

Meeting of West Berkshire District Council

Thursday 15 May 2025

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 15 May 2025
at 7.00 pm

Sarah Clarke.

Sarah Clarke
Interim Executive Director – Resources
West Berkshire District Council

Date of despatch of Agenda: Wednesday 7 May 2025

AGENDA

Part I

1. **APOLOGIES FOR ABSENCE**

To receive apologies for inability to attend the meeting (if any). **(Pages 5 - 6)**

2. **CHAIRMAN'S REMARKS**

The Chairman to report on functions attended since the last meeting and other matters of interest to Members. **(Pages 7 - 8)**

3. **PRESENTATIONS**

The Chairman to make presentations. **(Pages 9 - 10)**



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Agenda - Council to be held on Thursday 15 May 2025 (continued)

4. ELECTION OF THE CHAIRMAN FOR THE MUNICIPAL YEAR 2025/26

To elect the Chairman for the 2025/26 Municipal Year. **(Pages 11 - 12)**

5. ELECTION OF THE VICE-CHAIRMAN FOR THE MUNICIPAL YEAR 2025/26

To elect the Vice-Chairman for the 2025/26 Municipal Year. **(Pages 13 - 14)**

6. MINUTES

The Chairman to sign as correct records the Minutes of the Council meetings held on 27 March 2025 and 1 May 2025. **(Pages 15 - 22)**

7. 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 23 - 24)**

8. UPDATES FROM COMMITTEES

That Council is informed about the meetings held since the last ordinary meeting of Council. The minutes of these meetings will be available on the [Council's website](#). **(Pages 25 - 26)**

- A) The Licensing Committee has not met.
- B) The Personnel Committee has not met.
- C) The Governance Committee met on 29 April 2025.
- D) The District Planning Committee has not met.
- E) The Scrutiny Commission has not met.
- F) The Health Scrutiny Committee has not met.
- G) The Health and Wellbeing Board has not met.
- H) The Joint Public Protection Committee has not met.

9. APPOINTMENT OF THE EXECUTIVE BY THE LEADER OF THE COUNCIL FOR THE 2025/26 MUNICIPAL YEAR

The Leader of the Council to announce the composition of the Executive for the 2025/26 Municipal Year. **(Pages 27 - 28)**

Agenda - Council to be held on Thursday 15 May 2025 (continued)

10. LEADER OF THE COUNCIL'S ANNUAL REPORT

Purpose: To receive the Leader's annual report to Council. **(Pages 29 - 30)**

11. AMENDMENTS TO THE CONSTITUTION TO SUPPORT CHANGES TO OVERVIEW AND SCRUTINY ARRANGEMENTS

Purpose: To set out proposed amendments to the Constitution in light of proposed changes to the Council's overview and scrutiny arrangements. **(Pages 31 - 80)**

12. APPOINTMENT OF AND ALLOCATION OF SEATS ON COMMITTEES FOR THE 2025/26 MUNICIPAL YEAR

Purpose: 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, to ensure that this reflects the latest political make-up of the Council. **(Pages 81 - 94)**

13. APPOINTMENTS TO OUTSIDE BODIES FOR THE 2025/26 MUNICIPAL YEAR

Purpose: To consider the appointment of seats on Outside Bodies for the next Municipal Year. Where necessary, such appointments must comply with the duty under section 15 of the Local Government Housing Act 1989, to ensure that these reflects the latest political make-up of the Council. **(Pages 95 - 102)**

14. WEST BERKSHIRE COUNCIL MEMBER CHARTER

Purpose: The Leaders of the Administration, Opposition and Minority Group are keen to reflect their commitment to good working relations with Officers for the benefit of West Berkshire Council and the communities that we serve. To reflect this commitment, a Member Charter has been drafted. This will sit alongside the Code of Conduct for Members. **(Pages 103 - 110)**

15. REVIEW OF COUNCIL STRATEGY PERFORMANCE MEASURES

Purpose: To introduce proposals for the review of the measures used to track progress towards delivery of the five priority areas within the [Council Strategy 2023-27](#), which was approved by Council in October 2023. **(Pages 111 - 138)**

16. PLANNING APPENDIX CONSTITUTIONAL UPDATE

Purpose: To update Council regarding the work undertaken by the Constitution Review Task Group ("CRTG"), and to propose the approval of the proposed Constitutional updates detailed in this report. **(Pages 139 - 188)**

If you require this information in a different format or translation, please contact Darius Zarazel on telephone 01635 519778.



West Berkshire
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Council – 15 May 2025

Item 1 – Apologies for Absence

Verbal Item

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Item 2 – Chairman's Remarks

Verbal Item

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Item 3 – Presentations

Verbal Item

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Council – 15 May 2025

Item 4 – Election of the Chairman for the Municipal Year 2025/26

Verbal Item

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Council – 15 May 2025

Item 5 – Election of the Vice-Chairman for the Municipal Year 2025/26

Verbal Item

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DRAFT

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

COUNCIL**MINUTES OF THE MEETING HELD ON
THURSDAY 27 MARCH 2025**

Councillors Present: Billy Drummond (Chairman), Tony Vickers (Vice-Chairman), Adrian Abbs, Antony Amirtharaj, Phil Barnett, Dennis Benneyworth, Dominic Boeck, Jeff Brooks, Nick Carter, Patrick Clark, Martin Colston, Iain Cottingham, Carolyn Culver, Paul Dick, Nigel Foot, Denise Gaines, Stuart Gourley, Clive Hooker, Owen Jeffery, Paul Kander, Janine Lewis, Ross Mackinnon, Alan Macro, David Marsh, Geoff Mayes, Biyi Oloko, Erik Pattenden, Justin Pemberton, Vicky Poole, Christopher Read, Matt Shakespeare, Richard Somner, Stephanie Steevenson, Joanne Stewart, Clive Taylor, and Howard Woollaston

Also Present: Paul Coe (Executive Director – Adult Social Care), AnnMarie Dodds (Executive Director - Children's Services), Clare Lawrence (Executive Director - Place), Nicola Thomas (Deputy Monitoring Officer and Service Lead - Legal & Democratic), Melanie Booth (Group Executive – Liberal Democrats), Jake Carpenter (Group Executive – Conservatives), Sam Chiverton (Zoom Host), Darius Zarazel (Principal Democratic Services Officer), Honorary Alderman Rick Jones (attending online), Honorary Alderman Tony Linden, and Honorary Alderman Graham Pask

Apologies for inability to attend the meeting: Councillor Jeremy Cottam, Councillor Louise Sturgess, Councillor Martha Vickers, Councillor Heather Codling, Councillor Laura Coyle, Councillor Jane Langford, Honorary Alderman Hilary Cole, Honorary Alderman Anthony Stansfeld, Honorary Alderman Graham Bridgman, Honorary Alderman Andrew Rowles, Honorary Alderman Kieth Chopping, Honorary Alderman Paul Bryant, Honorary Alderman Adrian Edwards, and Honorary Alderman Mollie Lock

PART I**1. Chairman's Remarks**

The Chairman reported that he had attended 16 different events since the last ordinary Council meeting on 28 November 2024. Specifically, he highlighted his attendance at the Community Champion Awards, put on by West Berkshire Council, the King's Award for Voluntary Service, and a number of Christmas events over the holiday period.

The Vice-Chairman also attended several events in the Chairman's absence, including the grand opening of Keevill Outdoor Space in Speenhamland and the Memorial Service for US Servicemen in Greenham Common.

2. Minutes

MOTION: Proposed by Councillor Billy Drummond and seconded by Councillor Jeff Brooks:

That the Minutes of the meeting held on 28 November 2024 were approved as a true and correct record and signed by the Chairman.

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

COUNCIL - 27 MARCH 2025 - MINUTES

MOTION: Proposed by Councillor Billy Drummond and seconded by Councillor Jeff Brooks:

That the Minutes of the meeting held on 27 February 2025 were approved as a true and correct record and signed by the Chairman.

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

3. **Declarations of Interest**

Councillor Denise Gaines declared an interest in Agenda Item 10, as she was a Member of Hungerford Town Council. However, as this was not a disclosable pecuniary interest, she determined to remain to take part in the debate and vote on the matter.

4. **Petitions**

There were no petitions presented to Council.

5. **Public Questions**

There were no public questions received.

6. **Membership of Committees**

There were no proposed changes to the membership of Committees.

7. **Motions from Previous Meetings**

Council was informed about the responses to the following Motions:

- That Councillor David Marsh's Motion on the reinstatement of a companion bus pass scheme was responded to at the Executive meeting on 13 February 2025; And
- That Councillor Antony Amirtharaj's Motion for the fair management of public open space in new developments was scheduled to be responded to at the Executive meeting on 3 July 2025.

8. **Updates from Committees**

Council noted the meetings that had been held since the last ordinary meeting of Council as laid out in Agenda Item 9.

9. **Hungerford Neighbourhood Development Plan**

Council considered a report (Agenda Item 10) concerning the Hungerford Neighbourhood Development Plan (NDP).

MOTION: Proposed by Councillor Justin Pemberton and seconded by Councillor Stuart Gourley:

"That Council resolves that:

- A) The submitted Hungerford NDP be subject to a six-week consultation under Regulation 16 of the Neighbourhood Planning (General) Regulations 2012 (as amended).
- B) Following the six week consultation, the Hungerford NDP be sent for independent examination under Regulation 17 of the Neighbourhood Planning (General) Regulations 2012 (as amended)."

Councillor Pemberton introduced the report and highlighted that all NDPs were subject to consultation and independent examination, and if approved at a referendum, would carry planning weight and take precedent over non-material policies.

NDPs allowed local communities to shape future growth in their areas and protect the things that made them unique. Some of the key focuses of the Hungerford Plan included

COUNCIL - 27 MARCH 2025 - MINUTES

promoting sustainable growth, supporting efficiency standards for homes, promoting heritage, and fostering a vibrant high street. As the Hungerford NDP had taken seven years to reach this point, Councillor Pemberton encouraged Council to approve the recommendations and allow it to proceed to the consultation stage.

Council noted the hard work that had been done by the Steering Group, agreeing that the NDP document was well written and structured. Although suitable land for development in Hungerford was limited as a result of a unique statute, Members noted the NDP had allocated two sites for 55 dwellings to 2041, as was required by the Local Plan.

Members highlighted the vision section of the Plan, welcoming the community spirit that it demonstrated, and the policies around housing mix and play areas. They emphasised that NDPs were unique in so far as they were driven by the local community and provided individual residents the chance to contribute to shaping the future of their community. However, although they carried planning weight, NDPs could not rule out areas for development.

In response to a point about the difficulty that small parish councils could have in producing a plan, Members were informed that councils could work together to produce a joint NDP and thereby share resources.

Council thanked the Steering Group for their work and encouraged them to continue to communicate as much as possible with residents in order to ensure that all feedback was taken on and that the plan was fully representative.

Overall, as Council were satisfied with the report, they agreed to approve the recommendations and submit the Hungerford NDP to the six-week consultation and independent examination.

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

10. **Statutory Pay Policy 2025/26**

Council considered a report (Agenda Item 11) concerning the Council's Statutory Pay Policy for 2025/26.

MOTION: Proposed by Councillor Jeff Brooks and seconded by Councillor Iain Cottingham:

"That Council:

- A) Adopt and approve the Statutory Pay Policy Statement for publication.
- B) Delegate authority to the Monitoring Officer to update the pay scales highlighted in Appendix 1 of the policy to reflect any pay award agreed during 2025/26."

Councillor Brooks introduced the report and highlighted a correction to points 4.6 and 6.1 of the report. He confirmed that the report had already been through the Personnel Committee who were satisfied for it to come to Council.

The Statutory Pay Policy was a regular annual item, and Members were assured that the Council had been through a robust exercise in its preparation and that pay was proportionate to comparative councils across the country.

Some Members noted that there was a lack of detail in the report regarding pensions, something that could help with talent acquisition. As Council agreed that more information could be provided about this, it was agreed that more information about pensions be added into future years' reports.

Overall, as Council were satisfied with the report, they agreed to approve the recommendations.

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

11. **Constitutional changes**

Council considered a report (Agenda Item 12) concerning changes to Part 3, Meeting Procedure Rules, and Part 13, Code of Conduct, of the Council's Constitution.

MOTION: Proposed by Councillor Jeff Brooks and seconded by Councillor Martin Colston:

"That:

- A) Part 13 Code of conduct Appendix A be deleted.
- B) Part 13 Code of conduct Appendix E be adopted as set out in Appendix 1 to this report.
- C) Part 13 Code of conduct Appendix G be deleted.
- D) Part 13 Code of conduct Appendix H be adopted as set out in Appendix 2 to this report.
- E) Council delegates to the Monitoring Officer in consultation with the Chairman of the Constitution Review Task Group the power to update Parts 13 of the Constitution to ensure that this reflects the new rules, and to make any minor additional corrections to the parts of the Constitution to ensure consistency in terminology and presentation.
- F) The updated version of Part 3 - Meeting Procedure Rules be adopted.
- G) Council agrees that the changes to the Constitution detailed in this report, take effect from 1 April 2025."

Councillor Brooks introduced the report and highlighted that the Council's Constitution was under continual review and was a live document. The cross-party Constitution Review Task Group had proposed changes in order to make the Constitution easier to navigate and better reflect the current environment.

The key changes proposed were around the Code of Conduct and complaints process. In order to speed up and make more efficient the determination of Code of Conduct complaints against Members, it was proposed that the Advisory Panel stage be removed, and that complaints subject to external investigation would instead proceed straight to the Governance Committee.

Council noted another proposed change, about the inclusion of a Leaders Annual Report at the annual meeting of Council. This would provide the Leader of the Council ten minutes to outline the progress made over the past year as well as an opportunity for questions to be asked by Opposition Group Leaders.

Overall, Members agreed that the proposed amendments to the Constitution as proposed by the Constitution Review Task Group, and recommended for adoption by the Governance Committee, were appropriate. Therefore, it was agreed to approve the recommendations as presented in the report.

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

12. **Member Development Programme**

Council considered a report (Agenda Item 13) concerning the Member Development Programme (MDP).

MOTION: Proposed by Councillor Vicky Poole and seconded by Councillor Jeff Brooks:

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“That Council:

- A) Approve the proposed Four-Year Plan for Member Development.
- B) Approve the proposed Member Development Programme 2025/26.
- C) Authorise the Service Lead - Legal & Democratic to regularly review and amend these documents where necessary throughout the Municipal Year to ensure it remains relevant and fit for purpose.
- D) Encourage the Group Leaders to use all reasonable endeavours to secure attendance by Members at all relevant training as detailed within the Programme.

Councillor Poole introduced the report and highlighted that the MDP was traditionally an annual item, but that the current report had taken a broader scope than usual. Council was presented with the expected Member Development Plan across a typical four-year Council term. The contributions of the cross-party Member Development Group were also noted, as they had helped develop the new format, scope, and sessions proposed.

Each session in the plan was reviewed in order to ensure that it was providing sufficient value at the time it was being scheduled during the four-year Council term.

Council noted that the primary change in the MDP was the focus on including virtual training. Although in-person training was still a feature, as many sessions as possible would be provided through a new learning portal which would allow Members to complete sessions in their own time. Members also highlighted recommendation D and encouraged Group Leaders to promote attendance and completion of training sessions.

Some Members noted that a contact list of key Officers would be very valuable for handling casework and would ensure that questions went to the correct person. In addition, a session on engaging with technology was also proposed as this would assist those Members who were not as familiar with using the current suite of Council technologies.

Overall, as Council were satisfied with the report and with the recommended approach to Member Development, they agreed to approve both the Four-Year Plan for Member Development and the Member Development Programme for 2025/26.

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

13. Leaders Update on Membership of Executive

As required in Part 5, Section 4.7 of the Constitution, the Leader of the Council, Councillor Jeff Brooks, updated Council on changes made to the composition of the Executive.

Council was informed that Councillor Louise Sturgess had stepped down and that Councillor Justin Pemberton had taken on the Economic Development and Regeneration Portfolio, in addition to the Public Safety and Community Engagement Portfolio.

14. Notices of Motion

There were no Motions submitted.

15. Members' Questions

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

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(The meeting commenced at 7.00 pm and closed at 8.12 pm)

CHAIRMAN

Date of Signature

DRAFT

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

COUNCIL

MINUTES OF THE MEETING HELD ON

THURSDAY 1 MAY 2025

Councillors Present: Adrian Abbs, Antony Amirtharaj, Phil Barnett, Dominic Boeck, Jeff Brooks, Nick Carter, Patrick Clark, Heather Codling, Martin Colston, Jeremy Cottam, Iain Cottingham, Carolyn Culver, Billy Drummond (Chairman), Nigel Foot, Denise Gaines, Stuart Gourley, Clive Hooker, Owen Jeffery, Paul Kander, Jane Langford, Janine Lewis (Present Online), Ross Mackinnon, Alan Macro, David Marsh, Tom McCann, Erik Pattenden, Justin Pemberton, Vicky Poole, Christopher Read, Stephanie Steevenson, Louise Sturgess, Clive Taylor, Martha Vickers, Tony Vickers (Vice-Chairman) and Howard Woollaston

Also Present: Paul Coe (Executive Director – Adult Social Care), AnnMarie Dodds (Executive Director - Children's Services), Clare Lawrence (Executive Director - Place), Sarah Clarke (Interim Executive Director (Resources)) and Rachel Elliott (PA to Chief Executive), Melanie Booth (Group Executive (Lib Dems)), Jake Carpenter (Group Executive (Cons)), Sam Chiverton (Apprentice Democratic Services Officer) and Benjamin Ryan (Democratic Services Officer)

Apologies for inability to attend the meeting: Councillor Dennis Benneyworth, Councillor Laura Coyle, Councillor Paul Dick, Councillor Biyi Oloko, Councillor Matt Shakespeare, Councillor Richard Somner, Councillor Joanne Stewart, Honorary Alderwoman Hilary Cole, Honorary Alderman Paul Bryant, Honorary Alderman Keith Chopping, Honorary Alderman Rick Jones, Honorary Alderman Tony Linden, Honorary Alderwoman Mollie Lock, Honorary Alderman Gordon Lundie and Honorary Alderman Graham Pask

Councillor(s) Absent: Councillor Geoff Mayes

PART I

16. Declarations of Interest

There were no declarations of interest received.

17. Appointment of Head of Paid Service

The Council considered a report (Agenda Item 3) concerning the Appointment of Head of Paid Service.

MOTION: Proposed by Councillor Jeff Brooks and seconded by Councillor Ross Mackinnon:

“that Council approve the appointment of the candidate for the role of Chief Executive proposed by the Member Appointment Panel as detailed in Appendix A, who will be designated as the Council’s head of paid service and returning officer with effect from a date to be confirmed in the contract of employment”.

Councillor Brooks introduced the report by outlining the necessity of appointing a Chief Executive, highlighting that West Berkshire Council had lacked a full-time Chief Executive since November. He also detailed the recruitment process, which included an advertising campaign that attracted 34 candidates, five of whom were shortlisted for interviews. The interview process involved an external stakeholder panel, including representatives from

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the Integrated Care Board and Greenham Common Trust, as well as engagement with the Executive Directors.

Councillor Brooks explained that they had introduced a member stakeholder panel to allow Members to meet the candidates, which was a response to previous suggestions for increased member involvement in the selection process. Overall, he expressed his satisfaction with the outcome of the interviews and indicated that further details would be revealed in part two of the meeting.

Councillor Dominic Boeck was pleased with the appointment process, in which he participated in, stating that he was very satisfied with the outcome and looked forward to the reveal of the successful candidate. These comments were concurred with by Councillor Owen Jeffery, acknowledging the commendable execution of the appointment process.

Councillor Mackinnon highlighted the importance of appointing a dynamic and respected Chief Executive to implement the administration's agenda effectively and echoed Councillor Boeck's sentiments over the appointment process.

18. **Exclusion of Press and Public**

RESOLVED that members of the press and public be excluded from the meeting for the under-mentioned item of business on the grounds that it involves the likely disclosure of exempt information as contained in Paragraphs(s) 1,2 and 3 of Part 1 of Schedule 12A of the Local Government Act 1972, as amended by the [Local Government \(Access to Information\)\(Variation\) Order 2006](#). [Section 10, Part 10 of the Constitution also refers.](#)

19. **Appointment of Head of Paid Service – Appendix A**

RESOLVED that that Council approve the appointment of the candidate for the role of Chief Executive proposed in Appendix A.

(The meeting commenced at 5.00 pm and closed at 5.25 pm)

CHAIRMAN

Date of Signature

Council – 15 May 2025

Item 7 – Declarations of Interest

Verbal Item

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Council – 15 May 2025

Item 8 – Updates from Committees

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Council – 15 May 2025

Item 9 – Appointment of the Executive by the Leader of the Council for the 2025/26 Municipal Year

Verbal Item

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Council – 15 May 2025

Item 10 – Leader of the Council’s Annual Report

Verbal Item

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Amendments to the Constitution to Support Changes to Overview and Scrutiny Arrangements

Committee considering report:	Council
Date of Committee:	15 May 2025
Portfolio Member:	Councillor Jeff Brooks
Date Portfolio Member agreed report:	10 April 2025
Report Author:	Gordon Oliver
Forward Plan Ref:	C4684

1 Purpose of the Report

To set out proposed amendments to the Constitution in light of proposed changes to the Council's overview and scrutiny arrangements.

2 Recommendation(s)

2.1 It is recommended that Council:

- (a) approves the proposed changes to the Scrutiny Model effective from 15 May 2025, replacing the two existing committees (Scrutiny Commission and Health Scrutiny Committee), with three committees as follows:
 - Resources and Place Scrutiny Committee
 - Children and Young People Scrutiny Committee
 - Health and Adult Social Care Scrutiny Committee
- (b) delegates amendments to the Constitution that are necessary to accommodate the above changes to the Scrutiny Model (outlined in Section 5 of this report) to the Monitoring Officer in consultation with the Constitution Review Task Group
- (c) approves the updated programme of public meetings required to accommodate the above changes to the Scrutiny Model (as set out in Appendix C).

3 Implications and Impact Assessment

Implication	Commentary
Financial:	<p>Due to going from 2x committees to 3x committees this would add in an additional chair allowance of £5,480 (tier 6), for which is around £5,555 with on-costs.</p> <p>This would only be a financial implication in year if someone not currently on a tier 6 allowance or greater takes the responsibility, therefore gaining the allowance. This is as per the scheme if anyone currently on tier 6 or greater took on the responsibility they would forego the additional allowance to avoid duplicate allowance being paid.</p> <p>It would be something that could be factored in as an additional budget requirement in the 26/27 budget build.</p> <p>There is currently budget for 4x co-opted members built for the 25/26 budget at £1,132 each (as per the scheme). The proposed change to add 2x further co-opted Members would add a £2,264 pressure, but could be something factored into the 26/27 build as an ongoing requirement.</p> <p>There are no specific budget set for travel and expenses per board, and instead an overarching budget for the members in total. The total budget is: £5,570 (£1,560 for travel & £4,010 for mileage), this would need to be sufficient for all members and meetings.</p> <p>Finance Date: 25/03/2025</p>
Human Resource:	<p>Additional Scrutiny Officer resource would be required to support the Children and Young People Scrutiny Committee. In the absence of additional funding being agreed the workload of the Democratic Services Team would need to be reviewed.</p>
Legal:	<p>Local authorities in England are legally required to establish overview and scrutiny committees to monitor council performance, review services, and ensure accountability, as outlined in the Local Government Act 2000 sections 9F to 9FL.</p> <p>Legal Date: 25/03/2025</p>
Risk Management:	<p>Increasing the number of Scrutiny Committees will share the workload to ensure that effective scrutiny of key functions is undertaken including key areas of Adult Social Care and</p>

	Children and Family Services. This will ensure constructive challenge is provide and drive improvement in our services and strategic decision making to reduce potential risks. The effectiveness of the scrutiny function is often considered by external bodies such as regulators and inspectors and highlighted in public report. Failures in this area can therefore create a negative public image of the authority as a whole.		
Property:	There are no property implications associated with this report.		
Policy:	The proposed changes would help the Council to comply with national statutory guidance and best practice on overview and scrutiny.		
	Positive	Neutral	Negative
Equalities Impact:			
A Are there any aspects of the proposed decision, including how it is delivered or accessed, that could impact on inequality?	X		
			The proposals will help to reduce inequalities, particularly for residents and service users who are care experienced. Further information is provided in the attached EIA.
B Will the proposed decision have an impact upon the lives of people with protected characteristics, including employees and service users?	X		
			The proposals will have particular benefit for residents and service users with the following protected characteristics: <ul style="list-style-type: none"> • Age • Disability • Religion or belief Further information is provided in the attached EIA.
Environmental Impact:		X	

Amendments to the Constitution to Support Changes to Overview and Scrutiny Arrangements

Health Impact:	X			<p>It is proposed to expand the remit of the Health Scrutiny Committee to consider issues related to Adult Social Care, which will allow for improved scrutiny of cross-cutting issues such as Continuing Health Care.</p> <p>Having a dedicated Children and Young People Scrutiny Committee will increase capacity to undertake scrutiny of issues that affect the safety and achievement of children and young people.</p>
ICT Impact:		X		
Digital Services Impact:		X		
Council Strategy Priorities:	X			<p>The changes will help to deliver a number of Council Strategy priorities, including scrutiny committees being chaired by Members of the Opposition, and Adult Social Care / Children and Family Services achieving 'good' or 'excellent' ratings.</p>
Core Business:	X			
Data Impact:		X		
Consultation and Engagement:	<p>The following have been consulted:</p> <ul style="list-style-type: none"> • Governance Committee • Constitution Review Task Group • Chairman of Scrutiny Commission • Chairman of the Health Scrutiny Committee • Sarah Clarke (Monitoring Officer) • Dawn Bond (Legal Services Manager) • Vicky Phoenix (Principal Policy Officer – Health Scrutiny) 			

4 Executive Summary

- 4.1 An internal review of the Council's overview and scrutiny arrangements was carried out, which took account of legislative requirements, national guidance and best practice advice. It also considered scrutiny arrangements at other unitary authorities of an equivalent size to West Berkshire.
- 4.2 The review was discussed at Constitution Review Task Group where options for changes to the Council's overview and scrutiny arrangements were discussed and a preferred model identified.
- 4.3 The proposals were taken to Governance Committee for consideration on 29 April 2025. The details of the discussion can be found here: <https://www.youtube.com/watch?v=z1AjMuMTGQk>.

5 Supporting Information

Introduction

- 5.2 The Local Government Act (2000) introduced changes to the political governance system for councils in England and Wales, with a separate 'executive' in the form of a leader (or elected mayor), and cabinet. To provide a counterweight to this, the Act also introduced the concept of 'overview and scrutiny,' whereby every council with an executive governance structure is required to have at least one overview and scrutiny committee. This enables the rest of the council to scrutinise the decisions and policies of the executive, and to make recommendations informed by evidence and understanding of the needs of local residents.
- 5.3 The National Health Services Act 2006 (as amended by the Health and Care Act 2022) gives local authorities the power to review and scrutinise matters relating to the planning, provision and operation of the health service in the local area.

Current Arrangements

- 5.4 West Berkshire Council currently has two Overview and Scrutiny Committees – the Scrutiny Commission and the Health Scrutiny Committee.
- 5.5 The Scrutiny Commission is responsible for reviewing Executive decisions, as well as Council policies and services. Its remit also extends to scrutiny of external organisations and partners, in order to improve the lives of local people. In particular, the Commission acts as the Council's Crime and Disorder Committee, scrutinising the activity of the Community Safety Partnership (in accordance with the Police and Justice Act 2006). The Scrutiny Commission has nine Members and is chaired by a Member of the Minority Group. It has five scheduled meetings per year (including one to review the draft budget before it goes to Executive). Additional meetings are arranged as and when necessary to review Executive decisions that have been called-in and to respond to urgent issues.
- 5.6 The Health Scrutiny Committee is responsible for ensuring that the needs and experiences of local residents are considered as an integral part of the planning, development and operation of health services and that those services are safe and effective in meeting local needs. The Committee responds to formal consultations on

health matters. (Health bodies are required to consult a local authority's Health Scrutiny Committee about any proposals they have for a substantial development or variation in the provision of health services in their area.) Health scrutiny also has a strategic role in taking an overview of how well integration of health, public health and social care is working and making recommendations about how it could be improved. The Health Scrutiny Committee has five Members and is chaired by a Member of the Administration. It reports to the Scrutiny Commission, but it has autonomy in terms of determining its own work programme.

5.7 A number of issues have been identified with the Council's current overview and scrutiny arrangements as set out below:

- The Scrutiny Commission lacks the capacity to undertake reviews across all of the Council's priority areas due to a lack of Member and Officer capacity.
- Members may struggle to develop the specialist knowledge necessary to be able to undertake scrutiny of particular topics (e.g., Adult Social Care and Children's Services).
- Scrutiny of Adult Social Care Services is hampered by the fact that this is carried out by the Scrutiny Commission rather than the Health Scrutiny Committee, since health and adult social care issues are often inextricably linked.
- The Council does not currently have the statutory co-optees that are required to support scrutiny reviews of education matters (as per Schedule A1 of the Local Government Act 2000).
- Health Scrutiny Committee sometimes struggles to achieve a quorum.

Proposals

5.8 It is proposed to replace the two existing overview and scrutiny committees with three committees as follows:

- Resources and Place Scrutiny Committee
- Children and Young People Scrutiny Committee
- Health and Adult Social Care Scrutiny Committee

5.9 It is also proposed to abolish the Planning, Transport, and Environment Advisory Groups and instead create a single Policy Development Group (PDG), which may itself have working groups. The PDG would sit outside of the formal Overview and Scrutiny Process and membership would be drawn from the Executive as well as back-bench Members. Scrutiny Committees would not be precluded from reviewing any matter already considered by the Policy Development Group.

5.10 Each scrutiny committee would be independent and responsible for setting its own work programme. However, it is expected that there would be liaison between Scrutiny Chairmen between meetings to ensure that work programmes are co-ordinated and to avoid any duplication.

Amendments to the Constitution to Support Changes to Overview and Scrutiny Arrangements

- 5.11 It is proposed that each committee would have 9 Members, with the Chairmen being a mix of Minority Group, Opposition, and Administration Members but being politically balanced.
- 5.12 Each committee would be able to call-in Executive decisions that relate to its particular area of responsibility.
- 5.13 The Resources and Place Scrutiny Committee would be designated as the Council's Crime and Disorder Committee. It would also have responsibility for budget scrutiny and scrutiny of corporate performance.
- 5.14 The Children and Young People Scrutiny Committee would be responsible for scrutinising Education matters as well as Children's Social Services, and would therefore require the following statutory co-optees:
- two parent governor representatives from local authority-maintained schools (one primary and one secondary);
 - a designated Church of England representative; and
 - a designated Roman Catholic diocesan representative
- 5.15 It is also proposed to have two young people as co-optees to get the perspective of students/service users. This would require additional protocols to be put in place to address safeguarding issues, as well as specialist training for Members and Co-opted Members, and possibly additional support to help the young people to understand the issues and develop suitable lines of questioning.
- 5.16 Statutory co-optees would be permitted to vote on Education related matters only. Non-statutory co-optees would not be entitled to vote. All co-optees would be permitted to speak on any agenda item. Given the significant time implications associated with attending meetings, and the challenges faced by most local authorities in recruiting co-optees, it is proposed that they be paid an annual rate equal to that currently paid for the independent persons, plus reasonable travel and subsistence expenses in line with the current policy.
- 5.17 The above would require changes to the Constitution, including the following:
- Part 3.1 – Individual Meeting Rules Appendix
 - Part 3.3 – Petitions Appendix
 - Part 5 – Executive
 - Part 5.1 – Executive Appendix
 - Part 6 – Council Bodies
 - Part 6.3 – Health and Wellbeing Board Appendix
 - Part 6.4 – Health and Adult Social Care Scrutiny Committee Appendix (formerly Health Scrutiny Committee Appendix)

- Part 6.9 – Resources and Place Appendix (formerly Scrutiny Commission Appendix)
- Part 6.10 – Children and Young People Scrutiny Committee Appendix (New)
- Part 7 – Budget and Policy Framework
- Part 14 – Members' Allowance Scheme.

5.18 Draft terms of reference for each of the three Scrutiny Committees are included in Appendix B. It is proposed that the remaining changes be agreed by the Monitoring Officer in consultation with the Constitution Review Task Group.

6 Other options considered

6.1 A variety of other options were considered, including:

- **Option 1:** Do nothing – this was discounted on the basis that it would not address the issues identified in paragraph 5.7 above.
- **Option 2:** Retain two scrutiny committees, but transfer responsibility for scrutiny of Adult Social Care from the Scrutiny Commission to the Health Scrutiny Committee – while this would support scrutiny reviews of cross-cutting issues, it would not deliver additional capacity for scrutiny.
- **Option 3:** Having a Scrutiny Commission and a series of Scrutiny Sub-Committees, with the Commission setting the work programme of the Sub-Committees – while this would have some advantages in terms of coordination of workstreams, the scrutiny sub-committees would be less responsive to emerging issues.

7 Conclusion

The proposed changes outlined in paragraphs 5.8 to 5.18 would address the issues identified in paragraph 5.7 above.

8 Appendices

Appendix A – Equalities Impact Assessment

Appendix B – Terms of Reference for the Scrutiny Committees.

Appendix C – Revised Meeting Timetable

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 Scrutiny Commission or associated Committees, Task Groups within preceding six months ☐

Item is Urgent Key Decision ☐

Report is to note only ☐

Wards affected: N/A

Officer details:

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Job Title: Principal Policy Officer (Democratic Services and Scrutiny)
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West Berkshire Council
Equity Impact Assessment

TEMPLATE

March 2023

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Section 1: Summary details

Directorate and Service Area	Resources – Legal and Democratic Services
What is being assessed (e.g. name of policy, procedure, project, service or proposed service change).	Changes to the Council's overview and scrutiny structure
Is this a new or existing function or policy?	Existing
Summary of assessment Briefly summarise the policy or proposed service change. Summarise possible impacts. Does the proposal bias, discriminate or unfairly disadvantage individuals or groups within the community? (following completion of the assessment).	It is proposed to replace the two existing overview and scrutiny committees with three committees as follows: <ul style="list-style-type: none"> • Resources and Place Scrutiny Committee • Children and Young People Scrutiny Committee • Health and Adult Social Care Scrutiny Committee
Completed By	Gordon Oliver (Principal Policy Officer – Democratic Services and Scrutiny)
Authorised By	
Date of Assessment	24 January 2025

Section 2: Detail of proposal

<p>Context / Background</p> <p>Briefly summarise the background to the policy or proposed service change, including reasons for any changes from previous versions.</p>	<p>The proposed changes are designed to address the following issues:</p> <ul style="list-style-type: none"> • The Scrutiny Commission lacks the capacity to undertake reviews across all of the Council's priority areas due to a lack of Member and Officer capacity. • Members may struggle to develop the specialist knowledge necessary to be able to undertake scrutiny of particular topics (e.g., Adult Social Care and Children's Services). • Scrutiny of Adult Social Care Services is hampered by the fact that this is carried out by the Scrutiny Commission rather than the Health Scrutiny Committee, since health and adult social care issues are often inextricably linked. • The Council needs to appoint statutory co-optees to support scrutiny reviews of education matters (as per Schedule A1 of the Local Government Act 2000).
<p>Proposals</p> <p>Explain the detail of the proposals, including why this has been decided as the best course of action.</p>	<p>It is proposed to replace the two existing overview and scrutiny committees with three committees as follows:</p> <ul style="list-style-type: none"> • Resources and Place Scrutiny Committee • Children and Young People Scrutiny Committee • Health and Adult Social Care Scrutiny Committee <p>The proposed course of action would address the issues identified above, while ensuring that the committees remain responsive to emerging issues.</p>
<p>Evidence / Intelligence</p> <p>List and explain any data, consultation outcomes,</p>	<p>There is a risk that unless capacity is increased, issues affecting key services, such as Adult Social Care, Children and Family Services, and Education may not be subject to proper scrutiny. This could potentially</p>

<p>research findings, feedback from service users and stakeholders etc, that supports your proposals and can help to inform the judgements you make about potential impact on different individuals, communities or groups and our ability to deliver our climate commitments.</p>	<p>put service users at risk of harm, or mean that they do not receive an optimum service and consequently do not achieve their full potential.</p> <p>These aspects are covered in Ofsted and CQC reviews. The action plan developed in response to the recent CQC assessment of WBC's Adult Social Care service included the following recommendations related to scrutiny:</p> <ul style="list-style-type: none"> • Councillors, including those leading Scrutiny, continue to take up offers of LGA support in relation to Adult Social Care - including attendance at seminars and conferences and peer mentoring. • The Council makes decisions about its arrangements for Scrutiny so that Councillors scrutinise Adult Social Care in an effective, consistent and coherent way, including where services are integrated with the NHS. • Consideration is given as to how Executive and Scrutiny Councillors can be appropriately engaged with and understand the work and outcomes of the Safeguarding Adults Board, including ensuring that the Chair of the Independent Board has positive and consistent engagement with relevant Councillors. For example, consideration should be given to the Adult Social Care Independent Chair of the SAB presenting to Scrutiny Committee on an annual basis. • Consideration is given to how Councillors will monitor and scrutinise the implementation and outcomes of the Action Plan in relation to the areas for development in the Care Quality Commission Assessment Report published on 17th May 2024. • In its scrutiny of Adult Social Care, the council should consider how the views of people with lived experience and carers are proactively sought and how Scrutiny members are engaged directly with people with lived experience and carers. <p>Reference has also been made to the Centre for Governance and Scrutiny document: Structures, resources and formal powers - A Practice Guide.</p>
<p>Alternatives considered / rejected</p>	<p>A variety of other options were considered, including:</p>

Summarise any other approaches that have been considered in developing the policy or proposed service change, and the reasons why these were not adopted. This could include reasons why doing nothing is not an option.

- **Option 1:** Do nothing – this was discounted on the basis that it would not address the issues identified in paragraph 5.7 above.
- **Option 2:** Transferring responsibility for scrutiny of Adult Social Care from the Scrutiny Commission to the Health Scrutiny Committee – while this would support scrutiny reviews of cross-cutting issues, it would not deliver additional capacity for scrutiny.
- **Option 3:** Having a Scrutiny Commission and a series of Scrutiny Sub-Committees, with the Commission setting the work programme of the Sub-Committees – while this would have some advantages in terms of coordination of workstreams, the scrutiny sub-committees would be less responsive to emerging issues.
- **Option 4:** Having three Scrutiny Committees as set out in Section 5 of this report, but with an additional Policy Development Committee to replace the existing Planning, Transport, and Environment Advisory Groups.

The Centre for Governance and Scrutiny (CfGS) advised that all overview and scrutiny committees should have responsibility for both policy development and scrutiny of Executive decisions. Their work with other local authorities has shown that removing policy development from an overview and scrutiny committee removes the positive aspects, leading to committees becoming more negative and political. It also creates the potential for conflicting views between members of the Policy Development Committee and the relevant Scrutiny Committee. As a result, the number of call-ins would be likely to increased greatly. While there may be a temptation to manage this by reducing the opportunity for a scrutiny committee to call-in decisions that had already been to a policy development committee in the previous 6 months, this is questionable from a legal perspective and it would significantly undermine the effectiveness of the scrutiny committee and councillors may lose interest in positively contributing to its work. Additionally, the CfGS found that where this model was adopted, the executive was effectively dictating the work of the policy development committee, and in doing so, removed their independence. As such, they became talking shops that achieved little.

- **Option 5:** A variation on Option 4, with one or more standing overview groups reporting to the relevant overview and scrutiny committee on a regular basis. This would have the advantage of allowing sensitive conversations to take place in private, while still allowing for a degree of transparency and public debate.

Section 3: Impact Assessment - Protected Characteristics

Protected Characteristic	No Impact	Positive	Negative	Description of Impact	Any actions or mitigation to reduce negative impacts	Action owner	Timescale and monitoring arrangements
Age	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	Improved scrutiny of ASC and CFS will help to ensure that the needs of older and younger residents are better understood and met.		Scrutiny Officer	
Disability	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	Improved scrutiny of ASC and CFS will help to ensure that the needs of adults and children with disabilities and additional needs are better understood and met.		Scrutiny Officer	
Gender Reassignment	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>				
Marriage & Civil Partnership	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>				
Pregnancy & Maternity	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>				
Race	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>				

Equity Impact Assessment

Protected Characteristic	No Impact	Positive	Negative	Description of Impact	Any actions or mitigation to reduce negative impacts	Action owner	Timescale and monitoring arrangements
Sex	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>				
Religion or Belief	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	Having co-opted members representing faith schools on the Children and Young People Scrutiny Committee would ensure that their voices are heard when undertaking reviews of education matters.			

Section 3: Impact Assessment - Additional Community Impacts

Additional community impacts	No Impact	Positive	Negative	Description of impact	Any actions or mitigation to reduce negative impacts	Action owner	Timescale and monitoring arrangements
Rural communities	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>				
Areas of deprivation	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>				

Equity Impact Assessment

Additional community impacts	No Impact	Positive	Negative	Description of impact	Any actions or mitigation to reduce negative impacts	Action owner	Timescale and monitoring arrangements
Displaced communities	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>				
Care experienced people	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	Improved scrutiny of ASC and CFS will help to ensure that the needs of care experienced residents are better understood and met.		Scrutiny Officer	
The Armed Forces Community	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>				

Section 4: Review

Where bias, negative impact or disadvantage is identified, the proposal and/or implementation can be adapted or changed; meaning there is a need for regular review. This review may also be needed to reflect additional data and evidence for a fuller assessment (proportionate to the decision in question). Please state the agreed review timescale for the identified impacts of the policy implementation or service change.

Review Date	
Person Responsible for Review	
Authorised By	

EDI employee related EQiA's should now be sent to Human Resources hrenquiries@westberks.gov.uk

Proposed Changes to the Constitution

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Part 6.4

Council Bodies

Appendix: Health and Adult Social Care 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:

2.1.1 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;

2.1.1 undertake scrutiny of adult social care and adult safeguarding services provided or commissioned by West Berkshire Council; and

2.1.2 hear call-ins of Executive decisions that relate to public health, adult social care and adult safeguarding services.

~~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~~nine 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 ~~The Committee may appoint~~ Up to two non-voting ~~co-opted Member~~co-optees can be appointed to the Committee or any of its Task and Finish Groups to provide ~~particular specialist health~~ expertise. This may be on an ongoing basis or 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 Overview and scrutiny: statutory guidance for councils, combined authorities and combined county authorities specifies that effective overview and scrutiny should:

- provide constructive 'critical friend' challenge
- amplify the voices and concerns of the public
- be led by independent people who take responsibility for their role
- drive improvement in public services and strategic decision-making

4.14.2 The Committee has the power to review and scrutinise any matter relating to the planning, provision and operation of Adult Social Care, 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.

4.24.3 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.

4.34.4 The Committee shall:

4.4.1 hold the Council's Executive and other decision makers to account for matters relating to Public Health, Adult Social Care and Adult Safeguarding;

4.4.2 review existing policies and strategies that relate to Public Health, Adult Social Care and Adult Safeguarding;

4.3.14.4.3 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;

4.3.24.4.4 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;

4.3.34.4.5 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";

4.3.44.4.6 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;

4.3.54.4.7 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;

4.3.64.4.8 set up task and finish groups to undertake in-depth scrutiny reviews in relation to the above services on behalf of the Committee;

4.3.74.4.9 consider and approve reports, including recommendations, prepared following in-depth reviews undertaken by task and finish groups, for submission to the Executive, 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.

4.3.84.4.10 report on a quarterly basis to the Commission on progress against the work programme and any recommendations it makes.

[4.44.5](#) 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~~request that the Secretary of State for Health calls-in the matter for review, 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.

[4.54.6](#) 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, the Department of Health and Social Care, 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 [H10](#).
- 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~~ an Integrated Care Board (ICB) 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.

~~10.2~~ 10.3 In the event that agreement cannot be reached, the Committee (or any other interested party) may request that the Secretary of State uses their power of call-in to review the matter. The Committee will notify the consulting organisation where it has made such a request.

~~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 Call-In

- 11.1 The Committee ~~(or any other interested party)~~ may refer request that the Secretary of State use their powers of call-in to review proposals for substantial decisions related to developments or variations in Health Services to the Secretary of State in writing if:

- 11.1.1 it is not satisfied with the adequacy of the 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~~ should not request not refer a that the proposal decision be called-in 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 an ICB ~~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~~ request that the Secretary of State uses their power of call-in 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~~ make such a request and, if applicable, the date by which it ~~proposed to exercise that power~~ made the request, or
- 11.3.1.2 the date by which it proposes to make a decision as to whether to ~~exercise its power of referral~~ make such a request; 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~~ make the request to the Secretary of State, 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 or relates to Adult Social Care / Adult Safeguarding 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 6.9

Council Bodies

Appendix: Resources and Place Scrutiny Committee 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.
- 2.2.2 Additional requirements for Overview and Scrutiny Committees with responsibility for scrutiny of Crime and Disorder Matters are set out in section 19 of the Police and Justice Act 2006.
- 2.2.3 The ~~Council's Scrutiny Commission ("the Commission")~~Resources and Place Scrutiny Committee ("the Committee") will be, and will perform the functions of, its overview and scrutiny committee as required by that legislation.
- 2.3.4 The role of the ~~Commission~~Committee in relation to the development of the Council's Budget and Policy Framework is set out within Part 7.
- 2.5 The role of the ~~Commission~~Committee 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 There will be nine Members on this Committee, The Commission which shall be politically balanced and its membership will be as set out in the Bodies List and Meetings Rules Table.
- 3.2 The Committee may appoint non-statutory, co-opted Members to the Committee or to any of its Task and Finish Groups. This may be done at any time to provide specialist input from those with specific expertise in relation to a particular aspect of the Committee's remit. This may be on an ongoing basis or to inform a particular review.
- 3.3 No Executive Member may be a Member or Substitute Member of the ~~Commission~~Committee or any of its Sub Bodies.
- 3.3.4 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 Overview and scrutiny: statutory guidance for councils, combined authorities and combined county authorities specifies that effective overview and scrutiny should:
 - provide constructive 'critical friend' challenge
 - amplify the voices and concerns of the public
 - be led by independent people who take responsibility for their role

- drive improvement in public services and strategic decision-making

4.2 The Committee shall review and scrutinise how the needs of residents and other service users are met by the Resources and Place Directorates of Council and the Council's partners; and how performance is evaluated and improved.

4.3 Its remit shall include the following services:

- Housing
- Economic Development
- Planning
- Transport Planning
- Public Transport
- Parking
- Highways
- Flood Risk
- Countryside (including Parks and PRow)
- Environment Delivery
- Waste Management
- Public Protection
- Emergency Planning
- Building Communities Together Partnership
- Culture
- Sports and Leisure
- Commissioning and Procurement
- Customer Engagement and Transformation
- Finance and Property (including scrutiny of the budget)
- People Management
- Legal and Democratic Services
- Communications
- ICT

4.4 The Committee shall be designated as 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). It shall ensure that at least one such review is undertaken each year.

4.5 The ~~Commission~~Committee has the power to review or scrutinise decisions taken by the Executive or any other part of the Council (excluding decisions made by Council) in relation to the above services.

[4.14.6](#) ~~#~~The Commission Committee 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.

[4.24.7](#) Although the Commission 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.

[4.34.8](#) The Commission Committee is responsible for setting its own work programme and in doing so shall take into account the wishes of Councillors.

[4.44.9](#) The Commission Committee has ~~responsibility for progressing and monitoring the overall objectives of the scrutiny function and~~ the power to:

[4.4.14.9.1](#) co-ordinate and develop the scrutiny function through which ~~the relevant~~ decisions taken by the Executive, Bodies or Officers are scrutinised, and their use of resources/the provision of services are reviewed;

[4.4.24.9.2](#) undertake pre-decision scrutiny of items on the Executive Forward Plan;

[4.4.34.9.3](#) discharge the overview function in terms of policy development activities;

[4.4.44.9.4](#) monitor decisions taken by or on behalf of the Executive;

[4.4.54.9.5](#) monitor the activities of Directorates;

[4.4.64.9.6](#) manage the Call-In process for decisions related to services delivered by the Resources and Place Directorates, and recommend for reconsideration any relevant decisions made but not yet implemented by on or behalf of the Executive, Leader, Executive Members or Officers under delegated powers;

[4.4.74.9.7](#) consider requests from Councillors, Officers, residents and organisations for particular topics to be scrutinised and determine the appropriate action;

[4.4.84.9.8](#) 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 Children and Young People Scrutiny Committee and the Health Adult Social Care Scrutiny Committee);

[4.4.94.9.9](#) undertake scrutiny reviews, as deemed appropriate.

[4.54.10](#) The Commission Committee shall coordinate its activities with those of the other Scrutiny Committees ~~(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 ~~CommissionCommittee~~ 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 that is relevant to the remit of the Committee. Where the ~~CommissionCommittee~~ does so, it shall report its findings and any recommendations back to the Executive or Council, which shall consider the report of the ~~CommissionCommittee~~ 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 ~~CommissionCommittee~~ or a ~~CommissionCommittee~~ Sub Body to be included on the agenda for the next meeting, or referred to the ~~CommissionCommittee~~ for inclusion in the approved work programme, and:
- 5.2.1 in deciding whether to pursue the matter, the ~~CommissionCommittee~~ shall consider representations from the Councillor who referred it;
- 5.2.2 the ~~CommissionCommittee~~ 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 ~~CommissionCommittee~~ 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~~5.4 In order to be considered for the Committee's work programme topics must relate to a topic that falls within the scope of the Committee as set out in Section 4. Submissions that do not meet the above criteria will be rejected by the Monitoring Officer.
- ~~5.6~~5.5 The Chairman may reject an item if, in his opinion,~~An item may be rejected if the Chairman considered that~~ it is not considered conducive to the ~~CommissionCommittee's~~ Work Programme.
- ~~5.7~~5.6 The member of the public will be notified as to whether their suggestion has been added to the ~~CommissionCommittee's~~ Work Programme or has been rejected. The reasons for the rejection will be communicated to the individual.

6 Evidence - Documents

- 6.1 ~~CommissionCommittee~~ and ~~CommissionCommittee~~ Sub-Body Members have the right to access relevant documents as set out in Part ~~10F~~ (Access to Information Rules).
- 6.2 To facilitate effective scrutiny, more detailed liaison between the Executive and the ~~CommissionCommittee~~ or a ~~CommissionCommittee~~ Sub-Body may take place depending on the particular matter under consideration.
- 6.3 The ~~CommissionCommittee~~ 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 CommissionCommittee 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 CommissionCommittee 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 CommissionCommittee or a CommissionCommittee Sub-Body may require the attendance of the relevant Executive Member, or Officer at the level of Head of ServiceService Lead/Service Director or above, to attend a meeting in order to provide advice and evidence in pursuit of a review being undertaken.
- 7.2 The CommissionCommittee or a CommissionCommittee 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 CommissionCommittee may consider evidence in open or confidential session as the Chairman thinks appropriate following advice from the Monitoring Officer.
- 7.4 Where the CommissionCommittee or a CommissionCommittee Sub-Body conducts a scrutiny review, the CommissionCommittee 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 CommissionCommittee or the CommissionCommittee Sub-Body are given an opportunity to ask questions of attendees and speak;
 - 7.4.2 that those assisting the CommissionCommittee 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 CommissionCommittee under the Council’s Meeting Rules:
 - 7.5.1 it will be reported to the next convenient meeting of the CommissionCommittee unless the matter is deemed urgent, in which case an extraordinary meeting may be convened;
 - 7.5.2 in advance of the CommissionCommittee 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 CommissionCommittee, 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 CommissionCommittee;

- 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~~Committee or a ~~Commission~~Committee Sub-Body under this provision:
- 7.6.1 the Chairman of the ~~Commission~~Committee 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~~Committee or ~~Commission~~Committee Sub-Body; and
- 7.6.4 where the account to be given to the ~~Commission~~Committee or ~~Commission~~Committee 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~~Service Lead/Service Director attend the ~~Commission~~Committee or a sub-Body, they will usually be accompanied by a senior manager.
- 7.8 At the meeting of the ~~Commission~~Committee, the Chairman will invite the Petition Organiser to address the ~~Commission~~Committee for a maximum of five minutes on the issue. The relevant Officer will then be asked to respond to the ~~Commission~~Committee on the subject matter of the petition. The ~~Commission~~Committee 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~~Committee. The ~~Commission~~Committee will agree or amend the report and direct it to the Monitoring Officer. In cases where the Scrutiny ~~Commission~~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);
- 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~~Committee's responsibility to monitor and evaluate recommendations once they are implemented.

9 Minority Report

- 9.1 If the ~~Commission~~Committee or a ~~Commission~~Committee 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~~Committee 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~~Committee Chairman, or the Chairman/Vice-Chairman of the Council.
- 10.2 The Scrutiny ~~Commission~~Committee may then require the Executive to submit a report to the Council within such reasonable time as the Scrutiny ~~Commission~~Committee specifies. The power to require a report rests with the ~~Commission~~Committee, but is also delegated to the Monitoring Officer, who shall require such a report on behalf of the Scrutiny ~~Commission~~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 Scrutiny ~~Commission~~Committee.

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~~Committee.
- 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~~Committee, 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~~Committee 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~~Committee 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~~Committee Chairman and shall, in consultation with the Chairman, convene a special meeting of the ~~Commission~~Committee 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~~Committee.
- 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~~Committee when the decision is reviewed and may speak to that item of business.
- 16.2 The ~~Commission~~Committee 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~~Committee 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~~Committee 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~~Committee 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~~Committee 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~~Committee upholds the Executive decision, the original decision of the Executive shall take immediate effect.
- 17.4 If the ~~Commission~~Committee 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~~Committee.
- 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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Part 6.10

Council Bodies

Appendix: Children and Young People Scrutiny 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 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 Additional requirements for Overview and Scrutiny Committees with responsibility for reviewing education functions are set out in Schedule 1 of the Local Government Act 2000.
- 2.3 The Children's Scrutiny Committee ("the Committee") will be, and will perform the functions of, the Council's overview and scrutiny committee in relation to all universal, targeted and specialist services for children and young people in west Berkshire as required by that legislation.

3 Membership

- 3.1 There will be nine Members on this Committees, which shall be politically balanced and its membership will be as set out in the Bodies List and Meetings Rules Table.
- 3.2 Membership of the Committee shall include the following statutory co-opted Members:
 - two parent governor representatives (one each for local authority maintained primary and secondary schools);
 - one Church of England representative; and
 - one Roman Catholic diocesan representative.
- 3.3 As statutory co-opted Members, the above shall be entitled to vote on any matters considered by the Committee that relate to schools or education. They shall also be entitled to speak on any other matters considered by the Committee, but they shall not be permitted to vote on such matters.
- 3.4 In addition, two non-statutory co-opted Members shall be appointed to the Committee, who shall be age 25 or under and living in West Berkshire or working for an organisation in West Berkshire supporting or representing children and young people. The non-statutory co-opted Members shall not be permitted to vote on any matters.
- 3.5 The above statutory and non-statutory co-opted members will not be taken into account when determining the political balance of the Committee.
- 3.6 The Committee may also appoint non-statutory, co-opted Members to the Committee or to any of its Task and Finish Groups. This may be done at any time to provide specialist input from those with specific expertise in relation to a particular aspect of the Committee's remit. This may be on an ongoing basis or to inform a particular review.
- 3.7 No Executive Member may be a Member or Substitute Member of this Committee.

- 3.8 No 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 Overview and scrutiny: statutory guidance for councils, combined authorities and combined county authorities specifies that effective overview and scrutiny should:
- provide constructive ‘critical friend’ challenge
 - amplify the voices and concerns of the public
 - be led by independent people who take responsibility for their role
 - drive improvement in public services and strategic decision-making
- 4.2 The Children and Young People Scrutiny Committee shall review and scrutinise how the needs and interests of children and young people in West Berkshire are met by the Council and its partners; and how performance is evaluated and improved.
- 4.3 Its remit shall include the following universal, targeted and specialist services for children and young people:
- Children's centred/family hubs;
 - Early years education;
 - School support services;
 - School improvement;
 - Special educational needs and disabilities (SEND);
 - Home to school/college transport;
 - 14-19 education, training and apprenticeship;
 - Careers service;
 - Youth services;
 - Supported accommodation and lodgings;
 - Supported employment for young people;
 - Leaving care service;
 - Youth offending service;
 - Child protection;
 - Children in Care;
 - Targeted support – young people;
 - Fostering and adoption;
 - Residential homes for children;
 - Family support.
- 4.4 The Committee shall maintain an overview of the activity and performance of maintained schools, and academy schools and colleges within the District.
- 4.5 It shall also scrutinise the effectiveness of the Berkshire West Safeguarding Children Partnership's arrangements for ensuring agencies work together to:

- protect children from maltreatment and prevent impairment of children's health and development
 - ensure that children grow up in circumstances consistent with the provision of safe and effective care
 - promote community involvement in safeguarding children and promoting their welfare by raising awareness through publicity and training
 - develop and review policies and procedures
 - have the safest possible practices in relation to the recruitment and selection of all those who work with children in a statutory and voluntary capacity
 - ensure systems are in place to monitor the implementation of the lessons learnt from serious case reviews
 - ensure the multi-agency and independent sector workforce is trained to safeguard children and improve safety
- 4.6 The Committee will also review and scrutinise the Berkshire West Safeguarding Children Partnership's, including its strategy, business plan and annual reports, as well as the outcomes of any external inspection or peer review of the Partnership, and any action plans arising from those inspections or peer reviews.
- 4.7 Scrutiny of services that support the physical health and mental wellbeing of children and young people in West Berkshire shall be the responsibility of the Health and Adult Social Care Scrutiny Committee, including, but not limited to, School Nursing, Health Visiting, Teenage Pregnancy Services, and Children and Adolescent Mental Health Services (CAMHS).
- 4.8 The Committee has the power to review or scrutinise decisions taken by the Executive or any other part of the Council (excluding decisions made by Council) in relation to services for children and young people.
- 4.9 The Committee can make reports or recommendations to the Executive or to the Council. Its role includes developing and reviewing policy and holding the Executive to account for their decisions and actions.
- 4.10 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.
- 4.11 The Committee is responsible for setting its own work programme and in doing so shall take into account the wishes of Councillors.
- 4.12 The Committee has the power to:
- 4.12.1 co-ordinate and develop the scrutiny function through which relevant decisions taken by the Executive, Bodies or Officers are scrutinised, and their use of resources/the provision of services are reviewed;
 - 4.12.2 undertake pre-decision scrutiny of relevant items on the Executive Forward Plan;
 - 4.12.3 discharge the overview function in terms of relevant policy development activities;
 - 4.12.4 monitor relevant decisions taken by or on behalf of the Executive;
 - 4.12.5 monitor relevant activities of Directorates;
 - 4.12.6 manage the Call-In process for decisions related to services for children and young people, and recommend reconsideration of any decisions made but not yet implemented by on or behalf of the Executive, Leader, Executive Members or Officers under delegated powers;
 - 4.12.7 consider requests from Councillors, Officers, residents and organisations for particular topics to be scrutinised and determine the appropriate action;

- 4.12.8 take responsibility for the development and co-ordination of the overview and scrutiny of partnerships and external bodies (excluding those partnerships and external bodies that fall within the remit of the Resources and Place Scrutiny Committee and the Health and Adult Social Care Scrutiny Committee);
- 4.12.9 undertake scrutiny reviews, as deemed appropriate.
- 4.13 The Committee shall coordinate its activities with those of the Resources and Place Scrutiny Committee and the Health and Adult Social Care Scrutiny Committee.

5 Proceedings

- 5.1 The Committee 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 that is relevant to the remit of the Committee. Where the Committee does so, it shall report its findings and any recommendations back to the Executive or Council, which shall consider the report of the Committee 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 remit of a Scrutiny Committee or a Committee Sub Body to be included on the agenda for the next meeting, or referred to that Committee for inclusion in the approved work programme, and:
 - 5.2.1 in deciding whether to pursue the matter, the Committee shall consider representations from the Councillor who referred it;
 - 5.2.2 the Committee 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 Committee 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 Committee's work programme topics must relate to a topic that falls within the scope of the Committee as set out in Section 4. Submissions that do not meet this criterion will be rejected by the Monitoring Officer.
- 5.5 An item may be rejected if the Chairman considers that it is not conducive to the Committee's Work Programme.
- 5.6 The member of the public will be notified as to whether their suggestion has been added to the Committee's Work Programme or has been rejected. The reasons for the rejection will be communicated to the individual.

6 Evidence - Documents

- 6.1 Committee and Committee Sub-Body Members have the right to access relevant documents as set out in Part 10 (Access to Information Rules).
- 6.2 To facilitate effective scrutiny, more detailed liaison between the Executive and the Committee or a Committee Sub-Body may take place depending on the particular matter under consideration.
- 6.3 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:

- 6.3.1 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 Committee 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 Committee 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 Committee or a Committee Sub-Body may require the attendance of the relevant Executive Member, or Officer at the level of Service Lead/Service Director or above, to attend a meeting in order to provide advice and evidence in pursuit of a review being undertaken.
- 7.2 The Committee or a Committee 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 Committee may consider evidence in open or confidential session as the Chairman thinks appropriate following advice from the Monitoring Officer.
- 7.4 Where the Committee or a Committee Sub-Body 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:
 - 7.4.1 that the meeting is conducted fairly and all Members of the Committee or the Committee Sub-Body are given an opportunity to ask questions of attendees and speak;
 - 7.4.2 that those assisting the Committee 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 Committee under the Council's Meeting Rules:
 - 7.5.1 it will be reported to the next convenient meeting of the Committee unless the matter is deemed urgent, in which case an extraordinary meeting may be convened;
 - 7.5.2 in advance of the Committee 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 Committee, 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 Committee;
 - 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 Committee or a Committee Sub-Body under this provision:
- 7.6.1 the Chairman of the Committee 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 Committee or Committee Sub-Body; and
- 7.6.4 where the account to be given to the Committee or Committee 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 Service Director attend the Committee or a sub-Body, they will usually be accompanied by a senior manager.
- 7.8 At the meeting of the Committee, the Chairman will invite the Petition Organiser to address the Committee for a maximum of five minutes on the issue. The relevant Officer will then be asked to respond to the Committee on the subject matter of the petition. The Committee 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 Committee. The Committee will agree or amend the report and direct it to the Monitoring Officer. In cases where the Scrutiny 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);
- 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 Committee's responsibility to monitor and evaluate recommendations once they are implemented.

9 Minority Report

- 9.1 If the Committee or a Committee 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 Committee can require a report if it thinks that a Key Decision relevant to the scope of the Committee 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 Committee Chairman, or the Chairman/Vice-Chairman of the Council.
- 10.2 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 Scrutiny Committee.

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 relevant Scrutiny Committee.
- 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;

- 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 a Scrutiny Committee, 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 Committee 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 Committee 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 Committee Chairman and shall, in consultation with the Chairman, convene a special meeting of the Committee 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 Committee.
- 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 Committee when the decision is reviewed and may speak to that item of business.
- 16.2 The Committee 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 Committee 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 Committee may refer the decision to the Council.
- 16.4 In the case of a Called-In decision being referred to the Council:
 - 16.4.1 if the Council decides that the Called-In decision was contrary to the Budget and Policy Framework, then 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 Committee 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 Committee 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 the Committee thinks fit and shall give reasons for its final decision.
- 17.3 If the Committee upholds the Executive decision, then the original decision of the Executive shall take immediate effect.
- 17.4 If the Committee does not uphold the Executive decision, then 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 Committee.
- 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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West Berkshire Council – Timetable of Meetings - May 2025 to May 2026

	MAY 2025		JUN 2025		JUL 2025		AUG 2025		SEP 2025		OCT 2025		NOV 2025		DEC 2025		JAN 2026		FEB 2026		MAR 2026		APR 2026		MAY 2026	
Mon									1						1											
Tues					1	RPSC			2						2											
Weds					2				3	E	1				3	CPP							1			
Thurs	1				3	X			4		2				4	CYPSC	1	BH					2			
Fri	2				4		1		5		3				5		2						3	BH	1	
Sat	3				5		2		6		4		1		6		3						4		2	
Sun	4		1		6		3		7		5		2		7		4		1		1		5		3	
Mon	5	BH	2		7	LIC	4		8		6	JPPC	3	LIC	8	JPPC	5		2		2		6	BH	4	BH
Tues	6		3		8		5		9		7		4		9		6		3		3	CYPSC	7		5	
Weds	7	E	4	E	9	E	6	E	10	D	8	E	5	E	10	E	7		4	E	4	E	8	E	6	E
Thurs	8	HWB	5	CYPSC	10	HWB	7		11	CYPSC	9		6	X	11	HWB	8		5		5	HWB	9		7	HWB
Fri	9		6		11		8		12		10		7		12		9		6		6		10		8	
Sat	10		7		12		9		13		11		8		13		10		7		7		11		9	
Sun	11		8		13		10		14		12		9		14		11		8		8		12		10	
Mon	12		9	JPPC	14		11		15		13		10		15		12		9		9	JPPC	13		11	
Tues	13		10	HASC	15	PC	12		16	RPSC	14	DPC	11		16	HASC	13	PC	10	RPSC	10	HASC	14		12	
Weds	14	D	11	CPP	16	D	13		17	W	15		12	D	17	W	14	E	11		11	D	15		13	D
Thurs	15	C	12		17	C	14		18	X	16	C	13		18	X	15		12	X	12		16		14	C
Fri	16		13		18		15		19		17		14		19		16		13		13		17		15	
Sat	17		14		19		16		20		18		15		20		17		14		14		18		16	
Sun	18		15		20		17		21		19		16		21		18		15		15		19		17	
Mon	19		16		21		18		22		20		17		22		19	LIC	16		16		20		18	
Tues	20		17		22		19		23	HASC	21		18	G	23		20		17		17	RPSC	21		19	
Weds	21	W	18	W	23	W	20	W	24	HWB CPP	22	W	19	W	24		21	W	18	W	18	W	22	W	20	W
Thurs	22	X	19		24		21		25		23		20		25	BH	22		19		19	X	23		21	X
Fri	23		20		25		22		26		24		21		26	BH	23		20		20		24		22	
Sat	24		21		26		22		27		25		22		27		24		21		21		25		23	
Sun	25		22		27		24		28		26		23		28		25		22		22		26		24	
Mon	26	BH	23		28		25	BH	29		27		24		29		26		23		23		27		25	BH
Tues	27		24	G	29		26		30	G	28		25	RPSC	30		27	G	24		24		28	G	26	
Weds	28		25		30		27				29		26		31		28	D	25		25	CPP	29	DPC	27	
Thurs	29		26		31		28				30		27	C			29		26	BC	26	C	30		28	
Fri	30		27				29				31		28				30		27		27				29	
Sat	31		28				30						29				31		28		28				30	
Sun			29				31						30								29				31	
Mon			30																		30					
Tues																					31					

C	Council – 7.00pm ex cept Budget meeting which starts at 5.30pm
X	Ex ecutive – 6.00pm
G	Governance Committee – 6.30pm
RPSC	Resources and Place Scrutiny Commission – 6.30pm
CYPSC	Children and Young People – 6.30pm
HASC	Health and Adult Social Care Scrutiny Committee – 1.30pm

HWB	Health and Wellbeing Board - 9.30am
LIC	Licensing Committee – 4.30pm
CPP	Corporate Parenting Panel – 6.00pm
DPC	District/Parish Conference – 6.30pm
JPPC	Joint Public Protection Committee – 7.00pm

W	Western Area Planning Committee - 6.30pm
E	Eastern Area Planning Committee – 6.30pm
D	District Planning Committee – 6.30pm
PC	Personnel Committee – 6.30pm

BH	Bank Holiday
	School Holiday

Public Meetings: All meetings are open to the public, with the ex ception of Corporate Parenting Panels

Venues: Most meetings are held at the Council Offices, Market Street, Newbury.

Questions to Council, Executive and Health and Wellbeing Board: Questions related to agenda items must be submitted by 10.00am seven clear working days before the meeting.

District Planning Committee: All stated dates are provisional subject to requirement.

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Appointment of and Allocation of Seats on Committees for the 2025/26 Municipal Year

Committee considering report:	Council
Date of Committee:	15 May 2025
Portfolio Member:	Councillor Jeff Brooks
Date Head of Service agreed report:	15 April 2025
Date Portfolio Member agreed report:	24 April 2025
Report Author:	Sarah Clarke

1 Purpose of the Report

- 1.1 The 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, to ensure that this reflects the latest political make-up of the Council.
- 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 This report also seeks the approval of the Council's Policy Framework for 2025/26 as set out in paragraph 5.23 of the report, reflective of the Policies reserved for Full Council.

2 Recommendations

- 2.1 That Council is informed 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 Group, Conservative Group, and Minority Group 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 5.16 of the report.

Appointment of and Allocation of Seats on Committees for the 2025/26 Municipal Year

- 2.4 That the number of substitutes on each of the Committees be as set out at paragraph 5.19.
- 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 the appointments to Task Groups and Panels 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 2025/26 be as set out in paragraph 5.23 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 Part 2, 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 up to two non-voting co-opted Parish/Town Councillors be made to the Governance Committee as detailed within 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 C.
- 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 also informed about the Council Bodies Rules as detailed at Part 6 of the Constitution detailed at Appendix E.

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 reviewed 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 2025/26 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 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 Group	Conservative Group	Minority Group
Antony Amirtharaj	Dennis Benneyworth	Adrian Abbs
Phil Barnett	Dominic Boeck	Carolyne Culver
Jeff Brooks	Paul Dick	David Marsh
Nick Carter	Clive Hooker	Clive Taylor
Patrick Clark	Paul Kander	
Heather Codling	Jane Langford	
Martin Colston	Ross Mackinnon	
Jeremy Cottam	Biya Oloko	
Iain Cottingham	Richard Somner	
Laura Coyle	Jo Stewart	
Billy Drummond	Howard Woollaston	
Nigel Foot		
Denise Gaines		
Stuart Gourley		
Owen Jeffery		
Janine Lewis		
Alan Macro		
Geoffrey Mayes		
Tom McCann		
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 5.12 are to be regarded as Members of the Liberal Democrat, Conservative, and Minority Groups respectively.

Appointment of Committees

- 5.3 In accordance with Part 2, Article 4 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.
- 5.4 It should be noted that Council is due to consider a report on changes to its overview and scrutiny arrangements. This will be heard before this report and, if the recommendations are approved, would make changes to the Council's Committees and Task Groups. In summary, if approved, both the Scrutiny Commission and Health Scrutiny Committee will be replaced by a Resources and Place Scrutiny Committee, Children and Young People Scrutiny Committee, and a Health and Adult Social Care Committee. In addition, the Environment Advisory Group, Planning Advisory Group, and Transport Advisory Group would be removed. In place of these Advisory Groups, the Executive will be seeking cross party participation in a new Policy Development Group, details of which will be confirmed in due course. As this will be an executive group, it will not require approval by council. If approved, these overview and scrutiny changes would take effect immediately.
- 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
Resources and Place Scrutiny Committee	9
Children and Young People Scrutiny Committee	9
Health and Adult Social Care Committee	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>

Appointment of and Allocation of Seats on Committees for the 2025/26 Municipal Year

Eastern Area Planning Committee	9
Western Area Planning Committee	9
Personnel Committee	7
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>
Total	96

- 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 D.
- 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 three seats on the Joint Public Protection Committee and two seats on the Joint Health Overview and Scrutiny Committee. Appointments to the Joint Public Protection Committee are in accordance with the Inter Authority Agreement, which states that this will reflect the political balance of the Council.
- 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 also proposed that the membership of the Personnel Committee be raised from 5 to 7 Members. This would provide more resilience for meetings and provide greater representation.
- 5.10 It is recommended (at point 2.2 of the report) 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.
- 5.11 It is recommended (at point 2.13 of the report) 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.
- 5.12 The Rules for Council Bodies are attached to this report for information at Appendix E.

Allocation of Seats

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

	Number of Members No.	Political Composition %
Liberal Democrat Group	28	65.12%
Conservative Group	11	25.58%
Minority Group	4	9.3%
TOTAL	43	100

5.14 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.

5.15 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.

5.16 Having regard to the above, it is proposed that the seats on Committees should be allocated as follows:

Table B				
Committee	Total Number of Seats	Liberal Democrat Group	Conservative Group	Minority Group
Resources and Place Scrutiny Committee	9	5	3	1
Children and Young People Scrutiny Committee	9	5	3	1
Health and Adult Social Care Committee	9	5	3	1

Appointment of and Allocation of Seats on Committees for the 2025/26 Municipal Year

Licensing Committee	12	7	3	2
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	7	4	2	1
Appeals Panel	12	9	3	0
Governance Committee	9	6	2	1
Number of committee seats based on % of Council		62.5 _(1dp)	24.6 _(1dp)	8.9 _(1dp)
Number of Seats Allocated	96	59	27	10
Percentage of Seats on Council		65.1%	25.6%	9.3%
Percentage of Seats Allocated	100%	61.5% (1dp)	28.1% (1dp)	10.4% (1dp)

5.17 It is recommended 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.

Substitutes

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

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

Table C	
Resources and Place Scrutiny Committee	Up to 3 per Political Group
Children and Young People Scrutiny Committee	Up to 3 per Political Group

Appointment of and Allocation of Seats on Committees for the 2025/26 Municipal Year

Health and Adult Social Care Committee	Up to 3 per Political Group
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

5.20 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.

Appointment to Committees

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

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

Planning and Policy Framework

5.23 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 2025/26 (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;
- Joint Local Health and Wellbeing Strategy;
- Statutory Pay Policy Statement;
- Property Investment Strategy.

5.24 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

5.25 Council is 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

5.26 In addition to the elected Members who will be appointed on a proportional basis to the Governance Committee, it is recommended that up to two co-opted non-voting Parish/Town Councillors also be appointed as Parish/Town Council representatives. In addition, up to two substitute (and also non-voting) Parish/Town Councillors will also be appointed to provide continuity. This is presented within Appendix A.

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

5.28 Following the Redmond Review and the appointment of Simon Carey as the Independent Person (Audit), it is proposed that the Council re-appoint Simon Carey to continue to fulfil this role during the municipal year 2025/26, as set out in the recommendations and at Appendix A. The Independent Member (Audit) would sit on the Committee and provide expertise into risk and audit functions of the Governance Committee.

Health and Wellbeing Board

5.29 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.

5.30 The membership of the Board is set out in Appendix C and a number of the Board Members have nominated a named substitute as set out in that Appendix.

5.31 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 C.

6 Proposals

- 6.1 As detailed in this report, in accordance with Regulation 8 of the Local Government (Committees and Political Groups) Regulations 1990, 28 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 4 Members wish to be regarded as members of the Minority Group.
- 6.2 Members, and where appropriate substitutes, will be appointed to 10 Committees totalling 96 seats. In this case 59 of these seats will be allocated to Liberal Democrat Members, 27 to Conservative Members, and 10 to the Minority Group. 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 up to two Parish/Town Councillors to the Governance Committee, three Independent Persons (Standards), and one Independent Person (Audit). Up to 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 and allocation of seats on the Committees for the 2025/26 Municipal Year.
- 8.2 Members are asked to agree the Council's Policy Framework for 2025/26 as set out in Paragraph 5.23.

9 Appendices

- 9.1 Appendix A – Membership of Committees 2025/26 (To Follow)
- 9.2 Appendix B - Task Group and Panel Memberships 2025/26 (To Follow)
- 9.3 Appendix C – Membership of Health and Wellbeing Board (To Follow)
- 9.4 Appendix D - Wards covering each Planning Committee (To Follow)
- 9.5 Appendix E – Council Bodies Rules - [Part 6 of the Constitution](#) (To Follow)

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 Scrutiny Commission or associated Committees, Task Groups within preceding six months ☐

Item is Urgent Key Decision ☐

Report is to note only ☐

Wards affected: All

Officer details:

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Appointments to Outside Bodies for the 2025/26 Municipal Year

Committee considering report:	Council
Date of Committee:	15 May 2025
Portfolio Member:	Councillor Jeff Brooks
Date Head of Service agreed report:	15 April 2025
Date Portfolio Member agreed report:	24 April 2025
Report Author:	Sarah Clarke

1 Purpose of the Report

- 1.1 The purpose of this report is to consider the appointment of seats on Outside Bodies for the next Municipal Year. Where necessary, such appointments must comply with the duty under section 15 of the Local Government Housing Act 1989, to ensure that these reflects the latest political make-up of the Council.
- 1.2 The election of Councillors to West Berkshire Council usually takes place every four years, but appointment of Members to a number of bodies needs to be considered on an annual basis.
- 1.3 These are:
 - 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 2025/26, 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, Executive Briefing			

4 Executive Summary

- 4.1 The Council is required to appoint representatives to a range of Outside Bodies. Other appointments (separate to this report) will be made via an Individual Executive Member Decision as necessary.
- 4.2 Nominations to the three Outside Bodies; Royal Berkshire Fire Authority, Thames Valley Police and Crime Panel, and the Local Government Association General Assembly are required annually. Appointments, where appropriate, will be made in accordance with Appendix G 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.

5.1 The Council's representatives in 2024/25 were Councillors Dennis Benneyworth, Jeff Brooks, Billy Drummond, and Owen Jeffery.

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 they shall cease to be a Member of the Panel if they cease 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 representative in 2024/25 was Councillor Stephanie Steevenson, with Councillor Jeremy Cottam appointed as alternate Member.

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 2024/25 were Councillors Jeff Brooks, Martin Colston, Lee Dillon and Ross Mackinnon.

8 Other options considered

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

9 Conclusion

- 9.1 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

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 Scrutiny Commission or associated Committees, 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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APPENDIX A: APPOINTMENT TO OUTSIDE BODIES 2025/2026

ROYAL BERKSHIRE FIRE AUTHORITY (4 Members) *(There are no substitutes)*

Liberal Democrat Group (3 Members)	Jeff Brooks, Billy Drummond, Owen Jeffery
Conservative Group (1 Member)	Dennis Benneyworth

THAMES VALLEY POLICE & CRIME PANEL (1 Member)

Council Representative	Stephanie Steevenson
Alternate Member	Jeremy Cottam

LOCAL GOVERNMENT ASSOCIATION GENERAL ASSEMBLY (4 Members)

Liberal Democrat Group (3 Members)	Jeff Brooks, Denise Gaines, Martin Colston
Opposition Group Leader	Ross Mackinnon

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West Berkshire Council Member Charter

Committee considering report:	Council
Date of Committee:	15 May 2025
Portfolio Member:	Councillor Jeff Brooks
Date Head of Service agreed report:	7 May 2025
Date Portfolio Member agreed report:	7 May 2025
Report Author:	Nicola Thomas

1 Purpose of the Report

- 1.1 The Leaders of the Administration, Opposition and Minority Group are keen to reflect their commitment to good working relations with Officers for the benefit of West Berkshire Council and the communities that we serve. To reflect this commitment, a Member Charter has been drafted. This will sit alongside the Code of Conduct for Members.

2 Recommendation

- 2.1 Council approves the adoption of the Member Charter.

3 Implications and Impact Assessment

Implication	Commentary
Financial:	None
Human Resource:	None
Legal:	The Code of Conduct for Members (Constitution Part 13) reflects the legislative position outlining the expectations for Members conduct and potential consequences should these be breached. The Member Charter reflects the wishes of Members.
Risk Management:	None

Property:	None			
Policy:	None			
	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:	Discussion with the Leaders of the respective political groups on the Council			

4 Executive Summary

- 4.1 The Leader of the Administration requested a Member Charter to be drafted to strengthen Member - Officer relations for the benefit of West Berkshire Council and sit alongside the Part 13 Constitution Code of Conduct for Members.
- 4.2 The Member Charter has been shared with Leaders for the Opposition and Minority Group who have agreed to this in principle.

5 Supporting Information

- 5.1 Part 13 Code of Conduct sets out the guide to strengthen and develop Member/ Officer relations for the benefit of the Council. This was recently updated and approved at Council for implementation from 1 April 2025 and can be found: https://www.westberks.gov.uk/media/38477/Constitution-Part-13-Codes-and-Protocols/pdf/Part_13_-_Codes_and_Protocols_update_April_2025.pdf?m=1743604941113
- 5.2 Part 13 reflects the legislative position and Local Government Association guidance. Appendix C sets of the procedure for local determination of allegations under this Code.
- 5.3 Alongside the above, Members wished to reflect on their commitment to strengthening Member- Officer relations as they have done in other organisations. As a result, the Member Charter was drafted.
- 5.4 The Member Charter is intended to sit alongside Part 13 Code of Conduct. Leaders for the relevant Group have overall responsibility for:
 - Directing and reviewing this standard.
 - Ensuring that there is effective consultation and communication on contents of the charter when Members are appointed to office
 - Publishing & Promoting the adoption of this charter.
 - Ensuring compliance with published charter.

6 Other options considered

- 6.1 Do nothing; Leaders for the respective Groups consider it important to demonstrate their commitment to Member- Officer relations for the benefit of West Berkshire Council and their commitment to the agreed standards.

7 Conclusion

- 7.1 Agreeing to adopting the Member Charter demonstrates the commitment of Members to strengthening Member-Officer relations for the benefit of West Berkshire Council. The Leaders for the respective Groups take ownership and responsibility (in consultation with the Council Statutory Officers) for the Member Charter.

8 Appendices

- 8.1 Appendix A – Member Charter

Background Papers:

None

Subject to Call-In:

Yes: ☐ No: x

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 Scrutiny Commission or associated Committees, 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

Member Charter

Reference: *

Version No: 1.0

Issue Date: 2025

Document Control

Document Ref:		Date Created:	April 2025
Version:	1.0	Date Modified:	7 May 2026
Revision due			
Author:	Nicola Thomas	Sign & Date:	7 May 2025
Head of Service:	Sarah Clarke	Sign & Date:	7 May 2025
Equality Impact Assessment: (EIA)	Date undertaken:		
	Issues (if any):		

Change History

Version	Date	Description	Change ID
0.1	2025	Created	

Related Documents

Reference	Title	Tier
WB/P&C/MF/2008-11	Codes and Protocols	



WestBerkshire
C O U N C I L

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1. Purpose

- 1.1. Member and Officer relations within the Council are positive and effective. The Charter is to reflect the positive working relationship to strengthen and develop the accountability of Members for the benefit of the Council, the community and service delivery of the Council Plan.

2. Applicability

- 2.1. All Members elected to office from the date of acceptance of office.

3. Roles and Responsibilities

- 3.1. The Leaders of the Administration, Opposition and Minority Groups have overall responsibility for:
 - Directing and reviewing this standard.
 - Ensuring that there is effective consultation and communication on contents of the charter when Members are appointed to office
 - Publishing & Promoting the adoption of this charter.
 - Ensuring compliance with published charter as set out below

4. Member Charter

- 4.1. It is agreed that all Members shall:
 - 4.1.1. put the interests of our communities first.
 - 4.1.2. work together to achieve our vision and objectives.
 - 4.1.3. act with integrity, being open, honest, and consistent in everything that we do.
 - 4.1.4. are all committed to creating a safe, dignified and trustworthy Service.
 - 4.1.5. treat everyone with dignity and respect, making decisions objectively based on evidence, without discrimination or bias.
 - 4.1.6. be positive visible role models, continuously demonstrating flexible and resilient leadership.
 - 4.1.7. be accountable for our own actions and behaviours, and will challenge behaviour that falls short of the highest standards.
 - 4.1.8. prioritise the wellbeing and expertise of staff, since without them we can do none of the above.

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Review of Council Strategy performance measures

Committee considering report:	Council
Date of Committee:	15 May 2025
Portfolio Member:	Councillor Jeff Brooks
Forward Plan Ref:	C4615

1 Purpose of the Report

- 1.1 To introduce proposals for the review of the measures used to track progress towards delivery of the five priority areas within the [Council Strategy 2023-27](#), which was approved by Council in October 2023.
- 1.2 The Council Strategy is accompanied by a delivery plan composed by measures against which progress is regularly assessed and considered by the Executive on a quarterly basis. The four-year delivery plan contains approximately 200 measures. To allow for a more focused analysis of performance by the Executive, 20 of those measures were categorised as 'High Priority' and the remaining ones as 'Business as Usual' (BaU).
- 1.3 The progress against the 20 High Priority measures is always highlighted on the quarterly performance reports and the BaU measures are reported by exception, i.e., only when not on target (RAG status amber or red).
- 1.4 This report proposes a review of the measures which are routinely reported to the Executive. To support decision-making, recommendations formulated by the Services and/or the Performance team accompany the individual measures.
- 1.5 This report also proposes a change to the criteria for assessing measures with binary results (Completed versus Not Completed), allowing for the application of the same RAG status as the others by indicating as amber results delayed by less than three months.

2 Recommendation

- 2.1 That Full Council approves a revised reporting framework for the Council Strategy.
- 2.2 That Council approves the 12 areas of focus detailed at paragraph 5.12 to assist in the determination of new High Priority measures for the year 2025-26.

3 Implications and Impact Assessment

Implication	Commentary			
Financial:	These measures do not include additional financial implications as are within the existing framework approved			
Human Resource:	None identified			
Legal:	None identified			
Risk Management:	This should reduce the risk of non-delivery of services through a greater level of focus on specific measures and exception reporting. The application of RAG status monitoring for binary measures will also allow for a more nuanced understanding of challenges in performance.			
Property:	None identified			
Policy:	Supports the delivery of the Council Strategy			
	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		None identified beyond the original Council Strategy delivery plan
Health Impact:		X		None identified beyond the original Council Strategy delivery plan
ICT Impact:		X		None identified beyond the original Council Strategy delivery plan
Digital Services Impact:		X		None identified beyond the original Council Strategy delivery plan
Council Strategy Priorities:	X			This reporting framework should provide greater focus on the Council Strategy priorities and allow for a more nuanced understanding of performance challenges
Core Business:		X		None identified beyond the original Council Strategy delivery plan
Data Impact:		X		
Consultation and Engagement:	This report was considered at Corporate Board and Executive Briefing			

4 Executive Summary

- 4.1 West Berkshire Council measures its performance against the priorities within the Council Strategy using a large number of measures and indicators. This has led to a significant focus on the act of reporting itself rather than the progress made to date and the dynamic nature of delivering council services.
- 4.2 The proposals in this report would see these measures and indicators condensed into a smaller, more meaningful range of data to accurately capture both current and future

progress made against the council's priorities without compromising the pace of delivery.

- 4.3 For that purpose, the report categorises measures as 'High Priority' and Business as Usual (BaU) for the Council's consideration and provides comments and recommendations by the Services and/or the Performance team to support decision-making regarding the potential modification or removal of specific measures.
- 4.4 The report also proposes a modification to the reporting methodology as to allow for the application of the RAG status system (Red, Amber and Green) to binary measures, i.e., those whose possible results are 'completed' or 'not completed', by applying the following criteria:
- Green: Completed
 - Amber: Not completed, within 3 months of target date
 - Red: Not completed, 3 or more months past the target date

5 Supporting Information

Introduction

- 5.1 The Council Strategy 2023-27 was approved by Full Council in October 2023. It is a four-year strategy that sets out our five priority areas (below) and associated goals. The Strategy is accompanied by a detailed Delivery Plan.
- (a) Services we are proud of
 - (b) A fairer West Berkshire with opportunities for all
 - (c) Tackling the climate and ecological emergency
 - (d) A prosperous and resilient West Berkshire
 - (e) Thriving communities with a strong local voice

Background

- 5.2 There has been a significant amount of progress made against the Council Strategy. In the space of just over a year, a number of measures have been delivered through the various priority areas. Though not an exhaustive list (see appendix A), these include:
- The return of Faraday Road Football ground to a bookable grass pitch
 - Opening the refurbished Newbury Lido
 - Introducing a demand responsive bus service
 - Reviewing the Community Infrastructure Levy customer journey

Review of Council Strategy performance measures

- Developing and publishing our Transformation Plan, including repurposing assets to deliver 'family time' in children's services and new temporary accommodation units for residents

- 5.3 There have been many developments since the inception of the Council Strategy. With a different national government in place there will likely be different requirements, schemes and programmes that are put in place that the Council will need to deliver alongside the existing Council Strategy.
- 5.4 The Local Government Reorganisation process, kicked off by the English Devolution White Paper published in December 2024, may also have implications for the plans and priorities set by the Council, but at present nothing further has been incorporated as this is dependent on the Government's future decisions.
- 5.5 The financial position for the Council, and the sector as a whole¹, remains exceedingly difficult, with the Council having the lowest level of reserves of any similar Council in the country; since the approval of the Council Strategy, twenty nine authorities have requested Exceptional Financial Support²- an unprecedented number- with further Councils highlighting the need for further support. The regulatory and policy regime for Local Government may also start to change; there has been significant focus on Special Educational Needs & Disability (SEND) policy and expenditure in recent months³ with a dramatically rising deficit on SEND budgets across the country, whilst the Government are reviewing the remit of the Office for Local Government (OFLOG)⁴ and considering options for greater levels of devolution of power across the country⁵.
- 5.6 Although there will no changes proposed to the Council Strategy itself, it is useful to ensure that the measures and indicators used to track the delivery plan are proportionate and reflect the progress made and impact felt to date.

Review of High Priority measures

- 5.7 The high priority measures quarterly reported at the Executive and their respective targets for 2024/2025 are listed in the table below, accompanied by relevant comments and recommendations. Please note that an ID code was attributed to each measure to facilitate discussions.
- 5.8 The highlighted comments note that three of the High Priority Measures refer to specific outputs which have already been successfully delivered:

HP16. Set up a new fund in partnership with Greenham Trust for mental health support initiatives

HP17. Refurbish Hungerford Leisure Centre

¹ <https://www.instituteforgovernment.org.uk/publication/fixing-public-services-labour-government/local-government>

² <https://www.gov.uk/guidance/exceptional-financial-support-for-local-authorities-for-2024-25>

³ <https://www.countycouncilsnetwork.org.uk/educational-outcomes-for-send-pupils-have-failed-to-improve-over-the-last-decade-despite-costs-of-these-s-services-trebling-new-independent-report-reveals/>

⁴ <https://www.gov.uk/government/publications/oflog-review-of-long-term-role-and-short-term-remit>

⁵ <https://mhclgmedia.blog.gov.uk/2024/09/19/major-step-forward-in-governments-devolution-revolution-as-new-powers-agreed-for-english-regions/>

Review of Council Strategy performance measures

HP18. Refurbish Kennet Leisure Centre, Thatcham

5.9 The proposed modification of HP15, Develop and adopt a refreshed Newbury Masterplan delivery plan, to be replaced by quarterly updates on specific projects covered in said plan.

5.10 The target date for three of the measures are within the next three months.

5.11 The review of the Council Strategy measures presents an opportunity for the High Priority measures to have their targets set or modified, as well as to include or remove measures considering new priorities or relevant contextual changes, such as existing or upcoming reorganisation plans.

No.	Measure Name (High Priority)	Target 2024-2025	Comment/ Recommendation
Priority Area 1: Services we are proud of			
HP01	No. of Council services/functions digitised and/or transformed	30	
HP02	Maintain the general fund at the Section 151 minimum (as per budget setting papers)	£7.5 m	
HP03	Annual forecast spend on agency spend at West Berkshire Council	£7.5 m	
Priority Area 2: A fairer West Berkshire with opportunities for all			
HP04	CQC rating of at least "Good" for our Adult Social Care Service	Good	
HP05	No. of children's social workers who have more than 18 cases allocated to them	0	
HP06	No. of Children in Care aged under 16 placed in unregistered provision	0	
HP07	No. of affordable homes completed and ready for occupation	112	
Priority Area 3: Tackling the Climate and ecological emergency			
HP08	Develop a strategy to bring back empty home into use	Mar-25	Target to be reviewed
HP09	Adopt a plan to close the attainment gap focussing on early years and deprivation	Mar-25	Target to be reviewed
Priority Area 4: A prosperous and resilient West Berkshire			
HP10	Commence trial of extended pedestrianisation hours Newbury Town Centre	Sep-25	
HP11	% of the principal road network (A roads) in need of repair	4%	
HP12	% of non-principal road network (B and C roads) in need of repair	4%	
HP13	% of permanent pothole and edge of road repairs completed within 28 days of the order date	95%	
HP14	Adopt a West Berkshire Local Plan	Jul-25	
HP15	Develop and adopt a refreshed Newbury Masterplan delivery plan	-	Measure to be reviewed

Priority Area 5: Thriving Communities with a Strong Local Voice			
HP16	Set up a new fund in partnership with Greenham Trust for mental health support initiatives	Oct-24	Output completed
HP17	Refurbish Hungerford Leisure Centre	Dec-24	Output completed
HP18	Refurbish Kennet Leisure Centre, Thatcham	Mar-25	Output completed
HP19	Refurbish Northcroft Leisure Centre	Jun-25	Target date near
HP20	Refresh the Playing Pitch Strategy	Jun-25	Target date near

5.12 Following the end of the 2024-25 year, the achievement and the proposed review of several of the measures defined as high priority, it is recommended that Council approves the 12 areas of focus listed in the table below to assist in the determination of new High Priority measures for the year 2025-26.

Proposed Areas of Focus
1. We will strive to ensure that all children, regardless of background or circumstance, achieve their full potential. This will include closing the attainment gap.
2. We will deliver 1000 affordable homes across the district by 2030
3. We will complete the Playing Pitch Strategy review and provide three new artificial pitches across the district.
4. We will progress the Masterplans for Newbury and Thatcham to deliver high quality local facilities
5. We will achieve significant improvement in our Highways so that our road condition is rated within the top 10% of good roads in the country.
6. We will continue on our path to achieving Council controlled operations emissions to net zero in a realistic and sustainable manner by 2030
7. We will focus on the canal as an important part of West Berkshire life by working with partners to maintain and enhance this wonderful asset for the benefit of residents and businesses
8. We will increase the availability of reablement services to those who might benefit, as this will help them retain their independence; we will also ensure that those with the most urgent needs receive a timely response
9. We will develop and implement a programme of growing income by reshaping our assets and services.
10. We will work with partners to promote healthy lifestyle choices including diet and physical activity.
11. We will work with residents to enable 'vibrant villages' in collaboration with residents.
12. We will continue to develop our economy including making progress with the Bond Riverside development and other measures which mark West Berkshire as "open for business".

Review of Council Strategy performance measures

Measures recommended for removal, modification or replacement

5.13 Due to the dynamic nature of performance evaluation, lessons are learned through the monitoring process. The table below presents recommendations formulated by Services and/or the performance team for the Council to remove, modify or replace certain measures. The justification for each recommendation is presented on a dedicated column for the Council's appreciation. Please note that an ID code was attributed to each measure to facilitate discussions. These are all Business-as-Usual measures. The BaU measures to which there are no recommended changes are listed in Annex B.

ID	Measure	Recommendation and Comments	
REV01	% of residents satisfied with the way WBC runs things (Target TBC)	Remove	The acquisition of the data requires a representative residents' survey, for which there is no allocated budget. We will be introducing other schemes to measure customer satisfaction
REV02	% of residents reporting they feel they can influence decision making	Remove	The acquisition of the data requires a representative residents' survey, for which there is no allocated budget.
REV03	Total revenue spend variation compared to net budget set (Target £7.5m)	Remove	To remove this measure as it is already monitored by <i>HP02 Maintain the general fund at the Section 151 minimum</i>
REV04	Council Tax collected as a % of Council Tax due (Target 98.8%)	Modify target	Reduce target to 98%, as to closer reflect the national average of 97.2% ⁶
REV05	Amend the Investment and Borrowing Strategy to consider social, ethical and environmental impacts	Remove	Most of the monies are in our pension funds and our money market funds, which would have their own strategies
REV06	Refresh and approve the West Berkshire Vision (2027)	Remove	Target date of 2027 likely to be affected by the Local Government Reorganisation
REV07	Develop a consultation plan for the refresh of the West Berkshire Vision	Remove	Target date of 2027 for the new vision likely to be affected by the Local Government Reorganisation

⁶ <https://www.gov.uk/government/statistics/collection-rates-for-council-tax-and-non-domestic-rates-in-england-2023-to-2024/collection-rates-for-council-tax-and-non-domestic-rates-in-england-2023-to-2024#in-this-release>

Review of Council Strategy performance measures

ID	Measure	Recommendation and Comments	
REV08	% of Executive Committee decisions made in private (Part II) (Target 1%)	Remove	Part II decisions are exceptional and refer to items that contain sensitive information, which means there is no significant margin for action in order to reach the target.
REV09	% of total turnover in West Berkshire Council (Target 13.8%)	Modify target	Target to be reduced to 13% as to make it consistent with Corporate Health Reporting
REV10	Produce and adopt a Council Strategy Delivery Plan to be reviewed annually by end of September	Remove	Target to produce the delivery plan is complete. Review done in Q1 2025-26. Set new measure for delivery plan review to be done by end of Jun 26
REV11	No. of posts filled by agency staff at West Berkshire Council	Remove	Covered by <i>HP03 Annual forecast spend on agency spend at West Berkshire Council</i>
REV12	Adopt the Adult Social Care Home Provision Strategy (Target May 2025)	Remove	To remove this measure as a decision has been made to go out to tender for a provider/buyer.
REV13	% of adults with a learning disability who live in their own home or with their family	Modify category	Categorise it as Measure of Volume. The measure indicates demand and pressure on the service more than it provides insight into performance levels.
REV14	No. of affordable housing units delivered through partnership working	Remove	Covered by <i>HP07 No. of affordable homes delivered</i>
REV15	No. of residential units granted planning permission	Remove	Covered by <i>HP07 No. of affordable homes delivered</i>
REV16	No. of affordable homes granted planning permissions	Remove	Covered by <i>HP07 No. of affordable homes delivered</i>
REV17	No. of residential completions	Remove	Covered by <i>HP07 No. of affordable homes delivered</i>
REV18	Agree a minimum Energy Performance Certificate (EPC) assessment rating for all WBC owned properties (Target: Dec 24)	Remove	This action could expose the Council to a significant financial pressure

Review of Council Strategy performance measures

ID	Measure	Recommendation and Comments	
REV19	Develop a plan to ensure all WBC owned properties meet the minimum EPC rating (30/04/26)	Remove	This action would require a detailed energy assessment of all West Berkshire Council buildings. We received grant funding to undertake detailed energy and carbon assessments of 5 Council buildings which is costing £236,000. Undertaking this for all Council properties could run into the 10's of millions.
REV20	No. of schemes delivered for residents to switch to greener energy providers at lower cost	Remove	To remove the measure as this action is dependent on market conditions, out of the Council's control and therefore nor indicative of its performance or delivery
REV21	Create a plan to provide new / additional secure bike storage at key locations	Remove	To remove measure as cycle storage is considered based on demand and in discussion with cycle interest groups (and through the planning process)
REV22	Work with partners to review the AONB strategy for our area (31/03/25)	Remove	The timing of the AONB (now National Landscapes) strategy is outside the control of the Council
REV23	% of Contract Award reports, for contracts worth £100k+, that included a Carbon Impact Assessment	Remove	To remove this measure as there is not enough resource in the Environment Directorate to regularly assess Carbon Impact Assessments - and a good/expected standard
REV24	Launch a mentoring programme for children with local businesses (31/03/24)	Remove	Discussed at Delivery Board - there is already an active Government funded scheme doing this in West Berkshire - it's the Education Business Partnership
REV25	% of businesses interested in investing in WB provided with guidance, support and signposting	Remove	To remove this measure as the outturn would consistently be 100% and the values are very low.
REV26	Review Adverse Weather plan to ensure the Drought Framework is up to date (Target Oct 24)	Modify target	Due to the low risk associated with this action, other activities were prioritised. Proposed new target to Mar 26
REV27	Co-produce a framework for C&YP accessing work experience with local companies	Remove	No resource assigned to undertake this specific action. Covered by Education Business Partnership activities.

Review of Council Strategy performance measures

ID	Measure	Recommendation and Comments	
REV28	Retender the outcomes based Voluntary Sector Prospectus (Target Mar 25)	Modify target	To reschedule to 2025/26 as a decision was taken by the service areas (Public Health and Adult Social Care) to extend the current contracts with a view to re-tendering by 31/03/26.
REV29	% of residents 16-24 reporting they feel engaged in decision making (Biennial Residents' Survey)	Remove	The acquisition of the data requires a representative residents' survey, for which there is no allocated budget.
REV30	Adopt a plan to tackle social isolation, especially in rural areas and for young people	Remove	Covered by measure to monitor Community Hub activity
REV31	Adopt a renewal and re-provision programme for our council-owned leisure facilities	Remove	The refurbishment of individual leisure centres is taken on a case-by-case basis, when funding and available resource allow. There is no scheduled programme for this work. Although, a programme is not being produced, the identified projects within the Leisure capital programme are on track for delivery on the agreed amended timelines.
REV32	Investigate discounted travel through ticketing for activities in town centres	Remove	To remove this measure as it was discussed at Delivery Board, but it was unclear what this is - alternative modes of travel is not an Economic Development function. Covered by free bus travel initiatives.
REV33	No. of Electric Vehicle charging points in our villages	Remove	This is not a measurable target as we do not know what the demand is for public EV charge points in villages. From current observations most residents in villages charge at home and the need for public charge point infrastructure is minimal. For those that do not have off street parking, on-street provision is already monitored by a specific measure
REV34	% of total zero carbon tariff electricity used	Remove	Data collection would be onerous on the service
REV35	% of the adult population (16+) who are classified as inactive (as per the Active Lives Survey)	Modify category	Categorise it as Measure of Volume. The measure indicates demand and pressure on the service more than it provides insight into performance levels.

Review of Council Strategy performance measures

ID	Measure	Recommendation and Comments	
REV36	% physically active children and young people (5-16 years old) (as per Active Lives Survey)	Modify category	Categorise it as Measure of Volume. The measure indicates demand and pressure on the service more than it provides insight into performance levels.
REV37	% of physically inactive adults (19+ years old) (as per the Active Lives Survey)	Modify category	Categorise it as Measure of Volume. The measure indicates demand and pressure on the service more than it provides insight into performance levels.
REV38	No. of individuals aged 60+ using a sports or leisure centre in previous quarter	Modify category	Categorise it as Measure of Volume. The measure indicates demand and pressure on the service more than it provides insight into performance levels.
REV39	No. of individuals aged under 16 years who have used a sports or leisure centre in previous quarter	Modify category	Categorise it as Measure of Volume. The measure indicates demand and pressure on the service more than it provides insight into performance levels.
REV40	No. of individuals aged 16-59 years who have used a sports or leisure centre in previous quarter	Modify category	Categorise it as Measure of Volume. The measure indicates demand and pressure on the service more than it provides insight into performance levels.
REV41	Complete a cycle storage audit of the district (31/03/25)	Remove	Currently cycle storage is considered based on demand and in discussion with cycle interest groups (and through the planning process).
REV42	Adopt the Rights of Way Improvement Plan (31/05/24) (Target Jun-24)	Modify target	ROWIP finalisation has been delayed and new dates on the Forward Plan will be requested during Q4 2024/25. As requested, the report is being simplified and shortened, where possible, for decision-maker consideration. A new proposed target is 30 June 2025.
REV43	Produce a plan to support school staff and governors for Ofsted inspections (Termly)	Remove	The plan is reviewed and amended as necessary at the end of each term
REV44	Go live with Grazeley solar farm (31/05/25)	Modify target	The Council continues to explore suitable options for appointing a supplier to install the solar scheme. More information will be available during the next reporting cycle. Proposed new target date is 31 December 2025.

Review of Council Strategy performance measures

ID	Measure	Recommendation and Comments	
REV45	Adopt the Parking Strategy (31/03/24)	Remove	The Parking Strategy will be reported to the Executive as an annex to the Local Transport Plan (LTP4) and it will be submitted for approval at Full Council in July 2025.
REV46	Implement a "Health in All Policies" approach at West Berkshire Council (31/03/25)	Modify target	<p>Despite delays resulting from the need to fill vacant posts within the Public Health and Wellbeing service, progress is ongoing. The following activities are currently underway:</p> <ol style="list-style-type: none"> 1. Development of a Health in All Policies (HiAP) framework 2. Review of the Health Impact Assessment (HIA) protocol 3. Initiation of a process to secure a potential secondment to oversee the HIA 4. Drafting of a work plan to support the implementation of HiAP <p>Target to be moved to Dec 25.</p>
REV47	Develop a strategy to bring back empty home into use	Modify target	Target to be moved to Sep 25.
REV48	Adopt a plan to close the attainment gap focussing on early years and deprivation	Modify target	Target to be moved to Sep 25.
REV49	Develop and adopt a refreshed Newbury Masterplan delivery plan	Modify measure	Measure on the Master plan to be replaced by updates on specific projects included in the plan

RAG Status for Binary Measures

- 5.14 The current methodology for performance reporting at the West Berkshire Council does not allow for the application of the RAG status system for the monitoring of measures whose results are binary, i.e., they are reported as either *completed* or *not completed*. Although by convention the red colour is used to highlight results that have not been achieved by their target date, there is no margin which can allow for the distinction between an action that is delayed by a few weeks and one that has been delayed by several months.
- 5.15 This report proposes that the methodology for performance reporting be amended to allow for the categorisation of results of binary measures using the same RAG system applied for the other types of measures by establishing the following criteria for said types of measures:

Red	Not completed, more than 3 months past target date
Amber	Not completed, less than 3 months past target date
Green	Completed

6 Other options considered

- 6.1 The Council could continue with the existing framework and measures. This is not recommended as the proposed changes seek to address challenges in the monitoring or implementation of the actions to which they refer.
- 6.2 The Council could decide not to adopt the proposed criteria for binary measures, in which case they would continue to be reported simply as completed v. not completed.

7 Conclusion

- 7.1 For Full Council to consider the proposed changes to the reporting framework for measuring the progress of achieving the Council Strategy, approve the revised reporting measures and targets, and adopt the proposed RAG status criteria for binary measures.

8 Appendices

- 8.1 Appendix A – Council Strategy Delivery Plan measures completed.
- 8.2 Appendix B – Council Strategy Delivery Plan: Business as Usual (no recommendations pending)

Subject to Call-In:

Yes: ☐ No: ☒

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



Review of Council Strategy performance measures

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 Scrutiny Commission or associated Committees, Task Groups within preceding six months	<input type="checkbox"/>
Item is Urgent Key Decision	<input type="checkbox"/>
Report is to note only	<input type="checkbox"/>

Wards affected: All

Officer details:

Name: Beatriz Teixeira
Job Title: Performance, Research and Consultation Manager

Appendix A – Council Strategy measures completed

Measure name	Target
Peer Review of WBC carried out by Local Government Association Member (31/03/24)	Mar-24
Develop and publish our Transformation Plan (31/12/23)	Dec-23
Scrutiny Commission is chaired by an opposition Councillor (31/06/23)	Jun-23
Pilot the re-introduction of Neighbourhood Notification Letters for planning applications (31/12/23)	Dec-23
Review the Community Infrastructure Levy customer journey (31/12/24)	Dec-24
Implement a simplified job application process at West Berkshire Council (31/12/23)	Dec-23
Engage with forums for registered housing providers in WB to promote greater voice of tenants (31/03/24)	Mar-24
Review share of dwellings that are Affordable Rent vs Social Rent and consider changing the policy (31/12/23)	Dec-23
Investigate the development of new ownership models with housing providers (31/03/24)	Mar-24
Undertake a review of the carbon footprint reporting methodology (30/09/23)	Sep-23
Introduce a Sustainability Assessment Tool for project development & decision-making (31/03/24)	Mar-24
No. of schemes delivered for residents to install solar panels and other clean energy systems	1 by Mar-24
Consult on the refreshed ULEV Strategy and take forward for approval (31/12/23)	Dec-23

Review of Council Strategy performance measures

Complete the Stockcross village - B4000/A4/A34 roundabout cycle route improvements (31/03/24)	Mar-24
Create a West Berkshire Sustainability Hub for residents and businesses (31/12/23)	Dec-23
Publicise the arrangements for protecting water courses (linked to riparian owner responsibilities) (31/03/24)	Mar-24
Design and deliver Rural England Prosperity Fund grant scheme for rural businesses (31/03/24)	Mar-24
Introduce additional evening bus services (31/03/24)	Mar-24
Introduce a demand responsive bus service (31/01/24)	Jan-24
Share intelligence with T/P Councils and other orgs. to inform their decisions to fund youth workers (31/12/23)	Dec-23
Town Councils offered chair of steering group prioritising Town Centre Masterplans' implementation (30/09/23)	Sep-23
Work with local primary school children to design a pilot active travel treasure map (31/12/23)	Dec-23
Commission an 18-month cardiovascular disease (CVD) prevention outreach programme (31/03/24)	Mar-24
Set up a fund in partnership with Greenham Trust for physical activity support initiatives (31/03/24)	Mar-24
Open the refurbished Newbury Lido (31/08/23)	Aug-23
Return Faraday Road Football Ground to a bookable grass pitch (31/03/24)	Mar-24
Country Matters planning discussed at the Community Forum (31/12/23)	Dec-23
Develop and introduce Council's Employee Value Proposition to be competitive and attract employees (31/12/24)	Dec-24

Review of Council Strategy performance measures

Refresh and adopt the Special Educational Needs and Disabilities (SEND) Strategy (30/09/2024)	Sep-24
Deliver 5 housing units for displaced persons at West Point (31/08/24)	Aug-24
Adopt the Potholes Strategy and Plan (31/12/24)	Dec-24
Complete a full review of kerbside recycling (31/12/24)	Dec-24
Confirm plan to phase out the charge on garden waste collection (secure the financial resource) (30/06/24)	Jun-24
Approve an approach to ensure new contracts over £100k include plans for carbon neutrality (30/12/24)	Dec-24
Agree plans for sports at Faraday Road through working with the local sporting community (31/12/24)	Dec-24
Review & update the Bond Riverside regeneration programme, including a Place-Making Strategy (31/12/2024)	Dec-24
Plan a refreshed offer for Home to School Transport (31/12/24)	Dec-24
Set up a new fund in partnership with Greenham Trust for mental health support initiatives	Oct-24
Refurbish Hungerford Leisure Centre	Dec-24
Refurbish Kennet Leisure Centre, Thatcham	Mar-25
Review how we recognise staff performance and make changes accordingly (31/12/24)	Dec-24
Complete the A4 Crown Mead, Thatcham cycle route improvements (31/03/25)	Mar-25
Implement a pilot 20mph limit zone with a view to District wide roll-out (31/03/25)	Mar-25

Appendix B – Council Strategy Delivery Plan: Business as Usual (no recommendations pending)

Business as Usual measures – reported on an exception basis to the Executive

No.	Measure Name (Business as Usual)	Target 2024-25
	Priority Area 1: Services we are proud of	
1.	No. of people subscribed to WBC e-newsletters	76,000
2.	Non domestic rates collected as a % of non domestic rates due	98.0%
3.	Maintain at least a satisfactory level of litter, detritus and graffiti (YTD)	Satisfactory
4.	Hold Advisory Group Open Forums	4
5.	% of public questions at formal meetings responded to in writing within 5 w/days of the meeting	100%
6.	% of petitions responded to within a maximum of 4 months	80%
7.	No. of corporate and school staff enrolled onto training funded through the apprenticeship levy	56

Review of Council Strategy performance measures

No.	Measure Name (Business as Usual)	Target 2024-25
8.	No. of young people attending/involved in work experience and project work opportunities	20
9.	Employee engagement score recorded in the Employee Experience Survey (EES)	50%
10.	% of employees who would recommend West Berkshire Council as a great place to work (EES)	50%
	Priority Area 2: A fairer West Berkshire with opportunities for all	
11.	% of WBC provider services inspected by Care Quality Commission (CQC) and rated as good or better	100%
12.	Ofsted rating of at least "Good" for our Children and Family Service	Good
13.	% of parents receiving support from the Early Response Hub reporting that their concerns had reduced	65%
14.	% of verified rough sleepers in West Berkshire offered accommodation when first identified	100%
15.	No. of rough sleepers at the end of each quarter (maximum)	6
16.	% of households where relief duty ended with secure accommodation for at least 6 months	55%

Review of Council Strategy performance measures

No.	Measure Name (Business as Usual)	Target 2024-25
17.	No. of weeks taken to be assessed by the Emotional Health Academy (Average)	6
18.	% of desired outcomes of a S42 safeguarding enquiry, expressed by the subject, 'fully' achieved	68%
19.	% of vulnerable adults supported through the Three Conversations Model - preventative level (Tier 1)	87%
20.	% of repeat referrals to Children's Services within 12 months of a previous referral	22%
21.	% of repeat plans for children subject to a CP Plan for a second subsequent time (within 2 years)	15%
22.	% of Children in Care who've had 3 or more placements during the past year	12%
23.	% of our Care Leavers (aged 19-21) in employment, education or training	60%
24.	Av. No. of days taken to make a full decision on new Housing Benefit claims	18.5
25.	% of S42 safeguarding enquiries where a risk was identified, and that risk was reduced/removed	90%
26.	Increase in the number of shared lives carers (households) compared to Mar 2023	10

Review of Council Strategy performance measures

No.	Measure Name (Business as Usual)	Target 2024-25
27.	No. of active fostering households (including family and friends)	93
28.	% of 'Major' planning applications determined within time	66%
29.	% of 'non-Major' planning applications determined within time	77%
30.	% of affordable dwellings (social rent and shared ownership) that are social rent	Annual 70%
31.	% pupils achieving a Good Level of Development (GLD) at Foundation Stage (EYFS)	67%
32.	Average attainment 8 score (KS4)	54
33.	Average Progress 8 score per pupil (KS4)	0.0
34.	% achieving the national standard for reading, writing and maths combined (KS2)	60%
35.	% of disadvantaged pupils achieving national standard for reading, writing and maths combined (KS2)	44%

Review of Council Strategy performance measures

No.	Measure Name (Business as Usual)	Target 2024-25
36.	Average attainment 8 scores for disadvantaged pupils (KS4)	35
37.	Review the structure of WBC education provision to maintained schools (31/03/25)	Mar-25
38.	% of all schools (inc. Academies and iCollege) judged good or better by Ofsted	96.3%
39.	No. of local authority-maintained schools	64
40.	No. of Children in Care aged 16 and over placed in unregistered provision	0
41.	No. of school holiday sessions (including lunch) delivered through HAF funding	36
	Priority Area 3: Tackling the Climate and ecological emergency	
42.	% of council light vehicle fleet that are ultra-low emission	77%
43.	Update the Environment Strategy and Delivery Plan to confirm further initiatives and expected impact (31/12/24)	Dec-24
44.	No. of additional kWp installed for generating renewable energy	350
45.	% of all suitable WBC public car parks with 20 or more spaces to have EV charging available	100%

Review of Council Strategy performance measures

No.	Measure Name (Business as Usual)	Target 2024-25
46.	No. of new EV charging points installed on streets without off-street parking	40
47.	% of Car Club vehicles that are electric	25%
48.	No. of district-wide initiatives to enable local action on carbon reduction	5
49.	% of household waste recycled, composted and reused	53%
50.	No. of activities delivered to increase education about recycling	28
51.	No. of meetings held with Thames Water and Environment Agency to report on activity and investment	1
	Priority Area 4: A prosperous and resilient West Berkshire	
52.	No. of residents engaged in WBC funded life-long learning	800
53.	No. of supported internships for young people with EHCP (Education, Health and Care Plans)	4
54.	No. of meetings with our rural cluster businesses to understand key needs and agree actions	1

Review of Council Strategy performance measures

No.	Measure Name (Business as Usual)	Target 2024-25
55.	Pilot first Estate Plan (31/12/25)	Dec-25
56.	Hold a Business Conference with local businesses to promote the district and create more jobs (31/12/24)	Dec-24
57.	Complete the first phase of works on Newbury Wharf (31/12/24)	Dec-24
58.	% of the unclassified road network in need of repair	6%
59.	Adopt the Highway Asset Management Plan (31/12/25)	Dec-25
60.	% of flood prevention and drainage improvement schemes, listed in the capital programme, completed	90%
	Priority Area 5: Thriving Communities with a Strong Local Voice	
61.	No. of Community forums held	3
62.	% of Children in Care Reviews where the young person contributed to their review	90%
63.	No. of initiatives implemented with partners to reduce and prevent crime in West Berkshire	4
64.	No. of people attending physical events and activities across Culture and Library Services	52,000

Review of Council Strategy performance measures

No.	Measure Name (Business as Usual)	Target 2024-25
65.	No. of arts-based events provided in community libraries by arts providers	20
66.	No. of visits to West Berkshire sports and leisure centres	1,000,000
67.	% of newly built playgrounds that have disabled access equipment installed	100%
68.	Increase accessibility accreditation levels for our sports and leisure facilities (30/06/25)	Jun-25
69.	% of weekly Activity for Health Programme class capacity being met (quarterly average)	65%
70.	Deliver the annual Members Bids funding programme (November)	Nov-24
71.	Funding available as grants for village halls through Rural England Prosperity Fund	£100,000

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Constitutional changes to Planning Appendix

Committee considering report:	Council
Date of Committee:	15 May 2025
Portfolio Member:	Councillor Jeff Brooks
Date Head of Service agreed report:	15 April 2025
Date Portfolio Member agreed report:	24 April 2025
Report Author:	Nicola Thomas

1 Purpose of the Report

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

2 Recommendations

- 2.1 It is proposed that the following amendments are considered and approved:
 - (a) Part 6.8 Planning Appendix be adopted as set out in Appendix A to this report;
 - (b) Part 11 Scheme of Delegation be updated as set out in Appendix B to this report;
 - (c) to delegate to the Monitoring Officer, in consultation with the Chairman of the Constitution Review Task Group, the power to update Parts 6.8 and 11 of the Constitution to ensure that this reflects the new rules, and to make any minor additional corrections to the parts of the Constitution to ensure consistency in terminology and presentation; and
 - (d) that the changes to the Constitution detailed in this report, take effect from 1 June 2025.

3 Implications and Impact Assessment

Implication	Commentary			
Financial:	None			
Human Resource:	None			
Legal:	This report proposes changes to the Council's Constitution to ensure clarity of roles, obligations and decision making in relation to the planning process along with updating the Part 11 Scheme of Delegation to ensure there are no conflicts within the Constitution.			
Risk Management:	There is a risk that any decision of Council could be challenged. Having clear rules governing the manner in which meetings will be conducted, should reduce the risk of challenges being successful.			
Property:	None			
Policy:	The Planning Appendix has been updated to reflect updates to the Planning policy and law.			
	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		

Constitutional changes to Planning Appendix

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		None
Health Impact:		x		
ICT Impact:		x		
Digital Services Impact:		x		
Council Strategy Priorities:		x		
Core Business:	x			It is considered that the recommendations in this report will support the effective administration of Council business and contribute to the good governance of the Council.
Data Impact:		x		

Consultation and Engagement:	<p>These proposals have been discussed with:</p> <p>The Constitution Review Task Group</p> <p>Sarah Clarke – Interim Executive Director (Resources)</p> <p>Nicola Thomas – Service Lead, Legal and Democratic</p> <p>Stephen Chard – Democratic Services Manager</p> <p>Sharon Armour- Legal Services Manager</p> <p>Bob Dray, Development Manager</p> <p>Laura Callan, Planning, Policy and Infrastructure Manager</p> <p>Clare Lawrence, Executive Director (Place)</p> <p>Planning Advisory Group</p> <p>Governance Committee</p>
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4 Executive Summary

- 4.1 The CRTG was set up in July 2019 to review the entire Constitution to update it and ensure that it remained fit for purpose. Work has been undertaken since this date, with Council approving the last amendments on 27 March 2025 to Part 13 – Codes and Protocols and Appendices.
- 4.2 This report outlines changes proposed to Part 6.8 Planning Appendix and to Part 11 Scheme of Delegation.

5 Supporting Information

Introduction and Background

- 5.2 This is to update Council on the work undertaken by CRTG in reviewing the Constitution and this report seeks approval of the changes to Part 6.8 – Planning Appendix and Part 11 Scheme of Delegation.
- 5.3 The CRTG is a working group consisting of the following Members: Councillors Jeff Brooks (Chairman), Martin Colston, Ross Mackinnon, David Marsh and Justin Pemberton.
- 5.4 Active work to review the Constitution has been ongoing as part of Phase 3. This has required CRTG to meet monthly with each meeting taking place over a number of hours. The significant contribution of all Members of the CRTG in the formulation of these proposals, and the updating of the Constitution should therefore be noted.

Constitutional changes to Planning Appendix

- 5.5 This work has also been supported by a number of officers in Democratic Services, Legal, and Planning and their contribution to this significant piece of work should also be recognised.
- 5.6 The need to undertake the wholesale review of the Constitution was driven by a desire to ensure the document was updated, more user friendly and accessible to all, and to refine processes. If approved, the Constitution will be published with the updates on-line with full indexing with hyperlinks where appropriate.
- 5.7 The proposals to amend Part 6.8 – Planning Appendix and Part 11 Scheme of Delegation have been considered by Planning Advisory Group, Constitution Review Task Group, Executive Briefing and finally the Governance Committee and are presented for approval by Council with implementation from 1 June.

Proposals

- 5.8 **Appendix A Part 6.8 Planning Appendix** should be adopted as set out. The changes reflect updates to procedures, policies and the law.
- 5.9 The Planning Appendix absorbs the relevant elements of the Code of Conduct removed by amendments agreed by Council on 27 March 2025. This reflects a more appropriate section of the Constitution for ease of navigation.
- 5.10 **Appendix B Scheme of Delegation** has been updated to ensure consistency within the Constitution. This sets out the basis on which the call in process is utilised by Members for Area Planning Committees to consider an application.
- 5.11 In line with previous agreed amendments, the updated sections shall have hyperlinks to the Glossary of Terms and when referenced, links to the relevant section of the Constitution for ease of use.

6 Other options considered

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

7 Conclusion

- 7.1 The continued dedication and valuable contribution of the Task Group to the review of the Constitution is noted. It is considered important that Council support the proposals to update Parts 6.8 Planning Appendix and Part 11 Scheme of Delegation to ensure ease of understanding and use and ensure that our processes reflect updated policy and law. This will support the Council's obligations in considering planning applications and how these are scrutinised and determined.

- 7.2 It is therefore recommended that Council support the proposals as detailed in paragraph 2 of this report having previously considered by both the Executive briefing and Governance Committee.

8 Appendices

- 8.1 Appendix A – Part 6.8 Planning Appendix (Tracked Changes and Clean Version)
- 8.2 Appendix B – part 11 Scheme of Delegation (Tracked Changes and Clean Version)

Background Papers:

Subject to Call-In:

Yes: ☐ No: x

The item is due to be referred to Council for final approval	x
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 Scrutiny Commission or associated Committees, 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

Appendix A Tracked Changes

Part []

Council Bodies

Appendix: Planning Committees

1 Preamble

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

2 Role and Conduct of Councillors and Officers

- 2.1 Councillors and Officers have different, but complementary, roles in the planning process and it is important that an open, respectful and transparent relationship is developed based upon mutual trust and understanding of each other's positions. It is important for the overall standing of the Council that they work as an effective team.
- 2.2 Members of the Planning Committee have different roles to those of other Councillors. Councillors who are members of the Planning Committee determine the more significant and contentious planning applications received by the Council. In doing so, these Councillors and nominated substitutes perform a quasi-judicial role and are required to consider all planning proposals against the wider public interest.
- 2.3 When considering planning applications Councillors need to ensure that only material planning considerations are taken into account. In reaching a decision Councillors should ensure they readunderstand, consider and take account of the relevant material considerations connected with the application and should not favour any person, group or locality or put themselves in a position where they may appear to do so. In order to ensure that decisions are taken on planning grounds and are sound it is incumbent on all Planning Committee Members to give full consideration to reports prepared by Officers and familiarise themselves with all relevant national planning policy and guidance (including the National Planning Policy Framework), Development Plan policies and other material considerations well in advance of the consideration of a development proposal at the Planning Committee itself.

- 2.4 Planning Committee Members must take steps to ensure that in their discharge of their Planning Committee duties the distinction between this role and their role as Ward Members is constantly made clear. If Members wish to act in the latter capacity they must make that clear at the outset.
- 2.5 Officers are employed by the Council. Instructions may only be given to Officers by the Council, its Executive or a Committee or by way of delegated powers. Officers involved in the processing and determination of Planning matters must act in accordance with the Officers Code of Conduct (see paragraph 13.5 of Part 13 of the Constitution) and with the relevant sections of the Royal Town Planning Institute's Code of Professional Conduct and any other applicable guidance. Officers are required to act impartially at all times in determining applications and providing advice at the Planning Committee. Officers will be expected to conduct themselves in all they say and do in a manner which totally preserves this position of impartiality.
- 2.6 It is not appropriate for Councillors to direct, or seek to influence, Officers to determine an application in a particular way. A Councillor must not use improperly their position as a Member to confer on, or secure for himself or any other person, an advantage or disadvantage.
- 2.7 Councillors must not favour, or discriminate against, any person, company, group or locality nor put themselves in a position where they appear to do so.

23 Establishment

2.13.1 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).

2.23.2 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.

2.33.3 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.

34 Membership

3.14.1 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.

3.24.2 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.

3.34.3 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.

3.44.4 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.

~~3.54.5~~ 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 ~~and agreed through in accordance with the~~ Member Development Programme.

45 Scope of Role - Statutory

~~4.15.1~~ 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.

~~4.25.2~~ The Town and Country Planning Act 1990 is the principal statutory instrument for the determination of planning applications and associated casework. The planning application process is also governed by various other Acts of Parliament, Regulations, Orders, and Directions. Applications for planning permission must be determined in accordance with a with the Town and Country Planning Act 1990, and other associated planning legislation. 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.

56 Scope of Role - Planning Principles

~~6.1~~ To the extent that ~~d~~Development ~~p~~Plan policies are material to an application for planning permission the decision must be taken in accordance with the Development Plan unless there are material considerations that indicate otherwise (section 70(2) of the Town and Country Planning Act 1990 and section 38(6) of the Planning and Compulsory Purchase Act 2004 – these provisions also apply to appeals).

~~6.2~~ The ~~d~~Development ~~p~~Plan is defined in section 38 of the Planning and Compulsory Purchase Act 2004, and includes adopted local plans, neighbourhood plans that have been made and published spatial development strategies, together with any regional strategy policies that remain in force. Neighbourhood plans that have been approved at referendum are also part of the ~~d~~Development ~~p~~Plan, unless the local planning authority decides that the neighbourhood plan should not be made. 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.

6.3 A material planning consideration is one which is relevant to making the planning decision in question. The scope of what can constitute a material consideration is very wide. However, in general planning is concerned with land use in the public interest, so the protection of purely private interests will not normally be material considerations.

5-16.4 The law makes a clear distinction between the question of whether something is a material consideration and the weight which it is to be given. Whether a particular consideration is material will depend on the circumstances of the case and is ultimately a decision for the courts. Provided regard is had to all material considerations, it is for the decision maker to decide what weight is to be give to the material considerations in each case, and (subject to the test of reasonableness) the courts will not get involved in the question of weight.

5-26.5 Any application ~~contrary~~ which constitutes a departure to the Development Plan, in the terms of the legislation, must be advertised as such. If such an application is to be approved the material considerations leading to this conclusion must be clearly identified.

7 Scope of Role – Area Planning Committee

67.1 Each Area Planning Committee will consider applications for planning permission and other Development Management casework where the Scheme of Delegation requires a committee decision and the application site is within the Ward covered by that Committee (refer to Section 3).

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 a member of staff of Planning; or

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~~6.1.3.3 a Councillor; or~~

~~6.1.3.4 any applicant where the Council owns the land in question (or part of it);~~

~~6.1.4 the application is recommended for approval and:~~

~~6.1.4.1 at least 10 letters of objection have been received; or~~

~~6.1.4.2 a petition of objection has been received naming at least 20 signatories.~~

78 Scope of Role – District Planning Committee

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~~7.18.1~~ The District Planning Committee will consider, on behalf of the Council, applications for planning permission and other Development ~~Control~~ Management issues casework where:

~~8.1.1~~ The Chairman of an Area Planning Committee determines it is appropriate for the decision to be made by the District Planning Committee, rather than the Area Planning Committee.

~~7.1.18.1.2~~ an Area Planning Committee has referred the application to the District Planning Committee for determination following a majority vote;

~~7.1.28.1.3~~ an Area Planning Committee has considered the application but the Service Director or Service Lead with responsibility for Planning, or the Development ~~Control~~ Manager, has determined that the decision:

~~7.1.2.18.1.3.1~~ has a possible conflict with a policy that would undermine the Development Plan; or

~~7.1.2.28.1.3.2~~ is of a district wide public interest; or

~~7.1.2.38.1.3.3~~ there is a possibility for claims for significant costs against the Council.

~~7.28.2~~ 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.

89 Committee Site Visits

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~~8.19.1~~ Where deemed necessary, by the Chairman of the relevant Planning Committee and Development Manager, Committee Site Visits may be conducted to enable Planning Committee Members to view application proposals in context, and to inform their assessment of the impact of a proposal on the application site and surrounding area. Committee 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.

~~8.29.2~~ A ~~Committee~~ ~~s~~Site ~~v~~Visit is a formal meeting of the relevant committee and the same rules apply to chairing it as apply to a Meeting.

~~9.3~~ ~~Committee~~ ~~s~~Site ~~v~~Visits should be by those Planning Committee Members able to attend, with Officer assistance. Others attending (~~ward members, Town or Parish~~ ~~c~~Council representatives, applicant/~~agent~~, supporters, ~~and objectors, etc~~) do so at the discretion of the Meeting Chairman. ~~and~~ At the direction of the Meeting Chairman, other attendees may ask Members to observe specific aspects of the site and its surroundings, or ask for clarification of factual matters, express statements (factual and not of opinion) and ask questions, but only at the direction of the Meeting Chairman, must not express opinions or other representations regarding the merits of the application.

10 Planning Committee Briefings

10.1 On occasions it may be appropriate for officers, applicants, or prospective applicants, to give a presentation to Planning Committee at an earlier stage before the application is considered by the Planning Committee for a decision. This gives an opportunity for applicants to explain their development proposals and/or to provide an opportunity for Members to raise questions in connection with the proposals.

10.2 When considering a request for a briefing, the complexity of the proposal should be considered. Planning Committee briefings should be restricted to more complex proposals.

10.3 The Chairman of the Planning Committee must approve any request for a briefing in consultation with the Development Manager and the Monitoring Officer, or their representatives.

10.4 To avoid any perception of influence it is advisable that any briefing must take place at least three weeks before the meeting of the Planning Committee that will hear the application. Briefings should avoid discussion, although questions of clarification are appropriate. The Chairman of the Committee will manage the briefing. Officers will be present to record proceedings and answer any questions of clarification.

10.5 Consideration should be given to inviting Ward Members, Parish Council representatives and other interested parties.

11 Discussions before Decision is made

- 11.1 Local Planning Authorities are encouraged to enter into discussions and negotiations which can bring about improvements that can make an application acceptable, and thereby potentially speed up the planning process. Such pre-application discussions will normally take place at Officer level and Members shall wherever possible refer requests by applicants and third parties for such advice to Officers. If Members become involved in such discussions they should make it clear that their views are personal and provisional and they may wish to make a record of the discussion.
- 11.2 All Councillors have a role to play in helping consultation between their constituents and developers. Such consultation can be a huge benefit to all parties but can easily be seen as part of a lobbying process by the applicant if care is not taken. Planning Committee Members in particular must be careful to adhere to the rules regarding predetermination and predisposition.
- 11.3 This section covers any discussions taking place before a decision is made not simply prior to the application being submitted. It does not affect discussions between Councillors and Officers nor does it impact on any pre-application planning advice provided by Officers under the adopted policy.
- 11.4 Any discussions should be on the basis that the Council will not be bound and that Councillors' views are personal and provisional.
- 11.5 Planning advice given by Officers should be consistent, based on the Development Plan and material considerations.
- 11.6 The Councillor's role is to feedback responses from the community. If invited to attend pre-committee discussions, all Councillors should speak first to the Planning Officer handling the application.
- 11.7 If such a meeting is held, a written note should be made of the meeting, particularly if contentious. Where the meeting includes a Planning Committee Member, at least one Officer should attend any such meetings and a follow up letter from the Councillor is advisable summarising the discussion.
- 11.8 If an Officer is unable to attend and the meeting has to go ahead the Councillor should make written notes and forward a copy of these to the Development Manager as soon as possible. This is also advisable for all Councillors who are not a member of the relevant planning committee.

11.9 All Councillors should also note that potentially contentious telephone discussions should also be recorded in writing, preferably immediately after the conversation so recollection is fresh and should be reported to the Monitoring Officer.

11.10 Where a meeting concerns a major development, it is preferable that the meeting takes place on Council premises with Officers present and notes of discussions are made.

11.11 At all times Planning Committee Members should be mindful of general rules regarding predetermination.

12 Lobbying

12.1 It is recognised that lobbying is a normal and perfectly legitimate element of the process of considering planning applications. If a Councillor, who is not on the Planning Committee to determine an application, wishes to support a particular viewpoint then that Councillor has a right to appear at the relevant Planning Committee and seek permission to address the meeting provided that they have registered to speak in accordance with paragraph 16 below. 7.13.2 (Notifying Head of ServiceService Director).

12.2 It is, however, important that Councillors protect their impartiality and integrity in planning matters. Planning Committee Members will not breach the Code by listening to or receiving viewpoints from residents or other interested parties provided that they make it clear that they are keeping an open mind. However expressing an intention to vote one way or another before a Planning Committee meeting would prejudice impartiality and potentially open the Council to challenge.

13 Ward Members

13.1 Ward Members have a central role in helping to represent the views of local people and other stakeholders at both pre-application and planning application stage. Ward Members bring strong community leadership, extensive local knowledge and an up to date understanding of current issues.

Planning Officers have to act impartially at all times, but will provide support and advice to Ward Members on planning matters in order for them to play this community leadership role. Ward Members should not direct, or seek to influence, Officers' to make a particular decision. This will include the involvement of Ward Members in negotiations on planning obligations in appropriate circumstances.

~~Planning obligations negotiated under Section 106 of the Town and Country Planning Act, 1990 must be seen to mitigate the effects of development whilst recognising that each must comply with council planning documents, policies and guidance and Regulation 122 of the Community Infrastructure Levy (CIL) Regulations 2010 (as amended).~~

~~To be lawful, a planning obligation must meet all of the following statutory tests. It must be:~~

~~necessary to make the development acceptable in planning terms;~~

~~directly related to the development; and~~

~~fairly and reasonably related in scale and kind to the development. (These apply to both future and existing Section 106 obligations and to CIL payments.)~~

~~To this end, where the need for a planning obligation is anticipated by a Planning Officer, Ward Members will be consulted at an early stage of the pre-application and planning application process. The views of Ward Members on planning obligations will be sought electronically through weekly lists and shall be considered in any decision taken by the Planning Committee or by an Officer acting under delegated authority.~~

14 Only One Forum

~~14.1 Members of the District Council may consider applications at Pparish level and form a view on the basis of evidence available at that time. At Ddistrict level they may consider the same application but, with additional information and advice from Officers, may well change their mind which indicates they come to that meeting with an 'open mind'.~~

~~14.2 At district level, Councillors may also be members of both the Area Planning Committee and the District Planning Committee (DPC). At DPC they may consider the same application but, with additional information and advice from Officers, and may well change their mind which indicates they come to that meeting with an 'open mind'.~~

14.3 It is suggested that Councillors who sit at parish or town level, or consider an application at both the Area Planning Committee and DPC, indicate to the meeting that while they have a personal interest by way of their membership of the Parish/Town Council / Area Planning Committee as a Councillor, any comments made at the Parish/Town Council Meeting, previous meeting(s) are made in relation to the information before them at that meeting. Councillors are not pre-judging the matter and will want to consider carefully all material likely to be available at whichever district level the application is being considered. When the matter is considered by a Planning Committee for the District, the Councillor will weigh up all the information at that time and consider the matter afresh.

15 Planning Applications by Councillors, Officers or the Council

15.1 These can, by their very nature, arouse suspicions of impropriety. It is vital they are handled in a way that ensures there are no grounds for accusations of favouritism.

15.2 If it is a Council application it will be treated in the same way as a private developer in accordance with DoE Circular 19/92. This Circular outlines that the same administrative process, including consultation, should be carried out in relation to the Council's own planning applications, and that they should be determined against the same policy background. Decisions must be made strictly on planning merits and without regard to any financial or other gain that may accrue to the Council if the development is permitted. It is important that the Council is seen to be treating such applications on an equal footing with all other applications as well as actually doing so.

15.3 If the application is made by an Officer within the Planning Service, or another Service or Officer that works closely with Planning, the Planning Service Lead or Development Manager (as appropriate) shall take reasonable steps to ensure there are no grounds for accusation of favouritism. This should include the application being dealt with by a Planning Officer in another team. Where the determination is made under delegated authority, the Officer exercising delegated authority should do so in consultation with the Monitoring Officer. If it is a Development Control Officer application another planning team will deal with it. If the application falls within delegated powers and is made by any Officer of the Council, the Executive Director, not the Service Director, will exercise the delegated power (in consultation with the Monitoring Officer).

15.4 If it is a Councillor application they are entitled to speak to Officers both prior to and at Committee in the same way as any member of the public. They will have a Disclosable Pecuniary Interest and should refer Member Code of Conduct [Part 13 Constitution]. However, they shall not seek improperly to influence the decision and shall play no part in the debate itself as a Councillor nor be able to vote.

15.5 -The Council's Monitoring Officer shall be informed of all applications by Councillors and Officers and will register such applications.

~~8.3~~15.6 All The Scheme of Delegation provides stricter terms for applications by Planning or senior staff, or by Councillors to be considered by Committee where recommended for approval. Planning Officer and Councillor applications must go to Committee by virtue of paragraphs 6.1.4.1 and 6.1.4.2 (Part 6.8) of the Council's Constitution.

916 Meeting Procedure – Registering to Speak

9.1.116.1 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):

9.1.116.1.1 Parish/Town Council representative(s);

9.1.216.1.2 Adjoining Parish/Town Council representative(s);

9.1.316.1.3 Objectors;

9.1.416.1.4 Supporters;

9.1.516.1.5 Applicant or their agent.

9.216.2 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.

9.316.3 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 to the given address (preferably by email) and an acknowledgement from the Planning Service received.

9.416.4 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;
- Whether they are attending in person or remotely via video conferencing-

~~9.5~~~~16.5~~ 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.

10.17 Meeting Procedure – Representations and Time Limits

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~~10.1~~~~17.1~~ 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~~~~17.2~~ 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~~~~17.3~~ 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~~~~17.4~~ 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~~~~17.5~~ Where there is more than one Ward Councillor speaking:

~~10.5.1~~~~17.5.1~~ where they each seek the same outcome, they will share a speaking time of five minutes;

~~10.5.2~~~~17.5.2~~ where they seek a fundamentally different outcome, each speaker or group will be allowed five minutes each.

~~10.6~~~~17.6~~ 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.

~~17.7~~ Any material on the planning file or new material (not presentation) (plans, photographs, documents, etc) that a speaker wishes to refer to must be highlighted or provided to the~~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). Officers will facilitate reasonable requests to display requested plans, photographs, or supporting documents which are on the planning file and have been requested in advance of the meeting, but this will not include presentations slides.

~~17.8~~ ~~and otherwise n~~ ~~No such new~~ material may be produced or referred to at the Meeting ~~unless lodged under 17.7~~.

~~10.7~~ ~~17.9~~ ~~The Committee may only ask those speaking for clarification of points raised. Members may not ask any other questions, nor may they elicit information that the speaker may have omitted. They may not ask any other questions nor may they effectively increase the time allowed by asking what would have been said if they had time.~~

11.18 Meeting Procedure – Order of Representations etc

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~~11.1~~ ~~18.1~~ 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~~ ~~18.1.1~~ introduction of item by Officers;

~~11.1.2~~ ~~18.1.2~~ representations by Parish/Town Council representative(s);

~~11.1.3~~ ~~18.1.3~~ Members' questions to Parish/Town Council representative(s);

~~11.1.4~~ ~~18.1.4~~ representations by Adjoining Parish/Town Council representative(s) (where agreed by the Meeting Chairman);

~~11.1.5~~ ~~18.1.5~~ Members' questions to Adjoining Parish/Town Council representative(s);

~~11.1.6~~ ~~18.1.6~~ representations by objector(s);

~~11.1.7~~ ~~18.1.7~~ Members' questions to objector(s);

~~11.1.8~~ ~~18.1.8~~ representations by supporter(s);

~~11.1.9~~ ~~18.1.9~~ Members' questions to supporter(s);

~~11.1.10~~ ~~18.1.10~~ representations by applicant or agent;

~~11.1.11~~ ~~18.1.11~~ Members' questions to applicant or agent;

~~11.1.12~~ ~~18.1.12~~ representations by Adjoining Ward Councillor(s);

~~11.1.13~~ ~~18.1.13~~ Members' questions to Adjoining Ward Councillor(s);

~~11.1.14~~ ~~18.1.14~~ representations by Ward Councillor(s);

~~11.1.15~~ ~~18.1.15~~ Members' questions to Ward Councillor(s);

~~11.1.16~~ ~~18.1.16~~ Members' questions to Officers.

~~11.2~~ ~~18.2~~ Questions raised as part of the above process may only seek to clarify a statement made and not to introduce new business.

12.19 Meeting Procedure – Debate and Decision

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~~12.1~~19.1 Once all submissions and questions have been dealt with, Committee Members shall then debate the application.

~~12.2~~19.2 For the avoidance of doubt, subject to the Members' Code of Conduct, Ward Councillors on Planning Committees may take part in the debate and/or vote on an application affecting their Ward.

19.3 ~~At any stage of the debate~~After a reasonable period of debate, a Member of the Committee may propose that the Committee approve, ~~or refuse,~~ defer or reference up to District Planning Committee an application before it (a "Proposal"), and:

19.4 Where the Proposal is for approval, the Proposing Member may adopt the planning conditions and/or obligations suggested by Officers, or they may vary, remove or add conditions (with reasons) which they consider justified on planning grounds. They may also elect to delegate to Officers to determine appropriate conditions/obligations. Where the Proposal to approve is contrary to Officer recommendation, it is advisable that the Proposing Member states their reasons for this.

19.5 Where the Proposal is for refusal, the Proposing Member may adopt the refusal reasons suggested by Officers (where in accordance with Officer recommendation), or they may vary, remove or add reasons which they consider justified on planning grounds. Where the Proposal is contrary to, or at variance with, the Officer recommendation, the Proposing Officer~~Member~~ must give full clear reasons for their Proposal.

19.6 Where the Proposal is for deferring or referencing to District Planning Committee, the Proposing Member must give reasons.

~~12.3~~—

~~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~~19.7 Any Proposal must be formally seconded to proceed.

~~12.7~~19.8 At any stage of the debate any Committee Member (including the Proposer and Seconder) may:

~~12.7.1~~19.8.1 seek Officers' guidance as to the wording of a Proposal or Condition or a reason for refusal, ~~or~~ for any other issue affecting the matter being considered;

~~12.7.2~~19.8.2 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~~19.9 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~~19.10 Once the Meeting Chairman decides that the debate has concluded they will:

~~12.9.1~~19.10.1 seek a Proposal if none has yet been put; and

~~12.9.2~~19.10.2 put the Proposal to the vote; and

19.10.3 if the Proposal is not carried, seek (an) alternative Proposal(s), such that the application before the meeting is determined.

19.10.4 Notwithstanding Part 3 Meeting Rules para 11.7~~RULE XXX~~, a Proposal may be repeated in a Planning Committee following further debate.

20 The Role of the Chairman

1720.1 Agenda management is vital to the smooth running of the meetings. The Chairman is key to this. Each Chairman will discuss with the appropriate Democratic, Legal and Planning Officer before the Committee the items on the agenda and will query, where necessary, matters referred up and site visits called.

1720.2 The rules of debate as set out in Part 3 Meeting Rules para 16.1, 16.2 [hyperlink] shall apply.

1720.3 If there are equal numbers of votes for and against the Chairman will have a second or casting vote. There will be no restriction on how the Chairman exercises their vote.

1821. Implementing Planning Committee Decisions

218. 1 Where an application has been decided by Planning Committee, Officers will implement the Planning Committee's decision by coordinating the completion of any outstanding tasks (e.g. legal agreements or technical matters delegated to officers) and issuing the decision notice.

218.2 The Development Manager has delegated authority to make minor amendments to committee decisions, in consultation with the Chairman/Vice Chairman of the Committee. This authority can be exercised before or after the decision notice is issued.

18 1922. Appeals and Inquiries Legal Challenges

1922.1 ~~189.1~~ In the event that planning permission is refused, either under delegated powers conferred on the Development Manager or by the Planning Committee, an applicant may exercise their right of appeal. Planning decisions may also be subject to Judicial Review or other legal proceedings.

2219.2 ~~192.2~~ Officers will organise and generally appear as witnesses at planning appeals and other proceedings on behalf of the Council. In some circumstances (such as where specialist evidence is required) it may be necessary to appoint Counsel or Consultants to appear for the Council.

1922.3 ~~192.3~~ In giving evidence, Officers will present the best possible case on behalf of the Council while complying with the Royal Town Planning Institute ("RTPI") Code of Professional Conduct. This Code requires that Planning Officers who are members of the Institute do not make statements purporting to be their own, but which are contrary to their bona fide professional opinion.

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~~2219.4~~ Members can have an important role to play in appeals and may, within set deadlines, make written representations to the Inspector and may also appear at informal hearings or as a witness at public inquiries. In doing so they should state whether they are acting in their local Ward Member capacity or, representing the Council's case.

~~1922.5~~ From time to time a Planning Committee will disagree with professional advice given by the Officers and may decide to determine an application contrary to that advice. Where there is a subsequent appeal and Planning Officers are unable to defend decisions on appeal (due to requirements of the professional conduct rules of the RTPI) it may be appropriate for Members of the Committee to attend any subsequent appeal hearing, and if necessary, to give evidence in support of the Council's decision. Planning and Legal Officers will support Members attending or wishing to make representation at appeals and advise them on preparing and delivering evidence on behalf of the Council.

~~2219.6~~ Planning decisions are decisions made by the Council. It is therefore not normally appropriate for an elected Member to support an appellant at Appeal. If Members have concerns about delegated applications, the appropriate course of action is to call in the application to Planning Committee for determination.

~~Officers are responsible for preparing the Council's evidence for these appeals, and the vast majority of these are dealt with by written representations involving an exchange of statements. On occasions, specialist Counsel and consultant support is needed to supplement the evidence of Officers.~~

~~189.2 In the case of an applicant exercising their right to an informal hearing or a Public Inquiry, Officers will be responsible for presenting the Council's evidence and attending to present that evidence. Councillors are at liberty to attend in their capacity as Ward Members and may be called to give evidence as a Ward Member. Members of the Planning Committee will not normally be required to attend to present the Council's case.~~

~~189.3 In the case where the Planning Committee has refused planning permission contrary to Officers' recommendations, Officers will normally prepare and present the evidence in their role as employee of the Local Planning Authority. It will be for the Development Manager to identify the Officers to prepare and present the evidence.~~

~~189.4 It should not be necessary for Members of the Planning Committee to become involved in preparing and presenting the case at appeal on an overturned decision, because the reasons for refusal and statements on relevant policies put forward by the Councillors in reaching their decision should be sufficient to defend the case. However, there may be some situations where in an inquiry a Councillor involvement as a relevant witness is necessary in order to provide a full and accurate case. In~~

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circumstances where the Development Manager considers this to be the case, the Member will be expected to attend any Informal Hearing or Public Inquiry in support of the Council's case.

189.5 In exceptional circumstances the Development Manager may not be able to prepare the Council's evidence to the hearing or inquiry because the Officer's earlier recommendation on the grounds of refusal is so prejudiced by the earlier advice given. In these circumstances a nominated Member of the Planning Committee together with an externally appointed consultant will need to present the Council's evidence.

1922.7 If an appeal is lodged before a determination by a planning committee (a "non-determination appeal"), the Council is no longer the decision maker, but it will have an opportunity to provide its position on the appeal to the Planning Inspectorate. Where Inspectorate timescales permit, reasonable efforts will be made to bring the application to committee to adopt a position on the appeal. Where Inspectorate timescales do not permit, the Development Manager will exercise delegated authority to adopt a position for the appeal, subject to consultation with the relevant Committee Chairman (or Vice Chairman in their absence).

1922.8 During the appeal process, there may be occasions where an immediate decision is required regarding the Council's position (for example, new evidence on a material consideration). Where Inspectorate timescales permit, reasonable efforts will be made to bring the application to committee to adopt a position on the appeal. Where Inspectorate timescales do not permit, the Development Manager will exercise delegated authority on the specific matter, subject to consultation with the relevant Committee Chairman (or Vice Chairman in their absence).

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Appendix A

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Part []

Council Bodies

Appendix: Planning Committees

1 Preamble

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

2 Role and Conduct of Councillors and Officers

- 2.1 Councillors and Officers have different, but complementary, roles in the planning process and it is important that an open, respectful and transparent relationship is developed based upon mutual trust and understanding of each other's positions. It is important for the overall standing of the Council that they work as an effective team.
- 2.2 Members of the Planning Committee have different roles to those of other Councillors. Councillors who are members of the Planning Committee determine the more significant and contentious planning applications received by the Council. In doing so, these Councillors and nominated substitutes perform a quasi-judicial role and are required to consider all planning proposals against the wider public interest.
- 2.3 When considering planning applications Councillors need to ensure that only material planning considerations are taken into account. In reaching a decision Councillors should ensure they understand, consider and take account of the relevant material considerations connected with the application and should not favour any person, group or locality or put themselves in a position where they may appear to do so. In order to ensure that decisions are taken on planning grounds and are sound it is incumbent on all Planning Committee Members to give full consideration to reports prepared by Officers and familiarise themselves with all relevant national planning policy and guidance (including the National Planning Policy Framework), Development Plan policies and other material considerations well in advance of the consideration of a development proposal at the Planning Committee itself.

- 2.4 Planning Committee Members must take steps to ensure that in their discharge of their Planning Committee duties the distinction between this role and their role as Ward Members is constantly made clear. If Members wish to act in the latter capacity they must make that clear at the outset.
- 2.5 Officers are employed by the Council. Instructions may only be given to Officers by the Council, its Executive or a Committee or by way of delegated powers. Officers involved in the processing and determination of Planning matters must act in accordance with the Officers Code of Conduct (see paragraph 13.5 of Part 13 of the Constitution) and with the relevant sections of the Royal Town Planning Institute's Code of Professional Conduct and any other applicable guidance. Officers are required to act impartially at all times in determining applications and providing advice at the Planning Committee. Officers will be expected to conduct themselves in all they say and do in a manner which totally preserves this position of impartiality.
- 2.6 It is not appropriate for Councillors to direct, or seek to influence, Officers to determine an application in a particular way. A Councillor must not use improperly their position as a Member to confer on, or secure for himself or any other person, an advantage or disadvantage.
- 2.7 Councillors must not favour, or discriminate against, any person, company, group or locality nor put themselves in a position where they appear to do so.

3 Establishment

- 3.1 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).
- 3.2 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.

3.3 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.

4 Membership

- 4.1 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.
- 4.2 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.
- 4.3 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.
- 4.4 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.

- 4.5 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 and agreed through the Member Development Programme.

5 Scope of Role - Statutory

- 5.1 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.
- 5.2 The Town and Country Planning Act 1990 is the principal statutory instrument for the determination of planning applications and associated casework. The planning application process is also governed by various other Acts of Parliament, Regulations, Orders, and Directions. Applications for planning permission must be determined in accordance with a with the Town and Country Planning Act 1990, and other associated planning legislation.

6 Scope of Role - Planning Principles

- 6.1 To the extent that Development Plan policies are material to an application for planning permission the decision must be taken in accordance with the Development Plan unless there are material considerations that indicate otherwise (section 70(2) of the Town and Country Planning Act 1990 and section 38(6) of the Planning and Compulsory Purchase Act 2004 – these provisions also apply to appeals).
- 6.2 The Development Plan is defined in section 38 of the Planning and Compulsory Purchase Act 2004, and includes adopted local plans, neighbourhood plans that have been made and published spatial development strategies, together with any regional strategy policies that remain in force. Neighbourhood plans that have been approved at referendum are also part of the Development Plan, unless the local planning authority decides that the neighbourhood plan should not be made.
- 6.3 A material planning consideration is one which is relevant to making the planning decision in question. The scope of what can constitute a material consideration is very wide. However, in general planning is concerned with land use in the public interest, so the protection of purely private interests will not normally be material considerations.

- 6.4 The law makes a clear distinction between the question of whether something is a material consideration and the weight which it is to be given. Whether a particular consideration is material will depend on the circumstances of the case and is ultimately a decision for the courts. Provided regard is had to all material considerations, it is for the decision maker to decide what weight is to be give to the material considerations in each case, and (subject to the test of reasonableness) the courts will not get involved in the question of weight.
- 6.5 Any application which constitutes a departure to the Development Plan, in the terms of the legislation, must be advertised as such. If such an application is to be approved the material considerations leading to this conclusion must be clearly identified.

7 Scope of Role – Area Planning Committee

- 7.1 Each Area Planning Committee will consider applications for planning permission and other Development Management casework where the Scheme of Delegation requires a committee decision and the application site is within the Ward covered by that Committee (refer to Section 3).

8 Scope of Role – District Planning Committee

- 8.1 The District Planning Committee will consider, on behalf of the Council, applications for planning permission and other Development Management casework where:
- 8.1.1 The Chairman of an Area Planning Committee determines it is appropriate for the decision to be made by the District Planning Committee, rather than the Area Planning Committee.
 - 8.1.2 an Area Planning Committee has referred the application to the District Planning Committee for determination following a majority vote;
 - 8.1.3 an Area Planning Committee has considered the application but the Service Director or Service Lead with responsibility for Planning, or the Development Manager, has determined that the decision:
 - 8.1.3.1 has a possible conflict with a policy that would undermine the Development Plan; or
 - 8.1.3.2 is of a district wide public interest; or
 - 8.1.3.3 there is a possibility for claims for significant costs against the Council.

- 8.2 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.

9 Committee Site Visits

- 9.1 Where deemed necessary, by the Chairman of the relevant Planning Committee and Development Manager, Committee Site Visits may be conducted to enable Planning Committee Members to view application proposals in context, and to inform their assessment of the impact of a proposal on the application site and surrounding area. Committee Site Visits are not to be used to debate the merits of the application.
- 9.2 A Committee site visit is a formal meeting of the relevant committee and the same rules apply to chairing it as apply to a Meeting.
- 9.3 Committee site visits should be by those Planning Committee Members able to attend, with Officer assistance. Others attending (ward members, town or parish council representatives, applicant/agent, supporters, and objectors) do so at the discretion of the Meeting Chairman. At the direction of the Meeting Chairman, other attendees may ask Members to observe specific aspects of the site and its surroundings, or ask for clarification of factual matters, , but must not express opinions or other representations regarding the merits of the application.

10 Planning Committee Briefings

- 10.1 On occasions it may be appropriate for officers, applicants, or prospective applicants, to give a presentation to Planning Committee at an earlier stage before the application is considered by the Planning Committee for a decision. This gives an opportunity for applicants to explain their development proposals and/or to provide an opportunity for Members to raise questions in connection with the proposals.
- 10.2 When considering a request for a briefing, the complexity of the proposal should be considered. Planning Committee briefings should be restricted to more complex proposals.
- 10.3 The Chairman of the Planning Committee must approve any request for a briefing in consultation with the Development Manager and the Monitoring Officer, or their representatives.

- 10.4 To avoid any perception of influence it is advisable that any briefing must take place at least three weeks before the meeting of the Planning Committee that will hear the application. Briefings should avoid discussion, although questions of clarification are appropriate. The Chairman of the Committee will manage the briefing. Officers will be present to record proceedings and answer any questions of clarification.
- 10.5 Consideration should be given to inviting Ward Members, Parish Council representatives and other interested parties.

11 Discussions before Decision is made

- 11.1 Local Planning Authorities are encouraged to enter into discussions and negotiations which can bring about improvements that can make an application acceptable, and thereby potentially speed up the planning process. Such pre-application discussions will normally take place at Officer level and Members shall wherever possible refer requests by applicants and third parties for such advice to Officers. If Members become involved in such discussions they should make it clear that their views are personal and provisional and they may wish to make a record of the discussion.
- 11.2 All Councillors have a role to play in helping consultation between their constituents and developers. Such consultation can be a huge benefit to all parties but can easily be seen as part of a lobbying process by the applicant if care is not taken. Planning Committee Members in particular must be careful to adhere to the rules regarding predetermination and predisposition.
- 11.3 This section covers any discussions taking place before a decision is made not simply prior to the application being submitted. It does not affect discussions between Councillors and Officers nor does it impact on any pre-application planning advice provided by Officers under the adopted policy.
- 11.4 Any discussions should be on the basis that the Council will not be bound and that Councillors' views are personal and provisional.
- 11.5 Planning advice given by Officers should be consistent, based on the Development Plan and material considerations.
- 11.6 The Councillor's role is to feedback responses from the community. If invited to attend pre-committee discussions, all Councillors should speak first to the Planning Officer handling the application.

- 11.7 If such a meeting is held, a written note should be made of the meeting, particularly if contentious. Where the meeting includes a Planning Committee Member, at least one Officer should attend any such meetings and a follow up letter from the Councillor is advisable summarising the discussion.
- 11.8 If an Officer is unable to attend and the meeting has to go ahead the Councillor should make written notes and forward a copy of these to the Development Manager as soon as possible. This is also advisable for all Councillors who are not a member of the relevant planning committee.
- 11.9 All Councillors should also note that potentially contentious telephone discussions should also be recorded in writing, preferably immediately after the conversation so recollection is fresh and should be reported to the Monitoring Officer.
- 11.10 Where a meeting concerns a major development, it is preferable that the meeting takes place on Council premises with Officers present and notes of discussions are made.
- 11.11 At all times Planning Committee Members should be mindful of general rules regarding predetermination.

12 Lobbying

- 12.1 It is recognised that lobbying is a normal and perfectly legitimate element of the process of considering planning applications. If a Councillor, who is not on the Planning Committee to determine an application, wishes to support a particular viewpoint then that Councillor has a right to appear at the relevant Planning Committee and seek permission to address the meeting provided that they have registered to speak in accordance with paragraph 16 below.
- 12.2 It is, however, important that Councillors protect their impartiality and integrity in planning matters. Planning Committee Members will not breach the Code by listening to or receiving viewpoints from residents or other interested parties provided that they make it clear that they are keeping an open mind. However expressing an intention to vote one way or another before a Planning Committee meeting would prejudice impartiality and potentially open the Council to challenge.

13 Ward Members

- 13.1 Ward Members have a central role in helping to represent the views of local people and other stakeholders at both pre-application and planning application stage. Ward Members bring strong community leadership, extensive local knowledge and an up to date understanding of current issues.
- 13.2 Planning Officers have to act impartially at all times, but will provide support and advice to Ward Members on planning matters in order for them to play this community leadership role. Ward Members should not direct, or seek to influence, Officers' to make a particular decision.

14 Only One Forum

- 14.1 Members of the District Council may consider applications at parish level and form a view on the basis of evidence available at that time. At district level they may consider the same application but, with additional information and advice from Officers, may well change their mind.
- 14.2 At district level, Councillors may also be members of both the Area Planning Committee and the District Planning Committee (DPC). At DPC they may consider the same application but, with additional information and advice from Officers, may well change their mind.
- 14.3 It is suggested that Councillors who sit at parish or town level, or consider an application at both the Area Planning Committee and DPC, indicate to the meeting that while they have a personal interest by way of their membership of the Parish/Town Council / Area Planning Committee as a Councillor, any comments made at the previous meeting(s) are made in relation to the information before them at that meeting. Councillors are not pre-judging the matter and will want to consider carefully all material likely to be available at whichever level the application is being considered. When the matter is considered by a Planning Committee for the District, the Councillor will weigh up all the information at that time and consider the matter afresh.

15 Planning Applications by Councillors, Officers or the Council

- 15.1 These can, by their very nature, arouse suspicions of impropriety. It is vital they are handled in a way that ensures there are no grounds for accusations of favouritism.

- 15.2 If it is a Council application it will be treated in the same way as a private developer. The same administrative process, including consultation, should be carried out in relation to the Council's own planning applications, and that they should be determined against the same policy background. Decisions must be made strictly on planning merits and without regard to any financial or other gain that may accrue to the Council if the development is permitted. It is important that the Council is seen to be treating such applications on an equal footing with all other applications as well as actually doing so.
- 15.3 If the application is made by an Officer within the Planning Service, or another Service or Officer that works closely with Planning, the Planning Service Lead or Development Manager (as appropriate) shall take reasonable steps to ensure there are no grounds for accusation of favouritism. This could include the application being dealt with by a Planning Officer in another team. Where the determination is made under delegated authority, the Officer exercising delegated authority should do so in consultation with the Monitoring Officer.
- 15.4 If it is a Councillor application they are entitled to speak to Officers both prior to and at Committee in the same way as any member of the public. They will have a Disclosable Pecuniary Interest and should refer Member Code of Conduct [Part 13 Constitution]. However, they shall not seek improperly to influence the decision and shall play no part in the debate itself as a Councillor nor be able to vote.
- 15.5 The Council's Monitoring Officer shall be informed of all applications by Councillors and Officers and will register such applications.
- 15.6 The Scheme of Delegation provides stricter terms for applications by Planning or senior staff, or by Councillors to be considered by Committee where recommended for approval.

16 Meeting Procedure – Registering to Speak

- 16.1 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):
- 16.1.1 Parish/Town Council representative(s);
 - 16.1.2 Adjoining Parish/Town Council representative(s);
 - 16.1.3 Objectors;
 - 16.1.4 Supporters;
 - 16.1.5 Applicant or their agent.

- 16.2 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.
- 16.3 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 to the given address (preferably by email) and an acknowledgement from the Planning Service received.
- 16.4 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;
 - Whether they are attending in person or remotely via video conferencing
- 16.5 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.

17 Meeting Procedure – Representations and Time Limits

- 17.1 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.
- 17.2 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).
- 17.3 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.
- 17.4 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.
- 17.5 Where there is more than one Ward Councillor speaking:
- 17.5.1 where they each seek the same outcome, they will share a speaking time of five minutes;

- 17.5.2 where they seek a fundamentally different outcome, each speaker or group will be allowed five minutes each.
- 17.6 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.
- 17.7 Any material on the planning file that a speaker wishes to refer to must be highlighted or provided to the Planning Officers at least five clear working days before the Meeting (Local Authorities (Access to Meetings and Documents) (Period of Notice) (England) Order 2002). Officers will facilitate reasonable requests to display requested plans, photographs, or supporting documents which are on the planning file and have been requested in advance of the meeting, but this will not include presentations slides.
- 17.8 No new material may be produced or referred to at the Meeting unless lodged under 17.7.
- 17.9 The Committee may only ask those speaking for clarification of points raised. Members may not ask any other questions, nor may they elicit information that the speaker may have omitted.

18 Meeting Procedure – Order of Representations etc

- 18.1 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):
- 18.1.1 introduction of item by Officers;
 - 18.1.2 representations by Parish/Town Council representative(s);
 - 18.1.3 Members' questions to Parish/Town Council representative(s);
 - 18.1.4 representations by Adjoining Parish/Town Council representative(s) (where agreed by the Meeting Chairman);
 - 18.1.5 Members' questions to Adjoining Parish/Town Council representative(s);
 - 18.1.6 representations by objector(s);
 - 18.1.7 Members' questions to objector(s);
 - 18.1.8 representations by supporter(s);
 - 18.1.9 Members' questions to supporter(s);
 - 18.1.10 representations by applicant or agent;

- 18.1.11 Members' questions to applicant or agent;
 - 18.1.12 representations by Adjoining Ward Councillor(s);
 - 18.1.13 Members' questions to Adjoining Ward Councillor(s);
 - 18.1.14 representations by Ward Councillor(s);
 - 18.1.15 Members' questions to Ward Councillor(s);
 - 18.1.16 Members' questions to Officers.
- 18.2 Questions raised as part of the above process may only seek to clarify a statement made and not to introduce new business.

19 Meeting Procedure – Debate and Decision

- 19.1 Once all submissions and questions have been dealt with, Committee Members shall then debate the application.
- 19.2 For the avoidance of doubt, subject to the Members' Code of Conduct, Ward Councillors on Planning Committees may take part in the debate and/or vote on an application affecting their Ward.
- 19.3 After a reasonable period of debate, a Member of the Committee may propose that the Committee approve, refuse, defer or reference up to District Planning Committee an application before it (a "Proposal"), and:
- 19.4 Where the Proposal is for approval, the Proposing Member may adopt the planning conditions and/or obligations suggested by Officers, or they may vary, remove or add conditions (with reasons) which they consider justified on planning grounds. They may also elect to delegate to Officers to determine appropriate conditions/obligations. Where the Proposal to approve is contrary to Officer recommendation, it is advisable that the Proposing Member states their reasons for this.
- 19.5 Where the Proposal is for refusal, the Proposing Member may adopt the refusal reasons suggested by Officers (where in accordance with Officer recommendation), or they may vary, remove or add reasons which they consider justified on planning grounds. Where the Proposal is contrary to, or at variance with, the Officer recommendation, the Proposing Member must give full clear reasons for their Proposal.
- 19.6 Where the Proposal is for deferring or referencing to District Planning Committee, the Proposing Member must give reasons.
- 19.7 Any Proposal must be formally seconded to proceed.
- 19.8 At any stage of the debate any Committee Member (including the Proposer and Secunder) may:

- 19.8.1 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;
- 19.8.2 propose an amendment to a Proposal (eg adding a fresh Condition or a fresh reason for refusal) and, if the Proposer and Secunder agree, the Proposal shall be amended accordingly.
- 19.9 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.
- 19.10 Once the Meeting Chairman decides that the debate has concluded they will:
 - 19.10.1 seek a Proposal if none has yet been put; and
 - 19.10.2 put the Proposal to the vote; and
 - 19.10.3 if the Proposal is not carried, seek (an) alternative Proposal(s), such that the application before the meeting is determined.
 - 19.10.4 Notwithstanding Part 3 Meeting Rules para 11.7, a Proposal may be repeated in a Planning Committee following further debate.

20 The Role of the Chairman

- 20.1 Agenda management is vital to the smooth running of the meetings. The Chairman is key to this. Each Chairman will discuss with the appropriate Democratic, Legal and Planning Officer before the Committee the items on the agenda and will query, where necessary, matters referred up and site visits called.
- 20.2 17.2 The rules of debate as set out in Part 3 Meeting Rules para 16.1, 16.2 [hyperlink] shall apply.
- 20.3 17.3 If there are equal numbers of votes for and against the Chairman will have a second or casting vote. There will be no restriction on how the Chairman exercises their vote.

21 Implementing Planning Committee Decisions

- 21.1 Where an application has been decided by Planning Committee, Officers will implement the Planning Committee's decision by coordinating the completion of any outstanding tasks (e.g. legal agreements or technical matters delegated to officers) and issuing the decision notice.

- 21.2 The Development Manager has delegated authority to make minor amendments to committee decisions, in consultation with the Chairman/Vice Chairman of the Committee. This authority can be exercised before or after the decision notice is issued.

22 Appeals and Legal Challenges

- 22.1 In the event that planning permission is refused, either under delegated powers conferred on the Development Manager or by the Planning Committee, an applicant may exercise their right of appeal. Planning decisions may also be subject to Judicial Review or other legal proceedings.
- 22.2 Officers will organise and generally appear as witnesses at planning appeals and other proceedings on behalf of the Council. In some circumstances (such as where specialist evidence is required) it may be necessary to appoint Counsel or Consultants to appear for the Council.
- 22.3 In giving evidence, Officers will present the best possible case on behalf of the Council while complying with the Royal Town Planning Institute (“RTPI”) Code of Professional Conduct. This Code requires that Planning Officers who are members of the Institute do not make statements purporting to be their own, but which are contrary to their bona fide professional opinion.
- 22.4 Members can have an important role to play in appeals and may, within set deadlines, make written representations to the Inspector and may also appear at informal hearings or as a witness at public inquiries. In doing so they should state whether they are acting in their local Ward Member capacity or, representing the Council’s case.
- 22.5 From time to time a Planning Committee will disagree with professional advice given by the Officers and may decide to determine an application contrary to that advice. Where there is a subsequent appeal and Planning Officers are unable to defend decisions on appeal (due to requirements of the professional conduct rules of the RTPI) it may be appropriate for Members of the Committee to attend any subsequent appeal hearing, and if necessary, to give evidence in support of the Council’s decision. Planning and Legal Officers will support Members attending or wishing to make representation at appeals and advise them on preparing and delivering evidence on behalf of the Council.
- 22.6 Planning decisions are decisions made by the Council. It is therefore not normally appropriate for an elected Member to support an appellant at Appeal. If Members have concerns about delegated applications, the appropriate course of action is to call in the application to Planning Committee for determination.

- 22.7 If an appeal is lodged before determination by a planning committee (a “non-determination appeal”), the Council is no longer the decision maker, but it will have an opportunity to provide its position on the appeal to the Planning Inspectorate. Where Inspectorate timescales permit, reasonable efforts will be made to bring the application to committee to adopt a position on the appeal. Where Inspectorate timescales do not permit, the Development Manager will exercise delegated authority to adopt a position for the appeal, subject to consultation with the relevant Committee Chairman (or Vice Chairman in their absence).
- 22.8 During the appeal process, there may be occasions where an immediate decision is required regarding the Council’s position (for example, new evidence on a material consideration). Where Inspectorate timescales permit, reasonable efforts will be made to bring the application to committee to adopt a position on the appeal. Where Inspectorate timescales do not permit, the Development Manager will exercise delegated authority on the specific matter, subject to consultation with the relevant Committee Chairman (or Vice Chairman in their absence).

Appendix B

Tracked Changes

8. Head of Service Director (Development and PlanningHousing)

8.1 General

8.1.1

Subject to the reservations and exceptions set out in this Scheme, the [Service Director and Service Lead with responsibility for Planning, and the Development Manager Head of Development and Planning](#) shall be authorised to exercise the functions, duties and powers of the Council as set out in any relevant legislation relating to town and country planning and housing, which shall include but not be limited to the following:

- [Town and Country Planning Act 1990](#)
- [Town and Country Planning \(Development Management Procedure\) \(England\) Order 2015](#)
- [Planning \(Listed Buildings and Conservation Areas\) Act 1990](#)
- [Planning \(Hazardous Substances\) Act 1990](#)
- [Planning and Compulsory Purchase Act 2004](#)
- [Planning Act 2008](#)
- [Housing and Planning Act 2016](#)
- [Localism Act 2011](#)
- [Housing Grants, Construction & Regeneration Act 1996](#)
- [Caravan Act 1968](#)
- [Local Government and Housing Act 1989](#)
- [Housing Act 1985](#)
- [Housing Act 1996](#)
- [Housing Act 1988](#)
- [Housing Act 2004](#)
- [Homelessness Reduction Act 2017](#)

8.1.2

Subject to the conditions set out below, the determination, granting or refusal of Notifications and Applications for permission, certification approval or consent relating to developments and works.

8.1.3

Subject to the conditions set out below, the approval or refusal of items reserved or conditioned by any permission, approval or consent.

8.1.4

Subject to the conditions set out below, the determination of applications for advertisement consent.

8.1.5

In respect of applications determined by the District Planning Committee or relevant Area Planning Committees and subject to the conditions set out below and consultation with the Ward Members, the acceptance of minor amendments to schemes already permitted, approved or consented to.

8.1.6

Prior to determination of submitted application, the acceptance of amendments to submitted application for permission approval or consent.

8.2 Conditions

8.2.1

The delegations set out above shall be exercised subject to the following:

The Area Planning Committees will consider applications within their prescribed parishes where: shall reserve the authority to determine any type or class of application.

- (a) The Service Director/Service Lead with responsibility for Planning, or the Development Manager refer an application to the Committee;
- (b) The relevant Area Planning Committee Chairman refers an application to Committee;
- (c) 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:
 - a. Has provided a planning reason for the call-in and obtained the consent of the relevant Area Planning Committee Chairman (or Vice Chairman in their absence) to the call-in; and
 - b. Has completed the required call-in form and submitted it within the deadline published by Planning on the weekly list, this date being four weeks from the publication of the respective weekly list;
- (d) The application is recommended for approval and it is submitted by, or on behalf of, West Berkshire Council, or where the land in question is owned by the Council, if:
 - a. The application is defined as major development (in terms of the Town and Country Planning (Development Management Procedure) (England) Order 2015; or
 - b. The application is not defined as major development (in terms of the Town and Country Planning (Development Management Procedure) (England) Order 2015 and five or more representations have been made in objection;
- (e) The application is recommended for approval and it is submitted by or on behalf of:
 - a. A member of staff of the Planning Service;
 - b. A member of staff who works directly with the Planning Service;
 - c. A member of staff who is part of the [corporate/senior] leadership team;
 - d. A West Berkshire Council Member, if five or more representations have been made in objection, or the application is defined as major development (in terms of the Town and Country Planning (Development Management Procedure) (England) Order 2015;
- (f) The application is recommended for approval and:

- a. Representations stating objections have been received from at least 10 contributors before the Overall Expiry Date of any public consultation. (For the avoidance of doubt, where a representation is submitted in multiple people's names it shall be counted once, and where a contributor (or group of contributors) make more than one submission, they shall only be counted once. This count does not include statutory and non-statutory consultees); or
- b. A petition of objection has been received naming at least 20 signatories before the Overall Expiry Date of any public consultation.

The following applications, notification and other Development Management matters will be determined under delegated authority, irrespective of any terms of paragraph 2(c)-(f):

- (a) Applications for prior approval, or notices, required under permitted development rights (including but not limited to permitted development rights for communication equipment, agricultural, changes of use, large domestic extensions, development authorised by Acts of Parliament, demolition, solar PV);
- (b) Applications for the approval of details reserved by conditions on any planning permission or associated consent, or confirmation of compliance with the same;
- (c) Applications for non-material amendments under section 96A of the Town and Country Planning Act 1990;
- (d) Applications for Lawful Development Certificates under sections 191 and 192 of the Town and Country Planning Act 1990;
- (e) Applications for screening and scoping opinions under the Town and Country Planning (Environmental Impact Assessment) Regulations 2017.

A call-in made under either paragraph 2(a), 2(b) or 2(c) may be withdrawn by agreement between the relevant Area Planning Committee Chairman and Service Director / Service Lead / Development Manager. In the case of an application called in by a Ward Member under paragraph 2(c), this must be upon request of the Member who called-in the application. If a call-in is withdrawn it will be determined under delegated authority unless any of the other provision under paragraph 2 apply.

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8.2.2

The Council may modify or revoke the scheme of delegation at any time.

8.2.3

An application may be referred to the appropriate Area Planning Committee for determination by:

- ~~(a) the relevant Area Planning Committee Chairman; or~~
- ~~(b) a Member for the Ward to which the application relates;~~
- ~~(c) a Member for a Ward adjoining the Ward to which the application relates;~~
- ~~(d) the Head of Development and Planning or the Development Control Manager~~

8.2.4

~~Members who wish to 'call in' an item to be discussed at an Area Planning Committee will be required to complete the agreed pro forma which must be submitted either in hard copy by letter or fax or electronic copy via e-mail. The consent of the Chairman of the appropriate Area Planning Committee, or if unavailable, the Vice-Chairman, is required.~~

~~(Note: If the Chairman or, if unavailable, the Vice-Chairman, does not give consent then the application will not be referred to a Planning Committee.)~~

~~The Officers will refer for determination to the appropriate Area Committee any application, including:~~

8.2.5

~~Where the application is a major one or there are five or more objections and it is submitted by, or on behalf of West Berkshire Council, or where the land in question is owned by the Council if there are five or more objections or if the application is a major one:~~

~~**8.2.5.1** those submitted by or on behalf of a member of staff of Planning;~~

~~**8.2.5.2** those submitted by or on behalf of a West Berkshire Council Member, if there are five or more objections or if the application is a major one;~~

~~**8.2.5.3** those recommended for approval, for which a petition of objection has been received of at least 20 signatories;~~

~~**8.2.5.4** those recommended for approval, for which at least 10 letters of objection have been received;~~

~~**8.2.5.5** those applications not considered prudent by the Development Control Manager to be determined under delegated authority.~~

Appendix B

Clean Version

8. Service Director (Development and Housing)

8.1 General

8.1.1

Subject to the reservations and exceptions set out in this Scheme, the Service Director and Service Lead with responsibility for Planning, and the Development Manager shall be authorised to exercise the functions, duties and powers of the Council as set out in any relevant legislation relating to town and country planning and housing, which shall include but not be limited to the following:

- Town and Country Planning Act 1990
- Town and Country Planning (Development Management Procedure) (England) Order 2015
- Planning (Listed Buildings and Conservation Areas) Act 1990
- Planning (Hazardous Substances) Act 1990
- Planning and Compulsory Purchase Act 2004
- Planning Act 2008
- Housing and Planning Act 2016
- Localism Act 2011
- Housing Grants, Construction & Regeneration Act 1996
- Caravan Act 1968
- Local Government and Housing Act 1989
- Housing Act 1985
- Housing Act 1996
- Housing Act 1988
- Housing Act 2004
- Homelessness Reduction Act 2017

8.1.2

Subject to the conditions set out below, the determination, granting or refusal of Notifications and Applications for permission, certification approval or consent relating to developments and works.

8.1.3

Subject to the conditions set out below, the approval or refusal of items reserved or conditioned by any permission, approval or consent.

8.1.4

Subject to the conditions set out below, the determination of applications for advertisement consent.

8.1.5

In respect of applications determined by the District Planning Committee or relevant Area Planning Committees and subject to the conditions set out below and consultation with the Ward Members, the acceptance of minor amendments to schemes already permitted, approved or consented to.

8.1.6

Prior to determination of submitted application, the acceptance of amendments to submitted application for permission approval or consent.

8.2 Conditions

8.2.1

The delegations set out above shall be exercised subject to the following:

The Area Planning Committees will consider applications within their prescribed parishes where:

- (a) The Service Director/Service Lead with responsibility for Planning, or the Development Manager refer an application to the Committee;
- (b) The relevant Area Planning Committee Chairman refers an application to Committee;
- (c) 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:
 - a. Has provided a planning reason for the call-in and obtained the consent of the relevant Area Planning Committee Chairman (or Vice Chairman in their absence) to the call-in; and
 - b. Has completed the required call-in form and submitted it within the deadline published by Planning on the weekly list, this date being four weeks from the publication of the respective weekly list;
- (d) The application is recommended for approval and it is submitted by, or on behalf of, West Berkshire Council, or where the land in question is owned by the Council, if:
 - a. The application is defined as major development (in terms of the Town and Country Planning (Development Management Procedure) (England) Order 2015; or
 - b. The application is not defined as major development (in terms of the Town and Country Planning (Development Management Procedure) (England) Order 2015 and five or more representations have been made in objection;
- (e) The application is recommended for approval and it is submitted by or on behalf of:
 - a. A member of staff of the Planning Service;
 - b. A member of staff who works directly with the Planning Service;
 - c. A member of staff who is part of the [corporate/senior] leadership team;
 - d. A West Berkshire Council Member, if five or more representations have been made in objection, or the application is defined as major development (in terms of the Town and Country Planning (Development Management Procedure) (England) Order 2015;

(f) The application is recommended for approval and:

- a. Representations stating objections have been received from at least 10 contributors before the Overall Expiry Date of any public consultation. (For the avoidance of doubt, where a representation is submitted in multiple people's names it shall be counted once, and where a contributor (or group of contributors) make more than one submission, they shall only be counted once. This count does not include statutory and non-statutory consultees); or
- b. A petition of objection has been received naming at least 20 signatories before the Overall Expiry Date of any public consultation.

The following applications, notification and other Development Management matters will be determined under delegated authority, irrespective of any terms of paragraph 2(c)-(f):

- (a) Applications for prior approval, or notices, required under permitted development rights (including but not limited to permitted development rights for communication equipment, agricultural, changes of use, large domestic extensions, development authorised by Acts of Parliament, demolition, solar PV);
- (b) Applications for the approval of details reserved by conditions on any planning permission or associated consent, or confirmation of compliance with the same;
- (c) Applications for non-material amendments under section 96A of the Town and Country Planning Act 1990;
- (d) Applications for Lawful Development Certificates under sections 191 and 192 of the Town and Country Planning Act 1990;
- (e) Applications for screening and scoping opinions under the Town and Country Planning (Environmental Impact Assessment) Regulations 2017.

A call-in made under either paragraph 2(a), 2(b) or 2(c) may be withdrawn by agreement between the relevant Area Planning Committee Chairman and Service Director / Service Lead / Development Manager. In the case of an application called in by a Ward Member under paragraph 2(c), this must be upon request of the Member who called-in the application. If a call-in is withdrawn it will be determined under delegated authority unless any of the other provision under paragraph 2 apply.

8.2.2

The Council may modify or revoke the scheme of delegation at any time.

