shall consider representations from the Councillor who referred it;
  - 5.2.2 the Commission is not obliged to pursue such a matter but it must let the Councillor in question know the reasons for its decision;
  - 5.2.3 if the Commission pursues the matter it shall report its findings and any recommendations back to the Councillor who referred it.



- 5.3 Members of the public are entitled to suggest topics for scrutiny review. Suggestions can be submitted online or in writing (either by post or electronic mail) to the Monitoring Officer and must specify the name, address and contact telephone number of the member of the public (or representative) making the suggestion.
- 5.4 In order to be considered for the Commission's work programme topics must:
  - 5.4.1 relate to the business of the Council; or
  - 5.4.2 be a matter for which the Council has responsibility; or
  - 5.4.3 be related to the wellbeing of West Berkshire.
- 5.5 Submissions that do not meet the above criteria will be rejected by the Monitoring Officer.
- 5.6 The Chairman may reject an item if, in his opinion, it is not considered conducive to the Commission's Work Programme.
- 5.7 The member of the public will be notified as to whether their suggestion has been added to the Commission's Work Programme or has been rejected. The reasons for the rejection will be communicated to the individual.

## 6 Evidence - Documents

- 6.1 Commission and Commission Sub-Body Members have the right to access relevant documents as set out in Part [] (Access to Information Rules).
- 6.2 To facilitate effective scrutiny, more detailed liaison between the Executive and the Commission or a Commission Sub-Body may take place depending on the particular matter under consideration.
- 6.3 The Commission will be entitled to copies of any document which is in the possession or control of the Executive that relates to a matter under review and which contains material relating to:
  - 6.3.1 any business transacted at a meeting of the Executive or its Bodies; or
  - 6.3.2 any decision taken by an individual Member of the Executive; or
  - 6.3.3 any decision made by an Officer under the Executive arrangements
- 6.4 But the Commission will not be entitled to:
  - 6.4.1 any document that is in draft form;
  - 6.4.2 any part of a document that contains Exempt or Confidential Information, unless:
    - 6.4.3 that information is relevant to an action or decision they are reviewing or scrutinising or intend to scrutinise; and
      - 6.4.3.1 the Monitoring Officer decides that it is appropriate for such Exempt or Confidential Information to be provided (in which event Commission Members shall respect the confidentiality of the information); or
      - 6.4.3.2 the advice of a political adviser or Group Executive that would be exempt under a Freedom of Information Act request.

## 7 Evidence – Testimony

- 7.1 The Commission or a Commission Sub-Body may require the attendance of the relevant Executive Member, or Officer at the level of Head of Service or above, to attend a meeting in order to provide advice and evidence in pursuit of a review being undertaken.
- 7.2 The Commission or a Commission Sub-Body may invite other persons relevant to an item of business or matter under review to address it and/or answer questions on a voluntary basis.

- 7.3 The Commission may consider evidence in open or confidential session as the Chairman thinks appropriate following advice from the Monitoring Officer.
- 7.4 Where the Commission or a Commission Sub-Body conducts a scrutiny review, the Commission will ask people to attend to give evidence at meetings which will be conducted in accordance with the following principles:
- 7.4.1 that the meeting is conducted fairly and all Members of the Commission or the Commission Sub-Body are given an opportunity to ask questions of attendees and speak;
- 7.4.2 that those assisting the Commission by giving evidence are treated with respect and courtesy; and
- 7.4.3 that the meeting is conducted so as to maximise the efficiency of the review.
- 7.5 Where a petition to Hold an Officer to Account is referred to the Commission under the Council's Meeting Rules:
- 7.5.1 it will be reported to the next convenient meeting of the Commission unless the matter is deemed urgent, in which case an extraordinary meeting may be convened;
- 7.5.2 in advance of the Commission meeting, the Petition Organiser will be invited to submit a list of questions they would like to put to the Officer at the meeting, and:
- 7.5.2.1 the questions will be provided to the Chairman and Vice Chairman of the Commission, who will decide whether they are appropriate, and
- 7.5.2.2 (if they are deemed appropriate) they will be provided to the Officer concerned in advance of the meeting.
- 7.5.3 the Officer named in the petition and any other relevant Officers will be required to attend the Commission;
- 7.5.4 the Officer will be provided with the petition and any questions submitted by the petition organiser;
- 7.6 Where any Member or Officer is required or requested to attend the Commission or a Commission Sub-Body under this provision:
- 7.6.1 the Chairman of the Commission will inform the Monitoring Officer;
- 7.6.2 the Monitoring Officer shall inform the Member or Officer in writing giving at least five Clear Working Days' notice of the meeting at which they are required to attend;
- 7.6.3 the notice will state the nature of the item on which they are required to attend to give account and whether any papers are required to be produced for the Commission or Commission Sub-Body; and
- 7.6.4 where the account to be given to the Commission or Commission Sub-Body will require the production of a report, then the Member or Officer concerned will be given sufficient notice to allow for the preparation of that documentation.
- 7.7 Where Officers below the level of Head of Service attend the Commission or a sub-Body, they will usually be accompanied by a senior manager.
- 7.8 At the meeting of the Commission, the Chairman will invite the Petition Organiser to address the Commission for a maximum of five minutes on the issue. The relevant Officer will then be asked to respond to the Commission on the subject matter of the petition. The Commission may question the Officer and the Chairman may invite questions from the Petition Organiser to be put to the Officer through the Chairman.

## 8 Reports

- 8.1 Following any review, the scrutinising body shall prepare a draft report, with recommendations as appropriate, for publication and submission to the Commission. The Commission will agree or amend the report and direct it to the Monitoring Officer. In cases where the Scrutiny Commission is the scrutinising body, the agreed report will be directed to the Monitoring Officer. The Monitoring Officer will then refer the report, via the Chief Executive and S151 Officer, to check for factual errors and consideration of any financial implications, to:
- 8.1.1 the Council (if the recommendations would require a departure from, or a change to, the agreed Budget or Policy Framework);
- 8.1.2 the Executive (if the proposals are consistent with the Budget and Policy Framework) or other Body as they deem appropriate for a formal response to the report's recommendations.
- 8.2 Reports with implications for outside bodies shall be passed to the appropriate person at those outside bodies.
- 8.3 The body receiving the report will be requested to consider and respond within eight weeks of it being submitted to the Monitoring Officer, or such longer timescale as the Chairman of the Body may agree.
- 8.4 The response to a recommendation from a decision-maker should consist of:
- a clear commitment to delivering the measure within a timescale set out;
  - a commitment to be held to account on that delivery;
  - where it is not proposed that a recommendation be accepted, the provision of detailed, substantive reasons why not.
- 8.5 It is the Commission's responsibility to monitor and evaluate recommendations once they are implemented.

## 9 Minority Report

- 9.1 If the Commission or a Commission Sub-Body cannot agree on one single report to the Executive or to Council or to a named external organisation as appropriate, then up to one minority report may be prepared and submitted for consideration with the majority report.

## 10 Report to Council – Key Decision

- 10.1 The Scrutiny Commission can require a report if it thinks that a Key Decision has been taken which was not:
- 10.1.1 treated as being a Key Decision; or
- 10.1.2 included in the Forward Plan; or
- 10.1.3 the subject of the general exception procedure; or
- 10.1.4 the subject of an agreement with the Scrutiny Commission Chairman, or the Chairman/Vice-Chairman of the Council.
- 10.2 The Scrutiny Commission may then require the Executive to submit a report to the Council within such reasonable time as the Scrutiny Commission specifies. The power to require a report rests with the Commission, but is also delegated to the Monitoring Officer, who shall require such a report on behalf of the Scrutiny Commission when so requested by the Chairman or any five Members. Alternatively the requirement may be raised by resolution passed at a meeting of the Scrutiny Commission.

## 11 Decisions of the Executive

- 11.1 The Monitoring Officer shall publish all decisions taken by the Executive, Individual Executive Members or Officers under delegated powers to all Members of Council normally within three Clear Working Days of the decision, but generally by 17:00 on the day after the meeting.
- 11.2 Where a decision taken is one to which the Call-In procedure does not apply (see below), the reasons shall be stated in the notice of decision.

## 12 Non-Implementation of Decisions pending possible Call-In

- 12.1 Except where the Call-In procedure does not apply (see above and below), Executive decisions shall not be capable of implementation until either:
- 12.1.1 the time for a Call-In request has expired without such a request being made; or
- 12.1.2 the Call-In procedure in the following rules has been followed.

## 13 Call-In – Application and Process

- 13.1 By 17:00 on the fifth Clear Working Day following the publication of the decision, any five Councillors (excluding any Councillor involved in making the original decision) may give notice in writing to the Monitoring Officer requesting that the decision be Called-In to be reviewed by the Commission.
- 13.2 The Call-In notice shall give reasons for the request together with a proposal for an alternative course of action and stating whether or not those Councillors believe that the decision is contrary to the Budget and Policy Framework or contrary to or not wholly in accordance with the budget.
- 13.3 The Call-In procedure shall not apply if any of the following applies:
- 13.3.1 the item is due to be referred to Council for final approval (eg the budget);
- 13.3.2 the S.151 Officer or Monitoring Officer has certified that if there were a delay in implementing the decision it could have serious financial implications for the Council or could compromise the Council's position;
- 13.3.3 the item has been considered by the Commission, or has been the subject of a review undertaken by another Body, within the preceding six months;
- 13.3.4 the item in question was a report that did not require a decision and was for information only;
- 13.3.5 the item is classed as an Urgent Key Decision.
- 13.4 In the event of a dispute over whether a decision is capable of Call-In or not, a decision of the Monitoring Officer or S.151 Officer (as the case may be) shall be final.

## 14 Call-In - Review

- 14.1 There are three options available to the Commission when considering a Call-In:
- 14.1.1 to let the decision stand;
- 14.1.2 to state its views on the matter and refer the decision back to the decision maker;
- 14.1.3 to refer the decision to Council if the Commission considers that the decision is contrary to the Budget and Policy Framework.

## 15 Call-In - Procedure

- 15.1 When a notice requesting that a decision be reviewed is made, the Monitoring Officer shall inform the Leader and the Commission Chairman and shall, in consultation with the Chairman, convene a special meeting of the Commission as soon as reasonably practicable for the purpose of reviewing the decision, unless the matter can conveniently be reviewed at the next scheduled meeting of the Commission.
- 15.2 If a notice requesting that a decision be reviewed states that the reason for it being called in is that the decision is outside the Budget or Policy Framework it will be referred to the Monitoring Officer and S.151 Officer who shall decide if this is the case.

## 16 Review of Decision

- 16.1 Any Councillor who has signed a notice requesting that a decision be reviewed may attend the meeting of the Commission when the decision is reviewed and may speak to that item of business.
- 16.2 The Commission may not overturn the decision which it is reviewing but may either concur with the decision (in which case it will take immediate effect) or refer it back to the next scheduled or an Extraordinary Meeting of the Executive for further consideration.
- 16.3 If the Commission is of the opinion, having taken advice from the Council's Monitoring Officer and S.151 Officer, that a decision is outside the Budget and Policy Framework approved by the Council, the Commission may refer the decision to the Council.
- 16.4 In the case of a Called-In decision being referred to Council:
- 16.4.1 if Council decides that the Called-In decision was contrary to the Budget and Policy Framework it shall decide on the issue in question;
- 16.4.2 if the Council decides that the Called-In decision was not contrary to the Budget and Policy Framework then no further action is necessary and the decision will take effect on the date of the Council meeting.

## 17 Referral Back to Executive

- 17.1 The Commission will produce a report with its findings to the next meeting of the Executive (ie the meeting following the Call-In request) unless there are exceptional circumstances why this cannot be achieved. In these circumstances the Chairman of the Commission and the Leader of the Council will agree a revised timetable.
- 17.2 The report will either confirm the original decision or propose amendments to it in any way it thinks fit and shall give reasons for its final decision.
- 17.3 If the Commission upholds the Executive decision, the original decision of the Executive shall take immediate effect.
- 17.4 If the Commission does not uphold the Executive decision, it is for the Executive to decide how it wishes to proceed (provided the decision is within the Budget and Policy Framework) having had regard to the recommendations of the Commission.
- 17.5 Any matter which has been the subject of a Call-In request may not be the subject of a further Call-In request.

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# Member Induction and Development Programme 2023/2024

<b>Committee considering report:</b>	Council
<b>Date of Committee:</b>	16 March 2023
<b>Portfolio Member:</b>	Councillor Tom Marino
<b>Report Author:</b>	Stephen Chard
<b>Forward Plan Ref:</b>	C4264

## 1 Purpose of the Report

To give consideration to, and agree, the proposed Member Induction and Development Programme for 2023/24 following the District Council Election in May 2023. The Programme was considered and endorsed by the Member Development Group on 27 February 2023.

## 2 Recommendations

Council is asked to:

- 2.1 Discuss and, if appropriate, agree the proposed Member Induction and Development Programme for 2023/24.
- 2.2 Authorise the Service Director – Strategy and Governance to regularly review and amend the Programme where necessary throughout the Municipal Year to ensure it remains relevant and fit for purpose.

## 3 Implications and Impact Assessment

Implication	Commentary
<b>Financial:</b>	The Member Induction and Development programme will be delivered within the existing budget of £4k.
<b>Human Resource:</b>	The Member Induction and Development programme is established, managed and monitored by officers within Democratic Services. The delivery of sessions is cross-service, usually at Service Director/Head of Service level.

<b>Legal:</b>	Not applicable.			
<b>Risk Management:</b>	Not applicable.			
<b>Property:</b>	Not applicable.			
<b>Policy:</b>	The Member Induction and Development Programme will be delivered as part of the Member Development Strategy.			
	<b>Positive</b>	<b>Neutral</b>	<b>Negative</b>	<b>Commentary</b>
<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?		✓		
<b>B</b> Will the proposed decision have an impact upon the lives of people with protected characteristics, including employees and service users?		✓		
<b>Environmental Impact:</b>		✓		
<b>Health Impact:</b>		✓		
<b>ICT Impact:</b>		✓		
<b>Digital Services Impact:</b>		✓		



<b>Council Strategy Priorities:</b>		✓		
<b>Core Business:</b>		✓		
<b>Data Impact:</b>		✓		
<b>Consultation and Engagement:</b>	The Member Development Group reviewed the draft Programme at its meetings on 19 October 2022 and 27 February 2023.			

## 4 Supporting Information

### Introduction

4.1 District Council Elections will take place in West Berkshire in May 2023. Traditionally, all Members, but particularly newly elected Members, are provided with an initial induction programme of training following the Election. A Programme of Member Development is also run in the remainder of the year to brief all Members on relevant current issues.

### Background

4.2 The Member Development Group met on 19 October 2022 and 27 February 2023, and gave consideration to the draft Member Induction and Development Programme for 2023/24. This is based on the induction provided following the election in 2019 and subsequent yearly training programmes.

### Proposals

- 4.3 The key induction sessions will be mandatory for newly elected Members, although they are open to all Members to attend. Equally, as always, some development sessions remain mandatory for some or all Members. Details are as set out in the proposed Programme attached at Appendix A.
- 4.4 The Programme must remain flexible, with additional development sessions being added as and when a need is identified. To facilitate this, it is requested that the Service Director – Strategy and Governance be authorised to regularly review and amend the Programme where necessary throughout the Municipal Year to ensure it remains relevant and fit for purpose.

## 5 Other options considered

Various sessions were put forward for inclusion in the Programme and were considered by the Member Development Group. The alternative option available to Council is to not adopt a Member Induction and Development Programme.

## 6 Conclusion

The proposed Member Induction and Development Programme be approved by Council in order to be in place for May 2023. Training dates will be added to the Programme and made available to Members as soon as possible.

## 7 Appendices

### 7.1 Appendix A – Proposed Member Induction and Development Programme 2023/24

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#### Background Papers:

None.

#### 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 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:** All Members will be invited to participate in the Programme.

#### Officer details:

Name: Stephen Chard  
Job Title: Democratic Services Manager  
Tel No: 01635 519462  
E-mail: stephen.chard@westberks.gov.uk

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## Proposed Member Induction and Development Programme 2023-24

Session and content	Date, venue and time	Delivered by
<b>Mandatory sessions for all Members</b>		
<b>IT Training sessions for all Members</b> Training to be provided to all Members before collecting their WBC IT equipment	4 or 5 sessions held at different times in Roger Croft Room	ICT
<b>Mandatory sessions for new Members (All Members welcome)</b>		
<b>Welcome to West Berkshire Council</b> Introduction to Local Government - Introduction to West Berkshire Council - Overview of departments and services - The bigger picture - partnerships - Your role as a Corporate Parent - The WBC workforce and the assistance you can expect.	Evening session at Shaw House	Chief Executive Executive Directors Service Directors/Heads of Service



Session and content	Date, venue and time	Delivered by
<p><b>Surviving the first three months – what Members really need to know</b></p> <ul style="list-style-type: none"> <li>- Your role including ward representation</li> <li>- The roles of back benchers and Executive Members</li> <li>- The democratic process in detail (Part I and Part II papers)</li> <li>- What each committee does and how it operates</li> <li>- What to expect at meetings.</li> <li>- How does the Council meeting function including rules of debate, dress code, how to address colleagues</li> <li>- Member/Officer relationships</li> <li>- Dealing with enquiries from the public</li> <li>- Outside Bodies</li> <li>- Housekeeping – car parking, allowances</li> </ul>	<p>2 sessions held at different times in the Roger Croft Room / hybrid</p>	<p>Monitoring Officer Democratic Services Manager</p>
<p><b>Introduction to Local Government Finance</b></p> <ul style="list-style-type: none"> <li>- How the Council is funded and how performance is reported</li> <li>- The Investment and Borrowing Strategy</li> <li>- The Medium term Financial Strategy</li> <li>- The Capital Strategy</li> <li>- The Revenue Budget</li> </ul>	<p>Council Chamber / hybrid 2 sessions</p>	<p>Section 151 Officer</p>



Session and content	Date, venue and time	Delivered by
<p><b>Introduction to the Council's Policy Framework</b></p> <ul style="list-style-type: none"> <li>- West Berkshire 2036</li> <li>- Council Strategy 2019/2023</li> <li>- West Berkshire Local Plan</li> <li>- Economic Strategy</li> <li>- Housing Strategy</li> <li>- Building Communities Together</li> <li>- Parish Planning and the Devolution agenda</li> <li>- Property Investment Strategy</li> <li>- The Corporate Programme</li> </ul>	<p>Council Chamber / hybrid 2 sessions</p>	<p>Performance Development and Planning Housing Building Communities Together Finance and Property Customer Engagement and Transformation</p>
<p><b>Risk Management and Civil Contingencies</b></p> <p>An introduction to Risk Management within the Council and to the Emergency Operations Centre</p>	<p>Council Chamber / hybrid 2 sessions</p>	<p>Civil Contingencies Manager Performance and Risk</p>
<p><b>Corporate Parenting</b></p> <p>An introduction to your role as a corporate parent.</p>	<p>Council Chamber / hybrid 1 session</p>	<p>Executive Director - People</p>
<p><b>Communications, Engagement and Customer First</b></p> <ul style="list-style-type: none"> <li>- Different ways to engage with our communities</li> <li>- Why do we need the media?</li> <li>- How do we engage with the media?</li> <li>- What to do when contacted by the media?</li> <li>- Newspaper versus Broadcast</li> <li>- Local media – The picture</li> </ul>	<p>Council Chamber / hybrid 1 session</p>	<p>The Communications Team</p>



Session and content	Date, venue and time	Delivered by
<b>Mandatory sessions for all Members</b>		
<p><b>Security and registration with the Information Commissioner</b></p> <ul style="list-style-type: none"> <li>- An explanation of Freedom of Information, Data Protection and Information Security issues</li> </ul>	<p>2 sessions held at different times in the Roger Croft Room / hybrid</p>	<p>Data Protection Officer</p>
<p><b>The Rules of Conduct and Standards</b></p> <ul style="list-style-type: none"> <li>- Decision making and the law</li> <li>- The Council's Constitution</li> <li>- The Code of Conduct including Social Media Protocol</li> <li>- Declaration of Interests, Gifts and Hospitality</li> <li>- The role of the Governance and Ethics Committee in dealing with complaints</li> </ul>	<p>Council Chamber / hybrid 1 session</p>	<p>Monitoring Officer</p>
<p><b>Safeguarding (annual update)</b></p> <ul style="list-style-type: none"> <li>- Everybody's business. Safeguarding for adults and children</li> </ul>	<p>Council Chamber / hybrid 2 sessions</p>	<p>Service Director - Adult Social Care Head of Children and Family Services</p>
<p><b>Equalities, Diversity and Inclusion</b></p>		<p>Legal Services Building Communities Together</p>



Session and content	Date, venue and time	Delivered by
<b>Mandatory sessions for all Members appointed to a Planning Committee (All Members welcome) (annual update)</b>		
<p><b>An introduction to the Planning Process</b></p> <ul style="list-style-type: none"> <li>- The planning process and legislation</li> <li>- Planning policy at the national level</li> <li>- The role of Members and Officers</li> <li>- The role of Ward Members and Executive Members</li> <li>- How planning applications are dealt with</li> <li>- Committee meetings, call ins, site visits</li> <li>- Planning Appeals</li> </ul>	<p>Council Chamber / hybrid 2 sessions</p>	<p>Development and Planning Legal Services</p>
<b>Mandatory sessions for all Members appointed to the Licensing Committee (All Members welcome) (annual update)</b>		
<p><b>An introduction to the Licensing Process</b></p> <ul style="list-style-type: none"> <li>- Overview of the Licensing Act 2003</li> <li>- Overview of the Gambling Act 2005</li> <li>- The Members role and how Sub-Committees run</li> </ul>	<p>Council Chamber / hybrid 2 sessions</p>	<p>Public Protection and Culture Legal Services</p>
<b>Mandatory sessions for all Members appointed to the Appeals Panel (All Members welcome) (annual update)</b>		
<p><b>Your role in Appeals</b></p> <p>A guide to:</p> <ul style="list-style-type: none"> <li>- HR disciplinary appeals (dismissal of employees)</li> <li>- Home to School Transport Appeals</li> <li>- Council Tax Appeals</li> </ul>	<p>Council Chamber / hybrid 2 sessions</p>	<p>School Transport Team Human Resources Legal and Democratic Revenues and Benefits</p>



Session and content	Date, venue and time	Delivered by
<b>Mandatory session for all Members appointed to Scrutiny Commission or Health Scrutiny Committee (All Members welcome)</b>		
<b>The role and functions of the Scrutiny Commission and Health Scrutiny Committee</b>		Legal and Democratic
<b>Effective Scrutiny and Challenge (Scrutiny Members only)</b>		External provider
<b>Mandatory session for all Members appointed to the Governance Committee (All Members welcome)</b>		
<b>Governance and Ethics – annual update</b>		Legal and Democratic
<b>Fraud, Corruption, Bribery and Whistleblowing</b>		Audit
<b>Non-Mandatory sessions (desirable for all Members)</b>		
<b>The People Directorate and what they do</b>		Executive Director (People) and relevant Services Directors/Heads of Service
<b>The Place Directorate and what they do</b>		Executive Director (Place) and relevant Services Directors/Heads of Service
<b>The Resources Directorate and what they do</b>		Executive Director (Resources) and relevant Services Directors/Heads of Service
<b>Climate Change/Zero Carbon</b>		Environment
<b>The Public Protection Partnership</b>		Public Protection





Session and content	Date, venue and time	Delivered by
<b>Digital training (making best use of ICT and accessing information)</b>		ICT Digital Services
<b>Community Infrastructure Levy</b>		Planning
<b>Highways and Transport – fault reporting system</b>		Highways
<b>The regulatory framework where the Council has direct provision (i.e. Ofsted or CQC)</b>		Executive Director (People)
<b>Chairing Skills</b>		External Provider
<b>LGA training</b>		
<b>Members to visit <a href="http://www.local.gov.uk/events">www.local.gov.uk/events</a> to access upcoming events</b>		



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# Creation of an Additional Executive Director (People), and a Transformation Service Director Role

<b>Committee considering report:</b>	Council
<b>Date of Committee:</b>	16 March 2023
<b>Portfolio Member:</b>	Councillor Lynne Doherty
<b>Date Portfolio Member agreed report:</b>	08 March 2023
<b>Report Author:</b>	Nigel Lynn (CEO)
<b>Forward Plan Ref:</b>	C4345

## 1 Purpose of the Report.

- 1.1 It is crucial that the Council has sufficient capacity at senior level to continue the operations of the organisation and is able to respond to challenges that face the Council. The changes to our services, expectations of our customers, and the workings of the Council have all changed significantly since the Covid-19 pandemic. The increasing pace of change to digital services, accessibility and availability of current and potential services place new demands from our customers on the Council that need to be responded to.
- 1.2 The senior management structure of the Council has been subject to a variety of reviews over recent years. This report’s purpose is to set out the proposed senior management structure, with greater resilience in the People Directorate to respond to the challenges facing that Directorate. Following the recent resignation of the Executive Director (People), a review has taken place and it is recommended to create two separate roles (currently one) for an Executive Director (People – Adult Social Care & Public Health) and Executive Director (People – Children’s Services).
- 1.3 Furthermore, to speed up the transformation process for Council services, improve efficiency for residents, and save expenditure, a temporary (two year) secondment role is proposed, entitled Service Director (Transformation), within the Resources Directorate.

## 2 Recommendation(s)

2.1 To:

- (a) create two Executive Director (ED) posts (currently one) in the People Directorate; an Executive Director (People - Adult Social Care & Public Health) [the (DASS)] and an Executive Director (Children’s Services) [the DCS] and delete the Executive Director – People post.
- (b) create a new fixed term (two year) Service Director (Transformation) post.
- (c) delegate to the Service Lead for HR, in consultation with the Head of Paid Service and the Portfolio Holder for Internal Governance and Strategic Partnerships, authority to update the Statutory Pay Policy to reflect these proposals if approved.

## 3 Implications and Impact Assessment

Implication	Commentary
<p><b>Financial:</b></p>	<p>Additional funding will be required for two ED (People) posts at P grade, rather than one ED at a higher Q grade (£154k per annum incl. on costs). Funding of £87k is available from the restructuring reserve. For 23/24 this is proposed to be used as follows:</p> <p>(1) Immediate recruitment to the additional Executive Director post at a full year cost of £154k, but due to expected timescales for recruitment there is a cost of £103k for 2023/24 assuming an appointment from August 2023.</p> <p>(2) Immediate recruitment of the SD (Transformation) post, funded by the transformation fund.</p> <p>The above could be partly funded by the use of the restructuring reserve of £78k and £25k from possible changes to the post of Service Director (Communities, &amp; Wellbeing) pending proposals further in this report.</p> <p>For 2024/25 an investment bid will need to be approved for the long term funding of the additional ED post with ongoing costs of £154k plus inflation. The annual cost of the Service Director (Transformation) post will be in the region of £126k - £135k. The post-holder (SD Transformation) will report to the Executive Director (Resources), The post holder will also work closely with the CEO to help speed up revenue savings through transformation of services.</p> <p>Whilst it is difficult to determine the savings the SD (Transformation) role will create, it is essential that savings are made through this role. A cautious minimum of £100k ongoing revenue pa is anticipated, but once the programme is established, the opportunity to save a much greater amount is feasible. The expectation is that the post will enable savings</p>

**Creation of an Additional Executive Director (People), and a Transformation Service Director Role**

	that at least cover the cost of the post and provide the feasibility of business cases to deliver more.			
<b>Human Resource:</b>	Effective and clear communication will be required prior to any recruitment processes being commenced. UNISON have been informed of the proposal. Consultation has been held with senior managers to seek any alternative views in November 2022 and February 2023.			
<b>Legal:</b>	The Head of Paid Service (the CEO) is required under the Constitution to determine and publicise a description of the overall structure of the Council, showing the management structure and deployment of Officers (Rule 2.10.1). This report ensures effective compliance with that duty.			
<b>Risk Management:</b>	There is limited risk, but may create challenge from current post-holders based on their own expectations.			
<b>Property:</b>	None.			
<b>Policy:</b>	This proposal is impacted by HR policies and procedures in relation to Job Evaluation, Pay and Grading, Organisational Change and Redundancy and Recruitment. The proposals already take account of these policies			
	<b>Positive</b>	<b>Neutral</b>	<b>Negative</b>	<b>Commentary</b>
<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			Once posts are created they would be advertised internally for all staff to be able to apply for as in all other posts. Once any new posts are created they will be re-evaluated based on up to date information.

**Creation of an Additional Executive Director (People), and a Transformation Service Director Role**

<b>B</b> Will the proposed decision have an impact upon the lives of people with protected characteristics, including employees and service users?	X			As above.
<b>Environmental Impact:</b>		X		None.
<b>Health Impact:</b>		X		None.
<b>ICT Impact:</b>	X			The creation of the SD (Transformation) provides more stability & direction for ICT.
<b>Digital Services Impact:</b>		X		The creation of the temporary SD (Transformation) will help to improve the digital efficiency of the Council and, therefore, will not only improve services to the customer, but save money for the Council as well.
<b>Council Strategy Priorities:</b>	X			A more efficient Council will enable the new Council Strategy to be delivered in a more cost effective way.
<b>Core Business:</b>	X			The transformation change programme that will be created by the temporary SD (Transformation) role will improve the Council's overall efficiency and core business for the customer, whether internal, or external.
<b>Data Impact:</b>		X		None.

<b>Consultation and Engagement:</b>	Internal consultation has taken place and UNISON have been informed of this report and the consultation.
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## 4 Executive Summary

- 4.1 The proposal is to create two Executive Director (ED) posts (currently one) in the People Directorate; an Executive Director (People - Adult Social Care & Public Health [the DASS]) and an Executive Director (Children’s Services) [the DCS], and to create a temporary (two year) Service Director (Transformation) post.
- 4.2 The Corporate Leadership Team are keen to transform a number of Council services to improve efficiency, customer interactions, organisational capacity and save money. IESE have been working with the Council over the last 18 months to establish the Council’s transformational opportunities. IESE is a public organisation created by Local Authorities to help Councils deliver transformation and service improvement programmes. They are a Not-For-Profit social enterprise organisation with a successful track record of improvements over 16 years. The creation of an internal resource (at Service Director level) would greatly assist the need to overcome resistance to transformational change, maintain pace and create financial savings.

## 5 Supporting Information

### Proposal

- 5.1 To create two Executive Director (ED) posts (currently one) in the People Directorate; an Executive Director (ASC & Public Health) [the DASS] and an Executive Director (Children’s Services) [the DCS]. Following the resignation of the Executive Director (People) the opportunity has been taken to review the ‘double-hatted’ joint approach of covering both adult services (as the DASS) and children’s services (as the DCS). A consultant’s review (January 2023) has concluded that more improvements could be made to the focus on both adult and children’s services if the role was split into two separate roles (see Appendix A). In the meantime, an interim internal appointment for the current Executive Director (People) role has been made, with effect from February 2023. With the large scale of the People Directorate, the high level of risk involved in its services and the growth in acute cases, and further external advice from the Local Government Association and South East Employers, the CEO strongly supports separating the ED (People) post into two roles and establishing appropriate senior management support. There are currently only 22 shared DASS/DCS posts in the country out of 155 posts and the number of ‘double-hatted’ joint DASS/DCS posts are continuing to reduce.

When the two ED roles have been filled, the CEO will request the post-holders to review the interim positions beneath them and bring recommendations forward for consideration for permanent appointments.

- 5.2 **To create a temporary (two year) Service Director (Transformation) post.** A new transformation programme for all Council services, through a prioritised business re-engineering approach, will drive improvements to our customers, provide good value

for money, improve our financial position and increase organisational capacity. Following on from our work with IESE, the Council's digital strategy will be re-visited to enhance this programme. To correlate with the Council's ambition for a transformation process, an internal resource will enable progress more quickly by creating officer capacity. The transformation of services is a "spend to save" approach, and will speed up the Council's revenue savings. The current economic climate does not encourage considering increasing staffing levels; however, the need for reform and savings is essential and, therefore, cannot wait.

- 5.3 The Service Director (Transformation) role will need its grade evaluated. This new "transformational" role will work across all levels of the Council. Their focus will be on co-ordinating and leading the transformation programme across the whole Council. The post-holder will work directly to the Executive Director (Resources), but will also work with the CEO, all other Executive Directors, Service Directors, Head of Service, Service Leads and the Council's Executive Members (particularly the Portfolio Holder for Transformation), to deliver a programme of work that will result in revenue savings through efficiencies. As such, the SD (Transformation) will attend relevant internal senior management meetings in the Council's internal governance structure.
- 5.4 It is anticipated that the SD (Transformation) post will be filled internally, assuming good candidates step forward. Funding for this post internally will be available from the use of transformation funding.
- 5.5 Within the next 12 months the structure of the Resources Directorate will be reviewed in relation to opportunities within the current structure and the possible future role of the Council's transformation agenda.
- 5.6 Appendices B and C show the current and proposed structures accordingly.
- 5.7 As South East Employers undertook the initial management review in 2019, the Chief executive engaged them to review the proposals contained in this report. They have confirmed their opinion that the proposals in this report are appropriate having regard to the current circumstances. The two relevant statements from the report are:

*2.10 ICT and Transformation are high profile areas within all local authorities. These areas are critical to drive forward innovation and underpin new ways of working, communications with communities. Innovation here offers more efficient interactions with the Council and greater resilience going forward in service delivery, particularly since the Covid pandemic.*

*2.12 Of particular note is the proposed creation of an additional Executive Director post to separate Adult Services from Children's Services, together with their statutory roles. It was recognised in the 2019 SMR that a single ED covering both areas could be too wide-ranging and complex, although it suited the circumstances in 2019. However, significant risks were identified by Chris Baird [See Appendix A] in not creating this separation, and an opportunity has been identified to achieve this through further natural wastage.*



## HR Process

5.8 Appointments to the role of the temporary (two year) Service Director (Transformation) will be based on current recruitment and redundancy policies and will be advertised internally only, initially, as with all previous posts through a member appointment panel. Job descriptions will be provided and the grades evaluated. Consultation responses have been considered. Expressions of interest from internal candidates, short-listing and interviews will follow, in keeping with the current recruitment process for this grade.

### Financial Implications.

5.9 The costs of the new posts versus, where applicable, relevant established posts has been summarised below.

	Existing funding	Future additional funding requirement 2023-24	Future additional Funding requirement 2024-25
Service Director (Transformation)		Transformation funding £126k	Transformation funding £130k
x 2 Executive Directors*	x 1 ED (Q grade)	x 2 EDs (P grade) £154k full year cost – assumed to be £103k with new post holders in place by 1.8.23  £103k	£154k plus inflation new funding  £154k
<b>Total</b>		<b>£229k</b>	<b>£284k</b>

\*Full year cost of £154k plus inflation for new ED post by 2024-25. 2023-24 costs will be lower due to recruitment timescales.

## 6 Conclusion

6.1 These proposals bolster the resilience and management capacity for the People Directorate, as well as realign services into the Place directorate to integrate 'place' based services together. The SD (Transformation) role will speed up the pace of change across the Council, and ensure we are as efficient as possible.

## 7 Appendices

7.1 Appendix A – Executive Director Proposal

Appendix B – Current Management Structure

Appendix C – Proposed Management Structure

**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
-

## Appendix A

### Review West Berkshire Council – Executive Directors Proposal Report January 2023

Chris Baird  
CJB Leadership and Consultancy Ltd

#### A Introduction

1. This review was commissioned by the Chief Executive of West Berkshire Council to provide an independent assessment of the risks and benefits of moving from the current model of a single Executive Director, People operating as Director of Children's Services (DCS) and Director of Adult Social Services (DASS) (twin hatter) to separated Executive Director roles covering the statutory roles of DCS and DASS, alongside the continued oversight of additional services in the form of Education and Communities & Wellbeing (Leisure, Libraries, Public Health and Building Communities Together).
2. This assessment is compiled as a follow on from the work undertaken through the Education Review Oct 2022 to consider the senior leadership roles required to take forward the Education and Children & Family Services Departments within the Council. A short report has been requested to be appended to papers that will be considered by Full Council as part of the decision making process.

#### B Summary

1. There are significant challenges facing local authorities regarding Adult Social Care and Children's Services including Education. There are important inter-relationships to develop lead, influence and deliver community, preventative, early intervention and well-being, and public health support and services. West Berkshire would benefit from two distinct Executive Director roles, covering DASS and DCS responsibilities. The proposed existing pay rate would be competitive in the current market and would provide expertise and leadership, enhancing the CEX's senior leadership team and the work of West Berkshire Council.
2. Responsibilities for communities and wellbeing (leisure, libraries and building communities together) could sit within the remit of the new Executive Director Place. If this were to be implemented there are important relationships and service developments that will benefit from very close links with both the Adults and Children's Directorates. The responsibilities for leisure, libraries and building communities could also sit with the Executive Director for Adults but would widen the scope of that role in a way that might better sit with the Place Directorate. Whatever is decided on this aspect, it is recommended that the Public Health responsibilities and team sits with the Executive Director Adults role.

#### C Context

1. Adult social care faces significant challenges, that have existed for a number of years and felt more acutely in recent times including increasing demand; interfaces between health and social care sectors, including discharge from hospital; funding; capacity to

## Creation of an Additional Executive Director (People), and a Transformation Service Director Role

innovate whilst also maintaining and improving services including for those with learning difficulties/disabilities; workforce availability, retention and capacity; influencing, working with and enabling local communities, services and individuals. The relationships with the voluntary and community sector as well as private providers are pivotal and require strategic leadership and development.

2. Significant changes to the health sector including the creation of Integrated Care Boards (ICB) also require leadership and time spent developing, contributing to the strategic direction and delivery. There is an increasing emphasis on quality and review and national plans for inspection of local authority services, including rating them and powers of intervention. These will need to be well planned for and led. A Director of Adult Social Services (DASS) is a statutory role and national guidance requires that the role be directly accountable to the Chief Executive (CEX), commensurate with the statutory role of Director of Children's Services (DCS).
3. The requirement for strong, strategic leadership for Children's Services, including education, social care, early help and the increasing focus on Special Educational Needs and Disabilities (SEND) has been set out in the accompanying paper detailing the Education Review of West Berkshire in October 2022. The Ofsted/Care Quality Commission (CQC) SEND area inspection framework has now been finalised and is much more exacting than the previous framework. This is one example of work in the sector that will require significant senior leadership capacity, alongside the development, direction, and oversight of the full range of services covered by the statutory role of Director of Children's Services, which should be directly accountable to the Chief Executive.
4. The current job description for the Executive Director (People) contains significant scope and remit including statutory functions of DASS and DCS, and a gross budget accountability of £235.853m, including £117m Dedicated Schools grant. This is c.65% of the Council's total budget requirement for 2022/23. There is now an opportunity for West Berkshire to look at what might serve the people of West Berkshire given that the present incumbent is leaving for a new role elsewhere.
5. Much has been achieved during the present incumbent's time as Executive Director People, including leading the area during the pandemic and its aftermath, providing and developing adult care, achieving a good rating in the most recent Inspection of Local Authority Children's Services and overseeing the strong delivery of education services in West Berkshire. Having an Executive Director People does enable a single position to have oversight of the full range of services that contain a significant focus on individuals. It can enable services to be drawn together to create a more seamless approach, to support innovation across age ranges and to make the most of any cross-cutting opportunities.
6. However, such a role also relies extensively on specialist roles reporting to it and in practice taking on much of what would be seen to be the core responsibilities of a DASS or DCS. There is a danger of a single point of failure at an executive level, covering a substantial portion of West Berkshire's business. The worlds of adult social care and children's social care are complex and more distinct than ever; the actual crossover from both a practice and strategic leadership point of view is relatively small. If West Berkshire is able to appoint two Executive Directors, one as a DASS and one as a DCS

## Creation of an Additional Executive Director (People), and a Transformation Service Director Role

this would place the Local Authority (LA) in a potentially stronger position moving forward and provide greater capacity and leadership support to the CEX.

7. The function and breadth of Community Safety Partnership work, including West Berkshire's Building Communities has important aspects of work that involves children and adults. Approaches to such issues as contextual safeguarding, domestic violence, knife crime, county lines are intertwined with the work of Adult and Children's Services. How these aspects will practically function in any new arrangements will need to be established in detail. They could be led from within Place or within Adult Services, with strong interfaces with Children's Services. This is also true for leisure and libraries. Given the breadth of the proposed Adult Services Directorate, which should also include the Public Health responsibilities and team, it might be best to locate leisure, libraries and building communities within Place.
8. It is noted that there is a shared Director of Public Health for Berkshire West (West Berkshire, Reading and Wokingham), hosted by Reading. Each LA has a public health team alongside the shared public health team. It is not proposed that this changes. The relationships to deliver and develop community wellbeing, good health and early intervention are key to addressing the needs of children, young people, families and carers and adults and also influencing the demand for specialised and high cost services in Adults and Children's services. There will need to be a continued explicit emphasis on how these are taken forward for West Berkshire as a whole if new leadership arrangements are implemented.
9. An Association of Director of Children's Services (ADCS) report in April 2022 highlighted that there were 22 "Twin hat" directors across 152 LAs in England, the lowest number since 2010. The latest information notes that two further LAs are splitting their twin hat approach. The report noted that there are a number of LAs where the director has overall responsibility for children and adult services but, whilst holding the statutory duty for children's services, they do not also hold the statutory duty for adult services and were not considered "twin hat". Nevertheless, the report indicates the continued trend of LAs opting for separate directors for adults and children's services (including education). The report noted that there is an increasing trend in disaggregating services and reportedly low numbers of LAs combining services.
10. West Berkshire commissioned a review in 2019 to inform the senior management structure. This was carried out by South East Employers (SEE) and is referenced in the Education Review report. The report noted that the statutory role of Director of Children's Services could be located in either the Executive Director People role or the Service Director (Children and Young People). If the statutory role were to be delegated to the Service Director (and this would be applicable for the DASS role also) an additional payment would be made to recognise this arrangement. Currently in West Berkshire this would be between £5 and £7K per annum.
11. It has been noted that both the DASS and DCS role are expected in national guidance to be directly accountable to the Chief Executive and mutually comparable in terms of seniority. The SEE review in 2019 proposed a model whereby there could be direct accountability, but structurally a role could exist reporting to an Executive Director People whilst also presumably reporting to the CEO too. This adds complexity to leadership arrangements and could result in a lack of clarity over direction and

## Creation of an Additional Executive Director (People), and a Transformation Service Director Role

accountability. Such an arrangement is rare, but as the ADCS report in 2022 notes it does sometimes exist, anecdotally occasionally in large Shire authorities.

Notwithstanding the SEE 2019 report, it is unclear what benefit this would bring to West Berkshire and how the requirement to have the DASS and DCS roles as mutually comparable would be fulfilled.

### D Funding

1. Financially, an Executive Director for Adults and for Children would be paid up to £136k each. If West Berkshire were to opt for an Executive Director Children at £136k with an Assistant Executive Director/Service Director covering the DASS role at a lesser salary, even with a supplement, it does not appear either role would be competitive against current market rates for a combined DASS/DCS role or for a single post covering the DASS or DCS role, even with the £5k-£7k additional payment (see figures below for comparisons).
2. Additional senior management can be seen to be an expense and quite rightly is subject to much scrutiny. However, the areas of Adult Services and Children's Services, including Education cover approximately 65% of the Council's gross expenditure and also carry significant service and reputational risk. Two Executive Directors, one for Adults and one for Children would provide additional capacity and resilience at the most senior level in West Berkshire at a time when both areas face unprecedented demands.
3. In terms of the market, such roles would be in keeping with many local authorities including Unitary LAs. Salary might be proposed to be £136k which would be commensurate with other salaries within West Berkshire and contain the additional sum in recognition of the statutory responsibility of DASS and of DCS (Executive Directors for People and Resources both have this within their salaries).
4. A recent review of market rates has been undertaken to inform this work. It is worth noting that in the past 4-5 years it is reported that Director salaries have increased by 10-20% in response to market challenges. Higher salaries than those set out below, up to c. £195k for a DCS role currently exist, £178k for a DASS. For comparison some salaries are listed below:

Bracknell Forest Council Executive Director DASS and DCS combined		£165-£170k	125k population
London Borough Hammersmith & Fulham	DCS	£163k	183k population
Slough BC	DCS or DASS	£120-£140k	159k population
Cheshire East Council	DCS or DASS	£120-£136k	381k population
Reading BC	DCS or DASS	£117-£144k	174k population

### D Conclusion

Executive Director roles, one for Adults and one for Children will provide West Berkshire with enhanced leadership and management capacity at the most senior level at a time of significant challenge and opportunity. They would provide specific expertise in key areas for West Berkshire and provide significant leadership and support as part of the CEO's team. A salary of up to £136k for an Executive Director Adults and an Executive Director Children,

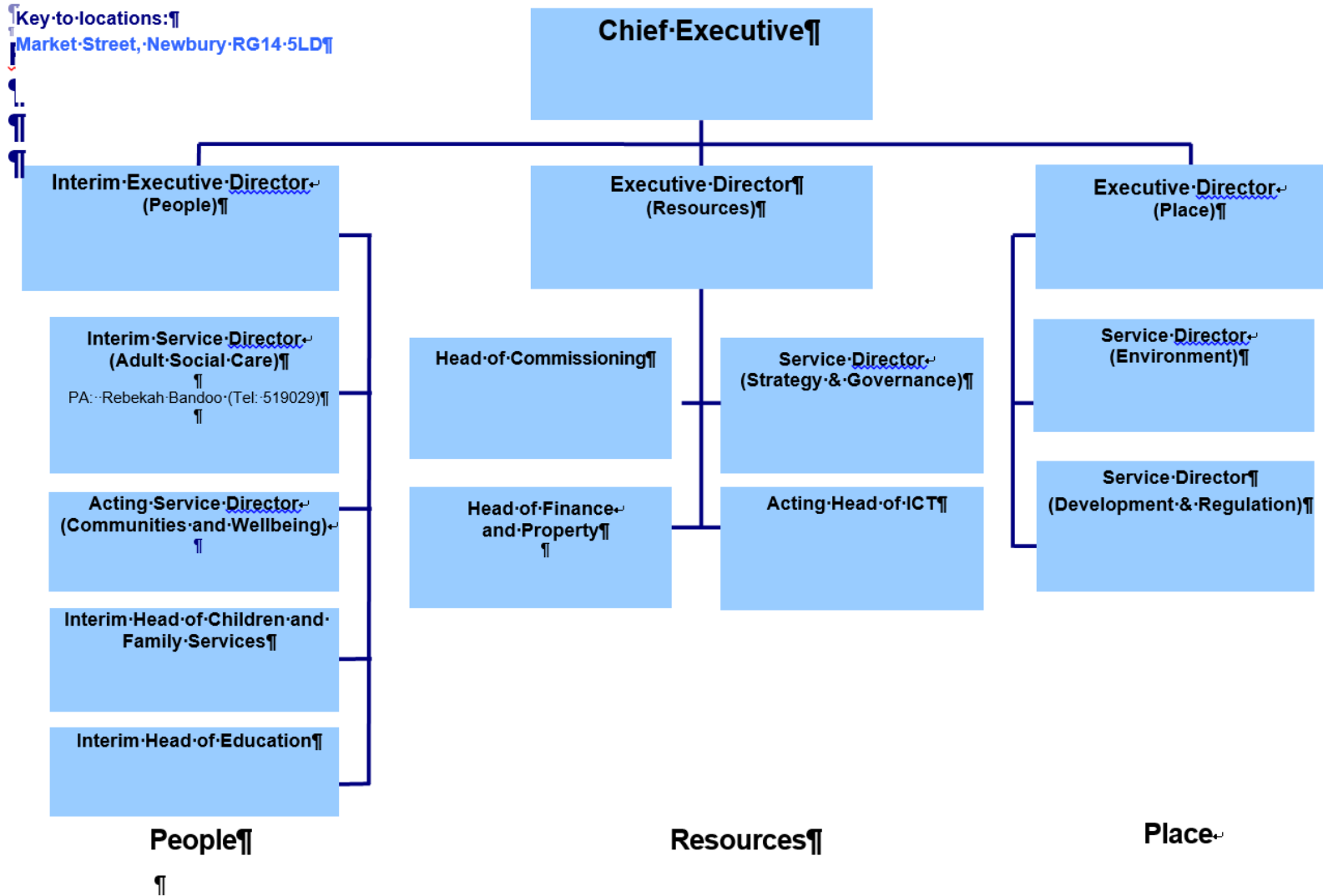
**Creation of an Additional Executive Director (People), and a Transformation Service Director Role**

covering DASS and DCS statutory duties respectively would place West Berkshire in a strong position to recruit and would be seen as competitive in the current market.

Chris Baird  
CJB Leadership and Consultancy Ltd  
12 January 2023

## West-Berkshire-Council-Senior-Management-Structure (March 2023)

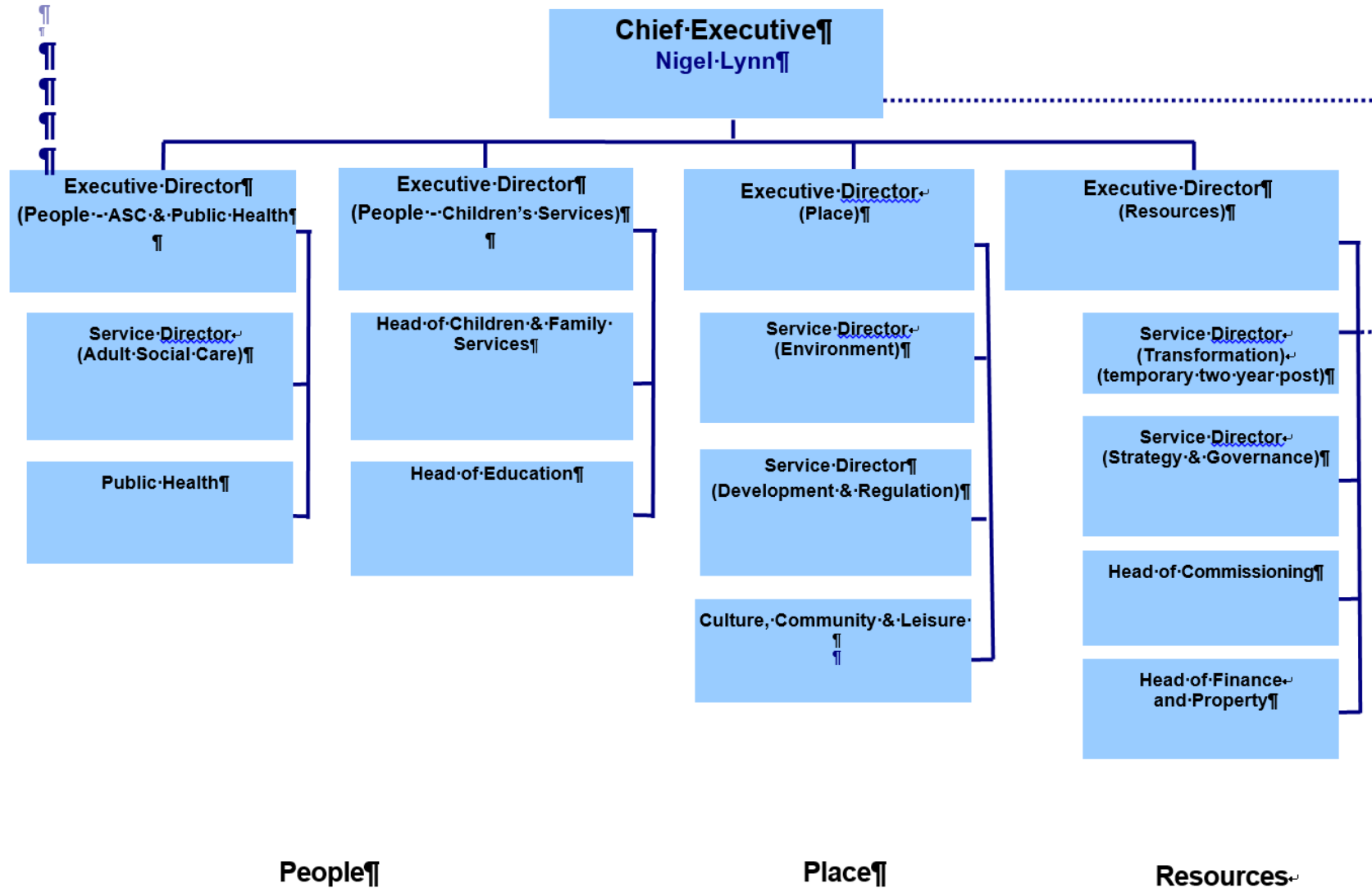
Note: All telephone numbers are direct lines. The area dialling code is 01635 if required.





### Proposed West Berkshire Council Senior Management Structure

Note: All telephone numbers are direct lines. The area dialling code is 01635 if required.





# 2023/24 West Berkshire Council Timetable of Public Meetings

<b>Committee considering report:</b>	Council
<b>Date of Committee:</b>	16 March 2023
<b>Portfolio Member:</b>	Councillor Tom Marino
<b>Report Author:</b>	Stephen Chard
<b>Forward Plan Ref:</b>	C4331

## 1 Purpose of the Report

1.1 To recommend a timetable of meetings for the 2023/24 Municipal Year.

## 2 Recommendation

2.1 To approve the timetable of public meetings for the 2023/24 Municipal Year.

## 3 Implications and Impact Assessment

Implication	Commentary
<b>Financial:</b>	There are no financial implications associated with the publication of this report. The costs associated with holding meetings, Members' attendance and the publication of agendas will be met from existing budgets.
<b>Human Resource:</b>	None.
<b>Legal:</b>	None.
<b>Risk Management:</b>	None.
<b>Property:</b>	None.
<b>Policy:</b>	This report accords with the Council's policy of publishing its timetable of meetings.

	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?		✓		
<b>B</b> Will the proposed decision have an impact upon the lives of people with protected characteristics, including employees and service users?		✓		
<b>Environmental Impact:</b>		✓		
<b>Health Impact:</b>		✓		
<b>ICT Impact:</b>		✓		
<b>Digital Services Impact:</b>		✓		
<b>Council Strategy Priorities:</b>		✓		
<b>Core Business:</b>		✓		
<b>Data Impact:</b>		✓		
<b>Consultation and Engagement:</b>	Chief Executive, Executive Directors, Monitoring Officer			

## 4 Executive Summary

4.1 West Berkshire Council is required to publish its timetable of meetings for each Municipal Year following approval by Council. The timetable for 2023/24 is attached to the report at Appendix A.

## 5 Supporting Information

### Introduction

5.1 The timetable of meetings for the Municipal Year 2023/24 is attached as Appendix A to the report and has been based on the following:

- Council meetings to be held in May, July, October, November, February and March. The Budget Council meeting is proposed for 29 February 2024. The 26 March 2024 meeting is scheduled to consider non-Budget items;
- Executive meetings have been arranged to take cognisance of democratic requirements;
- Area Planning Committees (both Western and Eastern) to be held on a monthly cycle with provisional dates included for District Planning Committees on a bi-monthly cycle. District Planning Committees will only be held if the meetings are required and additional meetings may be arranged to ensure that Planning timescales are adhered to;
- Five Scrutiny Commission meetings have been scheduled;
- Four Health Scrutiny Committees have been scheduled;
- Licensing Committee meetings have been set for July, November and January. Additional meetings will be arranged on an ad hoc basis;
- Health and Wellbeing Board meetings are held in July, September, December, February and May;
- Governance Committees have been arranged to meet deadlines for Council meetings and to facilitate the signing off of the Council's financial accounts;
- Personnel Committee meetings will be held in July and January;
- Four Corporate Parenting Panels are scheduled (June, September, December and March);
- Two District/Parish Conferences are scheduled each year;
- Member Induction and Development sessions will be added into the timetable once dates have been confirmed. The document will then be redistributed and republished.
- Joint Public Protection Committees have provisionally been included on the timetable. These dates will be finalised in liaison with colleagues in Bracknell Forest Council.

5.2 In addition the timetable, once agreed, is also shared with Town and Parish Councils and the Fire Authority so that it can be taken into consideration when their schedules of meetings are agreed.

## 6 Other options considered

6.1 None.

## 7 Conclusion

7.1 The schedule has been drafted to ensure that the number of meetings takes into account the volume of business demands. Adoption will allow time for Members to put meetings into their diaries prior to the commencement of the Municipal Year. The timetable will also form the basis of a committee programme for administrative purposes.

## 8 Appendices

8.1 Appendix A – Timetable of meetings May 2023 to May 2024

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### Background Papers:

None.

### Subject to Call-In:

Yes:  No:

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



**Wards affected:** All

### Officer details:

Name: Stephen Chard  
Job Title: Democratic Services Manager  
Tel No: (01635) 519462  
E-mail: [stephen.chard@westberks.gov.uk](mailto:stephen.chard@westberks.gov.uk)

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# West Berkshire Council – Timetable of Meetings - May 2023 to May 2024

	MAY 2023	JUN 2023	JUL 2023	AUG 2023	SEP 2023	OCT 2023	NOV 2023	DEC 2023	JAN 2024	FEB 2024	MAR 2024	APR 2024	MAY 2024
Mon	1 BH								1 BH			1 BH	
Tues	2			1					2			2	
Weds	3			2			1		3			3	1
Thurs	4 ELECTION	1		3			2 X		4	1		4	2 HWB
Fri	5	2		4	1		3	1	5	2	1	5	3
Sat	6	3	1	5	2		4	2	6	3	2	6	4
Sun	7	4	2	6	3	1	5	3	7	4	3	7	5
Mon	8 BH	5	3	7	4	2 JPPC	6 LIC	4	8	5	4	8	6 BH
Tues	9	6 CPP	4 PC	8	5	3	7	5 CPP	9	6	5	9	7
Weds	10	7 E	5 E	9 E	6 E	4 E	8 E	6 E	10 E	7 E	6 E	10 E	8 E
Thurs	11 MDT	8 X	6 X	10	7	5 C	9	7 HWB	11	8 X	7	11	9 C
Fri	12	9	7	11	8	6	10	8	12	9	8	12	10
Sat	13	10	8	12	9	7	11	9	13	10	9	13	11
Sun	14	11	9	13	10	8	12	10	14	11	10	14	12
Mon	15	12 JPPC	10 LIC	14	11	9	13	11 JPPC	15	12	11 JPPC	15	13
Tues	16	13 HSC	11	15	12 HSC	10	14	12 HSC	16 PC	13	12 HSC	16	14
Weds	17	14	12 D	16	13 D	11	15 D	13	17 D	14	13 D	17	15 D
Thurs	18	15	13 HWB	17	14 SC	12	16	14 X	18	15	14 X	18	16 X
Fri	19	16	14	18	15	13	17	15	19	16	15	19	17
Sat	20	17	15	19	16	14	18	16	20	17	16	20	18
Sun	21	18	16	20	17	15	19	17	21	18	17	21	19
Mon	22	19	17	21	18	16	20 G	18	22 LIC	19	18 G	22	20
Tues	23	20 SC	18	22	19 CPP	17	21	19	23	20	19 CPP	23	21 SC
Weds	24	21 W	19 W	23 W	20 W	18 W	22 W	20 W	24 W	21 W	20 W	24 W	22 W
Thurs	25 C	22	20 C	24	21 X	19	23	21	25	22 HWB	21	25	23
Fri	26	23	21	25	22	20	24	22	26	23	22	26	24
Sat	27	24	22	26	23	21	25	23	27	24	23	27	25
Sun	28	25	23	27	24	22	26	24	28	25	24	28	26
Mon	29 BH	26 G	24	28 BH	25 G	23	27	25 BH	29 G	26	25	29	27 BH
Tues	30	27 DPC	25	29	26	24 SC	28	26 BH	30	27 SC	26 C	30	28
Weds	31	28	26	30	27	25	29	27	31 DPC	28	27		29
Thurs		29	27	31	28 HWB	26	30 C	28		29 C	28		30
Fri		30	28		29	27		29			29 BH		31
Sat			29		30	28		30			30		
Sun			30			29		31			31		
Mon			31			30							
Tues						31							

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<b>C</b>	Council – 7.00pm ex cept Budget meeting which starts at 5.30pm	<b>HWB</b>	Health and Wellbeing Board - 9.30am	<b>W</b>	Western Area Planning Committee – 6.30pm	<b>PC</b>	Personnel Committee – 6.30pm
<b>X</b>	Executive – 5.00pm	<b>LIC</b>	Licensing Committee – 4.30pm	<b>E</b>	Eastern Area Planning Committee – 6.30pm		Bank Holiday
<b>G</b>	Governance Committee – 6.30pm	<b>MDT</b>	Member Dev elopment Training (Time TBC)	<b>D</b>	District Planning Committee – 6.30pm		School Holiday
<b>SC</b>	Scrutiny Commission – 6.30pm	<b>CPP</b>	Corporate Parenting Panel – 6.00pm	<b>DPC</b>	District/Parish Conference – 6.30pm		
<b>HSC</b>	Health Scrutiny Committee – 1.30pm			<b>JPPC</b>	Joint Public Protection Committee – 7.00pm		

**Public Meetings:** All meetings are open to the public, with the exception of Corporate Parenting Panels

**Venues:** Most meetings are held at the Council Offices, Market Street, Newbury.

**Questions to Council and Executive:** Questions must be submitted by 10.00am seven clear working days before the meeting.

**District Planning:** All stated dates are provisional subject to requirement.

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## Agenda Item 21:

### Motions submitted for debate at the Council meeting on 16 March 2023

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

#### Planning Department Processes CIL

*This Council continues to receive complaints from residents regarding the way that our Planning Department processes CIL charges within Planning Applications. Residents are often confused and consequently submit incomplete paperwork which has led to charges being made that should not have been made in some cases.*

*Despite the Council looking into this, cases continue to be referred to Councillors by confused and often distressed residents.*

*This Council therefore resolves to commission an independent review of the CIL charging process, including all paperwork and workflows, as well as the issuing of charges and their collection.*

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

#### 2019-2023 Term of Office

*This is the final full council of the 2019-2023 term of office.*

*The four years have seen the residents of West Berkshire and the council rise to many challenges including the covid 19 pandemic, providing homes for people fleeing war in Ukraine, and the cost of living crisis.*

*This council resolves:*

*To thank all council officers for their service during this term of office.*

*To thank all emergency workers and volunteers who have supported people through these challenges.*

*To pay tribute to those we have lost.*

*To thank all members for their service to the residents of West Berkshire.*

*To wish all members who are not seeking re-election all the best for the future.*

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

#### 20 is Plenty

##### **Overview:-**

Council acknowledges that in many areas residents are asking for 20 mph enforcement to be introduced. Safety is the most often sighted reason, but noise reduction also gets mentioned.

## **Agenda Item 21:**

### **Country wide research has shown over a fifth of drivers exceed the speed limit around schools and on residential streets.**

In 2018, 50% of all road casualties occurred on 30mph roads. In an attempt to reduce the number of accidents and injuries on British roads, UK towns and cities have been introducing more and more 20mph zones over the past few years.

In reality there are three primary motivations for implementing 20mph zones; transport related (e.g. casualty reduction), community related (e.g. community concerns about safety and quality of the environment), and health related (e.g. encouraging more active travel such as walking and cycling).

Further to this, the environmental impact “20’s plenty” can have is yet another reason for the progression of the movement. Research has concluded that driving at slower speeds produces lower emissions when compared to driving at higher speeds, thus improving air quality.

Council notes:

- That a 20 mph limit leads to safer outcomes (especially outside schools) and on smaller residential streets and roads
- That 20 mph also contributes to the reduction of road noise and the associated health benefits living with lower noise levels
- That 20 mph can improve air quality locally

### **In order to help:**

At the moment, we have an elongated process which often means a year or more can pass from residents requesting the change and it being implemented by West Berkshire Council.

This motion seeks to commit West Berkshire Council to removing barriers on the implementation by introducing an assumption of saying yes wherever possible.

This Council will introduce a scheme which will begin by focusing on those who cannot afford to undertake basic insulation, or lack the skills, or physical ability to do it.

### **THE MOTION**

This council commits to:

- Having officers develop a workable scheme asap with a target of implementation during 2023 that includes an assumption of saying “yes” should over 50% of a street petition the council for a 20 mph street.
- Changing any relevant parts of the current West Berkshire Council process’s in line with the new scheme developed by officers
- To provide support to residents on
  - How the scheme works

## **Agenda Item 21:**

- With tools so that they can more easily collate the names and signatures that provide the evidence that over 50% of a street is in favour of a 20mph zone

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## Agenda Item 22

### Member Questions to be answered at the Council meeting on 16 March 2023.

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

- (A) Question not related to an item of business to be answered by the Portfolio Holder for Planning, Transport and Countryside submitted by Councillor Lee Dillon:**

*"Why are we paying the consultants for the Newbury Town Centre Conservation Area Appraisal when it is full of inaccuracies and they have not followed Government guidelines and consulted local councils?"*

- (B) Question not related to an item of business to be answered by the Portfolio Holder for Planning, Transport and Countryside submitted by Councillor Adrian Abbs:**

*"How many organisations and residents made representations in the Regulation 19 consultation on the draft Local Plan, and when does the Director of Place expect the review of the representations to have been completed so that they can decide whether they they think it is ready for independent examination?"*

- (C) Question not related to an item of business to be answered by the Portfolio Holder for Finance and Economic Development submitted by Councillor Steve Masters:**

*"Is the growing demand on Foodbanks across West Berkshire an indication of a healthy economy?"*

- (D) Question not related to an item of business to be answered by the Portfolio Holder for Planning Transport and Countryside submitted by Councillor Phil Barnett:**

*"Although the past few weeks have been dry , over the Christmas and New year period very wet , resulting in many West Berks road surfaces cracking up and pot holes appearing Therefore can the executive member for highways and the environment identify if the council will be able to fill in all potholes ( which meet the Councils criteria )before the onset of summer"*

- (E) Question not related to an item of business to be answered by the Portfolio Holder for Internal Governance and Strategic Partnerships submitted by Councillor David Marsh:**

*"How many voters in West Berkshire do not currently have the requisite voter ID for the council elections on 4 May"*

## Agenda Item 22

### Member Questions to be answered at the Council meeting on 16 March 2023.

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

- (F) Question not related to an item of business to be answered by the Portfolio Holder for Internal Governance and Strategic Partnerships submitted by Councillor David Marsh:**

*“To date, how many voters have applied to the council for a Voter Authority Certificate”*

- (G) Question not related to an item of business to be answered by the Portfolio Holder for Internal Governance and Strategic Partnerships submitted by Councillor David Marsh:**

*“What is the estimated total cost to the council of implementing voter ID for the council elections on 4 May, including additional officer resources, training of polling staff, publicity material, and issuing Voter Authority Certificates”*