

Meeting of West Berkshire District Council

Thursday, 25 May, 2023

Summons and Agenda



WestBerkshire
C O U N C I L

To: All Members of the Council

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

on
Thursday, 25 May, 2023
at **7.00 pm**



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

Date of despatch of Agenda: Wednesday, 17 May 2023

AGENDA

1. **ELECTION OF THE CHAIRMAN FOR THE MUNICIPAL YEAR 2023/2024**
To elect the Chairman for the 2023/2024 Municipal Year. **(Pages 7 - 8)**
2. **ELECTION OF VICE-CHAIRMAN FOR THE MUNICIPAL YEAR 2023/2024**
To elect the Vice-Chairman for the 2023/2024 Municipal Year. **(Pages 9 - 10)**
3. **CHAIRMAN'S REMARKS**
The Chairman to make opening remarks. **(Pages 11 - 12)**



4. APOLOGIES FOR ABSENCE

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

5. 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 15 - 16)**

6. MINUTES

The Chairman to sign as a correct record the Minutes of the Council meetings held on 2 March 2023, the extraordinary meeting on 2 March 2023 and 16 March 2023 (To Follow). **(Pages 17 - 36)**

7. ELECTION OF THE STRONG LEADER OF THE COUNCIL FOR THE 2023/2024 MUNICIPAL YEAR

To elect the Strong Leader for the next four years. **(Pages 37 - 38)**

8. APPOINTMENT OF THE EXECUTIVE BY THE LEADER OF THE COUNCIL FOR THE 2023/2024 MUNICIPAL YEAR

The Leader of the Council to announce the composition of the Executive for the 2023/2024 Municipal Year. **(Pages 39 - 40)**

9. APPOINTMENT OF AND ALLOCATION OF SEATS ON COMMITTEES FOR THE 2023/2024 MUNICIPAL YEAR

Following the election on the 4th May 2023, the representation of the respective political parties has changed at the Council. This report is to consider the appointment and allocation of seats on Committees for the next Municipal Year in accordance with the duty under section 15 of the Local Government Housing Act 1989, that reflects the latest political make-up of the Council and to reflect the new Political Administration's proposed revisions to this allocation.

To agree the Council's Policy Framework for 2023/24 as set out in paragraph 5.22 of the report, reflective of the Policies reserved for Full Council. **(Pages 41 - 100)**



10. APPOINTMENTS TO OUTSIDE BODIES 2023/2024

To consider and agree West Berkshire Council's nominations to the following Outside Bodies:

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

(Pages 101 - 106)

11. LICENSING COMMITTEE

The Council is asked to note that since the last meeting of the Council, the Licensing Committee has not met. **(Pages 107 - 108)**

12. PERSONNEL COMMITTEE

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

13. GOVERNANCE COMMITTEE

The Council is asked to note that since the last meeting of the Council, the Governance Committee met on 20 March 2023. A copy of the Minutes of this meeting can be obtained from Democratic Services or via the [Council's website](#) (when available).

14. DISTRICT PLANNING COMMITTEE

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

15. OVERVIEW AND SCRUTINY MANAGEMENT COMMISSION

The Council is asked to note that since the last meeting of the Council, the Overview and Scrutiny Management Commission has not met.

16. HEALTH SCRUTINY COMMITTEE

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



Agenda - Council to be held on Thursday, 25 May 2023 (continued)

17. HEALTH AND WELLBEING BOARD

The Council is asked to note that since the last meeting of the Council, the Health and Wellbeing Board met on 20 April 2023. A copy of the Minutes of this meeting can be obtained from Democratic Services or via the [Council's website](#)

18. JOINT PUBLIC PROTECTION COMMITTEE

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

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



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Council – 25 May 2023

Election of the Chairman for the Municipal Year 2023/2024

Verbal Item

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Council – 25 May 2023

Election of Vice-Chairman for the Municipal Year 2023/2024

Verbal Item

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Council – 25 May 20

Chairman's Remarks

Verbal Item

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Council – 25 May 2023

Apologies for Absence

Verbal Item

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Council – 25 May 2023

Declarations of Interest

Verbal Item

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Agenda Item 6.

DRAFT

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

COUNCIL

MINUTES OF THE MEETING HELD ON

THURSDAY, 2 MARCH 2023

Councillors Present: 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, Hilary Cole, James Cole, Jeremy Cottam, Carolyne Culver, Lee Dillon, Lynne Doherty, Billy Drummond, Clive Hooker, Owen Jeffery, Tony Linden, Ross Mackinnon, Alan Macro, Thomas Marino, David Marsh, Steve Masters, Geoff Mayes, Andy Moore, Biyi Oloko, Erik Pattenden, Claire Rowles, Garth Simpson, Richard Somner, Joanne Stewart, Martha Vickers, Tony Vickers, Andrew Williamson, Keith Woodhams and Howard Woollaston

Also Present: Nigel Lynn (Chief Executive), Joseph Holmes (Executive Director - Resources), Eric Owens (Service Director - Development & Regulation), Paul Coe (Interim Executive Director – People), Sarah Clark (Monitoring Officer), Lizzie Reeves (Business Analyst (Digital Services)), Stephen Chard (Democratic Services Manager), Honorary Alderman Graham Jones, Honorary Alderman Quentin Webb, David Cook (Principle Democratic Services Officer) and Nicola Thomas (Service Lead – Legal and Democratic Services)

Apologies for inability to attend the meeting: Councillor Nassar Hunt, Councillor Gareth Hurley, Councillor Royce Longton, Councillor Graham Pask, Honorary Alderman Keith Chopping and Honorary Alderman Anthony Stansfeld

PART I

79. Declarations of Interest

The Monitoring Officer announced that in respect of Agenda Item 6 Capital Strategy, Financial Years 2023/43 to 2032/33 and Agenda Item 7 Revenue Budget 2023/24 all Members had previously completed an application for a grant of a dispensation in relation to 'any beneficial interest' in land within the Authority's area. The Monitoring Officer had granted the dispensation to allow all Members to speak and vote on these items.

There were also a number of personal interests declared prior to the meeting in relation to agenda items, published on the Council's website.

80. Public Questions

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

1. A question standing in the name of Paula Saunderson on the subject of the drainage on the Highway between Woodspeen and Great Shefford was answered by the Portfolio Holder for Planning, Transport and Countryside.
2. A question standing in the name of Paula Saunderson on the subject of flooding history of Newbury Clay hill Ward was answered by the Portfolio Holder for Planning, Transport and Countryside.

81. Investment and Borrowing Strategy 2023/24

The Council considered a report (Agenda Item 4) which sought to consolidate the Investment and Borrowing Strategy for the year ahead by detailing how and where the Council would invest and borrow in the forthcoming year, within a particular framework.

MOTION: Proposed by Councillor Ross Mackinnon and seconded by Councillor Howard Woollaston:

“That the Council adopt the following recommendation:

- a) To agree and adopt the proposed Investment and Borrowing Strategy for 2023/24.”

Councillor Mackinnon in introducing the report explained how the Strategy set out the approved institutions for treasury assets, the prudential limits for investments, the accrued sources of borrowing, the recommended borrowing limits for the next three years, and also provided a long term forecast for the Council’s borrowing requirements. The Strategy authorised the Council to place deposits in UK Government Bonds, UK Building Societies and Banks with sound credit ratings, other local authorities, and triple rated money markets. The Council was also authorised to lend to registered charities, public sector bodies and Council-owned companies and joint ventures. He mentioned that the amount of funds the Council could invest with any one institution was £8m.

The Strategy proposed an increase in borrowing over the medium term to support the Council’s Capital Strategy, with the borrowing primarily undertaken through the Public Works Loan Board, and he explained how other options would be explored as well, which might include building upon the launch of the UK’s First Community Bond back in July 2020. The Strategy had already generated significant financial savings in the Revenue Budget and was forecast to continue to do so.

The report also set out the Council’s commercial property portfolio and the investment returns made to the Council. Councillor Mackinnon highlighted how the portfolio had performed well with a consistent return on investment providing over £1 million per year, and he expected this to continue in the future.

Councillor Jeff Brooks said that the Liberal Democrat Group did not take issue with the report as over many years the Investment and Borrowing Strategy had been well managed by officers. There had been an upturn for the Administration with greater receipts on interest rates movements. What his party would like to see was a greater degree of ethical investment. The Council utilised banks to get interest on our funds but was there awareness of where they invested their money? Cllr Brooks made reference to his first hand experience of working with the Fire Authority on their investment strategy where they only invested in ethical countries.

Councillor David Marsh informed that he did not have too much to quarrel about with the report but he did raise concern about the commercial investments, as he had mentioned in previous years. It was mentioned that the return was £1 million but in fact it was £3.5 million with £2.5 million going towards maintenance and servicing the properties. West Berkshire’s residents would be surprised to learn that the Council had invested in a petrol station in the West Midlands, a bank in Eastbourne and a supermarket in Yorkshire. People would like to see this money invested locally in West Berkshire and bring social value to the investments. Instead of purchasing the aforementioned properties the Council could have invested in development within West Berkshire proving income as well as housing. He recommended that the properties mentioned should be sold with the proceeds invested locally.

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Councillor Woollaston disagreed with Councillor Marsh's comments as the Council was performing immaculately and had a diversified portfolio that spread the risk. There were many examples of other local authorities that had not been so prudent. These included Warrington who had £1.8 million of debt, Croydon were seeking a £500 million bailout from the Government with over £1.6 million of debt and Woking had £1.95 million of debt. This local authority acted prudently and were getting a decent return on their investments.

Councillor Mackinnon made concluding comments and said that, with regards to the comments made by Councillor Brooks, he would be happy to investigate ethical investments whilst maintaining an appropriate return for residents. With regards to the comments made by Councillor Marsh he said he agreed with the reply given by Councillor Woollaston. The £1 million return was a good investment. In order to achieve a higher return it would be necessary to take higher risks with public money. The diversification of the portfolio helped protect it from regional dips in the property market. The investments also provided benefits for West Berkshire residents by generating millions of pounds of income that would otherwise have to be raised by taxation.

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

82. **Medium Term Financial Strategy**

The Council considered the report (Agenda Item 5) which set out the financial planning assumptions for future years. These were aligned with the Council Strategy to ensure that Council Strategy would be delivered. The Medium Term Financial Strategy (MTFS) highlighted the overarching key issues facing the Council's finances as well as how there were many different scenarios and uncertainty concerning the future revenue streams for the Council in the future.

MOTION: Proposed by Councillor Ross Mackinnon and seconded by Councillor Lynne Doherty:

"That the Council approve the Medium Term Financial Strategy."

Councillor Mackinnon, in introducing the report, stated that the MTFS was a rolling four year programme built to ensure that the Council had the necessary financial resources to deliver the Council Strategy. It included a number of assumptions and uncertainties around both income and expenditure. The Local Government Financial Settlement for 2023 was broadly similar to the previous year, but the outcome of the Local Government Fair Funding Review was still awaited for more long term certainty around business rates, Adult Social Care funding and the replacement for the New Homes Bonus.

Councillor Mackinnon highlighted that the Council had to bridge a funding gap of around £3 million over the next three years and these savings would be met by transformation, digitalisation and income generation. He believed that the Council had an excellent track record in delivering required savings in recent years without any cuts to frontline services. This year alone £9.1 million pounds of savings had been achieved and proposals had already been drafted to cut the funding gap. The nation was still emerging from the effects of the pandemic and the dreadful events in Ukraine that were impacting our economy. Good financial planning helped meet these challenges and the needs of our residents.

Councillor Jeff Brooks stated that over 20 years ago there was not an MTFS process and Councils' seemed to manage their budgets. He did not take issue with having an MTFS but he did with its accuracy. He said that when you compared last year's MTFS with today's revenue budget they would be dramatically different. So when we set four years ahead with all the imponderables, the macro economy, government grants and all sorts

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of moving parts accuracy was questionable. He had undertaken three year forecasting in the private sector but they did not have as many imponderables. If past MTFS were scrutinised we would see the inaccuracies but we would also be able to improve our forecasting. He repeated that he was not against the MTFS but rather wanted an accurate one.

Councillor David Marsh mentioned that last year he questioned why Council Tax had only been increased by 1% and wanted to know if the Portfolio Holder regretted this. Councillor March advised that he was accused a year ago of wanting to increase our resident's tax burden but the proposal was for reserves to be used to support the Revenue Budget.

Councillor Lynne Doherty stated that sound financial stewardship of the Council's budget was something that the current Administration had demonstrated since 2005. She said it was lovely to see Honorary Alderman Jones in attendance as he had been instrumental in getting balanced budgets started. She disagreed with Councillor Brooks' comments of looking back 20 years and undertaking ad hoc year on year budgets. The global pandemic and the war in Ukraine could not have been predicted and it was not possible to forecast all that would happen in the future. However, the Council had undertaken successful financial planning and even though there might be fluctuations, our financial resources were used in the most effective way. She said that if there was a look back she had confidence that the Council Strategy had been delivered based on sound financial planning since 2019. This was a Council that looked ahead and managed their finances to make West Berkshire an even greater place in which to live, work and learn. She was therefore happy to second the paper.

Councillor Mackinnon mentioned that as he had highlighted last year the revenue and capital performance was considered quarterly by the Executive and he continued to look at the issue of reviewing delivery against forecasts as raised by Councillor Brooks. Where there was movement this did not mean that the forecast was flawed, over a 12 month period there would be internal and external pressures. With regards to the question from Councillor Marsh he said that he had no regrets in keeping residents money in their pockets, especially during a cost of living crisis. Councillor Marsh was correct that reserves had been used but this was possible because the Council had built up its reserves partly due to having an MTFS.

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

83. **Capital Strategy, Financial Years 2023/24 to 2032/33**

The Council considered a report (Agenda Item 6) to outline the Capital Strategy covering financial years 2023/24 - 2032/33 and the supporting funding framework, providing a high-level overview of how capital expenditure, capital financing and treasury management activity contribute to the provision of local public services along with an overview of how associated risk is managed and the implications for future financial sustainability.

MOTION: Proposed by Councillor Ross Mackinnon and seconded by Councillor Dominic Boeck.

"That the Council adopts the following recommendations:

- a) That the Capital Strategy and supporting Capital Programme for the period 2023/24 – 2032/33 is approved (Appendix A).
- b) That the supporting Minimum Revenue Provision Policy (Appendix C) is approved, inclusive of retrospective change to the 2022/23 MRP policy.

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- c) That the Flexible Use of Capital Receipts Policy (Appendix D) is approved.
- d) That the proposed CIL (Community Infrastructure Levy) Bids for inclusion in the Capital Programme (Appendix E) is approved.”

Councillor Mackinnon in introducing the report said he was delighted to propose a new ten year Capital Strategy and associated polices. The Administration proposed an investment in infrastructure over the next ten years of £393 million pounds to make sure West Berkshire remained a great place to live, work and learn. £207 million pounds of the strategy would be funded externally.

Councillor Mackinnon explained that the Capital Programme was split across the six priorities of the Council Strategy. He highlighted a number of budget allocations such as £24 million to ensure vulnerable children and adults achieved better outcomes, £172 million to support residents in reaching their full potential and £616k to support our businesses to continue to develop and thrive in West Berkshire. There was also £145 million to develop infrastructure and housing, £27 million to maintain a green district and £22 million invested in business as usual. There was also investment in extending and refurbishing schools and towards disabled facility grants to help residents to continue to live independently at home. Investment was also being made in infrastructure, active travel and enhanced disabled access to the countryside.

Councillor Mackinnon said that the Programme did not just maintain essential services but also invested in new schemes across all the priorities but it must be sustainable and affordable. There was an increase in borrowing over the medium term but some of the enhancements would reduce service costs and create income for the Council. The Council could choose not to invest and this remained an option. However, the Administration had opted for a positive approach, paying close attention to the need for affordability but also to enable the capital schemes proposed to be funded properly and have a positive impact for residents. He felt that overall the Capital Programme struck the right balance between new investment to support the Council's priorities, continuing to fund core infrastructure and affordability.

AMENDMENT: Proposed by Councillor David Marsh and seconded by Councillor Steve Masters.

Original text:

Planning and consultancy to help deliver LRIE projects (£172,500 in 2023-24)

Proposed amendment:

£50k delivery vehicle for West Berks Food Bank

£25k extra for wildflower verges

£25k for urban trees

£30k extra for Newbury Town Centre Vision

£42,500 for Watermill Theatre (for refurbishment of restaurant, bar and event space as part of a strategy to grow income, helping to offset loss of Arts Council funding)

Total £172,500 to be fully funded by scrapping LRIE consultancy fees for 2023/24

(Cllr Dillon declared a pecuniary interest in this item as the JV is an investment vehicle for the organisation he worked for. Cllr Dillon left the room for the duration of this item and did not vote).

Councillor Marsh talked to the proposed amendment and said there were a lot of things to like with the Capital Programme and a lot not to like. The proposed amendments were fully funded and the difference between those in the papers and displayed on screen was

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thanks to the S151 officer who found some alternative funding. The proposal for the food bank was suggested after Councillors spoke to them and were informed that a vehicle would help them make their deliveries as it was not sustainable to rely on volunteers. It was proposed to have an electric vehicle. Members were informed that wildlife verges had been very popular. That is why they were proposing additional verges and planting of more urban trees. It was felt that the consultation for the Newbury Town Centre Vision had been a good piece of work and they recommended additional funds to help the projects progress. They also proposed funding to the Watermill so they could make upgrades to their restaurant and bars to help generate income that was needed since the Arts Council had stopped its funding. The proposals would be funded by scrapping the LRIE consultancy fees for 2023/24.

Councillor Tony Vickers reported that he was not against the LRIE but he was uncomfortable about scrapping the consultancy fees as work was needed for progress to be made. It had been 15 years with little progress and he felt that the consultancy fees should be retained in order to make progress.

Councillor Lynne Doherty said that a lot of the proposed amendments were commendable but she did not want to see the loss of the consultancy fees because progress was being made with a lot of work to come. She wanted to see job creation so people could stay local, there had been a lot of talk about Newbury Town Centre becoming dormant but this would be a risk if local job opportunities were not provided. The LRIE was dedicated employment land and she could not support any amendments that would delay its development.

Councillor Masters said that he seconded the amendment and that over the years there had been plenty to debate between the parties but today there was the opportunity to come to an agreement on the amendments. As Councillor Marsh had said tree planting and wildflower verges were very popular with residents and were very modest in financial terms. With regards to food bank, last year the Green Party lobbied to give a one off payment to help support the predicted difficulties facing some residents. This did not happen but they kept the conversation going with the charity and they wanted to provide support for at least the next couple of years whilst the pandemic and cost of living crisis continued to impact residents. With regards to the Watermill Theatre there had been a motion to Council that had full support and there had been lots of campaigning against the loss of funding. If the lobbying was successful then the amount in the amendment would help underwrite some of the lost funding.

Councillor Marsh suggested that the vote on the amendments be split into two parts; one covering the wildflower and urban tree proposals and the other for the remaining schemes to be funded by the reduction in the LRIE consultation fees. Councillor Rick Jones agreed to a split vote.

The Amendment for £25k extra funding for wildflower verges and £25k for urban trees was put to the vote and duly **RESOLVED**.

FOR the Amendments:

Councillors Rick Jones, Adrian Abbs, Steve Ardagh-Walter, Phil Barnett, Jeff Beck, Dennis Benneyworth, Dominic Boeck, Graham Bridgman, Jeff Brooks, Jeff Cant, Hilary Cole, James Cole, Jeremy Cottam, Carlyne Culver, Lynne Doherty, Billy Drummond, Clive Hooker, Owen Jeffery, Tony Linden, Ross Mackinnon, Alan Macro, Thomas Marino, David Marsh, Steve Masters, Geoff Mayes, Andy Moore, Biyi Oloko, Erik Pattenden, Claire Rowles, Garth Simpson, Richard Somner, Joanne Stewart, Martha Vickers, Tony Vickers, Andrew Williamson, Keith Woodhams and Howard Woollaston

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AGAINST the Amendments: None

ABSTAIN: Councillor Alan Law

The Amendment for £50k delivery vehicle for West Berks Food Bank, £30k extra for Newbury Town Centre Vision and £42,500 for Watermill Theatre was put to the vote and declared **LOST**.

FOR the Amendments:

Councillors Carolyne Culver, David Marsh and Steve Masters

AGAINST the Amendments:

Rick Jones, Dennis Benneyworth, Dominic Boeck, Graham Bridgman, Jeff Cant, Hilary Cole, James Cole, Lynne Doherty, Clive Hooker, Tony Linden, Ross Mackinnon, Thomas Marino, Geoff Mayes, Biyi Oloko, Claire Rowles, Garth Simpson, Richard Somner and Howard Woollaston

ABSTAIN:

Alan Law, Adrian Abbs, Steve Ardagh-Walter, Phil Barnett, Jeff Brooks, Jeremy Cottam, Billy Drummond, Owen Jeffery, Alan Macro, Geoff Mayes, Andy Moore, Erik Pattenden, Claire Rowles, Martha Vickers, Tony Vickers, Andrew Williamson and Keith Woodhams

Councillor Jeff Brooks informed that apart from the project at Monks Lane the Liberal Democrat Group were going to support capital investment. The Administration stated that they were spending £393.7 million over the next ten years but £207 million was coming through CIL and S106 contributions, and the rest via borrowing. It was vital to invest in infrastructure and schools.

Councillor Tony Linden reported that he was pleased to see the proposed Capital Programme and informed that he had been involved in two of the projects for Calcot School. With regards to the Multi Use Games Area, this used to be in his ward and it was an excellent project. He also welcomed the work being undertaken on the Lido.

Councillor Adrian Abbs said that he was concerned about the public's understanding of the Capital Strategy as it lacked detail on the projects and there was little detail on tackling the Climate Emergency. He gave examples of how he felt the report lacked clarity such as the two lines for storage at the West Berkshire Museum costing over £800k with no explanation, how there was no detail for meeting the Playing Pitch Strategy or what was being delivered for active travel. Councillor Abbs said it was good to see invest to save projects such as solar panels but questioned why were they spread over a number of years instead of being up front and thus making more revenue income. He mentioned that more focus should be given to parking outside schools and a better understanding on how the Council was achieving its aims for the Climate Emergency Strategy.

Councillor Carolyne Culver said that she welcomed the ongoing funding of Member community bids as it was an example of how the Council was being responsive to community priorities. She also welcomed the funding of village speed limits as she received more complaints about speeding than anything else apart from potholes, she recommended that there be more Speed Limit Review Panels during the year.

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Councillor Doherty stated that Members were about to agree a Strategy that would spend a lot of money on exciting projects. Councillor Abbs said residents would not understand whilst Councillor Brooks talked about the money, but Councillor Doherty said she wanted to talk about the projects, not as the Leader but as a Ward Councillor. She said that there were some exciting projects planned for Newbury, they were investing in young people and this programme would make a difference to their lives. Two new primary schools had been opened during the current Administration and a third one was planned. She made reference to how she had worked with young people to provide facilities in Victoria Park and how as a young person growing up in the area she had enjoyed the Lido. She was proud to see the Council future proofing the Lido for future generations.

Councillor Jeff Beck mentioned the modelling work for the Robin Hood roundabout and along the A4 that would give benefits to thousands of people who used the area every day and would improve safety for pedestrians. He also made reference to the improvements proposed for care homes.

Councillor Marsh thanked Councillors who had voted for the amendments and said it was good to see Councillors coming together. He mentioned that there were many good projects proposed including the funds for a new classroom at Falklands School. He agreed that it was good that the Member community bids scheme had been retained but asked for more transparency around decisions and how money was to be spent.

Councillor Tony Vickers said he was concerned about the presentation of the Capital Programme. Previously the programme was over three years but now it was a ten year programme. Although it was presented well, so you could tell one year from another, there was a lot of zeros in the columns. To a member of the public reading the document it looked as if the money was running out. He said that future reports should revert back to a three year plan with more detail added and simpler explanations.

Councillor Masters said that it was nice to hear about all the great projects being proposed across many wards and the Leader had spoken about the Lido. However his party wished to see a greater focus on the environment and would continue to pursue this moving forward. He also asked if the Portfolio Holder could reassure residents that the work at Theale Railway Station would be completed as it was long overdue.

Councillor Richard Somner said he was pleased to once again see proposals to invest heavily in the district's roads and keeping people moving safely on the highway. There was £7 million investment over the next three years on carriageway resurfacing. There were also extensive structures and street light replacement and investment in drainage. He highlighted the extensive public rights of way program, the school streets project and public transport. Councillor Somner also said that there was over £6 million planned for upgrading Theale and Newbury stations. With regards to Theale he said that there had been a lot of external issues but discussions would continue to find a resolution. With regards to the Environmental Strategy, he mentioned the completion over the next two years of the Thatcham surface water management plan and investment in other flood risk areas such as Hampstead Norreys and Clay Hill. He said that Councillor Beck had already mentioned the upgrade to the Robin Hood roundabout but there was also further progress being planned on the new Local Transport Plan.

With regards to flood alleviation work, Councillor Jeremy Cottam mentioned that the Town Councils also had a big role to play in the projects.

Councillor Alan Macro said that with regards to Theale station he had been campaigning to get better access for years. He explained how getting access to the station for anyone with mobility issues was very difficult. He asked for the works to finally begin. Councillor Macro also mentioned that he continued to get complaints from residents regarding the

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Theale bypass with every increasing traffic volumes and HGV movements at night. He said that there was insufficient funding to alleviate the problem and asked that this be progressed.

Councillor Alan Law said that he wanted to comment to some of the statements made. He said that Councillor Vickers could only find the layout of the report to criticise yet he found it very clear, Councillor Brooks could only criticise were the funds were coming from when this was a strategy of capital works and the funds had been very well managed and Councillor Marsh had said it was not very transparent yet he felt the report was very transparent.

Councillor Steve Ardagh-Walter said that Councillor Abbs had said that there was little in the strategy regarding the environment. In response to that he referred to the long list of expenditure around active travel and flood protection to mention just a couple. There were many things this Council was doing to alleviate its impact on the environment. With regards to electric vehicles there were funds in place to add additional on street charging for residents who did not have off street parking. The number of electric vehicles on the road was still small but the Council wanted to be ahead of the curve.

Councillor Howard Woollaston provided an update on the works being carried out on the Lido and said that it would be open in July as planned. It would be a much better offer with a water slide and an Olympic sized swimming pool.

Councillor Dominic Boeck reported that he was pleased to hear the positive comments from Members on his side and from the Green Party but was disappointed by the negative comments from the Liberal Democrats about presentation and content. As a lot of the positives had already been discussed he wanted to mention the education aspects of the report including maintenance of our schools, facilities for young people, early years settings and primary schools, and especially support for the special needs setting. There was a new primary school to the north of Newbury and extensions in schools to increase spaces. This would allow more parents to send their children to schools of their choice. He was delighted to recommend the paper.

Councillor Mackinnon thanked everyone for their kind words and for contributing to the debate. He was pleased to hear how the Capital Strategy was benefitting wards across the district. With regards to Theale station he hoped the work would soon be completed, work had started on the bridge but the Council was reliant on Network Rail to get the project finished. With regards to traffic noise in Theale, the survey had been delayed but it was expected that the work would be completed this year. He agreed that speeding was an issue in rural wards and this would be looked at. He also agreed that the Members' bids scheme should continue to help with local issues. He referred to the Liberal Democrats' comments and said that with regards to funding, grants did not just appear, a lot of hard work had to be put into getting them awarded. External funding helped to reduce the tax burden on residents. He did not want to go back to a three year programme as it would be too short term. With regards to a lack of detail he said that there was a line by line spreadsheet informing of every project.

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

FOR the Motion:

Councillors Rick Jones, Alan Law, Steve Ardagh-Walter, Dennis Benneyworth, Dominic Boeck, Jeff Beck, Graham Bridgman, Jeff Cant, Hilary Cole, James Cole, Carlyne Culver, Lynne Doherty, Clive Hooker, Tony Linden, Ross Mackinnon, Thomas Marino, David Marsh, Steve Masters, Biyi Oloko, Claire Rowles, Garth Simpson, Richard Somner, Joanne Stewart, Andrew Williamson and Howard Woollaston

AGAINST the Motion: None

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ABSTAIN:

Councillors Adrian Abbs, Phil Barnett, Jeff Brooks, Jeremy Cottam, Billy Drummond, Owen Jeffery, Alan Macro, Geoff Mayes, Andy Moore, Erik Pattenden, Martha Vickers, Tony Vickers and Keith Woodhams

84. Revenue Budget 2023 - 24

(Cllr Dillon declared a pecuniary interest in this item as the JV is an investment vehicle for the organisation he worked for. Cllr Dillon left the room for the duration of this item and did not vote).

The Council considered a report (Agenda Item 7) which recommended to Council the 2023-24 Revenue Budget which proposed a Council Tax requirement of £117.5m, requiring a Council Tax increase of 2.99% and an Adult Social Care precept of 2%. The Council Tax would raise £3.3m, the precept would raise a further £2.2m, and an increased taxbase would raise a further £1.8m. At a 4.99% Council Tax increase, the budget was balanced, after using £1.8m of reserves that have been specifically set aside. The overall Council Tax increase was intended to balance the financial impact of the pandemic on residents, mitigating the financial pressures they faced, as well as the cost pressures that the Council faced.

The Council was focussed on delivering services to residents and businesses that supported the overall Health and Wellbeing of the district, and assisted in the increased cost of living and continued recovery from the Covid-19 pandemic, building on the recovery strategy and improving the quality of services provided. The Revenue Budget supported this through the allocation of funds to core investment in the Council's strategies and through making revenue funding available to deliver the Capital Strategy.

The budget was supported this year through a financial settlement announced at the Autumn Statement that provided additional funding to the Council for social care at a time of historically high inflation as well as increased demand on services. At the same time, the Council faced significant pressures from the wider economy; as mentioned, inflation was at very high levels with interest rates also rising recently and forecasts from the Bank of England of a sustained recession for the UK economy.

The Council recognised the need to support the most vulnerable. The Council had set up a cost of living hub in 2022 to support residents, and the focus of the 2023-24 budget was supporting the most vulnerable by minimising any impact on front line services that were so crucial for the people and businesses of the district. This had been funded by utilising almost all earmarked reserves outside of the minimum level of general fund reserves, reshaping Council services, managing vacancies, increasing some fees and charges in line with inflation and delivering efficiencies. There was a Government funded £25 reduction on Council Tax for all Council Tax Reduction scheme claimants. The Revenue Budget sought to manage all of these demands whilst achieving financial balance.

The budget detailed the investment for the year ahead to deliver the Council Strategy, the ambitions in the Capital Strategy and to support core Council Services. This included investment in approved strategies for example Adult Social Care, the Environment Strategy, the Digital and Customer Engagement strategies and prevention work. The paper also included savings proposals, other income sources and the use of specific reserves to ensure the Council had a sustainable financial footing. The budget also allocated revenue funding to deliver the Capital Strategy that had a substantial amount of investment in infrastructure for the year ahead. The Council was proposing to support the budget with a £1.8m contribution from reserves; these were largely from specific

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reserves, for example the residual Covid-19 non-ring-fenced grant, Council Strategy reserve and Collection Fund reserves.

The report also proposed the Fees and Charges for 2023-24 as set out in Appendix F, the Parish Expenses as set out in Appendix G and recommends the level of General Reserves as set out in Appendix E.

MOTION: Proposed by Councillor Ross Mackinnon and seconded by Councillor Lynne Doherty:

“That the Council resolves as follows:

- 1) That Council approves the 2023-24 Council Tax requirement of £117.5 million, requiring a Council Tax increase of 2.99% with a 2% Council Tax Precept ring-fenced for adult social care.
- 2) That the Fees and Charges are approved as set out in Appendix F and the appropriate statutory notices be placed where required.
- 3) That the Parish Expenses of £17,880 are approved as set out in Appendix G.
- 4) To provide a £25 reduction to Council Tax for all Council Tax Reduction claimants, funded from the Exceptional Hardship Fund (EHF). The EHF has been set up by West Berkshire Council to cover the shortfall between the Council Tax Liability and the award of Council Tax Reduction. We recognise the importance of protecting our most vulnerable customers. An EHF was created to ensure that we protect and support those most in need. It is therefore intended to help in cases of extreme financial hardship and not support a lifestyle.
- 5) That it be noted that the following amounts for the year 2023-24 in accordance with regulations made under Section 31B of the Local Government Finance Act 1992, as amended (by the Localism Act 2011):-
 - a) 67,392.41 being the amount calculated by the Council, (Item T) in accordance with regulation 31B of the Local Authorities (Calculation of Council Tax Base) Regulations 1992 (as amended by the Localism Act 2011), as its council tax base for the year (the number of properties paying council tax).
 - b) Part of the Council's area as per Appendix J being the amounts calculated by the Council, in accordance with regulation 6 of the Regulations, as the amounts of its council tax base for the year for dwellings in those parts of its area to which a Parish precept relates.
- 6) Calculate that the Council Tax requirement for the Council's own purposes for 2023-24 (excluding Parish precepts) is £117,472,381.
- 7) That the following amounts be now calculated by the Council for the year 2023-24 in accordance with Sections 32 to 36 of the Local Government Finance Act 1992, amended by the Localism Act:-
 - a) £393,450,213 being the aggregate of the amounts which the Council estimates for the items set out in Section 31A(2), (a) to (f) of the Act taking into account all precepts issued to it by Parish councils.
 - b) £270,969,869 being the aggregate of the amounts which the Council estimates for the items set out in Section 31A(3), (a) to (d) of the Act.
 - c) £122,480,344 being the amount by which the aggregate at 7(a) above, exceeds the aggregate at 7(b) above, calculated by the Council, in

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accordance with the Section 31A(4) of the Act, as its Council Tax requirement for the year (Item R).

- d) £1,817.42 being the amount at 7(c) above (Item R), all divided by 5(a) above (Item T), calculated by the Council, in accordance with Section 31B of the Act, as the 'basic amount of its Council Tax for the year (including Parish precepts)'
 - e) £5,007,963 being the aggregate amount of all special items (Parish precepts) referred to in Section 34(1) of the Act (as per Appendix J).
 - f) £1,743.11 being the amount at 7(d) above less the result given by dividing the amount at 7(e) above by the amount at 5(a) above, calculated by the Council, in accordance with Section 34(2) of the Act, as the basic amount of its Council Tax for the year for dwellings in those parts of its area to which no special items relates.
- 8) That it be noted that for the year 2023-24, Police and Crime Commissioner for Thames Valley & the Royal Berkshire Fire and Rescue Service have issued precepts to the Council in accordance with Section 40 of the Local Government Finance Act 1992 for each category of dwellings in the Councils area as indicated in Appendix J.
- 9) That the Council in accordance with Sections 30 and 36 of the Local Government Finance Act 1992, hereby sets the aggregate amounts shown in the tables in Appendix J as the amounts of Council Tax for 2023-24 for each part of its area and for each of the categories of dwellings."

Councillor Mackinnon said he was pleased to present the Revenue Budget for 2023/2024. This was his fourth budget as Finance Portfolio Holder and it had been the most challenging especially as inflation was at its highest level for over 40 years. He paid tribute to officers for their work on preparing the budget. His instincts were to leave as much money as possible in residents' pockets and when possible to freeze or cut taxation. The last few years had been very challenging and it was costing more each year just to provide the same level of services.

Councillor Mackinnon referred to 71% of the Council's income coming from Council Tax and the Adult Social Care precept. To meet the growing demands and increased cost a Council Tax increase of 2.99% and an Adult Social Care precept of 2% was proposed. The majority of residents who took part in the budget consultation supported this increase. Cost for both adults and children's services continued to increase and required an extra £10m in the budget compared to last year. This was the first time in three years that this Administration had recommended an increase in Council Tax to the maximum allowed. The proposed budget had been supported by utilising a specific earmarked amount of reserves whilst maintaining the level of reserves above the recommended minimum amount.

Thanks to Government funding the Council was able to provide a £25 reduction in Council Tax to all Council Tax Reduction Scheme claimants. Councillor Mackinnon informed that the budget provided for extensive investment to achieving the aims in the Council Strategy. He confirmed that there was support for areas still being affected by the pandemic. He explained how the budget also contained savings and income generation proposals totalling £9.1m to help fulfil the Council's responsibilities to residents to be as efficient as possible and provide value for money. Just as in previous years none of the proposed savings would result in cuts to frontline services.

Councillor Mackinnon noted that the Section 151 Officer was required to make a recommendation of the minimum level of the general reserve for non-specific items and

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risks, and this year that recommendation had been £7m. The recommended level of reserves for this year had been proposed at £7.2m. The budget proposed the right balance between investing in services and infrastructure whilst keeping finances on a stable footing.

AMENDMENT: Proposed by Councillor David Marsh and seconded by Councillor Steve Masters.

Original text:

“Newbury Sports hub running costs budget required from September 2023 (£30k)”

Proposed amendment:

£25,000 for additional road safety officer to implement School Streets programme (part year from September 2023)

£5,000 contingency for watering trees on council land in the event of another drought

Total £30k to be fully funded by saving £30k on “Newbury Sports Hub running costs” (part year from September 2023)”

Councillor Marsh said that the original motion asked to increase the numbers of civic enforcement officers to help with enforcement outside schools, but as the parking review was taking place that included staffing levels it was felt that that was the best place to look at this rather than an amendment. They would be making the appropriate suggestion to the review. He said that the other proposals were funded by using money proposed for the Newbury Sports Hub as he did not think that would be required given the level of opposition, this might be wrong and thus could be funded elsewhere from revenue. He said that with regards to the proposed watering contingency for trees, there was no point agreeing to plant new urban trees if they were left to die in a hot summer like the one we had just had. He mentioned how the fire brigade had been asked to undertake training in Goldwell Park using their hoses to water trees and how volunteers had come out to water trees.

With regards to the proposed additional road safety officer to implement the School Streets programme, Councillor Marsh said that as a Member of the Transport Advisory Group he had received an excellent report on how successful the trial had been in Calcot and he wanted to see it extended across the district.

Councillor Masters said that he hoped the willingness of Members to look at individual amendments would continue. As previously mentioned the school streets programme trial had been a success and there was an ambition to roll it out across the district. It would help with the health and wellbeing of children, improve air quality outside schools and help reduce asthma.

Councillor Mackinnon said that most people would struggle to disagree with the two proposals. With regards to road safety outside schools, he recanted a story about how he had an unfortunate conversation with a parent who had parked dangerously outside a school. Although he supported the proposal he said that regulations needed to be brought forward to give the Council powers to fully implement it. With regards to the watering of trees he said that he had been informed that when the Council awarded a contract to plant trees it should include watering in the event of extreme weather.

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

FOR the Amendment:

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Councillors Rick Jones, Alan Law, Adrian Abbs, Steve Ardagh-Walter, Phil Barnett, Jeff Beck, Dennis Benneyworth, Dominic Boeck, Graham Bridgman, Jeff Brooks, Jeff Cant, Hilary Cole, James Cole, Jeremy Cottam, Carolyne Culver, Lynne Doherty, Billy Drummond, Clive Hooker, Owen Jeffery, Tony Linden, Ross Mackinnon, Alan Macro, Thomas Marino, David Marsh, Steve Masters, Andy Moore, Biyi Oloko, Erik Pattenden, Claire Rowles, Garth Simpson, Richard Somner, Joanne Stewart, Martha Vickers, Tony Vickers, Andrew Williamson, Keith Woodhams and Howard Woollaston

AGAINST the Amendment: None

ABSTAINED from voting on the Amendment:

Councillor Geoff Mayes

Councillor Jeff Brooks said that with regards to his comments on the budget, if you looked at his speeches over the years there were several parts of the same speech that would be recognised by those in the room. He referred to his previous calls on the Administration to undertake a zero based budgeting exercise which challenged spend on every item, role and expense in each department. He stated that a key benefit of building the budget from the bottom upwards was that it focused attention on the actual resources required to produce an outcome rather than a percentage increase or decrease in the budget compared to the previous year and hoping for last minute grants. His recommendation was an approach to budgeting that started from the premise that no cost or activity should be factored in to a budget just because it was present in a previous period, and that everything to be included must be considered and justified.

Councillor Brooks also felt that the report did not contain enough detail on the proposals and gave some examples where not enough narrative had been provided to justify the savings. He also highlighted the risks posed by the assumptions over inflation, interest rates, the affect of the war in Ukraine and increased energy prices. The Council might be able to borrow on fixed term rates but there were still impacts on the budget as was case in the first quarter with the energy crisis. This budget was forecasting an overspend of over £5m making it necessary to raid the reserves taking them down to a dangerous level.

Councillor Marsh said that he was concerned about the savings proposed by managing vacancies. He felt that not recruiting to vacancies would have an adverse effect on service delivery. For example he mentioned that yellow lines in his ward were on the list to be painted but after years waiting officers say they were short staffed. He said that there were too many departments struggling within the Council.

Councillor Abbs said that the Liberal Democrats had many concerns about the budget but they had not put down any amendments as experience had shown over the last 18 years that the Administration would not listen to any amendments. He did mention that the Liberal Democrats planned to talk to partners such as Readibus, that they would remove the green bin tax, they would protect the vulnerable with an additional council tax exemption and they would listen to members from all sides of the chamber so they could deliver a budget that respected good ideas.

Councillor Masters mentioned that there had been cross party working as evidenced at this meeting with a number of tabled amendments being adopted. He said that since 2020 amendments had been voted down on block but a number of Members had said that if some items had been voted on individually then they would have supported them. He thanked the S151 officer for his help in finding funding options for the amendments and the Chairman for allowing a vote on separate items.

Councillor Alan Macro said that with regards to the saving and the review of care packages there was a similar saving last year and asked if this had been achieved and if

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it was achievable again in this budget. With regards to health funding for clients with mental health needs he believed the project was going slowly and wondered if it would be completed in the financial year.

Councillor Jo Stewart replied that the review of care packages was undertaken every year as clients circumstances changed. With regards to the proposed budget she said that work was ongoing with service providers in Adult Social Care to get a fair outcome in light of inflationary pressures. With regards to recruitment there continued to be challenges and agency costs continued to be high. Work was underway to explore how the Council could do more to attract people to permanent positions. Pressures on Adult Social Care would continue and the Health and Wellbeing Board were considering how best to support an ageing population.

Councillor Tom Marino referred to comments that the Administration never listened to proposed amendments but amendments had been accepted at this meeting. It was hard to listen to proposed amendments when they do not come to you for due consideration.

Councillor Owen Jeffery said that he was glad that Council had approved the school streets officer and that there was some cooperation across the Chamber as it did not happen very often.

Councillor Pattenden said that the opposition were part of scrutiny and it was their role to question the Administration. He referred to the list of proposed savings and asked if the Administration were making the same mistakes that they had made in the past such as cutting the Readibus service without consulting service users.

Councillor Graham Bridgman said that he recalled the opposition proposals to remove the green bin charge but when asked what would be cut to make up the shortfall there was no answer. With regards to scrutiny he said the Administration did listen but were also entitled to respond and question how alternative budget proposals were to be funded. He said that with regards to the Adult Social Care budget this would benefit from increased spending in health care by the NHS and discussions with them were ongoing.

Councillor Dominic Boeck said that he was pleased to see the investment being made in children's social care and family hubs as well as the additional funding to special needs and school transport. Since the pandemic it was concerning to see the demand for mental health services for young people increase the way it had across the country and in West Berkshire. He was pleased to see that they had been able to propose funding for additional staffing. He mentioned that it was a shame that the Liberal Democrats had not brought forward any proposed amendments.

Councillor Biyi Oloko said he supported this forward thinking Revenue Budget. In response to suggestions to concentrate on zero based budgeting he was of the view that this was a thing of the past and not being considered by world economies. The administration had managed the budget effectively .

Councillor Doherty, as seconder to the report, said that she also wished to thank officers for their work on the budget as it had been the most difficult one to balance that she had seen in her eight years on the Council.

Councillor Doherty said that she was proud of all the work West Berkshire Council had done over the last four years. The Council Strategy focused on residents' priorities such as investing over £2m ensuring vulnerable children and adults achieve better outcomes or investment in maintaining the green district. . It had always been the aim to maintain a low Council Tax but due to external circumstances they had to propose the increase.

Councillor Mackinnon thanked Members for participating in the debate this evening. He mentioned that over the years he had disagreed with Councillor Brooks' views on zero

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based budgeting and said that the Council had many statutory functions that needed to be funded. With regards to last year's budget and the impact of inflation he said that not even the Bank of England had foreseen the sharp increase in energy prices and had been predicting a fall in inflation. In year mitigations had been undertaken and overspends brought under control. With regards to reserves he reiterated that they were proposed to be at a level above the minimum advised by the S151 Officer.

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

FOR the Motion:

Councillors Rick Jones, Alan Law, Steve Ardagh-Walter, Jeff Beck, Dennis Benneyworth, Dominic Boeck, Graham Bridgman, Jeff Cant, Hilary Cole, James Cole, Carlyne Culver, Lynne Doherty, Clive Hooker, Tony Linden, Ross Mackinnon, Thomas Marino, David Marsh, Steve Masters, Biyi Oloko, Claire Rowles, Garth Simpson, Richard Somner, Joanne Stewart, Andrew Williamson and Howard Woollaston

AGAINST the Motion:

Councillors Adrian Abbs, Jeff Brooks, Owen Jeffery, Alan Macro, Andy Moore, Erik Pattenden, Martha Vickers, Tony Vickers and Keith Woodhams

ABSTAIN:

Councillors Phil Barnett, Jeremy Cottam, Billy Drummond and Steve Masters

(The meeting commenced at 5.10 pm and closed at 8.22 pm)

CHAIRMAN
Date of Signature

DRAFT

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

COUNCIL

MINUTES OF THE EXTRAORDINARY MEETING HELD ON THURSDAY, 2 MARCH 2023

Councillors Present: 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, Hilary Cole, James Cole, Jeremy Cottam, Carolyne Culver, Lee Dillon, Lynne Doherty, Billy Drummond, Clive Hooker, Owen Jeffery, Tony Linden, Ross Mackinnon, Alan Macro, Thomas Marino, David Marsh, Steve Masters, Geoff Mayes, Andy Moore, Biyi Oloko, Erik Pattenden, Claire Rowles, Garth Simpson, Richard Somner, Joanne Stewart, Martha Vickers, Tony Vickers, Andrew Williamson, Keith Woodhams and Howard Woollaston

Also Present: Nigel Lynn (Chief Executive), Joseph Holmes (Executive Director - Resources), Eric Owens (Service Director - Development & Regulation), Paul Coe (Interim Executive Director – People), Sarah Clark (Monitoring Officer), Lizzie Reeves (Business Analyst (Digital Services)), Stephen Chard (Democratic Services Manager), Honorary Alderman Graham Jones, Honorary Alderman Quentin Webb, David Cook (Principle Democratic Services Officer) and Nicola Thomas (Service Lead – Legal and Democratic Services)

Apologies for inability to attend the meeting: Councillor Nassar Hunt, Councillor Gareth Hurley, Councillor Royce Longton, Councillor Graham Pask, Honorary Alderman Keith Chopping and Honorary Alderman Anthony Stansfeld

PART I

1. **Declarations of Interest**

There were no declarations of interest received.

2. **To consider and deal with the business detailed in the requisition for an extraordinary meeting dated 1 February 2023, signed by the requisite number of Members**

The Council considered a report (Agenda Item 4) concerning a proposal for consideration by Council as detailed in the requisition signed by Members dated 1 February 2023.

MOTION: Proposed by Councillor Lee Dillon and seconded by Councillor Tony Vickers:

That the Council:

“1) abandon the consultation on the Local Plan which commenced on the 20th of January 2023, so that all relevant issues can be rectified and/or clarified and thereby avoid the risk of the Local Plan Review submission being dismissed as unsound by the Inspector on the basis of a defective Regulation 19 Consultation: and

2) undertake a new Regulation 19 Consultation in the future once these omissions and errors have been rectified.”

Councillor Dillon introduced the motion and thanked the Chairman for holding the extraordinary meeting to consider the issue. He said that Members would not be surprised that there were sites that had been allocated that people were not happy about. He had concerns about the Thatcham North East site but that was not what the motion was about. The motion was about the body of evidence that was being presented for the

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consultation. The risk of not having a sound local plan were well known and if the Council did not have a local plan then there was a risk that development would be led by developers. He believed that if the plan was submitted in its current form then it would be unsafe and this could stop the Thatcham North East site as well as other development sites. The opposition could just do nothing and let the Local Plan fail but there was more to the plan than site allocation, and there were a number of policies that needed to be considered from building standards through to energy and environmental issues. It was important to have a plan that the Inspector could sign off.

Councillor Dillon continued by saying that there was a lack of evidence in the Regulation 19 consultation. He mentioned that the growth study was flawed as it only looked at one site and therefore the score did not include other possible sites. The study was based on 2,500 homes for Thatcham but the consultation talked about 1,500 homes. There was no traffic impact study on neighbouring parishes. He mentioned that there was a call for a new school but there was no funds put aside for infrastructure. If the Council wanted an approved Local Plan the consultation should stop with a new Regulation 19 consultation to take place once all the missing parts had been rectified and an evidence base in place.

Councillor Alan Macro said that there was a lot to be concerned about with the Local Plan but wanted to talk about the transport plan and air quality report. The Air Quality Assessment that was part of the consultation documents was based on the Local Plan running to 2037, not 2039 which it now should do. This affected the traffic levels forecast for the end of the plan period and the resultant traffic pollution. There were sites missing and a plan to increase the Thatcham site from 1,250 homes to 1,500 homes. The transport model had not been updated to mirror the changes and the impact of the primary school and health centre on traffic had not been included. The air quality study could not be trusted and was also difficult to read and understand with some of the locations used being difficult to identify.

Councillor Owen Jeffery said that putting in a flawed plan that would be rejected by the Inspector was not strategic planning. As councillors and a planning authority they were obliged to submit a sound Local Plan. 2,500 homes in northeast Thatcham has suddenly become 1,500 homes. The process had been rushed and missed key features such as health facilities and a new school. He asked for Members to co-operate and vote for the motion.

Councillor Adrian Abbs mentioned that Bath and North Somerset Liberal Democrat Council had recently adopted its Local Plan that said planning permission would only be granted for new developments that generated as much energy that it consumed. The Inspectors allowed new policies if they were evidence based. The opportunity should be taken to revisit the plan and look at net zero homes.

Councillor Richard Somner reminded Members that the Council resolution on the 1 December 2022 delegated authority to the Executive Director of Place to make non material changes to the Local Plan before it went out to consultation and make changes post consultation for submission. He said he had a full briefing on the motion but it would take too long to read it all so he addressed the northeast Thatcham question. He said that the 2,500 houses was not correct and not the figure in the Local Plan. With regards to the lack of evidence he said there were 576 pages of it that equated to 340 London buses. The officers were the experts in this project and they had worked hard with supporting consultants to put this information together. A cross party working group had months of meetings, the officers believed in the plan and after the consultation they believed it was ready for examination. He hoped that the Parish and Town Councils had not been dissuaded from providing information due to this motion. He did not feel that this

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motion would stop the process and felt it was disrespectful to officers to say that the plan would fail.

Councillor Alan Law said that he had previously been the portfolio holder for planning and had sat on a number of examinations. What the Inspectors look at is the evidence and a lot of the evidence was coming from consultation responses. So the consultation was valid and if the Inspector did not take it on board developers' legal representatives would. It was not unusual for Inspectors to question and ask for clarification on evidence provided. He was sure there might be a couple of glitches but this would not make the plan unsound as the Inspector would ask for the appropriate amendments.

Councillor Jeff Brooks said that there was a considerable amount of concern in Thatcham. The responsibility for the Local Plan lay with the Administration, the comment had been made that officers had done a wonderful job and were professionals but Members had a responsibility to scrutinise. He said that the motion showed that there were errors, but the portfolio holder, while stating that he had a document explaining them, had said he did not have time to share this with Members. If this document had been shared before the meeting there could have been a debate. He said that the consultation should be done properly backed by evidence.

Councillor Tony Linden reported that there was a huge risk if the motion was adopted and the Local Plan was delayed, possibly up to 18 months. The Council was a plan led authority and did not want to put at risk future developments.

Councillor Hilary Cole gave the view that this was an attempt by the Liberal Democrat Group to stop the Local Plan. Three of the signatories to this call in were Members of the Planning Advisory Group and had been actively involved in the process and production of the Local Plan. This was an attempt to derail the plan in order to placate the residents of Thatcham. If a local plan was not adopted it would give the green light to developers to submit planning applications that neither the residents nor authority wanted. There would be no benefits or infrastructure that an adopted plan would deliver.

Councillor Macro reported that the transport modelling report he made reference to had never been discussed by the Planning Advisory Group and the error only came to light when he examined the documents.

Councillor Graham Bridgman said that he agreed that if the Council did not have a valid local plan then there were risks of unwanted development such as that seen in Wokingham where there was no Local Plan in place and development was taking place on greenfield sites. If the Council did not have a valid Local Plan then developers could win on appeal rejected applications on greenfield sites. With regards to the air quality assessment this was addressed on page ten of the report where it said the assessment was on the pre-submission Local Plan and represented conservative assessments. The report that went to Council in December made it clear that there would be no significant impact on their quality receptors and no material change to the overall conclusions. He also reminded Members that it had been agreed that any substantive issues arising from the consultation would be brought back to Council.

Councillor Tony Vickers said that Thatcham was important as they believed the case made for the site was not well made and would be found unsound. He wanted the district to have a sound Local Plan and had not got involved until the Chairman of Thatcham Town Council's planning committee had presented his case as to why the evidence was not sound. He did not want to lose the plan and felt we should be a plan led authority. With regards to the Planning Advisory Group they agreed on a lot but not everything that came out was absolutely right. He respected officers' advice but at the end of the day it was for Councillors to make the final decision representing their residents. He made

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reference to 11 councils who had paused their process as they wanted to wait to hear what the new Government guidelines were and not to proceed with uncertainty. He said it made sense to pause to hear what the Government was going to say and what would be coming out of the Levelling Up Bill. He said that there were ways of finding the houses and making the plan sound with modifications. He said that the motion was not about destroying a plan lead authority.

Councillor Dillon referred to the risk highlighted by Councillor Linden that if this motion was passed there would be an 18 month delay. He did not believe it would but if it was the Council still had six and a half years of housing supply. He wanted to have a sound plan and said there was sufficient provision of housing numbers for the Council to take its time and get it right. He said that apart from the question about air quality there had been no other rebuttal on where the missing evidence was. He agreed that the documents going in had some weight but they would have more weight if residents' views were heard based on correct evidence base. With regards to the housing figures, he accepted that Regulation 19 talked about 1500 homes but it did not change the red line for the boundary site. After the plan period he felt that the rest of the site would be liable to be built upon to the 2,500 number. What the examination of the Thatcham site had shown was there was a lack of evidence that could make the whole plan fail. Waiting for the Inspector to come back with any modifications could take longer than getting it right in the first place.

The Motion was put to the meeting and declared **LOST**.

Councillor Dillon said that he would not be able to attend the next Council meeting due to attending a funeral. As this was the last Council meeting before the May 2023 elections and as there were a number of Councillors who were not standing or might not be re-elected he wanted to recognise their service to the Council. There were many Councillors who had served for many years and although the groups might have disagreements and different ideological views he hoped that those not coming back enjoyed their retirement and that those standing enjoyed the campaign and could co-operate when campaigning.

(The meeting commenced at 8.20 pm and closed at 9.05 pm)

CHAIRMAN

Date of Signature

Council – 25 May 2023

Appointment of the Leader of the Council for the 2023/2024 Municipal Year

Verbal Item

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Council – 25 May 2023

**Appointment of the Executive by the Leader
of the Council for the 2023/2024 Municipal
Year**

Verbal Item

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Appointment of and Allocation of Seats on Committees for the 2023/24 Municipal Year

Committee considering report:	Council
Date of Committee:	25 May 2023
Portfolio Member	Leader of Council
Date Portfolio Member agreed report:	15 May 2023
Report Author:	Sarah Clarke
Forward Plan Ref:	C4392

1 Purpose of the Report

- 1.1 Following the recent election on the 4th May 2023, the representation of the respective political parties has changed at the Council. This purpose of this report is to consider the appointment and allocation of seats on Committees for the next Municipal Year in accordance with the duty under section 15 of the Local Government Housing Act 1989, that reflects the latest political make-up of the Council and to reflect the new Political Administration’s proposed revisions to this allocation.
- 1.2 The election of Councillors to West Berkshire Council usually takes place every four years but the political representation of members on committees needs to be considered on an annual basis.
- 1.3 To agree the Council’s Policy Framework for 2023/24 as set out in paragraph 5.22 of the report, reflective of the Policies reserved for Full Council.

2 Recommendations

- 2.1 That the Council notes that under paragraph 8 of the Local Government (Committees and Political Groups) Regulations 1990, notice has been received that the Members set out in paragraph 5.1 are to be regarded as Members of the Liberal Democrat and Conservative Groups respectively.
- 2.2 That the Council agrees to the appointment of the various Committees and to the number of places on each as set out in Table A, at paragraph 5.5.
- 2.3 That the Council agrees to the allocation of seats to the Political Groups in accordance with section 15(5) of the Local Government Act 1989 as set out in Table B at paragraph 5.14 of the report.

- 2.4 That the number of substitutes on each of the Committees and Commissions be as set out in Table C, at paragraph 5.17.
- 2.5 In respect of the District and Area Planning Committees, the substitute Members are all drawn from Members representing wards within the Committee's area who are not appointed to the Committee. Where substitutes attend the District Planning meeting they need to be drawn from the same Area Planning meeting as the Member they are substituting for.
- 2.6 That the Council approves the appointment of Members to the Committees as set out in Appendix A and notes the appointments set out in Appendix B which are in accordance with the wishes of the Political Groups.
- 2.7 That the Council, in accordance with the Local Authorities (Functions and Responsibilities) (England) Regulations 2000 as amended, agrees that the Council's Policy Framework for 2023/24 be as set out in paragraph 5.22 of this report, and that any necessary amendments be made to the Council's Constitution.
- 2.8 That the Council notes that other plans, policies and strategies requiring approval which are not included in the approved Policy Framework and which are not otherwise reserved by law to Council, will be the responsibility of the Council's Executive in accordance with the Local Government Act 2000.
- 2.9 That the Council notes that Paragraph 6.2 of Article 6 of the Constitution will be amended to reflect any changes made to the Executive by the Leader of the Council at the Annual Council meeting.
- 2.10 That the appointment of two non-voting co-opted Parish/Town Councillors be made to the Governance Committee as detailed in Appendix A.
- 2.11 To re-appoint three Independent Persons (standards) namely Lindsey Appleton, Mike Wall and Alan Penrith, and to appoint Simon Carey as an Independent Person (Audit) to focus on the risk and audit functions of the Governance Committee.
- 2.12 To note the membership of the Health and Wellbeing Board as set out in Appendix A.
- 2.13 That authority be delegated to the Monitoring Officer to make any changes required to the Constitution as a result of the changes to the number of Members of the Council and following the appointments to Committees.
- 2.14 Council is asked to note the Council Bodies Rules as detailed at Appendix

3 Implications and Impact Assessment

Implication	Commentary
Financial:	No new implications arising from this report. Members Allowances are met from within existing budgets in accordance with the proposals agreed by Council.

Human Resource:	None			
Legal:	The allocation of seats to the Political Groups is in accordance with section 15(5) of the Local Government Act 1989 and related regulations mentioned in the report.			
Risk Management:	None			
Property:	None			
Policy:	The appointments and allocations will be made in accordance with the Council's statutory obligations. The Council's Policy making framework is updated annually			
	Positive	Neutral	Negative	Commentary
Equalities Impact:				
A Are there any aspects of the proposed decision, including how it is delivered or accessed, that could impact on inequality?		x		
B Will the proposed decision have an impact upon the lives of people with protected characteristics, including employees and service users?		x		
Environmental Impact:		x		
Health Impact:		x		

ICT Impact:		x		
Digital Services Impact:		x		
Council Strategy Priorities:		x		
Core Business:		x		
Data Impact:		x		
Consultation and Engagement:	The political groups have been consulted on aspects of this report.			

4 Executive Summary

- 4.1 This report sets out the Membership of the Political Groups, the proposed size and Membership of the Committees as well as the number of substitutes to be appointed for each of the bodies. It also sets out the 2023/24 Policy Framework.
- 4.2 The Council is required to appoint Committees and other Member bodies that are not part of the Executive. Membership of the Council's Committees is agreed annually at the May Council meeting.
- 4.3 Appointments to the Executive are a matter reserved to the Leader of Council, and are not therefore not included in this report.

5 Supporting Information

Political Groups

- 5.1 In accordance with Regulation 8 of the Local Government (Committees and Political Groups) Regulations 1990, the under-mentioned Members have given notice of their wish to be regarded as Members of the Political Groups set out below.

Liberal Democrat	Conservative	Green
Adrian Abbs	Dennis Benneyworth	Carolyne Culver (Green)
Antony Amirtharaj	Dominic Boeck	David Marsh (Green)
Phil Barnett	Paul Dick	
Jeff Brooks	Clive Hooker	
Nick Carter	Paul Kander	
Patrick Clark	Jane Langford	
Heather Codling	Ross Mackinnon	

Martin Colston	Biya Oloko	
Jeremy Cottam	Richard Somner	
Iain Cottingham	Jo Stewart	
Laura Coyle	Howard Woollaston	
Lee Dillon		
Billy Drummond		
Nigel Foot		
Denise Gaines		
Stuart Gourley		
Owen Jeffery		
Janine Lewis		
Alan Macro		
Geoffrey Mayes		
Erik Pattenden		
Justin Pemberton		
Vicky Poole		
Chris Read		
Matthew Shakespeare		
Stephanie Steevenson		
Louise Sturgess		
Martha Vickers		
Tony Vickers		

5.2 It is proposed at recommendation 2.1, that the Council notes that under Paragraph 8 of the Local Government (Committees and Political Groups) Regulations 1990, notice has been received that the Members set out in Paragraph 5.1 are to be regarded as Members of the Liberal Democrat, Conservative and Green Groups respectively.

5.3 There is one further Member of Council, namely Clive Taylor (Labour).

Appointment of Committees

5.4 In accordance with Paragraph 4.2.2 of the Constitution, the Council is required to appoint Committees and other Member bodies that are not part of the Executive or its sub-committees.

5.5 It is proposed that Council appoint the Committees set out in Table A, with the number of places shown for each.

Table A

Body	Number of Seats
Scrutiny Commission	9

Licensing Committee	12
District Planning Committee	11 <i>(five members of the Eastern Area Planning Committee and five Members of the Western Area Planning Committee as well as the Portfolio Holder for Planning)</i>
Eastern Area Planning Committee	9
Western Area Planning Committee	9
Personnel Committee	5
Appeals Panel	12
Governance Committee	9 <i>(two co-opted, non voting Parish Councillors and an Independent Person (Audit) will also be appointed to this Committee)</i>
Health Scrutiny Committee	5 <i>(Will additionally include two non-voting co-optees)</i>
Total	81

- 5.6 The Health and Wellbeing Board is subject to its own Membership requirements and is therefore not included in the above table. The boundaries for the Eastern and Western Area Planning Committees are set out in Appendix C.
- 5.7 In addition to the Committees in Table A above, the Council has appointed a Joint Public Protection Committee and a Joint Health Overview and Scrutiny Committee. West Berkshire Council has two seats on each of these Committees, although one of the seats on the Joint Public Protection Committee is made by way of an Executive appointment. As there are only two seats on these Joint Committees, the provisions regarding political balance do not apply.
- 5.8 It is proposed that 12 Members be appointed to the Licensing Committee and the Appeals Panel, to ensure that there is a sufficient pool of Members trained and available to undertake the work of these Committees which frequently sit as a Sub-Committee or Panel.

- 5.9 It is recommended (at 2.2) that the Council agrees to the appointment of the various Committees and to the number of places on each as set out in Table A.
- 5.10 It is recommended (at paragraph 2.13) that authority be delegated to the Monitoring Officer to make any changes required to the Constitution as a result of the changes to the number of Members of the Council and following the appointments to Committees.
- 5.11 The Rules for Council Bodies were recently reviewed and approved by Council as part of the Constitution Review, and these are attached to this report for information at Appendix D.

Allocation of Seats

5.12 The political balance of the Council currently stands as follows:

	Number of Members No.	Political Composition %
Liberal Democrat Group	29	67.44% (67%)
Conservative Group	11	25.58% (26%)
Green Group	2	4.65% (5%)
Others	1	2.32% (2%)
	43	100.00%

- 5.13 In allocating seats on Committees, the Council must give effect to the requirements for political balance on Committees as prescribed by section 15 of the Local Government and Housing Act 1989. These requirements apply only to voting members of the Committee.
- 5.14 This section creates a sequential test that must be adhered to when allocating seats to the Committees of Council, which provides as follows:
- (1) Not all seats on any Committee are to be allocated to the same political group;
 - (2) The majority of seats on any Committee must be allocated to the majority Group;
 - (3) Subject to the satisfaction of the above statutory criteria, the total number of seats on ordinary Committees must be allocated to political groups in the same proportion as their representation on the Council;
 - (4) Subject to all the above, the number of seats on each Committee must be the same proportion as the political group's representation on full Council;

Having regard to the above, it is recommended that the seats on Committees should be allocated as set out in Table B below.

Table B				
Committee	Total Number of Seats	Liberal Democrat Group	Conservative Group	Others*
Scrutiny Commission	9	5	3	1
Health Scrutiny Committee	5	4	1	0
Licensing Committee	12	8	3	1
District Planning Committee	11	8	2	1
Eastern Area Planning Committee	9	5	3	1
Western Area Planning Committee	9	5	3	1
Personnel Committee	5	4	1	0
Appeals Panel	12	9	3	0
Governance Committee	9	6	2	1
Number of Seats Allocated	81	54	21	6
Percentage Allocated	100%	66.7%	25.9%	7.4%
Percentage on Council		67.44%	25.58%	6.97%
Allocation of seats based on %	81	55	21	5
Percentage of seats	100%	67.9%	25.9%	6.2%

5.15 It is recommended (at 2.3) that the Council agrees to the allocation of seats to the Political Groups in accordance with section 15(5) of the Local Government Act 1989 as set out in Table B above. It is also recommended that the Monitoring Officer be given delegated powers to make any changes required to the Constitution arising out of this recommendation.

Substitutes

5.16 The Council is also required to determine the number of substitute Members that may be appointed in respect of each Committee.

5.17 The proposed number of substitutes for each Committee is detailed in Table C below.

Table C	
Scrutiny Commission	Up to 3 per Political Group
Health Scrutiny Committee	Up to 2 per Political Group on the Committee
Area Planning Committees	Up to 3 per Political Group
District Planning Committee	Up to 4 per Political Group – 2 from the Eastern Area of the District and 2 from the Western Area of the District
Licensing Committee	No substitutes permitted
Personnel Committee	Up to 2 per Political Group on the Committee
Appeals Panel	No substitutes permitted
Governance Committee	Up to 2 per Political Group

5.18 In respect of the District and Area Planning Committees, the substitute Members are all drawn from Members representing wards within the Committee's area who are not appointed to the Committee. Where substitutes attend the District Planning meeting they need to be drawn from the same Area Planning meeting as the Member they are substituting for.

5.19 It is proposed that the number of substitutes on Committees and Commissions be approved as set out in Table C.

Appointment to Committees

5.20 Appendix A is a full list of Committees and the nominations from each Political Group, including the Joint Public Protection Committee and the Joint Health Overview and Scrutiny Committee.

5.21 It is proposed that the Council approves the appointment of Members to the Committees as set out in Appendix A, and notes the appointments set out in Appendix B which are in accordance with the wishes of the Political Groups.

Planning and Policy Framework

5.22 It is recommended that, in accordance with the Local Authorities (Functions and Responsibilities) (England) Regulations 2000 as amended, the proposed Budget and

Policy Framework for 2023/24 (Policies etc reserved to Council) contains the Budget, Policies, Plans and Strategies set out below:

- Investment and Borrowing Strategy;
- Medium Term Financial Strategy;
- Capital Strategy;
- Revenue Budget;
- Council Strategy;
- Local Transport Plan;
- Licensing Policy;
- Gambling Policy;
- Plans and strategies which together comprise the Development Plan;
- Health and Wellbeing Strategy;
- Statutory Pay Policy Statement;
- Property Investment Strategy.

5.23 Other plans, policies and strategies requiring approval which are not included in the approved Policy Framework and which are not otherwise reserved by law to Council, will be the responsibility of the Council's Executive in accordance with the Local Government Act 2000.

Executive

5.24 Council are asked to note that the Constitution will be amended to reflect any changes made to the Executive Portfolios by the Leader of the Council announced at this Annual Council meeting.

Governance Committee

5.25 In addition to the elected Members who will be appointed on a proportional basis to the Governance Committee, it is recommended that two co-opted non-voting Parish/Town Councillors also be appointed. In addition two substitute (and also non-voting) Parish/Town Councillors will also be appointed to provide continuity.

5.26 It is also proposed that the Advisory Panel and three Independent Persons be retained.

5.27 Following the Redmond Review, it is also recommended that the Council appoint an Independent Person (Audit) to focus on the risk and audit functions of the Governance Committee. Details of the proposed re-appointment of Simon Carey to continue fulfil this role during the municipal year 2023/24, are set out in the recommendations and at Appendix A.

5.28 It is recommended that Council appoint as non-voting co-opted Parish/Town Councillors to the Governance Committee the parish council representatives, and the substitute parish council representatives as detailed in Appendix A.

5.29 It is also proposed that Council re-appoint three Independent Persons namely Lindsey Appleton, Alan Penrith, and Mike Wall to assist with Standards matters.

Health and Wellbeing Board

- 5.30 The Health and Wellbeing Board is created under the relevant provisions of the Health and Social Care Act 2012. A number of regulations linked to Committees have been dis-applied in relation to this Committee such as the proportionality rules and rules pertaining to voting.
- 5.31 The membership of the Board is set out in Appendix A and a number of the Board Members have nominated a named substitute as set out in that Appendix.
- 5.32 Council is asked to note the membership of the Health and Wellbeing Board, including those Members nominated by the Leader of Council, which are set out in Appendix A.

6 Proposals

- 6.1 As detailed in this report, in accordance with Regulation 8 of the Local Government (Committees and Political Groups) Regulations 1990, 29 Members wish to be regarded as members of the Liberal Democrat Group, 11 Members wish to be regarded as members of the Conservative Group, and 2 Members wish to be regarded as members of the Green Party Group. In addition, there is one member who is not a member of a group because the Regulations require at least two members to form a Group.
- 6.2 Members, and where appropriate substitutes, will be appointed to 8 Committees totalling 81 seats. In this case 54 of these seats will be allocated to Liberal Democrat Members, 21 to Conservative Members and 6 to Green Party and Other Members. The Health and Wellbeing Board is not included in these appointments as it is subject to its own membership requirements.
- 6.3 It is proposed that the appointments to Committees are made in accordance with the wishes of the Political Groups and as fully set out in the recommendations and related Appendices.
- 6.4 The Council will continue to appoint two Parish/Town Councillors to the Governance Committee, three Independent Persons (Standards) and one Independent Person (Audit). Two substitute Parish/ Town Councillors will be appointed to the Governance Committee.

7 Other options considered

- 7.1 None as the Council is required to consider and review membership of committees on an annual basis.

8 Conclusion

- 8.1 Members are asked to agree the appointment of and allocation of seats on the Committees for the 2023/24 Municipal Year.
- 8.2 Members are asked to agree the Council's Policy Framework for 2023/24 as set out in Paragraph 5.22.

9 Appendices

- 9.1 Appendix A – Membership of Committees 2023/2024 (To Follow)
- 9.2 Appendix B - Task Group and Panel Memberships 2023/24 (To Follow)
- 9.3 Appendix C – Wards covering each Planning Committee
- 9.4 Appendix D – Council Bodies Rules

Background Papers:

None

Subject to Call-In:

Yes: No:

- The item is due to be referred to Council for final approval
- Delays in implementation could have serious financial implications for the Council
- Delays in implementation could compromise the Council's position
- Considered or reviewed by Overview and Scrutiny Management Committee or associated Task Groups within preceding six months
- Item is Urgent Key Decision
- Report is to note only

Wards affected: All

Officer details:

Name: Sarah Clarke
Job Title: Service Director, Strategy & Governance
Tel No: 01635 519045
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Appendix C – Wards covering each Planning Committee

Wards within the Western Planning Area	Wards within the Eastern Planning Area
Lambourn	Basildon
Downlands	Pangbourne
Ridgeway	Bucklebury
Hungerford and Kintbury	Bradfield
Chieveley and Cold Ash	Aldermaston
Newbury Speen	Burghfield and Mortimer
Newbury Central	Theale
Newbury Wash Common	Tilehurst and Purley
Newbury Clay Hill	Tilehurst Birch Copse
Newbury Greenham	Tilehurst South and Holybrook
	Thatcham West
	Thatcham North East
	Thatcham Colthrop and Crookham
	Thatcham Central

Appendix D – Council Bodies Rules

Part 6

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 6.1

Council Bodies

Appendix: Appeals Committee

1 Preamble

- 1.1 Part 3 (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 3 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 6.2

Council Bodies

Appendix: Governance Committee

1 Preamble

- 1.1 Part 3 (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 3 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 6.3

Council Bodies

Appendix: Health and Wellbeing Board

1 Preamble

- 1.1 Part 3 (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 3 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 NHS Act 2012 require the Board to ensure that the Council complies with its duties to improve public health.
- 3.4 S.128A NHS Act 2012 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 NHS Act 2012 (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 disappplies 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 6.4

Council Bodies

Appendix: Health Scrutiny Committee

1 Preamble

- 1.1 Part 3 (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 3 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 6.5

Council Bodies

Appendix: Joint Public Protection Committee

1 Preamble

- 1.1 Part 3 (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 3 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 6.6

Council Bodies

Appendix: Licensing Committee

1 Preamble

- 1.1 Part 3 (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 3 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 6.6.1

Council Bodies

Appendix: Licensing Sub-Committee

1 Preamble

- 1.1 Part 3 (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 3 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 6.7

Council Bodies

Appendix: Personnel Committee

1 Preamble

- 1.1 Part 3 (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 3 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 6.8

Council Bodies

Appendix: Planning Committees

1 Preamble

- 1.1 Part 3 (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 3 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 Councillors' 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 Seconder) 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 Seconder 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 6.9

Council Bodies

Appendix: Scrutiny Commission

1 Preamble

- 1.1 Part 3 (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 3 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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Appointments to Outside Bodies 2023/24

Committee considering report:	Council
Date of Committee:	25 May 2023
Portfolio Member:	Leader of Council
Date Portfolio Member agreed report:	15 May 2023
Report Author:	Sarah Clarke
Forward Plan Ref:	C4393

1 Purpose of the Report

West Berkshire Council must make annual nominations to the following outside bodies:

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

2 Recommendations

2.1 Council is requested to approve the appointments for the Municipal Year 2023/24 in accordance with Appendix A, of Member representatives to the following outside bodies:

- Royal Berkshire Fire Authority
- Thames Valley Police and Crime Panel

2.2 Council is also asked to note the appointments as detailed in Appendix A of Member representatives to the Local Government Association General Assembly

3 Implications and Impact Assessment

Implication	Commentary
Financial:	West Berkshire Council Members are not paid to attend Outside Body meetings but any costs associated with meeting attendance will be met from within existing Members

	Allowances budget, where the Outside Body does not pay these costs			
Human Resource:	None			
Legal:	The Council is required to appoint members to certain bodies, such as the Royal Berkshire Fire Authority and the Thames Valley Police and Crime Panel.			
Risk Management:	None			
Property:	None			
Policy:	Where appropriate, appointments will be made in accordance with Part 13 Appendix J (Protocol for Council Representation on Outside Bodies) of the Council's Constitution			
	Positive	Neutral	Negative	Commentary
Equalities Impact:				
A Are there any aspects of the proposed decision, including how it is delivered or accessed, that could impact on inequality?		x		
B Will the proposed decision have an impact upon the lives of people with protected characteristics, including employees and service users?		x		
Environmental Impact:		x		

Health Impact:		x		
ICT Impact:		x		
Digital Services Impact:		x		
Council Strategy Priorities:		x		
Core Business:		x		
Data Impact:		x		
Consultation and Engagement:	Corporate Board, Service Lead - Legal & Democratic			

4 Executive Summary

- 4.1 The Council is required to appoint representatives to a range of Outside Bodies. Further appointments will be made via an Individual Decision in June 2023 and will be aligned to the Council's electoral cycle. Such appointments are not therefore anticipated to change again until 2027.
- 4.2 Nominations to the three Outside Bodies, Royal Berkshire Fire Authority, Thames Valley Police and Crime Panel and Local Government Association General Assembly are required annually. Appointments, where appropriate, will be made in accordance with Appendix J to Part 13 of the Constitution (Protocol for Council Representatives on Outside Bodies).

5 Royal Berkshire Fire Authority

- 5.1 Members are responsible for setting the Fire and Rescue Service operating budget and determining how the service is run. Meetings of the Royal Berkshire Fire Authority take place in the evenings, on a quarterly basis, and previously these have taken place at the authority's Headquarters in Calcot, Reading. It should be noted that a Member appointed to the Fire Authority is expected to attend all Fire Authority meetings and to serve on at least one committee or working party.
- 5.2 Appointments to the Royal Berkshire Fire Authority are made on a proportionality basis based on the electoral roll. The Royal Berkshire Fire and Rescue Service have informed the Council that they require four Member appointments from West Berkshire Council. Under the Local Government and Housing Act 1989 the Council is required to allocate seats on the Fire Authority reflecting the political balance of the whole Council.

- 5.3 The Council's representatives in 2022/23 were Councillors Dennis Benneyworth, Jeff Brooks, Tony Linden and Biyi Oloko.

6 Thames Valley Police and Crime Panel

- 6.1 The Panel comprises 18 elected members (one from each Authority) and two co-optees. Appointments of elected Members to the Panel are made in accordance with each Authority's own procedures, with a view to ensuring that the 'balanced appointment objective' is met, so far as is reasonable practicable.

- 6.2 The balanced appointment objective requires that the Panel should (when taken together):

- Represent all parts of the police area;
- Represent the political make-up of the Authorities;
- Have the skills, knowledge and experience necessary for the Panel to discharge its functions effectively.

- 6.3 A Member shall be appointed to the Panel at the Annual Meeting of Council, subject to the following provisos that he/she:

Shall cease to be a Member of the Panel if he/she ceases to be a member of:

- The Authority;
- The political group in the Authority when the appointment to hold office was made.

- 6.4 The Council's representatives in 2022/23 were Councillors Claire Rowles (until December 2022) and Howard Woollaston (from December 2022).

7 Local Government Association General Assembly

- 7.1 The Local Government Association is a politically-led, cross-party organisation that works on behalf of councils to ensure that local government has a voice with national government. It aims to influence and set the political agenda on issues relevant to councils in order to deliver local solutions.

- 7.2 The General Assembly acts as the 'parliament' of local government, with authorities in LGA membership entitled to have a minimum of one representative. It meets each summer at the LGA's Annual Conference. Membership is reviewed annually.

- 7.3 Four places are available to West Berkshire Council. There is no requirement that the Council allocate seats to the General Assembly in a politically balanced manner. However, the Local Government Association encourages authorities entitled to three or four representatives on the General Assembly to allocate one of those positions to the Opposition Group Leader.

- 7.4 The Council's representatives in 2022/23 were Councillors Lynne Doherty, Graham Bridgman, Dominic Boeck and Lee Dillon.

8 Other options considered

Not to appoint representatives which is not recommended for the reasons detailed in the report.

9 Conclusion

That the Council should agree and note that the appointments to the organisations set out in this report be made in accordance with Appendix A.

10 Appendices

10.1 Appendix A – Proposed Appointments to Outside Bodies (To Follow)

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:

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Council – 25 May 2023

Item 11 – Licensing Committee

Item 12 – Personnel Committee

Item 13 – Governance

Item 14 – District Planning Committee

Item 15 – Overview and Scrutiny Commission

Item 16 – Health Scrutiny Committee

Item 17 – Health and Wellbeing Board

Item 18 – Joint Public Protection Committee

Verbal Items

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