

# Notice of Meeting

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## Audit and Risk Committee

**Tuesday 23 June 2026 at 6.30 pm**

in the Council Chamber, Council Offices,  
Market Street, Newbury

**Note:** This meeting can be streamed live here: <https://www.westberks.gov.uk/governanceethicscommitteelive>

Date of despatch of Agenda: 15 June 2026

For further information about this Agenda, or to inspect any background documents referred to in Part I reports, please contact Gordon Oliver on 01635 519486  
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Further information and Minutes are also available on the Council's website at [www.westberks.gov.uk](http://www.westberks.gov.uk)



## Agenda - Audit and Risk Committee to be held on Tuesday 23 June 2026 (continued)

- To:** Councillor Erik Pattenden (Chairman), Councillor Ross Mackinnon (Vice-Chairman), Councillor Jeremy Cottam, Councillor Laura Coyle, Carolyne Culver, Councillor Billy Drummond, Councillor Owen Jeffery, Simon Carey and Councillor Iain Cottingham
- Substitutes:** Councillors Adrian Abbs, Dennis Benneyworth, Paul Dick, Alan Macro and Stephanie Steevenson
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# Agenda

## Part I

		<b>Page No.</b>
1	<b>Apologies</b> To receive apologies for inability to attend the meeting (if any).	1 - 2
2	<b>Minutes</b> To approve as a correct record the Minutes of the meeting of the Governance Committee held on 28 April 2026 and the meeting of the Audit and Risk Committee held on 14 May 2026.	3 - 10
3	<b>Action Log</b> Purpose: To receive updates on actions from previous meetings.	11 - 12
4	<b>Declarations of Interest</b> 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' <a href="#">Code of Conduct</a> .	13 - 14
5	<b>Work Programme</b> Purpose: To consider the work programme for the Audit and Risk Committee.	15 - 18
6	<b>Member Training</b>  Purpose: To agree a programme of training for Members of the Audit and Risk Committee.	Verbal Report



## Agenda - Audit and Risk Committee to be held on Tuesday 23 June 2026 (continued)

- |    |  |           |
|----|--|-----------|
| 7  | <b>Internal Audit Plan 2026 - 2029</b><br>Purpose: The key purpose of this report is to set out a risk-based plan of work for Internal Audit that will provide assurance to senior managers, members and the Audit and Risk Committee of the effectiveness of the Council's governance, risk management and internal control frameworks, which also supports the Committee's review of the Council's Annual Governance Statement.                                      | 19 - 58   |
| 8  | <b>Internal Audit Annual Assurance Report 2025/26</b><br>Purpose: The Global Internal Audit Standards (GIAS) for the UK Public Sector require the Audit Manager to make a formal annual report to those charged with governance within the Council. The report is required to include an opinion on the effectiveness of the Council's governance, risk management and internal control frameworks, which in turn supports the Council's Annual Governance Statement.  | 59 - 82   |
| 9  | <b>Constitution Update</b><br>Purpose: To provide an update 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.   | 83 - 214  |
| 10 | <b>Strategic Risk Register Q4 2025/26</b><br>Purpose: To highlight the 13 corporate risks (as at the end of March 2026) that need to be considered by the committee and outline the actions that were being taken to mitigate those risks, in accordance with the West Berkshire Council Risk Management Strategy.   | 215 - 224 |
| 11 | <b>Exclusion of Press and Public</b><br>RECOMMENDATION: That members of the press and public be excluded from the meeting during consideration of the following items as it is likely that there would be disclosure of exempt information of the description contained in the paragraphs of Schedule 12A of the Local Government Act 1972 specified in brackets in the heading of each item. <a href="#"><u>Section 10 of Part 10 of the Constitution refers.</u></a> |           |



## Part II

- 12     **Strategic Risk Register Q4 2025/26**     225 - 238  
       *(Paragraph 3 – information relating to financial/business affairs  
       of particular person)*  
       *(Paragraph 5 – information relating to legal privilege)*  
       *(Paragraph 5 – information relating to proposed action to be  
       taken by the Local Authority)*

*Sarah Clarke.*

Sarah Clarke  
Executive Director - Resources

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Audit and Risk Committee – 23 June 2026

## **Item 1 – Apologies for Absence**

Verbal Item

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

## GOVERNANCE COMMITTEE

### MINUTES OF THE MEETING HELD ON TUESDAY 28 APRIL 2026

**Councillors Present:** Erik Pattenden (Chairman), Howard Woollaston (Vice-Chairman), Dominic Boeck, Jeremy Cottam, Billy Drummond, Owen Jeffery, Simon Carey, David Southgate and Alan Macro (Substitute) (In place of Stephanie Steevenson)

**Also Present:** Simon Carey (Independent Person (Audit)), Anne Budd (Parish Council Representative), David Southgate (Parish Council Representative), Councillor Iain Cottingham, Joseph Holmes (Chief Executive), Sarah Clarke (Executive Director (Resources)), Martyn Sargeant (Service Director (Strategy & Governance)), Joseph Holmes (Chief Executive), Julie Gillhespey (Audit Manager) and Beatriz Teixeira (Performance Research & Consultation Manage), Councillor Iain Cottingham and Gordon Oliver (Clerk), and Darius Zarazel (Zoom Host)

**Apologies for inability to attend the meeting:** Councillors Laura Coyle, Carlyne Culver, Stephanie Steevenson and Adrian Abbs

#### PART I

##### 1 Minutes

The Minutes of the meeting held on 27 January 2026 were approved as a true and correct record and signed by the Chairman.

##### 2 Declarations of Interest

There were no declarations of interest received.

##### 3 Forward Plan

The Committee considered the Governance Committee Forward Plan (Agenda Item 4). Satisfied with the Plan, the Governance Committee agreed that it could be noted.

##### 4 Action Log

The Committee considered the Governance Committee Action Log (Agenda Item 5). Satisfied with the Actions presented, the Governance Committee agreed that it could be noted.

##### 5 Internal Audit Update Report - Quarter Three 2025/26

Julie Gillhespie (Audit Manager) presented the Internal Audit Update Report for Quarter Three 2025/26 (Agenda Item 6).

The following points were raised in the debate:

- It was confirmed that one vacancy in the Audit Team had been filled, and interviews were being held for the other. The new members of staff should get up to speed relatively quickly, depending on their experience.

## GOVERNANCE COMMITTEE - 28 APRIL 2026 - MINUTES

- Members queried errors affecting payments for Children with Disabilities. It was clarified that the issues related to controls failing to prevent discrepancies, but the values were small.
- The Committee noted the breadth of issues and volume of recommendations arising from the audit of the Children with Disabilities and SEND Team and asked if the position was close to 'no assurance'. It was confirmed that the issues were not of sufficient significance to be categorised as 'no assurance' - the opinion reflected the volume of non-compliance and process weaknesses rather than critical failings.
- Concerns were expressed about the sensitivity of SEND-related payments and the possibility of wider issues beyond the audit sample. Officers advised that weaknesses in reviewing needs were of greater concern because this could lead to people receiving incorrect levels of support.
- Members asked when follow-up work was triggered. It was explained that this was typically undertaken for limited assurance and no assurance opinions. Occasionally, follow-ups took place where there was reasonable assurance, but where individual recommendations were of concern. For limited assurance reports, internal audit would normally conduct a follow-up after six months from report finalisation. A follow-up with the Children with Disabilities and SEND Team would be due in August.
- Members asked if issues highlighted in relation to SEND payments were mirrored in Adult Social Care. It was confirmed that while they had some similar policies and processes, they had different frameworks and specific payments.
- It was suggested that the Council consider adopting stronger corporate oversight of policy documents, drawing on best practice (e.g., ISO 9000).
- The Committee was advised that they could request changes to the Audit Plan where they felt that attention was warranted based on evidence and risk.
- Officers were asked about how work had been prioritised during the period when there were vacancies in the team. It was confirmed that prioritisation was risk-based, though scheduling constraints also applied. Any significant changes to the Audit Plan would be reported to the Committee in line with the Audit Charter. It was noted that the Audit Manager had undertaken additional work to achieve completion targets for 2025/26.

**RESOLVED** to note the report.

### 6 **Formation of an Audit and Risk Committee**

Martyn Sargeant (Service Director) presented the Internal Audit Update Report for Quarter Three 2025/26 (Agenda Item 6).

The following points were raised in the debate:

- It was explained that it was best practice to have a committee focused solely on audit and risk, rather than diluting this with governance/standards responsibilities. This was in line with CIPFA recommendations, the LGA Peer Challenge, and a previous Centre for Governance and Scrutiny review, and would bring West Berkshire Council into line with arrangements in other local authorities. The new arrangement would result in increased focus, clarity of remit and alignment with recognised governance models (e.g., 'three lines' model of management controls, internal audit, and external audit).
- It was confirmed that meetings would take place in public and would be live-streamed, with confidential/exempt items considered in Part II where required.

## GOVERNANCE COMMITTEE - 28 APRIL 2026 - MINUTES

- Reassurance was provided that the Personnel and Standards Committee would have the same, rigorous oversight of standards issues as the Governance Committee did now.
- Officers were asked if the terms of reference should explicitly state the voting status of independent members, as there were inconsistencies between the appendices. It was noted that audit and risk committees generally acted in an advisory capacity, so voting may not be needed; however, it was suggested that the wording could be amended.

**Action: Update the wording of the appendices in relation to voting.**

- Members questioned what practical difference the change would make, noting that current agendas were already heavily audit/risk focused and that standards reports were infrequent. Officers clarified that functions were not being removed, but re-aligned, and that financial pressures and the need for technical challenge of financial statements increased the importance of a dedicated audit and risk function.
- It was suggested that the report needed to be clearer about the justification for the change and it should be clear that the two new committees would replace the two existing ones.

**Action: Provide additional clarification in the report to Council regarding the rationale for the change and to make it clear that the two new committee would replace the two existing ones.**

- Members noted the proposed committee size and queried whether seven councillors would be sufficient. It was highlighted that the original proposal had been for a committee of five councillors, and that some local authorities had as few as three.
- Officers highlighted that the technical nature of audit and risk work typically required enhanced training and support, so arrangements would be reviewed.

**RESOLVED** to support the proposals outlined in the report, namely:

- To form a new Audit and Risk Committee.
- That the new committee should have a political balanced membership of seven councillors plus up to two independent members (of the public).
- That the independent members (of the public) should receive an allowance of £2,192 to recognise their technical skills and professional expertise.
- To create a new Personnel and Standards Committee, with oversight for the residual responsibilities of the current Governance Committee and the existing responsibilities of the current Personnel Committee.

## 7 Risk Management Q3 2025/26

Martyn Sargeant (Service Director – Strategy and Governance) and Beatriz Teixeira (Performance Research & Consultation Manager) presented the Risk Management Report for Quarter 3 2025/26 (Agenda Item 6).

Officers highlighted a recent media article about the Council designating its reputation as a key risk. Officers provided examples of how the Council's reputation could be impacted (e.g. due to disruption as a result of a critical supplier going out of business, or due to regulatory bodies making judgments against the Council). It was considered appropriate for such risks to be monitored closely, and the risk rating had been amended to reflect the current position. Members noted that the newspaper only had partial information, since the detail was contained within the Part II appendix.

## GOVERNANCE COMMITTEE - 28 APRIL 2026 - MINUTES

The following points were raised in the debate:

- A concern was raised about the Children and Family Services directorate not identifying an appetite for 'financial/asset risk'. It was argued that the directorate controlled significant council expenditure and so this should be reconsidered.
- Officers stated that the risk appetite work had continued up to the report publication deadline and that Children and Family Services had raised questions about how the categorisation would apply in its context. Officers indicated that further guidance would be provided, and that the absence of a categorisation reflected the fact that work was yet to be completed.

**Action: Officers to provide further update on the appetite for financial/asset risk as part of the Q4 update.**

- Members noted that there was a significant reporting time lag and that risks may have been realised within the intervening months. It was suggested that the Committee should review whether earlier likelihood/impact assessments had been accurate, whether risks had materialised, and what learning should be taken forward.
- The timeliness of reporting was acknowledged as an issue, and officers undertook to review the governance cycle. While the report represented a snapshot in time, it was highlighted that senior officers updated their own risk registers on an ongoing basis. Risk registers were also regularly reviewed at Programme Boards.

**Action: Officers to review the governance cycle in terms of timeliness of reporting.**

- The distinction was made between officer/Executive responsibilities for ongoing risk management and the Committee's role in assurance, including considering whether risks had moved, if mitigations had been implemented, and if they had been effective. It was suggested that the Committee could do detailed reviews of key risks to understand if lessons should be learned.
- It was stressed that financial sustainability was the No.1 risk, and risk maps were considered at weekly Financial Review Panel meetings.
- It was noted that the report mentioned risk score variations from Q2 to Q3. The Committee was reminded that they could ask for additional information to understand what had changed and why, what mitigations had been implemented, and whether they had been effective. It was suggested that the proposed change to the committee's remit would allow more time for such activity.
- It was highlighted that the Part II appendix had additional information on the risks, their anticipated impacts, and the controls put in place. This allowed the Committee an opportunity to highlight where they felt impacts were not being given due consideration, or to identify additional factors that could potentially influence particular risks.

**RESOLVED** to note the report.

### 8 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 3 and 5 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.

### 9 Strategic Risk Register

**GOVERNANCE COMMITTEE - 28 APRIL 2026 - MINUTES**

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

*(Paragraph 5 – information relating to legal privilege)*

*(Paragraph 5 – information relating to proposed action to be taken by the Local Authority)*

The Committee considered an exempt report (Agenda Item 11) concerning the Strategic Risk.

**RESOLVED** to note the report.

*(The meeting commenced at 6.30 pm and closed at 8.06 pm)*

**CHAIRMAN** .....

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

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# DRAFT

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

## AUDIT AND RISK COMMITTEE

### MINUTES OF THE MEETING HELD ON THURSDAY 14 MAY 2026

**Councillors Present:** Laura Coyle, Carlyne Culver, Billy Drummond, Owen Jeffery, Ross Mackinnon, Alan Macro (Substitute for Erik Pattenden) and Stephanie Steevenson (Substitute for Jeremy Cottam)

**Also Present:** Joseph Holmes (Chief Executive) and Sarah Clarke (Monitoring Officer)

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

#### PART I

##### 1 Election of Chairman

**RESOLVED:** That Councillor Erik Pattenden be elected as Chairman of the Audit and Risk Committee for the 2026/27 Municipal Year.

##### 2 Election of Vice-Chairman

**RESOLVED:** That Councillor Ross Mackinnon be elected as Vice-Chairman of the Audit and Risk Committee for the 2026/27 Municipal Year.

*(The meeting commenced at 9.13pm and closed at 9.15pm)*

**CHAIRMAN** .....

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

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### Audit and Risk Committee - Actions Tracker

Members are requested to consider the following list of actions and note the updates provided.

Ref.	Date	Item/Action	Member/Officer	Status	Comments/Update
26-2	27/01/2026	<b>KPMG: Draft Auditor's Annual Report (2024-25)</b> - review the use of '!' symbols where there is limited risk	KPMG	In progress	Pending the next report.
26-3	27/01/2026	<b>KPMG: Draft Auditor's Annual Report (2024-25)</b> - consider bringing the annual reports to separate meetings in future years.	KPMG	In progress	Pending the next report.
26-4	28/04/2026	<b>Formation of an Audit and Risk Committee</b> - Update the wording of the appendices in relation to voting	Martyn Sargeant	Complete	
26-5	28/04/2026	<b>Formation of an Audit and Risk Committee</b> - Provide additional clarification in the report to Council regarding the rationale for the change and to make it clear that the two new committees would replace the two existing ones.	Martyn Sargeant	Complete	Report was updated and approved by Council on 14 May. New committees meeting in June and July.
26-6	28/04/2026	<b>Risk Management Q3 2025/26</b> - Officers to provide further update on the appetite for financial/asset risk as part of the Q4 update.	Martyn Sargeant	Complete	This has now been updated.
26-7	28/04/2026	<b>Risk Management Q3 2025/26</b> - Officers to review the governance cycle in terms of timeliness of reporting	Martyn Sargeant	Complete	Reporting dates adjusted for 2026/27.

Last Updated: 4 June 2026

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Audit and Risk Committee – 23 June 2026

## **Item 3 – Declarations of Interest**

Verbal Item

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**WEST BERKSHIRE COUNCIL  
AUDIT & RISK COMMITTEE WORK PROGRAMME**

Meeting Date	Item	Purpose	Lead Officer	Report likely to be considered in private (i.e., it contains confidential or exempt information)
23 Jun 2026	Internal Audit Draft Plan: 2026/27	The Public Sector Internal Audit Standards (PSIAS) require the Council's Audit Plan and Internal Audit Charter to be approved by those charged with governance within the Council. The purpose of this report is to set out a risk-based plan of work for Internal Audit (IA) that will provide assurance to the Audit and Risk Committee on the operation of the Council's governance, risk management and internal control frameworks, and support the Committee's review of the Council's Annual Governance Statement.	Julie Gillhespey	Open
23 Jun 2026	Annual Internal Audit Assurance Report: 2025/26	The Public Sector Internal Audit Standards (PSIAS) require the Audit Manager to make a formal annual report to those charged with governance within the Council. The report is required to include an opinion on the effectiveness of the Council's governance, risk management and internal control frameworks, which in turn supports the Council's Annual Governance Statement.	Julie Gillhespey	Open
23 Jun 2026	Constitution Update	To receive proposed Constitution updates and, if acceptable, to recommend them to Council for adoption.	Nicola Thomas	Open
23 Jun 2026	Strategic Risk Register: Q4 2025/26	To highlight the corporate risks that need to be considered by the Audit and Risk Committee and to outline the actions taken to mitigate those risks.	Martyn Sargeant, Beatriz Teixeira	Part Exempt
28 Jul 2026	External Audit Plan: 2025/26	To provide the Committee with an opportunity to review the planned audit approach and scope for the 2025/26 external audit.	Duncan Laird, Jess Townsend (KPMG)	Open

29 Jul 2026	Annual Governance Statement: 2025/26	The Annual Governance Statement (AGS) summarises the key governance issues for the Council and the action plan to address these. The AGS is required to be approved by those charged with governance, the Audit and Risk Committee at West Berkshire, under the Accounts and Audit Regulations 2015. The AGS will form part of the Council's financial statements and will be considered by the Council's external auditors, KPMG, as part of their annual audit for 2025-26.	Sarah Clarke	Open
28 Jul 2026	Annual Treasury Management Report 2025/26	This Authority is required by regulations issued under the Local Government Act 2003 to produce an annual treasury management review of activities and the prudential/treasury indicators for 2025/26. This report meets the requirements of both the CIPFA Code of Practice on Treasury Management and the CIPFA Prudential Code for Capital Finance in Local Authorities (the Prudential Code).	Chris Dagnall	Open
29 Sep 2026	Internal Audit Update Report: Q1 2026/27	To update the Committee on the status of Internal Audit work as at the end of Quarter One 2026/27.	Julie Gillhespey	Open
29 Sep 2026	Draft Financial Statements 2025/26 Highlights and Going Concern Assessment	This report is to inform Members of the key highlights within the Council's draft/unaudited 2025/26 financial statements and summarise management's assessment of the Council's ability to operate as a going concern	Chris Dagnall	Open
29 Sep 2026	Strategic Risk Register Q1: 2026/27	To highlight the corporate risks that need to be considered by the Audit and Risk Committee and to outline the actions taken to mitigate those risks.	Martyn Sargeant, Beatriz Teixeira	Part Exempt
17 Nov 2026	Strategic Risk Register: Q2 2026/27	To highlight the corporate risks that need to be considered by the Audit and Risk Committee and to outline the actions taken to mitigate those risks.	Martyn Sargeant, Beatriz Teixeira	Part Exempt
26 Jan 2027	Internal Audit Update Report: Q2 2026/27	To update the Committee on the status of Internal Audit work as at the end of Quarter Two 2026/27.	Julie Gillhespey	Open
26 Jan 2027	Risk Management Strategy 2027-2030	The Risk Management Strategy sets out the overarching framework for managing risk at the Council, the Council's risk appetite and the risk management objectives for the next three years.	Martyn Sargeant, Beatriz Teixeira	Open

26 Jan 2027	Financial Year 2026/27 Mid-Year Treasury Report	The report details the changes in the elements that contribute to the overall performance of the treasury activities and what the impacts of those changes are expected to be, along with the results for the half-year to September 2026.	Chris Dagnall	Open
08 Mar 2027	Internal Audit Update Report: Q3 2026/27	To update the Committee on the status of Internal Audit work as at the end of Quarter Three 2026/27.	Julie Gillhespey	Open
08 Mar 2027	Internal Audit Draft Plan: 2027/28	The Public Sector Internal Audit Standards (PSIAS) require the Council's Audit Plan and Internal Audit Charter to be approved by those charged with governance within the Council. The purpose of this report is to set out a risk-based plan of work for Internal Audit (IA) that will provide assurance to the Audit and Risk Committee on the operation of the Council's governance, risk management and internal control frameworks, and support the Committee's review of the Council's Annual Governance Statement.	Julie Gillhespey	Open
08 Mar 2027	Strategic Risk Register: Q3 2026/27	To highlight the corporate risks that need to be considered by the Audit and Risk Committee and to outline the actions taken to mitigate those risks.	Martyn Sargeant, Beatriz Teixeira	Part Exempt

Last Update: 10 Jun 2026

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## Internal Audit Plan 2026-2029

<b>Committee considering report:</b>	Audit and Risk Committee
<b>Date of Committee:</b>	23 June 2026
<b>Portfolio Member:</b>	Councillor Iain Cottingham
<b>Date Portfolio Member agreed report:</b>	
<b>Report Author:</b>	Julie Gillhespey (Audit Manager)

### 1 Purpose of the Report

The Global Internal Audit Standards (GIAS) in the UK Public Sector require the Council’s Internal Audit Plan and Audit Charter to be approved by those charged with governance within the Council. The Standards also require the Internal Audit Strategy to be reviewed by the Audit and Risk Committee. The key purpose of this report is to set out a risk-based plan of work for Internal Audit that will provide assurance to senior managers, members and the Audit and Risk Committee of the effectiveness of the Council’s governance, risk management and internal control frameworks, which also supports the Committee’s review of the Council’s Annual Governance Statement.

### 2 Recommendation(s)

That the Audit and Risk Committee discuss and approve the Proposed Audit Plan and Internal Audit Charter, and review the content of the Internal Audit Strategy.

### 3 Implications and Impact Assessment

Implication	Commentary
<b>Financial:</b>	None
<b>Human Resource:</b>	None
<b>Legal:</b>	None
<b>Risk Management:</b>	Internal Audit work helps to improve risk management processes by identifying weaknesses in systems and controls and making recommendations to provide mitigation and improve service delivery processes.
<b>Property:</b>	None

<b>Policy:</b>	None			
	<b>Positive</b>	<b>Neutral</b>	<b>Negative</b>	<b>Commentary</b>
<b>Equalities Impact:</b>				
<b>A</b> Are there any aspects of the proposed decision, including how it is delivered or accessed, that could impact on inequality?		X		
<b>B</b> Will the proposed decision have an impact upon the lives of people with protected characteristics, including employees and service users?		X		
<b>Environmental Impact:</b>		X		
<b>Health Impact:</b>		X		
<b>ICT Impact:</b>		X		
<b>Digital Services Impact:</b>		X		
<b>Council Strategy Priorities:</b>		X		
<b>Core Business:</b>		X		
<b>Data Impact:</b>		X		
<b>Consultation and Engagement:</b>	Directorate Management Teams and Corporate Board.			

## 4 Executive Summary

- 4.1 The Global Internal Audit Standards (GIAS) in the UK Public Sector require the Council's Audit Plan and Internal Audit Charter to be approved by the Audit and Risk Committee. There is also a requirement for there to be an Internal Audit Strategy which requires review with senior managers and the Audit and Risk Committee (no formal approval required).
- 4.2 The key purpose of this report is to set out a risk-based plan of work for Internal Audit that will provide assurance to senior management, members and the Audit and Risk Committee of the effectiveness of the Council's governance, risk management and internal control frameworks, and also support the Committee's review of the Council's Annual Governance Statement.
- 4.3 The objectives for Internal Audit are set out in the Council's Internal Audit Charter (Appendix A). This document is reviewed and refreshed each year where appropriate. Only minor changes have been made this year to include a new dotted reporting line to the Monitoring Officer, as good practice requires the Audit function to report to one of the Council's statutory officers.
- 4.4 The GIAS require the Internal Audit Service to have a strategy document, which sets out objectives and a longer-term vision for the Service, together with how the Service plans to meet the current and future needs of the Council. This document is set out as Appendix B.
- 4.5 The Internal Audit Reporting Protocol (Appendix C) sets out how the team will communicate with clients. As set out in the Reporting Protocol we treat the relevant Service Director as the main client.
- 4.6 The proposed work programme for Internal Audit for the period 2026-2029 is attached at Appendix D. The plan analyses the different areas of the Council's activity that Internal Audit have risk assessed as needing to be audited over a three-year timeframe.
- 4.7 The plan over the three-year period shows the level of resource of the Audit Team is in line with the planned level of audit work.
- 4.8 Good practice as stated in CIPFA's Fighting Fraud and Corruption Locally requires an Annual Anti-Fraud Work Plan to be prepared which links to the Audit Plan, a draft plan is attached as Appendix E.
- 4.9 The GIAS require the Audit Manager to assess and identify areas for improvement for the Internal Audit function each year, these are set out in Appendix F.

## 5 Supporting Information

### Introduction

- 5.1 The key purpose of this report is to set out a risk-based plan of work for Internal Audit that will provide assurance to senior management, members and the Audit and Risk Committee on the effectiveness of the Council's governance, risk management and

internal control frameworks, as well as support the Committee's review of the Annual Governance Statement.

- 5.2 The purpose is also to present the amended Internal Audit Charter for review and approval, and review of the newly created Internal Audit Strategy.

## **Background**

- 5.3 The work of the Council's Internal Audit Service is regulated by the Global Internal Audit Standards (GIAS) in the UK Public Sector. The GIAS set out the following: -

- (a) Purpose of Internal Auditing.
- (b) Code of Ethics.
- (c) Performance standards required to be followed for the professional practice of internal auditing.

- 5.4 The purpose, scope and authority for Internal Audit are set out in the Council's Internal Audit Charter (Appendix A). This document is reviewed and refreshed each year where appropriate, only minor changes have been made this year to reflect the change in reporting line for Internal Audit. The direct reporting line remains with the Service Director for Strategy and Governance, with a new dotted line included to provide reporting to the Monitoring Officer, as good practice requires the Audit function to report to one of the Council's statutory officers.

- 5.5 The professional standards require the Internal Audit Service to have a strategy document, which sets out objectives and a longer-term vision for the Service, together with how the Service plans to meet the current and future needs of the Council. The document also sets out how the audit risk assessment/scheduling of audits is carried out. This document is set out as Appendix B.

- 5.6 The main outcomes from the work of Internal Audit are:

- (a) Audit reports produced at the conclusion of each audit, issued to the relevant Service Director and Executive Director.
- (b) Monitoring reports on progress with implementation of agreed audit recommendations.
- (c) An annual assurance report and interim update reports for Corporate Board, members and the Audit and Risk Committee on the outcomes of Internal Audit work.

These reporting requirements together with who should be included in the circulation are formally set out in the Internal Audit Reporting Protocol (Appendix C). As set out in the Reporting Protocol we treat the relevant Service Director as the main client, and as such we require a response from them as to whether the recommendations are agreed or otherwise before a report is finalised.

- 5.7 The Internal Audit work programme for the period 2026-2029 is attached at Appendix D. The plan analyses the different areas of the Council's activity that Internal Audit have determined need to be audited after carrying out a risk assessment process. The Plan is broken down by Corporate Audits, then by Executive Director, and Service Director. The information for each audit covers: -

- (a) The key high level risks involved in that area.
- (b) The level of risk associated with the audit area/function, as assessed by Internal Audit.
- (c) The type of audit, setting out any direct links with the Council Strategy and Corporate Risk Register.
- (d) Date last reviewed.
- (e) An initial estimate of the number of days that will be required to complete the audit, and the year in which the audit is planned/last audited.

5.8 The plan over the three-year period shows the level of resource is approximately in line with the number of days in the planned programme of work.

5.9 The Audit Team consists of five staff: the Audit Manager, a Principal Auditor, and three Senior Auditors, one of which currently being recruited for. This level of resource has been used to set out the plan of work over the three-year period.

5.10 The Audit Team has an in-service reportable performance target to achieve at least 80% of the audit plan for the year. In-year updates are provided to senior officers and Committee, with a detailed year end analysis of work undertaken compared with planned which is included in the Internal Audit Annual Report.

5.11 Good practice as stated in CIPFA's Fighting Fraud and Corruption Locally requires an Annual Anti-Fraud Work Plan to be prepared which links to the Audit Plan. A Fraud Plan is attached at Appendix E.

5.12 The GIAS require Internal Audit to have a Quality Assurance and Improvement Programme. An ongoing self-assessment has identified some areas for improvement, which are set out in a Quality and Improvement Programme at Appendix F.

## Proposals

5.13 That the Audit and Risk Committee approve the planned work programme for Internal Audit and updated Internal Audit Charter. Also, the Committee review the content of the Audit Strategy.

## 6 Other options considered

None, the GIAS in the UK Public Sector require the Council's Audit Plan and Internal Audit Charter to be approved by the Audit and Risk Committee.

## 7 Conclusion

This report sets out the proposed work for Internal Audit over the next three years. In order for an informed decision to be made regarding the work programme, supporting information sets out the role of Internal Audit, and information explaining how the plan of audit work is assessed/compiled.

## 8 Appendices

Appendix A - Internal Audit Charter;

Appendix B - Internal Audit Strategy;

Appendix C - Internal Audit Reporting Protocol;

Appendix D - Internal Audit Plan 2026 to 2029;

Appendix E - Anti-Fraud Work Plan 2026/27;

Appendix F - Quality and Improvement Programme 2026/27.

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**Background Papers:**

None

**Subject to Call-In:**

Yes:  No:

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

Delays in implementation could have serious financial implications for the Council

Delays in implementation could compromise the Council's position

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

Item is Urgent Key Decision

Report is to note only

**Wards affected:** All

**Officer details:**

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## INTERNAL AUDIT CHARTER

### 1 Definition and Purpose of Internal Audit

- 1.1 The Institute of Internal Auditors provides the following definition of Internal Audit.

Internal auditing is an independent, objective assurance and consulting activity designed to add value and improve an organisation's operations. It helps an organisation accomplish its objectives by bringing a systematic, disciplined approach to evaluate and improve the effectiveness of risk management, control and governance processes.

- 1.2 Conformance with the Global Internal Audit Standards (GIAS) in the UK Public Sector is mandatory for Internal Audit in local government from 1<sup>st</sup> April 2025. Internal Audit within a local authority is a statutory function as outlined in the Accounts and Audit Regulations 2015, which require each local authority to maintain an adequate and effective system of internal audit of its accounting records and of its system of internal control in accordance with proper practices.
- 1.3 The GIAS sets out the mission of Internal Audit as being to 'Strengthen the organization's ability to create, protect, and sustain value by providing the board and management with independent, risk-based, and objective assurance, advice, insight, and foresight'.

### 2 Scope of Internal Audit Work

- 2.1 The scope of Internal Audit activities encompasses, but is not limited to, objective examination of evidence for the purpose of providing independent assessments to the Audit and Risk Committee and management, on the adequacy and effectiveness of governance, risk management and control processes for the Council. Internal Audit assessments cover the following: -
- Risks relating to the achievement of the Council's strategic objectives are appropriately identified and managed.
  - The level of compliance with procedures, policies, regulations and legislation.
  - The results of operations and programmes are consistent with established goals and objectives.
  - Operations and programmes have been established to enable compliance with policies, procedures, laws and regulations.
  - A review of the value for money processes, systems and units within the Authority.
  - Information and the means used to identify, measure, analyse and classify and report such information are reliable and have integrity.

- Resources and assets are acquired economically, used efficiently, and appropriately protected.
- 2.2 Opportunities for improving the efficiency of governance, risk management, and control processes may be identified during engagements. These opportunities will be communicated to the appropriate level of management.
- 2.3 The existence of an Internal Audit function does not diminish the responsibility of management to establish systems of internal control to ensure that activities are conducted efficiently, effectively and securely within the Council.

### **3 Other Types of Audit Work**

- 3.1 Internal Audit is responsible for developing and promoting the requirements of an Anti-Fraud and Corruption Strategy, and as such have ownership of the Council's Anti-Fraud Policy. The Internal Audit team provide training to both members and officers to promote awareness of fraud and the Council's Anti-Fraud Policy.
- 3.2 As required under the Council's Anti-Fraud and Corruption Policy, Whistleblowing Policy, Financial Rules and HR Disciplinary Procedures, Internal Audit should be notified of any suspected cases of fraud/corruption. Internal Audit will be responsible for carrying out any investigations into such cases as deemed appropriate after consultation with the Council's S151 Officer (Service Director – Finance, Property and Procurement) and Monitoring Officer (Executive Director - Resources).
- 3.3 Internal Audit may carry out work of an advisory nature (consultancy work), where their expertise in control and risk mitigation has been requested by a service/client. The nature and scope of such work is intended to add value and improve an organisation's governance, risk management and control processes without the internal auditor assuming management responsibility for the overall design and implementation. Examples include counsel, advice, facilitation and training.

### **4 Core Principles and Professional Practices of Internal Auditing**

- 4.1 The Core Principles, taken as a whole, articulate internal audit effectiveness. For an internal audit function to be considered effective, all Principles should be present and operating effectively: -
- Demonstrates integrity.
  - Demonstrates competence and due professional care.
  - Is objective and free from undue influence (independent).

- Aligns with the strategies, objectives, and risks of the organisation.
  - Is appropriately positioned and adequately resourced.
  - Demonstrates quality and continuous improvement.
  - Communicates effectively.
  - Provides risk-based assurance.
  - Is insightful, proactive, and future-focused.
  - Promotes organisational improvement.
- 4.2 Internal Audit must conform to the Code of Ethics set out in the GIAS. If individual internal auditors have membership of another professional body, then they must also comply with the relevant requirements of that organisation.
- 4.3 Internal auditors who work in the public sector must also have regard to the Committee on Standards of Public Life's *Seven Principles of Public Life*.
- 4.4 The Internal Audit team will govern itself by ensuring adherence to the requirements of the GIAS in the UK Public Sector. The Audit team will regularly confirm compliance with the standards in reports to senior management and the Audit and Risk Committee, and include a statement to this effect in each audit engagement report issued.

## 5 Authority

- 5.1 Internal Audit reports to the Service Director, Strategy and Governance. However, Internal Audit is also accountable to the Audit and Risk Committee (the "Board" in GIAS terms), in their role as having responsibility for governance within the Council.
- 5.2 The Audit Manager is the designated Chief Audit Executive (the term used in the GIAS). The Audit Manager reports functionally to the Audit and Risk Committee and has a dotted reporting line to the Executive Director – Resources, who is the Council's Monitoring Officer and is a full member of the Council's senior management team, Corporate Board.
- 5.3 To establish, maintain, and assure that the Council's Internal Audit Team has sufficient authority and resource to fulfil its duties, the Audit and Risk Committee will: -
- a) Approve the Internal Audit Charter.
  - b) Review the Internal Audit Strategy.
  - c) Approve the risk-based internal audit plan and level of resources.
  - d) Approve any significant changes made in-year to the audit plan (significant defined as where there is an unplanned activity e.g. investigation which will result in a large proportion of the audit plan

- not being undertaken, and/or requests being made for a large proportion of audits to be postponed.)
- e) Receive regular communications from the Audit Manager on the Internal Audit team's performance compared to the plan and any other related matters.
  - f) Make appropriate inquiries of management and the Audit Manager to determine whether there is inappropriate scope or resource limitations relating to audit work.
  - g) At a minimum arrange to have one formal meeting with the Audit Manager each year (without management present).
- 5.4 The Audit Manager will have direct access to the Audit and Risk Committee Chairman and the Chief Executive.
- 5.5 The GIAS requires the Audit Manager to coordinate with internal and external providers of assurance services and consider relying upon their work. The other main sources of assurance providers for the Council are the external auditors and sector specific regulators e.g. Ofsted. There is limited scope to co-ordinate review timings or scoping of work for these regulators, we do review plans and findings for the external auditors and consider these in our work plans and scope of reviews.
- 5.6 The Audit and Risk Committee authorises the Internal Audit team to: -
- a) Have full, free and unrestricted access to all functions, records, property, and personnel pertinent to carrying out any audit, subject to accountability for confidentiality and safeguarding of records and information.
  - b) Allocate resources, set frequencies, select subjects, determine scopes of work, apply techniques required to accomplish audit objectives, and issue reports.
  - c) Have the flexibility to prioritise the use of audit resource during the year, re-assess new risks/requests for work in year compared with approved plan of work, but report/request approval for any significant changes to planned work (set out in 5.3d).
  - d) Obtain assistance from the necessary personnel of the Council, as well as other specialised services from within or outside of the Council in order to complete the audit engagement.

## **6 Independence and Objectivity**

- 6.1 Internal Audit as a function will remain independent of the Authority's operational activities, and its auditors will undertake no operational duties. Accordingly internal auditors will not implement internal controls, develop procedures, initiate or approve transactions external to Internal Audit, or engage in any other activity that may impair their

judgement. This will allow auditors to perform duties in a manner which facilitates impartial and effective professional judgements and avoids conflict of interest.

- 6.2 The scope of Internal Audit allows for unrestricted coverage of the Authority's activities and access to all staff, records and assets deemed necessary in the course of the audit.
- 6.3 Accountability for the response to advice and recommendations made by Internal Audit lies with the management of the Authority. Management can accept and implement advice and recommendations provided or formally reject them. Internal Audit is not responsible for the implementation of recommendations or advice provided.
- 6.4 The Audit Manager will ensure that the Internal Audit team remains free from all conditions that threaten the ability of the internal auditors to carry out their responsibilities in an unbiased manner. The Audit Manager will confirm to the Audit and Risk Committee at least annually the organisational independence of the Internal Audit team.
- 6.5 The Audit Manager will disclose to the Audit and Risk Committee any interference and related implications in determining the scope of internal audit work, carrying out the audit or reporting the results.

## **7 Reporting**

- 7.1 All audit assurance assignments will be the subject of a formal report written by the appropriate auditor. The majority of reports will include an 'opinion' on the adequacy of controls in the area that has been audited (exceptions being Compliance Checks and Advisory Reviews).
- 7.2 A follow-up review will be undertaken where the overall opinion of a report is 'No Assurance' or 'Limited Assurance'. Where a 'Reasonable Assurance' opinion is given then a follow up may be carried out if felt necessary, by either management or Internal Audit. The follow up will ascertain whether actions stated by management in response to the audit report have been implemented in order to provide assurance that the control framework is now effective, or flag up concerns where it is considered this is not the case.
- 7.3 Internal Audit will prepare quarterly reports for senior management and the Audit and Risk Committee regarding: -
  - a) The Internal Audit team's purpose, authority and responsibility.
  - b) The Internal Audit team's plan and performance relative to the plan.
  - c) The Internal Audit team's conformance with the GIAS.
  - d) Significant risk exposures and control issues, including fraud risks, governance issues and other issues requiring attention.
  - e) Results of audit work.
  - f) Resource requirements.

- g) Any response from management which is considered unacceptable compared with the associated risk.

**8 Quality Assurance and Improvement of the Internal Audit Service**

- 8.1 The Internal Audit team will maintain a quality assurance and improvement plan that covers all aspects of Internal Audit work. The programme will include an evaluation of the Internal Audit Team's conformance with the GIAS in the UK Public Sector. The programme will also assess the efficiency and effectiveness of the Internal Audit Team and identify opportunities for improvement.
- 8.2 The Audit Manager will communicate to senior management and the Audit and Risk Committee on the quality assurance and improvement programme. This will include the results of internal assessments (both ongoing and periodic) and external assessments conducted at least once every five years by a qualified, independent Assessor from outside the Council.

**9 Resourcing of the Internal Audit Team**

- 9.1 The Audit Manager is responsible for ensuring that the Audit Team is adequately resourced in order to be able to provide an informed annual opinion on the Council's Internal Control framework.
- 9.2 Where the Audit Manager has concerns over the level of audit resource, this will be formally flagged up with senior officers and members as part of submission of the draft Audit Plan for approval and progress monitoring reports.

(Reviewed and updated April 2026)

## INTERNAL AUDIT STRATEGY

### 1. Purpose of Internal Audit

#### 1.1 (Definition set out in Global Internal Audit Standards)

'Internal auditing strengthens the organization's ability to create, protect, and sustain value by providing the board and management with independent, risk-based, and objective assurance, advice, insight, and foresight.'

#### 1.2 The full role/responsibility and authority given to the Council's Internal Audit team are set out in the Internal Audit Charter.

#### 1.3 An effective Internal Audit Service should be viewed by senior management/members/Audit and Risk Committee as providing the required level of assurance for the Council, covering both strategic risk and operational risks that will impact on effective delivery of the Council Strategy and key priorities.

#### 1.4 The work of Internal Audit forms the basis of the annual opinion given by the Audit Manager on the effectiveness of the Council's governance, risk management and internal control framework. The work of the Council's Internal Audit Service is regulated by professional standards (Global Internal Audit Standards in the Public Sector) which set out quality standards and methods that should be applied in carrying out audit work. At an operational level the Audit Team has an Audit Manual which sets out in detail how work is to be undertaken, recorded, quality controlled and managed.

### 2. Long-term Vision/Objectives for the Council's Audit Team

#### 2.1 Although the team achieved the 'Fully Conforms' rating from our most recent external review (2023) which checked our compliance with professional standards, our aim is to continue to strive to be fully compliant.

#### 2.2 In order to continue to meet the needs/expectations of senior managers/members we need to be alert to changes both within, and external to the Council that could present a new risk/change in risk to the Council achieving its strategic goals and being able to do this effectively. In order to do this, we will: -

- Undertake continuous risk assessment, to ensure that the Audit Plan of work reflects the needs of senior managers and members and current risk profile of the Council.

- We will also respond to requests for advice/audit work timely so that needs of clients are met when required.
- Have an appropriate balance of assurance work to advisory work.

**3. Audit Planning and Risk Assessment**

3.1 The process of putting the plan together is extensive in terms of the documents and people who are consulted. The following identifies the key drivers: -

- a) The views of stakeholders i.e. Executive Directors, Service Directors, Corporate Board, the Executive, and the Audit and Risk Committee are key to identifying priorities for the team.
- b) The Council Strategy is reviewed to ensure that audit resources are focussed to support the delivery of Council objectives.
- c) Risk registers are reviewed to ensure that key risks are considered when preparing the plan of audit work.
- d) Results of previous audit, inspection, and scrutiny work, by internal teams and external agencies (including the annual reports from External Audit) are considered.

3.2 The Audit Plan should address the key risks faced by the Council as well as being able to give assurance that key services and operations are being undertaken effectively, in line with legislation, comply with internal policies and procedures and reduce the risk of fraud. The work programme is based on levels of risk, there are 5 categories of risk used (very high/high/medium/low and very low), which are then used to determine frequency of coverage, number of audit days allocated and focus for the review. The review of audit risk is not a one-off exercise each year but is continuous as new risks emerge or scale of risk changes.

3.3 The following are taken into account as part of the risk assessment:

- (a) Content of risk register/any other service risk self-assessments.
- (b) Scale of system, and processes/volume and value of transactions, and size of the budget.
- (c) Potential for fraud and corruption.
- (d) Inherent risk – complexity/degree of change/instability/sensitivity and confidentiality of information.
- (e) Internal Audit's knowledge of the control environment based on previous audit work/other reviews and inspections.
- (f) Time span since the previous audit.

**4. Audit Assurance**

4.1 There are a number of key elements to the audit process that ensure the output is fit for purpose: -

(a) Consultation takes place at various stages of each audit with the service under review (terms of reference, rough draft report and formal draft report with action plans that are discussed and agreed).

(b) Audits with a less than Reasonable Assurance opinion are followed up, to ensure that agreed actions are implemented (method and approach to follow up work varies depending on the nature of the issues identified in the original audit).

(c) All audit work is supervised/reviewed and signed off at key stages of the process, this is to ensure the scoping is appropriate and to check the accuracy, completeness and quality of the work undertaken (as per the Audit Manual standards).

(d) An external review of the Internal Audit Team is required every five years to ensure the team complies with the professional standards and practices of Internal Audit.

4.2 The key focus of work undertaken by Internal Audit is to identify and provide remedial action for weaknesses in the governance, risk management and internal control frameworks. Weaknesses identified are categorised according to their severity (fundamental, significant, moderate, and minor). An assessment is then undertaken of the overall control effectiveness/weaknesses identified to give an overall audit opinion on the area being audited.

4.3 Taken together, the above provides a sound basis for the Audit Manager to provide an annual opinion on the Council's governance, risk management and internal control frameworks.

**5. Audit Team Resourcing and Performance**

5.1 The Internal Audit Team consists of 5 members, the Audit Manager, a Principal Auditor, and three Senior Auditor post (one being vacant at the time this strategy was reviewed). Benchmarking shows this level of resource is reasonable for the size of West Berkshire Council.

5.2 The Audit Plan coverage/scheduling of work should not be restricted by the level of resource available to undertake the work but planned, taking into account the level of risk. Where the Audit Manager has concerns over the level of audit resource this would be formally flagged up with senior officers and members as part of submission of the draft Audit Plan for approval and progress monitoring reports. No such concerns are being raised for the Audit Plan that has been set out for 2026/27. The number of days on the three-year rolling plan of audit work is in line with the level of resource available.

## 6. Measures of Performance

- 6.1 The Internal Audit Team has an In-Service quarterly reportable target to achieve 80% productivity of the Audit Plan. This has been a target for quite a few years, the Audit Manager considers it remains a reasonable target, it is not easy to achieve nor one that over stretches the team. The reasonableness of the target also factors in that the calculation used for determining the number of productive days per team member is set at the higher end of days available when it has been benchmarked.
- 6.2 The Audit Service should have a corporate performance measure to be able to demonstrate progress against the audit plan. There are however, other measures more of a qualitative assessment that are as equally important because of the nature of audit work, these other performance factors should not be put at risk because of the need to turnover audit work more quickly due to a more stringent corporate target.

## 7. Quality and Service Improvement Programme

- 7.1 The Audit Manager continuously assesses the quality of audit output as part of the review and sign-off of all audit work. Regular team meetings also cover discussion of any areas where improvement could be made or a change in process is required. This ongoing assessment results in an annual improvement programme being established, setting out what we aim to improve together with timeframes. Set out below are some specific areas for development of the team which are included in the Quality and Service Improvement Programme for 2026/27:
- (a) As changes in technology improve the way the Council provides services as well how they are managed and monitored, this also has an impact on the skills and knowledge the Audit Team require to be able to audit all of the Council's operations and functions. In order to ensure we adapt our approach to audits to take into account changes in technology we need to be mindful of emerging technology, and plans to utilise these across Council services, as well assessing how we need to approach audit work.
  - (b) Improve structure and readability of audit reports. It has been identified that breaking down content by adding in headings for key controls/key areas of operation should help the reader focus on key content of the report/issues being identified.

(Reviewed April 2026)

## **Internal Audit Reporting Protocol**

### **1 Purpose and Scope**

- 1.1 This document outlines the way Internal Audit will initiate, and report on work for the Council. This protocol relates only to Council Services, a separate protocol exists for Schools.
- 1.2 In terms of this protocol there are two main types of audit work that will involve different approaches to reporting. These are:
  - Routine planned audits to provide assurance
  - Advisory work carried out at the request of the client
- 1.3 Two tables are attached which set out the recipients for the above types of audit work.
- 1.4 The lead auditor for each audit as well as the Audit Manager are both responsible for managing the audit in compliance with the Global Internal Audit Standards in the UK Public Sector. Responsibility for the content of the resulting audit report will remain with the relevant lead auditor and the Audit Manager.

### **2 Initiating Internal Audit work**

- 2.1 Prior to commencing an audit, contact will be made with the relevant Service Director informing them of the intention to commence the audit and ask for feedback on the timing, any observations they would like to make to inform scoping of the audit.
- 2.2 Terms of Reference will be issued for planned assurance audit reviews that set out the scope of the work to be carried out and confirm the reporting arrangements. These will be issued in draft/consulted on prior to the audit work commencing.

### **3 Reporting the results of Internal Audit work**

- 3.1 The reporting process for planned assurance work has three key stages:
  - Rough Draft Report
  - Draft Report
  - Final Report
- 3.2 The rough draft will be issued to the relevant service manager(s) to check the factual accuracy, and to obtain their initial observations on the findings and recommendations.
- 3.3 The formal draft will be issued once the service manager is satisfied with the accuracy of the report. The circulation of the formal draft report will ensure

### Internal Audit Reporting Protocol

that all relevant people have had an opportunity to comment on the content of the report, prior to it being finalised.

- 3.4 We treat the relevant Service Director/Unit Manager as the main client, and as such we require a response from them as to whether the recommendations are agreed or otherwise before a report is finalised. Where a recommendation is not agreed, we require the client's reasoning for this, which is recorded in the Action Plan (attached at the back of the report) for future reference.
- 3.5 Where, during an audit, a serious issue is discovered which requires immediate attention, it may be necessary to issue an interim report. The Audit Manager will contact the relevant Service Director to discuss any such issues prior to an interim report being issued. At a minimum, any such issues of concern will be raised at the point of identification.
- 3.6 If the Audit Manager considers that an issue could be a significant risk to the Council that needs to be escalated/flagged up, this will be immediately notified to the S151 Officer and Monitoring Officer. These officers will then consider the need for further escalation/whether an urgent meeting of the Audit and Risk Committee is required so members are notified of the issue promptly.
- 3.7 Some audit sections carry out a 'closure meeting'/discussion at the end of the 'testing' stage of each audit to give initial feedback and to highlight the areas of weakness identified that will be included in the report. We do not do this as standard, we use the 'rough draft report' as the basis of the initial discussion with managers, as this has been created after a thorough review process it ensures that the feedback is comprehensive, and points are not missed.
- 3.8 The Terms of Reference for the audit give an indication of the timescales for issuing the rough draft report. This is for guidance only, as there are numerous factors that can impact on us being able to meet these targets. We have however, set out our internal targets for trying to produce a rough draft report, for corporate reviews this is six months after the audit has commenced, and for a school audit this is six weeks after the on-site visit.

#### **4 Follow Up of Audit Recommendations**

- 4.1 A follow up process is required in order to be able to give management/members assurance that the agreed action plans have been implemented. All audits with Limited Assurance or No Assurance opinions will be followed up. Audits with a Reasonable Assurance opinion may be followed up if, in the opinion of Internal Audit or management, weaknesses identified during the audit warrant a follow up.

### Internal Audit Reporting Protocol

4.2 A follow up review is usually instigated six months after the audit report was finalised, the timescale for completion will vary as it is dependent on the number of recommendations made and level of further testing required.

### 5 Reporting to the Audit and Risk Committee

5.1 On a quarterly basis the Audit Manager will provide the Committee with a report that summarises the results of audits and follow up audits completed during the period.

5.2 Where a follow up is categorised as unsatisfactory, a summary of the progress/issues outstanding will be provided by Internal Audit. In addition, the Service Director will normally be asked to attend the Audit and Risk Committee to outline the reasons for the failure to implement the agreed action plan and to provide plans on how they intend to improve the situation. Members of the Committee may request Internal Audit to carry out a second stage Follow up if they require further assurance that progress has been made with taking action on the outstanding points.

### 6. Role of Portfolio Holders in the audit process

6.1 Portfolio Holders are copied in on the proposed Terms of Reference for each engagement together with being copied in on the final version of the report.

6.2 The role of the Portfolio Holder in the audit process is to:

- Flag up any issues of concern at the start of the audit so that these can be considered by the auditor in scoping the review.
- Support the relevant Service Director in considering weaknesses identified in the audit report together with the recommended actions.
- Support the Service Director in implementing agreed action plans.

6.3 In order that portfolio holders can support their service when considering audit findings and are fully informed of audit issues in a timely manner, Service Directors should share/discuss draft report findings with them. In order to ensure that this requirement is being followed Internal Audit will prompt managers of the need to do this when issuing draft reports.

(Reviewed April 2026)

## 1) Audit Assurance Reviews

Client	Terms of reference	Rough Draft Report	Formal Draft Report	Final Report	Follow-up details
<b>S151 Officer (Service Director for Finance, Property and Procurement)</b>	All cases		All cases for the SD's service areas  Other services - where there are fundamental weaknesses identified	All cases	All cases
<b>Monitoring Officer - Executive Director, Resources</b>	All cases		Where there are fundamental weaknesses identified	All cases	All cases
<b>Service Director – Strategy &amp; Governance (Line Manager for Internal Audit)</b>	All cases		All cases for the SD's service areas  Other services - where there are fundamental weaknesses identified	All cases	All cases
<b>Service / Unit Manager</b>	All cases	All cases	All cases	All cases	All cases
<b>Service Lead</b>	All cases	Only where serious issues relating to the service, i.e. fundamental weaknesses or issues of concern relating to the service manager. Such issues would normally be raised before the report is written	All cases	All cases	All cases
<b>Service Director</b>	All cases	Only where serious issues relating to the service, i.e. fundamental weaknesses or issues of concern relating to the service manager. Such issues would normally be raised before the report is written	All cases	All cases	All cases
<b>Executive Director</b>	All cases		Where there are fundamental weaknesses in the service	All cases	All cases
<b>Chief Executive</b>	Only where the C/Ex has requested the work		Only where the C/Ex has requested the work or if there are significant issues that need to be highlighted - The Audit Manager will decide on the necessity to issue a report at this level	Cases where significant issues	Cases where significant issues
<b>Service Portfolio Holder</b>	All cases		Service Director will be advised by Audit to share/discuss audit findings with their portfolio holder at the draft report stage	All cases	All cases

Client	Terms of reference	Rough Draft Report	Formal Draft Report	Final Report	Follow-up details
Portfolio Holder for Internal Audit	Depending on preference of the portfolio holder			Depending on preference of the portfolio holder	Depending on preference of the portfolio holder

## 2) Advisory/VFM Reviews

(The approach will be agreed with the client prior to commencing a review, and will be noted in the terms of reference to provide clarity of how the findings are to be reported). Advisory reviews may arise from the need for advice on key controls in systems where the service concerned is already aware that improvement is needed or where the systems are being changed by the service area, (eg a new ICT system is being implemented).

Client	Terms of Reference	Rough Draft Report	Formal Draft Report	Final Report
Line Manager	All cases	All cases	All cases	All cases
Service Lead	All cases		All cases	All cases
Service Director	All cases		All cases	All cases
Executive Director	All cases		Cases where there are significant issues that need to be highlighted	All cases
S151 Officer	All cases		All cases for their Dept. Cases where there are significant issues that need to be highlighted	All cases
Service Director – Strategy and Governance	All cases		All cases for their Dept. Cases where there are significant issues that need to be highlighted	All cases

Further escalation of the advisory / VFM reviews to include reporting to the Chief Executive and the relevant Portfolio Member will depend upon the significance of issues / number of weaknesses identified and will be determined by the relevant auditor in consultation with the Audit Manager.

Due to the nature of the work, an overall opinion will not be given for an advisory/VFM review. However, some of these reviews may warrant a follow up audit, depending on the significance of the findings, where this is the case a progress categorisation will be given.

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**INTERNAL AUDIT PLAN OF WORK 2026/27 to 2028/29**

**APPENDIX D**

Key risks to be covered	Risk Assessment Category (5 Categories)	Appears on Corporate Risk Register	Audit Type	Date Last Audited	Method of Review	2026-27	2027-28	2028-29	Total Estimated Days
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**AUDIT PLAN RATIONALE**

- 1) Frequency of review takes into account the overall risk rating and when the previous review was carried out.
- 2) Level of audit resource is dependent on complexity of the area to be reviewed and the level of assurance required for the risks identified.
- 3) Risk assessment factors taken into account when determining the risk category:- degree of instability/complexity of system/sensitivity of information/likelihood of fraud or corruption/previous audit control opinion.

**AUDIT TYPE - KEY**

- SR Strategic Risk (where a direct link to Council Strategy Key Themes for Improvement)
- CR Corporate Wide Risk
- OR Operational Risk
- AFW Anti Fraud Work
- KFS Key Financial System
- ACW Anti Corruption Work
- VFM Value for Money
- ADV Advisory
- EST Establishment Audit (Audit Programme of work for specific type of establishments e.g. schools, residential care homes)
- CRR - Used where the item appears on the Corporate Risk Register

**METHOD OF REVIEW - KEY**

- FR Full Risk Based Audit
- SR Short Focussed Review
- DA Data Analytics Review
- CS Compliance Sample

Page 41

**Corporate Audits**

Audit No.	Description	Risk Rating	Audit Type	Date Last Audited	Method of Review	2026-27	2027-28	2028-29	Total Estimated Days
1	Mileage Claims - Compliance with Council procedures	Low	AFW	2015-16			15		15
2	Income collection - spot checks	Low	AFW	2025-26					0
3	Commercialisation Activity	Medium	CR	2019-20	FR	15			15
4	Compilation and Monitoring of the Capital Programme	Medium	CR	2022-23				15	15
5	IR35	Medium	OR	2022-23				15	15

		Key risks to be covered	Risk Assessment Category (5 Categories)	Appears on Corporate Risk Register	Audit Type	Date Last Audited	Method of Review	2026-27	2027-28	2028-29	Total Estimated Days
6	Internal Corporate Governance -Delegated Officer and Member Individual Decisions	a) Decision making not in line with legislation/good practice. b) Decision making structure not clearly set out and understood, risk of decisions not being made timely/outcomes not being recorded and communicated effectively and accurately c) Lack of effective oversight to ensure the defined decision making structure is being complied with	Medium		ADV	NEW	FR	15			15
7	Financial Governance Robustness	a) Governance and oversight processes have not been strengthened to reflect the increase financial risk to the organisation- CIPFA recommendations b) Lack of robustness and budget setting governance c) Lack of effective challenge of spending request/decisions, financial decision making, budget monitoring reports and savings achieved d) Income targets are not achievable/not met and this is not identified and/or not challenged	Very High	CRR	SR	NEW	FR	20			20
8	Risk Management	a) Non compliance with Legal requirements b) Ineffective framework for AGS reporting c) Ineffective framework for overseeing the Council's governance rules i.e. the Constitution	Medium		CR	2020-21			15		15
9	Service Planning/targets and performance management	a) Service delivery expectations and targets not clearly defined and/or not measured and reported. B) Potential for intervention if services do not meet legal obligations/quality thresholds c) Reputational risk of poor service delivery/not achieving value for money	Medium		SR	2021-22			15		15
10	NFI Investigation work	a) fraud by employees/residents (Mandatory National Exercise the Council has to participate in)	Medium		AFW	2025-26	N/A	25	25	25	75
11	GDPR	a) Non compliance with Data Protection Act b) Information not stored securely c) Personal information issued/sent to incorrect parties b) data could be amended/destroyed/sensitive data made public	Medium		CR	2018-19/external review 2023			15		15
12	Procurement cards	Ineffective monitoring of card usage resulting in inappropriate expenditure being incurred	Medium		AFW/SR	2025-26					0
13	Transformation/Digitalisation Agenda	a) There isn't a clear direction/programme set out for the Council's Transformation Agenda b) Transformation Programme is not clearly set out c) Efficiency savings/customer experience improvement are not being identified/maximised c) Programme delivery is not effectively managed resulting in slippage/ aims and goals of the various projects not achieved	Very High		SR	Audit commenced in 2025-26		10		20	30
14	West Berkshire Lottery	a) The scheme does not achieve the anticipated benefits b) Reputational risk if the scheme is not effectively and appropriately managed c) Ineffective planning/utilisation of funds raised	Medium		AFW/OR	2025-26					0
15	Effectiveness of the Audit Committee	a) The Committee does not operate in accordance with good practice (CIPFA Guidance) b) The Committee does not have adequate scope and responsibility to effectively oversee the Council's governance framework. c) The Committee is not provided with appropriate training, or sufficient/timely information to be able to make informed decisions	Medium		CR	2019-20				15	15
16	Use of Social Media	a) The Council is unaware of its social presence and is unreactive/provides ad-hoc and inconsistent responses. b) Reputational Damage, unfavourable or confidential information released. C) Poor corporate image portrayed by employees/members.	Medium		CR	2023-24					0
17	Business Continuity	a) Council has not clearly defined its approach to dealing with an emergency b) Service delivery impacted c) Recovery timeframes increased d) Residents may suffer financial hardship e) Council may not meet its duty regarding safeguarding of adults/children.	High	CRR	CR	2022-23			15		15
18	Community Municipal Investment Bond	a) The scheme does not achieve the anticipated benefits b) Reputational risk if the scheme is not effectively and appropriately managed c) Ineffective planning/utilisation of funds raised	Low		CR	2023-24					0
19	Support with LGR Preparation - Data quality check/Plan for policy review-alignment etc?	1) Technology used by Threat Actors/criminals for their own gain. 2) Increased threat of cyber security	High			NEW		20	20		40

		Key risks to be covered	Risk Assessment Category (5 Categories)	Appears on Corporate Risk Register	Audit Type	Date Last Audited	Method of Review	2026-27	2027-28	2028-29	Total Estimated Days
20	Use of Artificial Intelligence	a) Manipulated by Threat actors to put across their own ideologies/criminals for personal gain b) Could be used to create faster paced, more effective and larger scale cyber intrusion c) Over reliance (automation bias), reduction in critical thinking , resulting in use of inaccurate/ unreliable output d) Intellectual property disputes	High		CR	NEW	FR	15			15
21	Complaints Policy/Process	a) The Council has not established a process to help ensure customer issues are identified and dealt with promptly b) Customer dissatisfaction with Council Services c) Reputational damage	Low		CR	2012-13					0
<b>total</b>								<b>120</b>	<b>120</b>	<b>90</b>	<b>330</b>

Key risks to be covered

Risk Assessment Category (5 Categories)

Appears on Corporate Risk Register

Audit Type

Date Last Audited

Method of Review

2026-27

2027-28

2028-29

Total Estimated Days

Resources Directorate

Service Director - Finance, Property and Procurement

Financial Reporting

1	Compliance with CIPFA's Financial Management Code	a) Poor/inaccurate financial planning resulting in S14 notice, b) Government Intervention c) Qualified Accounts	Medium	CR	New	Self-Assessment	10			10
2	General Ledger	a) Inaccurate information for management decisions b) Budgets exceeded c) Qualified accounts	Medium	KFS	2022-23	FR	15			15
3	Fixed Asset Register	a) Non compliance with accounting standards b) Qualified Accounts	Medium	ADV	2024-25 (detailed follow-up)					0
4	IFRS 16 (Accounting for Leases)	a) Non-compliance with accounting standards b) Qualified Accounts	Medium	OR	2024-25					0
5	Treasury Management	a) Inappropriate cash flow decisions - income not maximised b) Legislation/Internal policies not complied with	Medium	KFS	2025-26					0
6	Bank Reconciliation (cover Chaps payments)	a) Inappropriate transactions processed through the bank b) Inaccurate year end accounts c) Qualified opinion from External Auditors	Medium	OR	2024-25		15			15
7	VAT	a) Non compliance with Revenues & Customs requirements - financial penalties	Medium	OR	2023-24					0
8	Insurance (Insurance needs assessment/ claims management)	a) Inappropriate/inaccurate assessment of need for insurance cover and/or levels of uninsured losses b) Inaccurate claims record for management information c) Poor management information/Ineffective claims management	Medium	CR	2024-25					0
9	Accounts Payable	a) Inappropriate/fraudulent payments b) budgets exceeded	High	KFS	2025-26			15		15
10	Accounts Receivable	a) Council's cash flow affected b) Income not maximised c) Ineffective debt management.	High	KFS	2022-23	FR	15			15
11	Building Maintenance	a) Ineffective maintenance programme, b) Non compliance with legislation (internal, H&S, EU tendering policies)	Medium	OR	2021-22			15		15
12	Asset Management Strategy/Plans	a) Non compliance with legislation, b) Ineffective management of asset portfolio including poor decision making around asset sale/utilisation	High	CR	2025-26					0
13	Commercial Rents (excluding property investment portfolio)	a) Non compliance with legislation, b) Loss of income/increased void periods, c) Misappropriation of leases	Medium	OR	2022-23				15	15
14	Facilities Management	a) Ineffective contract management which could result in lack of compliance with regulations b) Poor response to requests for service, resulting in staff Health and Safety issues.	Low	OR	Partial coverage 2021-22					0
15	Health and Safety	a) Non compliance with H&S Legislation - legal action/penalties	Very Low	CR	2012-13					0
<b>Management Accounting</b>										
16	Fee/Grant Income Recording and Monitoring Processes	a) Inaccurate processing of income - affecting cash flow decisions b) Fraud/theft c) Accounts could be qualified	High	AFW	2025-26					0
17	Budget Monitoring	a) Inaccurate Information b) poor decision making	Very High	CR	2021-22	FR	15			15
18	MTFS (to incorporate Business Rates estimating and profiling)	a) Council's financial targets are not realised b) Budget pressures c) Increases in Council Tax	Medium	SR	2022-23			20		20

Page 44

Property

		Key risks to be covered	Risk Assessment Category (5 Categories)	Appears on Corporate Risk Register	Audit Type	Date Last Audited	Method of Review	2026-27	2027-28	2028-29	Total Estimated Days
<b>Revenues and Benefits</b>											
19	National Non-domestic Rates	a) Non compliance with legislation/local schemes for exemptions b) Income generation/collection not maximised c) Qualified accounts	High		KFS	2023-24	FR	15			15
20	Council Tax	a) Non compliance with legislation/local schemes for reductions b) Income generation/collection not maximised c) Accounts qualified	High		KFS	2024-25				15	15
21	Council Tax Reduction Scheme	a) Non compliance with legislation/local schemes for reductions b) Income generation/collection not maximised	Medium		AFW	2019-20				15	15
22	Housing Benefits (to include Council Tax Hardship Fund)	a) Non compliance with legislation b) Inaccurate/inappropriate payments made c) Accounts qualified d) Non compliance with Hardship Fund Grant rules/local scheme rules e) Grants inappropriately awarded/accounted for	Medium		OR	2024-25					0
<b>Procurement</b>											
23	Brokerage/Care Commissioning Placement Processes (ASC)	a) Value for money not obtained when choosing external providers b) Care provision not formalised - escalation of costs/ care standards not met	Medium		OR	2025-26 (Adults)					0
24	Contract Monitoring - Care Packages (ASC)	a) Non-compliance with Contract Rules b) Contract specification/client needs not met c) Contract costs exceeded	High		ACW/VFM	partial coverage in 2025-26			15		15
25	Contract letting - Other than Care Packages	a) Non compliance with procurement legislation/contract rules and/or contracts awarded inappropriately b) Value for money not obtained when choosing external providers	High		ACW/VFM	2023-24				15	15
26	Contract monitoring - Other than Care Packages	a) Non-compliance with Contract Rules b) Contract specification not met c) Contract costs exceeded	Medium		CR	2019-20			15		15
	<b>Total</b>							<b>70</b>	<b>80</b>	<b>75</b>	<b>225</b>

		Key risks to be covered	Risk Assessment Category (5 Categories)	Appears on Corporate Risk Register	Audit Type	Date Last Audited	Method of Review	2026-27	2027-28	2028-29	Total Estimated Days
<b>Service Director - Strategy and Governance</b>											
<b>Human Resources</b>											
1	Recruitment and Retention	a) Lack of strategic direction to meet recruitment issues b) Delays in appointing staff - disruption to service delivery c) Non compliance with employment legislation d) Employment checks not effective/adhered to	Very High	SRR	AFW/SR	2025-26					0
2	Absence Management	a) Council's sickness policy not being adhered to b) Inaccurate information for performance management	Low		CR	2011-12					0
3	Workforce Strategy	a) Long term vision not clearly defined b) Outcomes not defined/measurable c) Strategy is not achieved and therefore impact on the Council achieving its workforce aims and objectives	Medium		SR	2022-23					0
4	Staff Performance Management Framework	a) Staff potential not maximised/not focussed on achieving Council plan outcomes of being Employer of Choice b) Council Behaviours Framework not being adhered to/managed effectively b) Poor performance not identified/not managed effectively	Medium		SR	New (not covered revised process)			15		15
5	Staff Training and Development (Corporate and Professional Training - across whole Council)	a) Failure to develop staff in accordance with good practice b) Failure to inform new employees of legislation, key corporate policies and procedures they need to be aware of adhere to c) VFM/cost effectiveness not taken into account within services when making spending decisions	Low		SR	2014-15					0
6	Payroll	a) Ghost employees set up b) Inaccurate payments made c) Inaccurate deductions made	High		KFS	2023-24	Detailed follow-up	15			15
7	Apprenticeship Levy/Use of the Apprenticeship Service	a) Non compliance with legislation b) Budgets do not reflect the increase in costs c) Payment calculations are not correct d) Apprenticeship levy paid is not used therefore funds are lost	Low		SR	2017-18				15	15
8	Disclosure and Barring Service	a) Vulnerable adults/children could be put at risk due to the Council Scheme not meeting the requirements of the national guidance and/or local processes have not been established to ensure that backgrounds check are undertaken/recorded and updated b) Other posts have been risk assessed to determine need for a DBS check e) a fraud risk	Medium		SR	2021-22	FR	15			15
<b>Legal and Democratic Services</b>											
9	Equality Impact Assessments	a) Non compliance with national guidance b) Unaware of impact of changes in policy/decisions on local community c) lack of transparency/accountability d) Judicial review overturns decisions	Very Low		SR	2013-14					0
10	Members expenses	a) Inappropriate payments, b) Over payments on budgets, c) Non compliance with legislation/policies	Medium		OR/AFW	2020-21	FR	15			15
11	Freedom of Information	a) Non compliance with legislation b) No Standard approach for dealing with requests c) Adequate records not maintained of requests/responses	Low		SR	2014-15	FR	15			15
12	Coroner's Shared Service	a) The shared service arrangement is not providing VFM for the Council b) The agreement does not meet current service operations and cost apportionment c) Lack of compliance with terms and conditions of the agreement and this is not identified/rectified	Medium		OR	NEW				15	15
13	Electoral Services	a) Non compliance with legislation, b) Inappropriate entries on register, b) Incorrect payments/expenditure/charges	Medium		OR	2021-22			15		15
14	Land Charges	a) Non compliance with legislation b) Income collection processes are not effective	Low		OR/AFW	2025-26					0
<b>Total</b>								<b>60</b>	<b>30</b>	<b>30</b>	<b>120</b>

**Key risks to be covered**

**Risk Assessment Category (5 Categories)**   **Appears on Corporate Risk Register**   **Audit Type**   **Date Last Audited**   **Method of Review**   **2026-27**   **2027-28**   **2028-29**   **Total Estimated Days**

**Service Director - Transformation, Customer Service and ICT**

**Digital**

1	Management of the Internet/Intranet	a) Inappropriate/inaccurate/out of date content published, b) Lack of corporate standards in layout and design of information c) Poor search engine resulting in ineffective searches for information/poor customer experience d) Lack of effective	Medium		SR	2023-24		15	15
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**Projects Team**

2	Post Implementation Reviews	a) Project outcomes are not independently assessed to measure delivery of stated benefits and outcomes b) Lessons are not identified/learnt to improve project management approach c) Areas requiring remedial attention are not identified/rectified	High		SR	NEW		15	15
3	Project Management Team - Delivery and Corporate Oversight	a) Team resource not effectively utilised to support/prioritise key corporate initiatives b) Ineffective tools to help ensure consistent standards in approach to project management c) Outcomes and benefits realisation are not being effectively tracked or reported on	High		SR	Coverage in 2025/26 Transf. audit		15	15

**ICT**

4	Change Control Management	a) Inappropriate changes b) Changes do not meet the needs of users c) Changes not operationally effective	Medium		OR	2025-26			0
5	System Security - Corporate Systems access	a) Non compliance with Data Protection Act b) Unauthorised access to data b) data could be amended/destroyed/sensitive data made public	High		SR	2022-23		15	15
6	System Security - firewalls/traffic management/anti-virus software	a) Systems and data could be inappropriately accessed - data destroyed or manipulated b) Ransomware attack - no access to systems/data	High	CRR	SR	2024-25		15	15
7	ICT Asset Security	a) More staff working from home - increased risk of loss of assets b) Asset records may not accurately record all assets/assets may not be accounted for c) Assets may	Medium		SR	2023-24			0
8	Ensure continuous service (Disaster Recovery for I.T. Service)	a) Contingency plan not in place/not effective - service delivery affected	Medium		SR	2024-25			0
9	Manage problems and incidents (help desk)	a) Interruptions to service delivery b) Staff performance adversely affected	Low		OR	2012-13	FR	15	15
10	Printing Service	a) Inefficient operations/costs not effectively managed b) Delivery targets not met	Very Low		OR	2014-15			0

<b>Total</b>								<b>15</b>	<b>30</b>	<b>45</b>	<b>90</b>
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Key risks to be covered

Risk Assessment Category (5 Categories)    Appears on Corporate Risk Register    Audit Type    Date Last Audited    Method of Review    2026-27    2027-28    2028-29    Total Estimated Days

People Directorate

Executive Director Adult Social Care and Public Health & Wellbeing

Service Director Adult Social Care

1	Better Care Fund	a) Ineffective governance/communication between parties b) Effectiveness of arrangement not monitored - objectives not achieved/budgets exceeded	Medium		ADV	2019-20	ADV	15			15
2	Assessment of Needs/Purchase of Care - (MH/LD)	a) Legislation is not adhered to b) Inappropriate care packages c) Budgets could be overspent	Medium		OR	2023-24					0
3	Support for Carers (including respite care)	a) Care Act is not adhered to b) Assessments not undertaken timely/ care plans not put in place c) Carers initial needs not met which could result in increased demand on Establishment reviews - key risks - budgetary control/appropriateness of expenditure	Medium		OR/AFW	2021-22		15			15
4	Resource Centres	Establishment review - key risks - budgetary control/appropriateness of expenditure	Low		EST	2022-23			8		8
5	Residential Homes	Establishment review - key risks - budgetary control/appropriateness of expenditure	Medium		EST	2023-24					0
6	Assessment of needs/Purchase of care - Home Care (excluding Reablement)	a) Legislation is not adhered to b) Inappropriate care packages c) Ineffective contract management/budgets could be overspent	Medium		OR	2022-23		15			15
7	Reablement/short-term support	Legislation is not adhered to b) Inappropriate care packages c) Ineffective monitoring of short-term care provision, clients receive longer term care/financial assessment not undertaken promptly			OR	2022-23			15		15
8	Assessment/Purchase of Care - Residential/Nursing	a) Legislation is not adhered to b) Inappropriate care packages c) Budgets could be overspent	Medium		OR	2024-25					0
9	Shared Lives - Placements and Payments	a) Scheme not effectively managed b) Incorrect/inappropriate payments, c) Overspends on budget	Medium		OR/AFW	2021-22	FR	15			15
10	Personal Budgets (Direct Payments/Use of payment cards)	a) Legislation/internal procedures not adhered to b) Inappropriate care packages c) Budgets could be overspent	Medium		OR/AFW	2022-23			15		15
11	Client Financial Assessments	a) Non compliance with legislation/Council's policy b) Inaccurate charges calculated c) Ineffective income collection/recovery procedures	Medium		OR	2024-25					0
12	Appointeeship/Deputyship	a) Misappropriation of client property b) Inaccurate records of level/type of property held c) Non compliance with legislation	Medium		OR/AFW	2022-23		15			15
13	Liberty Protection Safeguards	a) Legislation not adhered to b) Assessments not up to date or accurate c) Supervision / review of contractors performing assessments is inadequate	Medium		OR	2020-21	SR	12			12
14	The Three Conversations Model	a) Care Act not adhered to b) Aims of the initiative are not being effectively managed/outcomes may not be met c) Processes are not sufficiently robust to achieve the stated aims	Medium		SR	Commenced 2025-26		5			5
<b>total</b>								<b>47</b>	<b>45</b>	<b>38</b>	<b>130</b>

		Key risks to be covered	Risk Assessment Category (5 Categories)	Appears on Corporate Risk Register	Audit Type	Date Last Audited	Method of Review	2026-27	2027-28	2028-29	Total Estimated Days
<b>Public Health</b>											
1	Public Health Shared Service/Contract Governance	a) Non compliance with legislation b) Ineffective joint working arrangements resulting in poor budgetary control and/or service delivery not in accordance with contract	Medium		OR	2024-25			15		15
2	Joint Needs Assessment/Health and Wellbeing Strategy	a) Non compliance with legislation b) Failure to deliver a programme of work to address the aims and goals stated in the Assessment c) The Needs Assessment outcomes are not factored into planning of all relevant Council services.	Medium		SR	2015-16					0
3	Commissioning/contract management	a) contracts are poorly managed, leading to poor performance and overspending against budgets. b) Lack of compliance with the Council's Contract Rules and/or contracts fail to achieve value for money, leading to overspending and poor performance	Medium		OR	2023-24				15	15
4	Public Health Grant Funding Utilisation/Management	1) Ineffective strategic plans to maximise use of grant/evidence VFM 2) Grant not utilised in accordance with grant conditions 3) Ineffective management oversight of grant utilisation	Medium		SR	NEW			15		15
	<b>total</b>							<b>0</b>	<b>30</b>	<b>15</b>	<b>45</b>
<b>Executive Director Children's Services</b>											
<b>Service Director - Education and SEND</b>											
1	Secondary Schools	Review of key risks - budgetary control, income collection, control of assets, school governance			EST	2025-26				12	12
2	Primary Schools	Review of key risks - budgetary control, income collection, control of assets, school governance			EST	Annual Programme 2024-25		70	70	70	210
3	Nursery Schools	Review of key risks - budgetary control, income collection, control of assets, school governance			EST					7	7
4	Special Schools	Review of key risks - budgetary control, income collection, control of assets, school governance			EST	2022-23			10		10
5	Alternative Provision	a) Non compliance with legislative requirements for service provision b) Ineffective oversight and management of the service provision			ADV	2020-21(i-college)	ADV	15			15
6	Family Hubs	a) Centres have not been set up in accordance with government guidelines b) governance arrangements between the Centre and key stakeholders have not been established c) Financial administration processes have not been clearly defined/established	Medium		OR	2023-24			15		15
7	Formula funding / DSG	a) Non compliance with legislation b) Ineffective budget builds/monitoring of funds	Very High	CRR	CR	2025-26					0
8	School Admissions Policy	a) Non compliance with legislation b) Unsuitable school offers c) Invalid admissions data	Low		OR	2026-27 - already commenced		5			5
9	Home to School Transport Entitlement	a) Non compliance with statutory duty (to promote the use of sustainable travel and transport/make transport arrangements for all eligible children b) Mis-allocation of free transport c) Lack of policy and/or inconsistency in allocating spare transport provision to other pupils	Low		OR						0
10	Nursery Provision - Early Years Grant	a) Non-compliance with legislation/national scheme b) Ineffective monitoring of nursery providers, lack of assurance that grant conditions are being complied with.	Medium		ORAFW	2020-21			15		15
11	Special Education Needs and Disability (SEND) Assessments	a) Not meeting requirements of the new legislation/guidance b) Needs of children not identified/addressed c) Increased risk of appeals	High	CRR	OR	2022-23			15		15
12	Adult Education	a) Non compliance with legislation, b) Non achievement of targets and standards, c) Overspends on budgets	Very Low		OR	Partially covered in 2018-19					0
13	Castlegate	Review of key risks: Budgetary control, control of assets & cash, appropriate expenditure.	Low		OR	2018-19			10		10

		Key risks to be covered	Risk Assessment Category (5 Categories)	Appears on Corporate Risk Register	Audit Type	Date Last Audited	Method of Review	2026-27	2027-28	2028-29	Total Estimated Days
14	Assessment of Need/Purchase of care - Residential	a) Non compliance with legislation, b) Inappropriate packages, c) Overspends on budgets	Medium		OR	2017-18			15		15
15	Personal Budgets/Direct Payments (SEN)	a) Legislation/internal procedures not adhered to b) Inappropriate care packages c) Budgets could be overspent	High		OR/AFW	2025-26				15	15
16	School Budget Deficit Management and Oversight	a) Ineffective oversight of school budget deficit balance/in year forecasts and associated impact on budget monitoring b) Ineffective processes to review and assist schools in deficit management planning and remedial action, resulting in increased deficits c) Non compliance with the Council's School Financing Scheme	Very High	CRR	CR/OR	2025-26				15	15
17	Pupil Premium Grant Utilisation	a) PPG is not being spent in accordance with terms and conditions or targeted at improving educational outcomes for disadvantaged children b) Lack of strategic oversight of schools utilisation of PPG and impact on school attainment outcomes c) Criticism from DfE	High		CR	NEW	FR	25			25
18	Children's Commissioning Team - Brokerage and Commissioning Processes	a) Value for money not obtained when choosing external providers b) Care provision not formalised c) Non compliance with procurement legislation/contract rules and/or contracts awarded inappropriately	High		ACW/VFM	NEW	FR	15			15
19	Children's Commissioning Team - Contract Monitoring	a) Non-compliance with Contract Rules b) Contract specification/client needs not met c) Contract costs exceeded	High		ACW/VFM	NEW				15	15
20	Effectiveness of School Governing Bodies	a) Non compliance with legislation b) Ineffective structures, decision making and record keeping processes to demonstrate effective governance	High		ADV	NEW	ADV	15			15
	<b>total</b>							<b>145</b>	<b>150</b>	<b>134</b>	<b>429</b>
<b>Service Director - Children's Social Care</b>											
1	Assessment & collection of client contributions	a) Non compliance with legislation, b) Incorrect assessments, c) Contributions not being requested	Very Low		OR	2022-23					0
2	Adoption - Recruitment, Placement and Allowances (Shared Service Arrangement)	a) Non compliance with legislation, b) Ineffective procedures to monitor the shared arrangement	Medium		OR	2021-22			15		15
3	Guardianship/Residence Orders	a) Non compliance with legislation, b) Incorrect/inappropriate payments, c) Overspends on budget	Medium		OR	2025-26					0
4	Payment of Carers (foster carers)	a) Non compliance with legislation, b) Incorrect/inappropriate payments, c) Overspends on budget	Medium		OR/AFW	2021-22			15		15
5	S17 - Payment of Support Costs/Allowances	a) Non compliance with legislation, b) Incorrect/inappropriate payments, c) Overspends on budget	Medium		OR	2024-25				15	15
6	Child Care Lawyers (joint arrangement with Berkshire Authorities)	a) Incorrect submission of charges to WB, b) Ineffective communication with Children's services, c) Cases wrongly undertaken by WB, d) Costs incorrectly calculated	High		OR	2023-24				15	15
7	Unaccompanied Children - Asylum Seekers	a) Non compliance with legislation, b) Asylum seekers/care leavers are not adequately supported, c) Inadequate financial controls re payment of allowances/fraud.	Medium		OR	2025-26					0
8	Initial Referral framework, management and oversight	a) Referral criteria not clearly defined/ does not meet legislative/statutory guidance requirements b) Risk Assessment tools are not clearly defined/shared with partner safeguarding organisations c) Children at risk may not be identified consistently/children in need cases may escalate to child protection cases.	Medium		CR	2024-25					0
9	Personal Budgets/Direct Payments (CWDT)	a) Legislation/internal procedures not adhered to b) Inappropriate care packages/expenditure incurred c) Budgets could be overspent	High		OR/AFW	2025/26					0
	<b>total</b>							<b>0</b>	<b>30</b>	<b>30</b>	<b>60</b>

**Key risks to be covered**

**Risk Assessment Category (5 Categories)**   **Appears on Corporate Risk Register**   **Audit Type**   **Date Last Audited**   **Method of Review**   **2026-27**   **2027-28**   **2028-29**   **Total Estimated Days**

**Place Directorate**

**Service Director - Community Services**

**Public Protection Partnership (From April 2022 - Bracknell Forest and West Berkshire)**

1	Contract Management/Governance	a) Ineffective governance - Non compliance with terms of the joint arrangement b) ineffective monitoring of quality of service provision and costs	Medium		OR	2024-25 (focus was Financial Governance) 2013-14				0
2	Health and Safety/Trading Standards	a) Not meeting statutory obligations b) Poor service delivery/customer dissatisfaction	Low		OR	2013-14	FR	15		15
3	Taxi Licensing	a) Not meeting statutory obligations b) Poor service delivery/customer dissatisfaction	Medium		OR	Partial 2020-21			15	15
4	Licensing Other (entertainment etc, excluding taxis)	a) Not meeting statutory obligations b) Poor service delivery/customer dissatisfaction	Medium		OR	2020-21			15	15
5	Building Control	a) Non compliance with Regulations b) ineffective monitoring of quality of service provision and costs c) Ineffective income collection and monitoring processes	Medium		OR/AFW/ACW	2019-20	FR	15		15

**Emergency Planning**

6	Civil Contingencies Joint Arrangement	a) Non compliance with Civil Contingencies Legislation b) Ineffective Governance of the Joint Arrangement	Medium	CRR	CR	2023-24			15	15
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**Culture & Leisure**

7	Leisure Centre Management	a) Non compliance with legislation, b) Ineffective contract monitoring and management c) Health and Safety risk for service users	Medium		OR	Commenced 25-26		10		10	
8	Museum	Review of key risks: Budgetary control, control of assets & cash, appropriate expenditure	Low		OR/AFW	2016-17			8	8	
9	Libraries Purchasing/stock control	a) Budgets overspent b) Inaccurate financial information for management decisions c) Stock may be misappropriated d) Purchasing arrangements are not cost effective	Low		OR	2023-24				0	
10	Libraries Income	a) Loss of stock is not reimbursed, resulting in additional expenditure b) Income collection not maximised	Medium		OR/AFW	2020-21			15	15	
11	Shaw House	a) Facilities' use/income opportunities are not being maximised b) The facilities do not offer value for money c) Costs are not being effectively controlled	Low		OR/AFW	2025-26				0	
12	Registrars Service	a) Ineffective budgetary control, b) Insufficient control of income, c) Insufficient control of assets, d) Inappropriate expenditure	Low		OR/AFW	2020-21			10	10	
<b>total</b>								<b>40</b>	<b>30</b>	<b>48</b>	<b>118</b>

**Service Director - Development & Housing**

**Planning**

1	Development Management	a) Planning Legislation is not adhered to b) Government targets are not met c) Corruption d) Income is not maximised	Medium		AFW/ACW	2023-24			15	15
2	Enforcement	a) Planning Legislation is not adhered to b) Management information is not up-to-date/accurate	Very Low		OR	2010-11			10	10
3	Community Infrastructure Levy (CIL)	a) Planning Legislation/local schemes are not adhered to b) Policy targets are not met c) Corruption d) Income is not maximised	High		OR/AFW	2025-26				0
4	S106 Obligations	a) Planning Legislation is not adhered to b) Council's Planning Policy is not followed c) Ineffective monitoring of planning obligations	Medium		OR	2019-20			15	15

Key risks to be covered

Risk Assessment Category (5 Categories)	Appears on Corporate Risk Register	Audit Type	Date Last Audited	Method of Review	2026-27	2027-28	2028-29	Total Estimated Days
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		Key risks to be covered	Risk Assessment Category (5 Categories)	Appears on Corporate Risk Register	Audit Type	Date Last Audited	Method of Review	2026-27	2027-28	2028-29	Total Estimated Days
<b>Housing Services</b>											
5	Common Housing Register	a) Legislation is not adhered to b) Housing not offered to those in greatest need c) Register not effectively administered	Medium		OR/AFW	2021-22			15		15
6	Homelessness Prevention/Management	a) Legislation not adhered to b) Accommodation is not obtained promptly/cost effectively c) Housing debts not appropriately managed	High		OR	2024-25				15	15
7	Renovation Grants/Disabled Facility Grants	a) Grants not awarded in accordance with legislation/Council procedures b) Inappropriate payments made c) Records not up-to-date/accurate	Medium		OR/AFW	2024-25					0
8	Housing Resettlement Schemes/grants	a) Lack of strategic direction on plans to meet central government funding requirements b) Grants not utilised in accordance with legislation/Council procedures c) Poor record keeping to support grant utilisation/achievement of targets	Low		OR	2025-26					0
<b>Economic Development</b>											
9	Economic Development	a) Lack of strategic direction b) Plans/targets not clearly set out to meet objectives c) Poor communication across the district d) Grants not effectively managed	Medium		SR	New	FR	15			15
	<b>Total</b>							<b>15</b>	<b>30</b>	<b>40</b>	<b>85</b>
<b>Service Director - Environment</b>											
<b>Climate Change (Waste, Environment, Countryside)</b>											
1	Environment Strategy/Delivery Plan	a) The Council may not achieve its environment/green aims and objectives if it has not set out a strategy/plan b) Governance arrangements have not been clearly defined c) Performance measures are not in place/SMART	High		SR	2022-23			15		15
2	Waste Management and disposal PFI	a) Ineffective contract management resulting in increased costs/service quality issues b) Recycling initiatives not being met	High		SR/OR	2021-22	FR	15			15
3	Grounds Maintenance Contract	a) Contract specification is not met b) Inappropriate/inaccurate payments could be made	Medium		OR	2020-21			15		15
4	Sports Pitch Hire	a) Income levels not maximised b) Income records inadequate c) Income is lost/stolen	Very Low		AFW	2020-21(risk assessment only)					0
<b>Highways and Transport Innovation</b>											
5	Structural Maintenance / Engineering	a) Non compliance with legislation, b) Ineffective maintenance programme	Low		OR	2012-13	SR	12			12
6	Traffic Management	a) Projects/schemes targets not met, b) Non compliance with internal policies, plans	Low		OR	2013-14			12		12
7	Highway Term Contract (excluding major road projects/including Street lighting)	a) Non compliance with H&S legislation, b) Poor performance is not identified/rectified c) Costs are not monitored/VFM is not achieved	High		OR	2024-25				15	15
8	Home to School Transport / CRB checks	a) Ineffective contract management resulting in poor quality of service/vfm not achieved/health and safety issues due to inappropriate drivers or vehicles being used b) Ineffective utilisation of transport capacity/route planning	Medium		OR	2022-23				15	15
9	Street Works/Traffic Regulation Orders/Section 38 Charges	a) Legislation not adhered to b) Income not maximised c) Misappropriation of funds	Medium		OR/AFW/ACW	2022-23				15	15
10	Concessionary Fares / Bus Passes	a) Fraud/theft, b) Non compliance with regulations	Medium		OR/AFW	2020-21			15		15
11	Parking	a) Non compliance with legislation, b) Loss of income c) Fraud/theft	High		OR/AFW	2021-22	FR	20			20
12	Fleet Management	a) inefficient or inappropriate use of vehicles b) Ineffective contract management c) health and safety issues re roadworthiness of vehicles	Medium		OR	2023-24					0
13	Public Transport	a) Ineffective contract management resulting in poor quality of service/vfm not achieved/health and safety issues due to inappropriate drivers or vehicles being used b) Income collection procedures are not robust resulting in fraud/loss of income	Medium		OR/AFW	2025-26					0
	<b>total</b>							<b>47</b>	<b>57</b>	<b>45</b>	<b>149</b>

Key risks to be covered

		Risk Assessment Category (5 Categories)	Appears on Corporate Risk Register	Audit Type	Date Last Audited	Method of Review	2026-27	2027-28	2028-29	Total Estimated Days
<b>Other audit work (non service specific)</b>										
1		Preparation of the audit plan/school visit					10	10	10	30
2		Monitoring the audit plan/school visit programme					15	15	15	45
3		Assurance Mapping					2	2	2	6
4		Annual Grant Sign off Work					12	12	12	36
5		F&G Group					3	3	3	9
		Governance Committee Reports					12	12	12	36
6		Audit Follow-ups (incl. schools)					25	25	25	75
7		Audit Advice					20	20	20	60
8		School Advice					7	7	7	21
9		SFVS Monitoring					7	7	7	21
10		External Professional Liaison					3	3	3	9
11		Fraud related work/training courses					5	5	5	15
		<b>Total</b>					<b>121</b>	<b>121</b>	<b>121</b>	<b>363</b>
		Contingencies					40	40	40	120
		<b>Total</b>					<b>40</b>	<b>40</b>	<b>40</b>	<b>120</b>
		<b>Planned Audit Days</b>					<b>720</b>	<b>793</b>	<b>751</b>	<b>2264</b>
		<b>Actual Staff Days Available</b>					<b>690</b>	<b>770</b>	<b>770</b>	<b>2230</b>

**Anti-Fraud Work Plan**

**(Drawn together from entries in the Audit Plan for 2026/27)**

<b><u>Audit Name</u></b>	<b><u>Work Focus</u></b>
National Fraud Initiative (NFI) Investigation Work	Ongoing review of data matches to assess whether fraudulent. New biennial exercise to commence in October.
National Non-Domestic Rates (NNDR)	Fraudulent applications for exemptions/reliefs and payment of refunds.
Members Expenses	Inappropriate/falsified claims for expenses being paid.
Shared Lives - Placements and Payments	Inappropriate/falsified payments may be generated. Falsified claims for expenses may be submitted.
Parking	Income collection and recording processes and reconciliations to the parking machine ticket information.
Brokerage/Care Commissioning Placement Processes – Children’s	Check for compliance with Contract Rules of Procedure/legislation. Risk that provider selection/client placement decisions are not made appropriately/potential for conflict of interest/personal gain.

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**Internal Audit Quality and Improvement Programme**  
**(2026/27)**

<b><u>Area for Improvement</u></b>	<b><u>Action Taken/Required</u></b>	<b><u>Timeframe</u></b>
1) Be mindful of emerging technology (e.g. AI), and plans to utilise these across Council services, and assess the impact on approach to audit work.	Ongoing assessment by each auditor as part of planning and scoping each audit. An audit of AI is scheduled for 2026/27 to more fully understand the risks involved when using AI, and determining adequacy of the Council's approach to mitigate these risks.	Ongoing
2) Improve structure and readability of audit reports.	Breakdown content by adding in headings for key controls/key areas of operation, which should help the reader focus on key content of the report/issues being identified.	First quarter of year.

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## Internal Audit Annual Assurance Report 2025/26

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**Committee considering report:** Audit and Risk Committee

**Date of Committee:** 23 June 2026

**Portfolio Member:** Councillor Iain Cottingham

**Date Portfolio Member agreed report:**

**Report Author:** Julie Gillhespey (Audit Manager)

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### 1 Purpose of the Report

The Global Internal Audit Standards (GIAS) for the UK Public Sector require the Audit Manager to make a formal annual report to those charged with governance within the Council. The report is required to include an opinion on the effectiveness of the Council's governance, risk management and internal control frameworks, which in turn supports the Council's Annual Governance Statement.

### 2 Recommendation(s)

No recommendations are made within this report. The report is to inform the Audit and Risk Committee of the Internal Audit annual assurance opinion.

### 3 Implications and Impact Assessment

Implication	Commentary
<b>Financial:</b>	Not Applicable
<b>Human Resource:</b>	Not Applicable
<b>Legal:</b>	Not Applicable
<b>Risk Management:</b>	Internal Audit work helps to improve risk management processes by identifying control weaknesses in systems and procedures and making recommendations to provide

	mitigation. The aim of which is to help ensure that services and functions across the Council achieve their goals and targets, and the organisation as a whole meets its plans and objectives.			
<b>Property:</b>	Not Applicable			
<b>Policy:</b>	Not Applicable			
	<b>Positive</b>	<b>Neutral</b>	<b>Negative</b>	<b>Commentary</b>
<b>Equalities Impact:</b>				
<b>A</b> Are there any aspects of the proposed decision, including how it is delivered or accessed, that could impact on inequality?		X		
<b>B</b> Will the proposed decision have an impact upon the lives of people with protected characteristics, including employees and service users?		X		
<b>Environmental Impact:</b>		X		
<b>Health Impact:</b>		X		
<b>ICT Impact:</b>		X		
<b>Digital Services Impact:</b>		X		
<b>Council Strategy Priorities:</b>		X		

<b>Core Business:</b>		X		
<b>Data Impact:</b>		X		
<b>Consultation and Engagement:</b>				

## 4 Executive Summary

- 4.1 The Global Internal Audit Standards (GIAS) for the UK Public Sector require the Audit Manager to make a formal report annually to those charged with governance in the Council. The report is required to include an opinion on the Council's governance, risk management and internal control frameworks, which in turn supports the Annual Governance Statement.
- 4.2 The audit opinion is based upon the audit assurance work undertaken during the year; knowledge gained from previous audit work; as well as intelligence gained from other sources of assurance, both internal and external, for example, Corporate Board reports, Ofsted and External Audit.

### 4.3 Purpose of the Audit Manager's Annual Assurance Report

To provide:-

- (a) An opinion on the Council's governance, risk management and control environment;
- (b) Information to support the opinion given;
- (c) A summary of the work undertaken compared with planned;
- (d) Performance of the Internal Audit Team;
- (e) A statement as to whether the work of the Audit Team complies with the GIAS.

### 4.4 Assurance Opinion

- (a) From the assurance work undertaken and other sources of control/governance information the Audit Manager is able to conclude that reasonable assurance can be given that the governance, risk management and control frameworks remain robust.
- (b) With regards to governance, the Audit Manager has noted in her two previous annual reports concerns due to the level of senior management vacancies and acting up arrangements. This situation continues to improve with senior vacancies now filled on a permanent basis. As was noted previously, Internal Audit work during the year had not identified any operational issues because of the significant level of change at senior management level, however in giving an opinion on the arrangements in place for effectiveness of governance and risk management, this

is an area to mention, as the level of relatively new appointments does have the potential for increased risk of uncertainty and instability within an organisation.

- (c) The Council's financial resilience continues to be a significant corporate risk. The current situation resulting in a further request for Exceptional Financial Support (EFS) to assist with the 2025/26 outturn and to help balance the budget for subsequent financial years.
- (d) In relation to the assurance opinions given during the year there were 4 completed corporate reviews that were given a less than reasonable assurance opinion out of the 20 reports completed in the year. The proportion of limited assurance reports therefore continues to be very low compared with the number of completed audits given a reasonable assurance opinion and above. There were no schools given a less than reasonable assurance opinion. All of the low assurance reports are followed up to check on progress made on implementing agreed recommendations, with outcomes reported back to the Audit and Risk Committee.
- (e) There were no audit follow-ups given an unsatisfactory progress rating.

#### **4.5 Performance of the Audit Team**

- (a) The team has a service performance indicator to achieve 80% of the audit plan. For 2025/26 the actual result was 84% compared with the previous year's outcome of 86%. Although a lower percentage than the previous year, this was a very good achievement for the Team, bearing in mind that there were two vacancies for nearly four months, and the target was set based on having a full establishment.

## **5 Supporting Information**

### **Introduction**

- 5.1 The Accounts and Audit (England) Regulations (2015) require each local authority to maintain an adequate and effective system of internal audit of its accounting records and of its system of internal control in accordance with proper practices.
- 5.2 The Global Internal Audit Standards (GIAS) for the UK Public Sector require the Chief Audit Executive (the Audit Manager) to make a formal report annually to those charged with governance in the Council. The report is required to include an opinion on the Council's governance, risk management and internal control framework, which in turn supports the Annual Governance Statement.

### **Background**

- 5.3 This report sets out Internal Audit's annual opinion and includes information to support the opinion given. The report content has been compiled to conform to the requirements of the GIAS in the UK Public Sector.
- 5.4 The audit opinion is based upon the assurance work undertaken during the year and knowledge gained from previous assurance work, as well as intelligence gained from other sources of assurance, both internal and external, for example, Corporate Board reports, Ofsted and External Audit.

5.5 A system of internal control cannot provide total assurance that all risk has been identified and mitigated; it is used to manage the level of risk so that it is at an acceptable level for an organisation, taking into account the Council's risk appetite.

### **Purpose of the Audit Manager's Annual Assurance Report**

5.6 To provide:-

- (a) An opinion on the Council's governance, risk management and control environment;
- (b) Information to support the opinion given;
- (c) A summary of the work undertaken compared with the work planned;
- (d) Information on the performance of the Internal Audit Team;
- (e) A statement as to whether the work of the Audit Team complies with the GIAS.

### **Assurance Opinion**

5.7 From the assurance work undertaken and other sources of control/governance information e.g. the Finance and Governance Group, the Audit Manager is able to conclude that reasonable assurance can be given that the governance, risk management and control framework continues to be robust.

5.8 No system of internal control can provide absolute assurance against material misstatement or loss, therefore Internal Audit can only provide reasonable assurance.

5.9 With regards to governance, the Audit Manager noted concern in her annual report over the last couple of years regarding the level of senior management vacancies and acting up arrangements. By the end of 2025/26 the situation had improved. The findings of our audit work during this year have again not highlighted any obvious issues because of a large level of relatively new senior managers being in post.

5.10 The Council's financial resilience continues to be a significant risk. The current situation resulting in Exceptional Financial Support (EFS) funding being requested to assist with the 2025/26 outturn and to help balance the budget for subsequent financial years.

5.11 Internal audit work has not identified any noticeable deterioration in controls in our key financial systems and processes, the Audit Manager is aware of reviews being undertaken to re-assess the robustness of the financial controls considering the Council's financial position and need to further strengthen controls over spend and budget monitoring. Work in the audit plan for 2026/27 includes a review of Financial Governance, to assist with assessing whether the financial framework is sufficiently robust to meet the current financial challenges.

5.12 A detailed audit review of the Council's Risk Management framework is included in the Audit Plan for 2026/27, although the previous audit concluded that the framework was fit for purpose, there have been a number of changes to the framework in recent years, we therefore consider it timely to provide an updated assurance opinion. Risk assessment, management and effectiveness of controls to mitigate risk are covered as part of each assurance audit, and our work during the year has not identified any

emerging trends/patterns of concern with how risks are being managed within the organisation.

5.13 There have been no limitations or restrictions on the audit plan coverage or scope of the work undertaken that could have a negative impact on the opinion. There have been no impairments to the objectivity or independence of the Audit team.

### Results of Work Undertaken to Support the Annual Internal Audit Opinion

5.14 An assessment of the number of reviews in each opinion category is the key factor used to determine the Internal Audit annual assurance opinion. Descriptions of the assurance opinion ratings used are detailed as follows:

Opinion	Description
Substantial Assurance	A sound system of governance, risk management and control exists, with internal controls operating effectively and being consistently applied to support the achievement of objectives in the area audited.
Reasonable Assurance	There is a generally sound system of governance, risk management and control in place. Usually moderate-to-minor issues, non-compliance or scope for improvement were identified which may put at risk the achievement of objectives in the area audited, but are not a cause for concern.
Limited Assurance	There is a large number of moderate weaknesses and/or significant weaknesses or non-compliance issues identified which are of concern. Improvement is required to the system of governance, risk management and control to effectively manage risks to the achievement of objectives in the area audited.
No Assurance	Immediate action is required to address fundamental gaps, weaknesses or non-compliance identified. The system of governance, risk management and control is inadequate to effectively manage risks to the achievement of objectives in the area audited.

5.15 A summary of the Internal Audit assurance work completed during the year is detailed below analysed by the assurance opinion that was given:-

Audit Type	No Assurance	Limited Assurance	Reasonable Assurance	Substantial Assurance
Corporate Systems	0	4	12	4
Schools	0	0	5	1

5.16 As the above table shows there were no completed audits given a No Assurance opinion during the year. There were 4 completed corporate reviews and no schools

that were given a less than reasonable assurance opinion, this number continues to be a small proportion of the audits completed in the year.

- 5.17 We carry out a follow-up review for all audits given a less than reasonable assurance opinion. We use three categories to provide a conclusion on the level of progress with implementing agreed recommendations, Fully Implemented, Satisfactory (no issues of concern still needing to be addressed), and Unsatisfactory (large number of recommendations outstanding and/or weaknesses of concern not addressed).
- 5.18 A summary of the outcome of audit follow-up work completed during the year is detailed below:-

Follow-up Type	Unsatisfactory	Satisfactory	Fully Implemented
Corporate Systems	0	1	0
Schools	0	3	0

Details to support the audits given a less than reasonable assurance opinion and unsatisfactory progress for Follow-up audits, are set out in each quarterly update report.

### Internal Audit Work Progress Update since the last Quarterly Report

- 5.19 Attached to this report are the appendices listing work undertaken for the final quarter of the year, with completed work at Appendix A, work in progress at Appendix B, and table C showing progress on the specific Anti-Fraud Work Plan. During the final quarter there was one review given a less than Reasonable Assurance Opinion, which is set out below.

### 5.20 Limited Assurance Report – Procurement Cards

Key areas of Weakness:

- (a) As concluded in previous audits, there is a generally sound framework in place for approving and issuing procurement cards and PINS to the cardholder, supported by comprehensive central guidance. However, updates to the guidance are not routinely issued or communicated to existing cardholders, and no formal training is provided by Accountancy, leading to inconsistent understanding and application of procedures.
- (b) From sample testing of 4 services issued with procurement cards we identified repeat findings from previous audits which included insecure card storage, card sharing, incomplete documentation relating to procurement card purchases, inconsistent checks of appropriateness and occasionally accuracy of expenditure, and delays in reconciliation processes and communication of cardholder changes to Accountancy.

- (c) Additionally, the lack of formal internal procedures within Accountancy and absence of systematic processes for the collection and reporting of metrics and trends related to the use of procurement cards, limits management visibility and oversight of card activity and associated risks.

5.21 In relation to corporate audits, Appendix D gives further detail to support the audit report opinion, setting out the scoping of each audit as well as the number and significance of recommendations made. Appendix E sets out a visual presentation to support the audit report opinion in the format of an audit risk heatmap.

### **Audit Team Resources and Performance**

5.22 The team has a service performance indicator to achieve 80% of the audit plan. For 2025/26 the actual result was 84% compared with last year's outturn of 86%. Although the outturn was lower last year, we had two vacant posts for 4 months of the year.

5.23 The 80% target has been in place for quite a few years, the Audit Manager considers it remains a reasonable target, it is not easy to achieve nor one that over stretches the team. The reasonableness of the target also factors in that the calculation used for determining the number of productive days per team member is set at the higher end of days available when it has been benchmarked.

5.24 For context, there are other measures more of a qualitative nature that are as equally important because of the nature of internal audit work, these other performance factors shouldn't be put at risk because of the need to turnover audit work more quickly due to a more stringent corporate target.

5.25 All internal audit work has been undertaken in accordance with the requirements of the GIAS in the UK Public Sector, which set out the core principles, quality standards and Code of Ethics that the Council's Internal Audit Team are required to follow. Under the GIAS there is a requirement to have an external assessment of the internal audit service every five years. The last external assessment was undertaken in June 2023, the outcome of which was that the Council achieved a 'Fully Conforms' opinion, this is the highest category of compliance (the other possible conclusions being 'partially conforms' and 'does not conform'). The next assessment will be due before June 2028.

5.26 The GIAS require IA to have an Improvement Programme. The plan last year included four areas for improvement:-

- (a) Ensure that the working practices and quality of work continues to fully comply with professional standards.
- (b) Promote the scope for Internal Audit to have a greater role in advisory reviews.
- (c) Carry out an exercise to gain a fuller picture of second lines of defence, so these can be incorporated into the Assurance Map maintained by Internal Audit, and considered as part of audit planning/placing reliance on second lines of defence.
- (d) Be mindful of emerging technology (e.g. AI), and plans to utilise these across Council services, and assess the impact on approach to audit work.

The first two points have been actioned. The third was postponed due to the vacancies in the year, as it would be a large time-consuming project, and was not a

priority. For the 2026/27 improvement plan it was decided to use a different approach for this, and gain the information gradually as part of ongoing audit work. The fourth is an ongoing action for the team to ensure awareness is maintained.

5.27 The Audit Team currently consists of five posts; the Audit Manager, a Principal Auditor and three Senior Auditors, one of the Senior posts is currently vacant and a recruitment exercise underway.

### **Audit Plan Actual Coverage**

5.28 The following table shows the level of time spent in each type of audit activity compared with the planned time:-

<b>Audit Activity</b>	<b>Planned Time</b>	<b>Actual Time (up to allocated project time budgets)</b>
Assurance work	563	474
Investigations (potential fraud/HR investigations etc)	0	2
Unplanned advisory project work e.g. ITrent	0	14
Grant Sign Off Work	15	15
Plan preparation and Monitoring (corporate and schools)/Audit and Risk Committee Update Reports	47	35
Adhoc advice requests (corporate and schools)	25	33
Follow-up audits (corporate and schools)	20	23
Other (external professional liaison, fraud training, monitoring of School Financial Value Standard (SFVS) Annual Returns.	15	14
Plan Contingency Days	45	
<b>Total Days</b>	<b>730</b>	<b>610</b>
(These are the totals that are used to calculate the productivity percentage i.e. the 84% referred to in 5.22)		

## **5.29 Notes to support the information in the table at point 5.28 above:-**

- (a) Unplanned advisory/investigatory work reduces the level of assurance work that can be undertaken in a year. There were only a few requests for Internal Audit to participate/provide advice on unplanned project work and ad hoc investigations, so there was minimal impact on the level of planned assurance work that could be undertaken. The team undertook 84% of actual assurance work compared with planned.
- (b) The planned work not undertaken is reviewed as part of risk assessing and preparing the new audit plan and rescheduled into the following year where deemed appropriate.

5.30 Under the Local Government Transparency Code 2015 the Council is required to publish certain information regarding fraud. In order to meet this duty the following information is provided:-

- (a) There are no professionally accredited counter-fraud internal investigators, the Internal Audit team has the skills and experience to undertake such work where it arises.
- (b) There have been no occasions where the powers under the Prevention of Social Housing Fraud have been used by the Audit Team.
- (c) There were no investigations undertaken of potential fraud, and therefore no costs incurred relating to such work (any associated salary costs for time spent).

## **Proposals**

5.31 This report is to inform the Audit and Risk Committee of the Internal Audit annual assurance opinion.

## **6 Other options considered**

Not applicable, this annual report is required to be prepared.

## **7 Conclusion**

This report was produced to provide the Audit Manager's opinion on the Council's governance, risk management and control frameworks for 2025/26. The Audit Manager's annual audit opinion is that reasonable assurance can be given that the Council's governance, risk management and control frameworks continue to be robust.

## **8 Appendices**

- 8.1 Appendix A - Audit Work Completed during last quarter of 2025/26
- 8.2 Appendix B - Audit Work in Progress as at 31st March 2026
- 8.3 Appendix C - Fraud Plan Progress as at 31st March 2026
- 8.4 Appendix D - Completed Audits - Audit Risk Heatmaps

## 8.5 Appendix E - Completed Audits - Detail to Support Audit Report Opinions

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### Background Papers:

None

### Subject to Call-In:

Yes:  No:

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

**Wards affected:** All wards

### Officer details:

Name: Julie Gillhespey  
Job Title: Audit Manager  
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**1) COMPLETED AUDITS**

Directorate/Dept/Service	Audit Title	Overall Opinion
<b>Corporate</b>		
Finance, Property and Procurement	Procurement Cards	Limited Assurance
Community Services	Income Spot checks (Libraries and Museum)	Compliance checks – no opinion given
<b>Resources</b>		
Finance, Property and Procurement	Asset Management Strategy	Advisory Position Statement – no opinion given
Finance, Property and Procurement	Treasury Management	Reasonable Assurance
<b>People</b>		
<b>Place</b>		
Development and Housing	Community Infrastructure Levy	Reasonable Assurance
<b>Schools</b>		
Primary	St Joseph's	Reasonable Assurance
	St Finian's	Substantial Assurance
	Beenham	Reasonable Assurance
	Purley	Reasonable Assurance

**NOTE**

The overall opinion is derived from the number/significance of recommendations together with using professional judgement. The auditor's judgement takes into account the depth of coverage of the review (which could result in more issues being identified) together with the size/complexity of the system being reviewed).

**2) COMPLETED FOLLOW UPS**

<u>Directorate/Service</u>	<u>Audit Title</u>	<u>Overall Opinion - Report</u>	<u>Opinion - Implementation progress</u>
Children's Social Care	Child Care Lawyers	Limited Assurance	Satisfactory

**3) COMPLETED ADVISORY REVIEWS/OTHER WORK**

None

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**1) CURRENT AUDITS**

<b>Corporate/Directorate/ Service</b>	<b>Audit Title</b>	<b>Current Position of Work</b>	<b>Audit Plan Year *</b>
<b>Corporate</b>			
Transformation, Customer and ICT	Transformation	Testing	2025/26
<b>Resources</b>			
Finance, Property and Procurement	Fee/Grant Income Recording and Monitoring	Testing	2025/26
Finance, Property and Procurement	Brokerage - Care Commissioning	Ready for Review	2025/26
Strategy and Governance	Land Charges	Ready for Review	2025/26
<b>People</b>			
Education and SEND	Dedicated Schools Grant (DSG)	Being Reviewed	2024/25
Adult Social Care	Three Conversations Model	Testing	2025/26
Children's Social Care	Guardianship/Child Arrangement Orders	Draft Report Issued	2025/26
Education and SEND	Central Management and Oversight of School Budget Deficits	Draft Report Issued	2025/26
<b>Place</b>			
Community Services	Leisure Centre Management Contract Management	Testing	2025/26
Community Services	Shaw House Operations	Draft report Issued	2025/26
Community Services	Public Protection Partnership	Background	2026/27
Environment	Parking	Background	2026/27

<b>Corporate/Directorate/ Service</b>	<b>Audit Title</b>	<b>Current Position of Work</b>	<b>Audit Plan Year *</b>
<b>Schools</b>			
Primary	Theale	Draft report issued	2025/26

\* Work relating to last year – there is 1 audit ongoing from last year, this was put on hold for a few months when the service had staff absences and could not support the audit, and since then the auditor has left the Council, the piece of work has been reallocated.

**2) CURRENT ADVISORY REVIEWS/INVESTIGATIONS AND OTHER WORK**

<b>Audit/Review Title</b>	<b>Current Position of Work</b>
Mosaic Project Board	Audit Manager undertaking critical friend role/offering advice as part of Project Board meetings
Review of Fraud Related Policies and Procedures	Review complete, ready for Audit Manager sign-off

**3) CURRENT FOLLOW-UPS**

<b>Directorate/Service</b>	<b>Audit Title</b>
<b>Resources</b>	
None	
<b>Place</b>	West Berkshire Lottery
<b>People</b>	
None	
<b>Schools</b>	
None	

**Anti-Fraud Work Plan**

**(Drawn together from entries in the Audit Plan for 2025/26)**

<b><u>Audit Name</u></b>	<b><u>Work Focus</u></b>	<b><u>Update Position (End of March 2026)</u></b>
National Fraud Initiative (NFI) Investigation Work	Review of data matches to assess whether fraudulent.	New data match reports received and now being reviewed by Audit/relevant services.  (This is a large/time consuming exercise that is ongoing during the year.)
Income Collection Spot Checks	Spot checks on services where cash/income is collected direct from customer. The audits will check that income has been fully and accurately recorded and received.	Completed
Shaw House	Purchasing, income collection and recording.	Draft report Issued
Community Infrastructure Levy	Effectiveness of planning approval and application of charges/exemptions.	Completed
Parking	Income collection and recording processes and reconciliations to the parking machine ticket information.	Not commenced, moved into 2026/27 plan.
Public Transport	Income collection and recording processes for the transport run in-house.	Completed
Land Charges	Income collection and recording processes for the searches the Council is responsible for managing.	Ready for Review
Brokerage/Care Commissioning Placement Processes	Provider selection/client placement decisions may not be made appropriately.	Ready for Review
Contract Letting/Monitoring – Care Packages	Contracts may be awarded inappropriately/not in line with legislation and/or Council Contract Rules.	Partial coverage in the previous audit.

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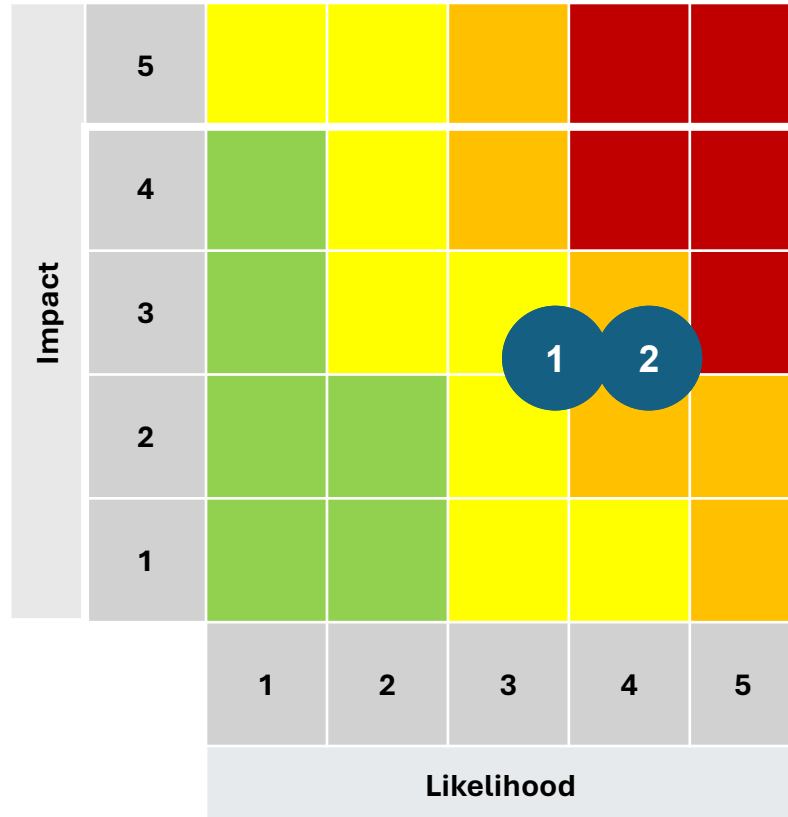
1) COMPLETED AUDITS – FURTHER DETAIL TO SUPPORT THE REPORT OPINIONS

Directorate / Service	Audit title	Overall Assurance Opinion	Audit Scoping Objective(s)	Number of Recommendations per Significance Category			
				Fundamental	Significant	Moderate	Minor
Finance, Property and Procurement	Procurement Cards	Limited Assurance	<p>1) To ensure that there are robust procedures for checking that services are utilising the cards in accordance with the defined procedures and in accordance with the business case details they completed on the original application.</p> <p>2) To ensure that services who have been issued with procurement cards have established processes to both record and manage purchases of goods/ services using the cards which is in line with Council Policy and Procedures.</p>	0	0	9	5
Finance, Property and Procurement	Treasury Management	Reasonable Assurance	<p>1) To ensure that there is an up-to-date Treasury Management strategy in place, in accordance with the Treasury Management in the Public Services: Code of Practice 2021 Edition and the requirement of the Local Government Act 2003 to have regard to the Code.</p> <p>2) To ensure that treasury management policy and procedures are in place, in accordance with the strategy and with CIPFA's Treasury Management Code; to ensure there is effective cashflow management to maintain sufficient liquidity, and that investment and borrowing transactions are compliant with the stated limits and procedures.</p> <p>3) To ensure that there is effective reporting and oversight of Treasury activities, risk management, and actual performance against objectives.</p>	0	0	4	2

**APPENDIX D**

Directorate / Service	Audit title	Overall Assurance Opinion	Audit Scoping Objective(s)	Number of Recommendations per Significance Category			
				Fundamental	Significant	Moderate	Minor
Development and Housing	Community Infrastructure Levy (CIL)	Reasonable Assurance	1) To ensure that there is an effective framework of policies and procedures for the administration of the CIL. 2) To ensure that there are effective procedures for accurate calculation of CIL liabilities, for fair and timely recovery of all amounts due, and for financial reporting.	0	0	6	3

**Procurement Cards**



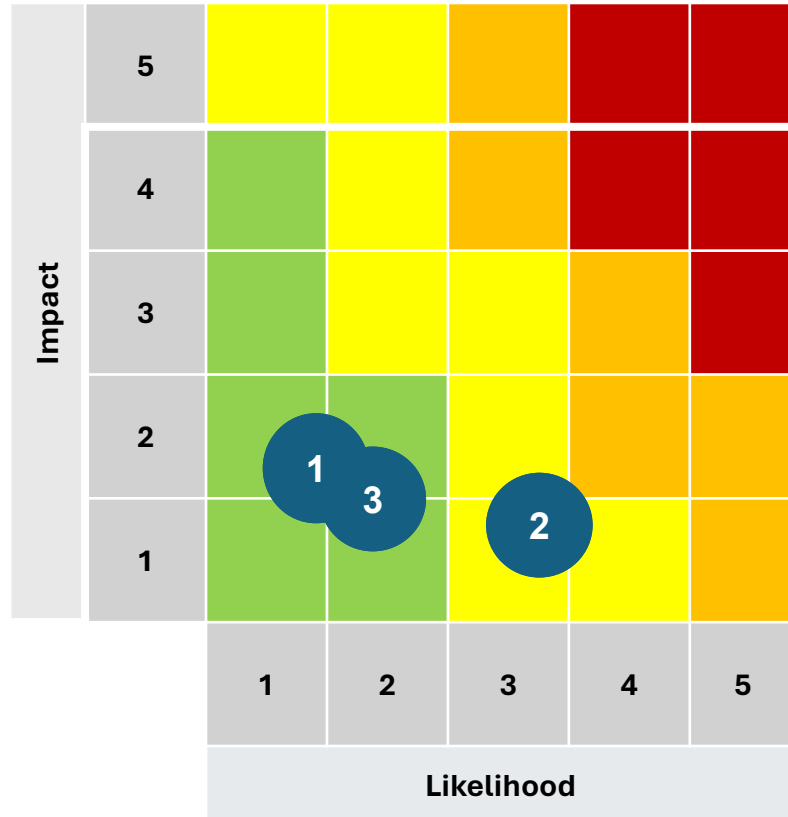
1

To ensure that there are robust procedures for checking that services are utilising the cards in accordance with the defined procedures and in accordance with the business case details they completed on the original application.

2

To ensure that services who have been issued with procurement cards have established processes to both record and manage purchases of goods/ services using the cards which is in line with Council Policy and Procedures.

# Treasury Management



1

To ensure that there is an up-to-date Treasury Management strategy in place, in accordance with the Treasury Management in the Public Services: Code of Practice 2021.

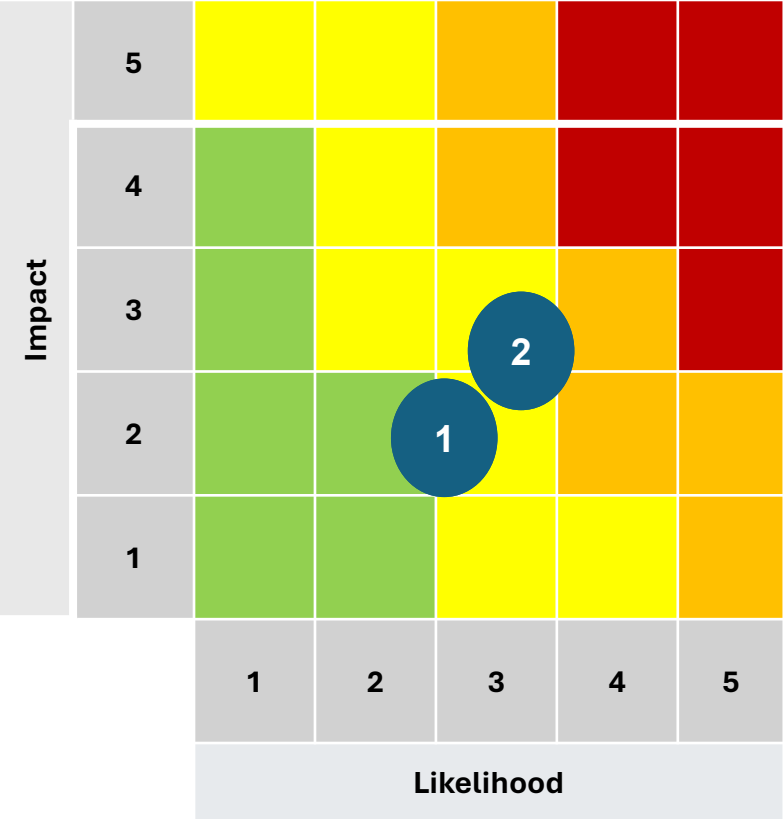
2

To ensure that treasury management policy and procedures are in place, in accordance with the strategy and with CIPFA's Treasury Management Code; to ensure there is effective cashflow management to maintain sufficient liquidity, and that investment and borrowing transactions are compliant with the stated limits and procedures.

3

To ensure that there is effective reporting and oversight of Treasury activities, risk management, and actual performance against objectives.

# Community Infrastructure Levy



1

2

- 1) To ensure that there is an effective framework of policies and procedures for the administration of the CIL.
- 2) To ensure that there are effective procedures for accurate calculation of CIL liabilities, for fair and timely recovery of all amounts due, and for financial reporting.

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## Constitution Changes

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<b>Committee considering report:</b>	Council
<b>Date of Committee:</b>	16 July 2026
<b>Portfolio Member:</b>	Portfolio Holder: Strategy and Governance, Commercialisation and Disabled Community Liaison
<b>Date Portfolio Member agreed report:</b>	
<b>Report Author:</b>	Nicola Thomas

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### 1 Purpose of the Report

- 1.1 The purpose of this report is to provide an update 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.

### 2 Recommendations

- 2.1 It is proposed that the following amendments are considered and approved:
  - (a) **Part 11 Scheme of Delegation** be update in accordance with the changes detailed in Appendix A to reflect the changes to Senior Management within West Berkshire Council and guidance.
  - (b) **Part 5 – Executive Rules** Key decision threshold be affirmed at £500,000 but that social care placements should be excluded from key decisions as set out in Appendix B
  - (c) Task Group guidance (Appendix C) be formally added to the Constitution with amending **Part 6 para 3.4** with the addition of:  
*3.4.3.3 shall adhere to the Task Group guidance appended.*
  - (d) Deletion of Health and Wellbeing Board sub-bodies that have been dissolved or no longer meet in public
  - (e) Update to Part 6 sub part 6 Audit and Risk Committee terms of reference 4.1 to add: *To consider and make recommendations to the Council on proposed changes to the Constitution.*

### 3 Implications and Impact Assessment

Implication	Commentary			
<b>Financial:</b>	None			
<b>Human Resource:</b>	None			
<b>Legal:</b>	<p>The report proposes changes to the Council’s constitution to ensure clarity of delegated authority for decision making within West Berkshire Council following changes to Senior Management Structures.</p> <p>To formally recognise the Task Group guidance as agreed.</p>			
<b>Risk Management:</b>	<p>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.</p>			
<b>Property:</b>	None			
<b>Policy:</b>	None			
	<b>Positive</b>	<b>Neutral</b>	<b>Negative</b>	<b>Commentary</b>
<b>Equalities Impact:</b>				
<p><b>A</b> Are there any aspects of the proposed decision, including how it is delivered or accessed, that could impact on inequality?</p>		x		

## Constitution Changes

<b>B</b> Will the proposed decision have an impact upon the lives of people with protected characteristics, including employees and service users?		x		
<b>Environmental Impact:</b>		x		
<b>Health Impact:</b>		x		
<b>ICT Impact:</b>		x		
<b>Digital Services Impact:</b>		x		
<b>Council Strategy Priorities:</b>		x		
<b>Core Business:</b>	x			It is considered that the recommendations in this report will support the effective administration of Council business and contribute to the good governance of the Council.
<b>Data Impact:</b>		x		
<b>Consultation and Engagement:</b>	<p>These proposals have been discussed with:</p> <p>The Constitution Review Task Group</p> <p>Scrutiny Chairmen: Cllrs Culver, Boeck and M. Vickers</p> <p>Sarah Clarke – Executive Director (Resources)</p> <p>Martyn Sargeant – Service Director (Strategy and Governance)</p> <p>Nicola Thomas – Service Lead, Legal and Democratic</p> <p>Stephen Chard – Democratic Services Manager</p> <p>Gordon Oliver – Democratic Services Principal Officer</p>			

### 4 Executive Summary

- 4.1 The CRTG was set up in July 2019 to review the entire Constitution to update and ensure that it remained fit for purpose. Work has been undertaken since this date, with Council approving the last amendments in November 2025 to Parts 8 (Contract Rules) and 13 (Appendix D, Protocol for Members use of ICT Equipment).
- 4.2 This report outlines a number of proposed changes to Part 11 – Scheme of Delegation, and formally recognising the task group guidance within the Constitution.

### 5 Supporting Information

#### Introduction and Background

- 5.1 This report provides an update on the work undertaken by CRTG in reviewing the Constitution and this report seeks approval to progress the proposals through the governance process for final adoption of the changes to Part 11 Scheme of Delegation, Part 5 Executive Rules and Part 6 – Council Body Rules at Council on 14 May 2026.
- 5.2 The CRTG is a working group consisting of the following Members: Councillors Jeff Brooks (Chairman), Martin Colston, Ross Mackinnon, David Marsh and Justin Pemberton.
- 5.3 Since Phase 2 of the Constitution Review was approved by Council in March 2023, it was agreed that Phase 3 to review the Council's scheme of Delegation and Codes and Protocols would be undertaken. The CRTG has met on 13 occasions, twice since the last time a report was approved by Council on 27 November 2025, 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.
- 5.4 This work has also been supported by a number of officers in Democratic Services and Legal Services and their contribution to this significant piece of work should also be recognised.
- 5.5 The need to undertake the wholesale review of the Constitution was driven by a desire to ensure the document was updated and more user friendly and accessible to all and refine processes. If approved, the Constitution will be published on-line when it becomes operational, and there will be full indexing with hyperlinks where appropriate.

#### Proposals

- 5.6 **Part 11 – Scheme of Delegation** shall be updated as detailed in **Appendix A** of this report. **Appendix B** provides the new scheme of delegation to be approved.
- 5.7 The scheme of delegation for decisions has not been altered for a number of years so no longer reflects operational need, the updated Senior Management Structure and new legislation.
- 5.8 There are specific amendments to:

## Constitution Changes

- (a) Severance payments to ensure those between £10,000 and £100,000 are approved by the Executive and those over £100,000 seek full Council approval [page 11 3.1.3 Table 2];
- (b) Power to make payments or provide other benefits in cases of maladministration is increased to £5,000 to reflect the Local Government Social Care Ombudsman guidance [page 12 3.1.3 Table 2]
- (c) Recording of delegated decisions being formalised, reflecting good practice [page 17 3.2.3 and 3.3.5];

5.9 **Part 5 – Executive Rules** shall be updated as detailed in Appendix C to reflect changes to Key Decisions. The Council needs to be able to respond to social care placements that are either high cost or may run for many years, potentially leading to an accumulated cost above the Key Decision financial threshold. The nature of arranging placements is that they often have to happen at pace and certainly couldn't be accommodated within the usual governance timelines for consideration by the Executive. It's therefore suggested that social care placements should also be an exclusion from the Key Decision requirements. This is covered by the existing Scheme of Delegation, where the Service Directors for Adult Social Care, and Children and Families, are authorised to exercise the functions duties and powers of the Council in this regard. However, in light of the proposal, the CRTG suggested that the governance of the approval of such placements be strengthened to include sign off by the Chief Executive and this has now been implemented.

5.10 Task Group guidance (Appendix D) be formally added to the Constitution with amending **Part 6 para 3.4:**

3.4.3 Task Groups:

3.4.3.1 will be time – or task – limited bodies generally meeting in private; and

3.4.3.2 have no powers to act, only to advise/ recommend; and

3.4.3.3 shall adhere to the Task Group guidance appended.

5.11 Following revisions to the functions of the Health and Wellbeing Board, the Sub-Bodies need to be removed from the Constitution as they have been dissolved, or do not meet in public (detailed in Appendix E):

- 6.3.1 Health and Wellbeing Board Steering Group (dissolved)
- 6.3.2 Building Communities Together Partnership (now called Community Safety Partnership) (does not meet in public)
  - 6.3.2.1 Domestic Abuse Board (does not meet in public)
    - 6.3.2.1.1 Domestic Abuse Board, Behaviours and Conduct (does not meet in public)
- 6.3.3 Children's Prevention and Early Help Partnership (dissolved/replaced by Families First Partnership) (does not meet in public)
- 6.3.4 Locality Integration Board (does not meet in public)

5.12 Updates to the Constitution were previously considered by the Governance Committee. The Governance Committee responsibilities have now been split between the Audit and Risk Committee and Personnel and Standards Committee. Updates to the Constitution were omitted from the previous paper and shall be considered by the Audit and Risk Committee as part of the overall assurance process of the Council's governance.

## Constitution Changes

5.13 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

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

## 7 Conclusion

7.1 The ongoing hard work and significant contribution of the Task Group to the review of the Constitution is noted. It is considered important to update the various sections of the Constitution as detailed in this report to ensure ease of understanding and use and refine processes. This will support the Council's core principles in respect delegation of decision making and updating other areas of the constitution to reflect the reality of practice.

7.2 It is therefore recommended that the proposals as detailed in paragraph 2 of this report be approved.

## 8 Appendices

Appendix A – Part 11 – Scheme of Delegation proposed amendment (tracked changes)

Appendix B – Part 11 – Scheme of Delegation proposed approved (clean copy)

Appendix C – Part 5 Executive Rules; key decisions

Appendix D - Task Group Guidance

Appendix E - Health and Wellbeing Board changes

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### Background Papers:

None

### Subject to Call-In:

Yes:  No:

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

Delays in implementation could have serious financial implications for the Council

Delays in implementation could compromise the Council's position

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## Constitution Changes

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- 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 Wards);

### Officer details:

Name: Nicola Thomas  
Job Title: Service Lead - Legal and Democratic  
Tel No:  
E-mail: Nicola.Thomas1@westberks.gov.uk

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## Part 11

### Scheme of Delegation

#### Document Control

<b>Document Ref:</b>	WB/P&C/MF/2008-11	<b>Date Created:</b>	May 2007
<b>Version:</b>	27	<b>Date Modified:</b>	December 2017
<b>Revision due</b>			
<b>Author:</b>	Moira Fraser – Democratic and Electoral Services Manager		
<b>Owning Service</b>	Strategic Support		

#### Change History

Version	Date	Description	Change ID
2	June 2008	Updated to incorporate new legislation and to apply the scheme to officers in two services	
2.1	Dec 2008	Paragraph 3.15.1	
3	Dec 2010	Entire document revised to align functions following Senior Management Review and to make amendments in line with changes to legislation	
4	October 2011	Entire document revised	
5	March 2012	Entire document revised to align functions following Senior Management Review and to make amendments in line with changes to legislation. Approved at Council meeting on 1 March 2012.	
6	May 2012	Changes arising from the introduction of the Localism Act	
7	Sept 2012	Added Paragraph 3.14.23	
8	December 2012	Amended Paragraph 3.13.2	
9	July 2013	Added Head of Public Health and Wellbeing (Paragraph 3.17)	



Version	Date	Description	Change ID
10	September 2013	Typos corrected in 3.8.2 and 3.8.5. Additional paragraph inserted in 3.8.6 and new section 3.8.10 added. Additions made to 3.15.3 and paragraph 3.15.5 amended.	
10.1	November 2013	Local Development Plan renamed Development Plan	
11	March 2014	Amendments to under the Head of Legal Services insert provisions pertaining to the Localism Act 2011, and permit the Monitoring officer to make minor amendments to the Constitution. Insert provisions under the Goods vehicles (Licensing of Operators) Act 1985. Changes to paragraphs 3.3.3. (final bullet point), 3.12.2, 3.12.3, 3.12.7, 3.12.14 and 3.15.3	
12	May 2014	To reflect revision of numbers of Members on the Licensing, Governance and Audit and Personnel Committees	
13	July 2014	Changes to paragraphs 3.15.3 and 3.15.5	
14	September 2014	Amendments to Paragraph 3.13.11	
15	September 2014	A new 3.1.6 – Table of Partner Functions A new 3.9.6 to delegate to the Head of Strategic Support, in consultation with the Head of Legal Services, to make a Public Spaces Protection Order. A new 3.13.14 delegating authority to the Head of Legal Services in consultation with the Head of Care Commissioning, Safeguarding and Housing, to seek civil injunctions in accordance with Part 1 of the ASB, Crime and Policing Act 2014. A new 3.13.14 to delegate authority to the Head of Legal Services or his/her nominee in consultation with the Head of Strategic Support, to issue Closure Notices and apply for a Closure Order. A new 3.15.7 delegating authority to the Head of Culture and Environmental Protection, in consultation with the Head of Legal Services, to serve Community Protection Notices. The delegation to serve Community Protection Notice is also extended to Registered Landlords and Police Community Support Officers who are also authorised to serve Fixed Penalty Notices.	
16	March 2015	Changes to paragraphs 3,3,3, 3,7,2, 3,7,3, 3,7,4, , 3,8.1, 3,8.11, 3,9.7, 3,12.15, 3,14.1, 3,15.2, 3,15.3, 3,15.4, 3,15.6, 3,16.1, 3,16.2, 3,16.3, 3,16.4, 3,16.5, 3,16.7, 3,16..8, 3,16.9, 3,16.10, 3,14.22	
17	March 2015	3.15.3(a) add Animals Act 1971	Monitoring Officer under delegated authority
18	March 2015	3.15.3(b) add Consumer Rights Act 2015	Monitoring Officer under delegated authority
19	July 2015	Amendments arising out of the merge of the Governance and Audit and Standards Committees 3.1.1, 3.1.3, 3.13.2	As per the Council Report
20	August 2015	3.13.11, 3.13.13, 3.14.6, 3.14.7, 3.14.8, 3.14.9, 3.14.10, 3.15.1, 3.15.3, 3.15.6 to 3.15.15	Monitoring Officer under delegated authority
21	March 2016	3.1.3, 3.3.3, 3.3.6, 3.4, 3.5.3, 3.5.7, 3.7.3 (new), 3.8.10 (Energy Act 2011), 3.8.10 (Disability), 3.12.2, 3.14.5 (Berkshire Act 1986), 3.14.16 (Section 1 Burial Act 1986), 3.14.17 (Section 215 Local Government Act 1972), 3.15.1, 3.15.3, 3.15.8 (Berkshire Act 1986), 3.15.17 (Section 1 of the Burial Act 1853), 3.15.18 (Section 215 Local Government Act 1972), 3.16.2,3.16.3 and 3.16.15	As per the Council Report March 2016
22	April 2016	Update the Schedule of Proper Officer Appointments	Monitoring Officer under delegated authority
23	April 2016	3.15.3 - addition of Psychoactive Substances Act 2016	Monitoring Officer under delegated authority
24	July 2016	3.16.14	Monitoring Officer under delegated authority
25	October 2016	3.3.3 and 3.5.3	Monitoring Officer under delegated authority
26	January 2017	3.15	Monitoring Officer under delegated authority
27	June to November 2017	Update to take into account changes in processes, legislation and corporate structure.	Deputy Monitoring Officer
28	December 2018	Updates in relation to the report taken to Council on the 06	Council

		December 2018 3.10.6.9, 3.10.3.8, 3.1.3. 3.10.3 and that 3.3.5.1 and 3.3.5.2 be deleted	
29	July 2026	Updates take to full Council on 16 July 2026	Council

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<http://www.opsi.gov.uk/legislation/uk>

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## Contents

3.1	Delegation of Functions.....	1
3.1.1	Introduction .....	1
3.1.2	Table 1- Responsibility for Local Choice Functions.....	1
3.1.3	Table 2 - Responsibility for Council Functions (Schedule 1 of the Functions Regulations).....	3
3.1.4	Table 3 - Summary of Licensing Authority functions in accordance with the Licensing Act 2003 (except where delegated below) .....	5
3.1.5	Table 4 - Summary of Executive Functions .....	6
3.1.6	Table 5 - Summary of Partner Functions.....	7
3.2	Officers' Scheme of Delegation .....	7
3.2.1	Scope of Scheme .....	7
3.2.2	Consultation .....	8
3.2.3	Conditions of Delegation .....	8
3.2.4	Overall Limitations.....	9
3.3	General Delegation to Corporate Directors/Service Directors.....	9
3.3.1	Legal Matters .....	10
3.3.2	Human Resources.....	10
3.3.3	Tenders/Contracts.....	11
3.3.4	Emergencies .....	11
3.3.5	Delegation to Specific Directors .....	12
3.3.6	Schedule of Proper Officer Appointments .....	13
3.3.7	Delegations to Service Directors .....	16
3.4	Service Director (Adult Social Care).....	16
3.4.1	Residential and Nursing Home Accommodation .....	17
3.4.2	Home Care Services: Financial Matters .....	17
3.5	Service Director (Children's Social Care) .....	18
3.5.1	Child Protection.....	18
3.5.2	Accommodation, Care, Fostering and Adoption .....	18
3.5.3	Home Care Services: Financial Matters .....	18
3.6	Head of Commissioning .....	18
3.7	Service Director (Transformation, Customer & ICT) .....	19

3.8	Service Director (Development and Housing) .....	19
3.8.3	Conditions.....	20
3.8.6	Traveller Sites.....	22
3.8.7	Housing.....	22
3.8.8	Future Development Sites .....	23
3.8.9	Sites with Existing Planning Permission .....	23
3.9	Service Director (Education and SEND).....	23
3.9.1	Admissions .....	24
3.9.2	Attendance at School.....	25
3.9.3	Special Educational Needs (SEN) .....	25
3.9.4	School Term Dates .....	25
3.9.5	Name of School .....	25
3.9.6	Curriculum .....	25
3.9.7	Staffing – in respect of Nursery Schools .....	25
3.9.8	Staffing – in respect of Maintained Primary, Secondary and Special Schools .....	26
3.9.9	All Educational Establishments.....	26
3.9.10	Provision of Information Concerning Individual Performance of Pupils .....	26
3.9.11	Governance .....	26
3.9.12	Miscellaneous.....	26
3.9.13	Post 16 Years - Education and Training Provision.....	27
3.10	Service Director (Finance, Property and Procurement) .....	27
3.10.1	Designation.....	29
3.10.2	Responsibility.....	29
3.10.3	Finance General .....	29
3.10.4	Loans and Borrowing.....	30
3.10.5	Matters Relating to Children and Young Persons .....	30
3.10.6	Property Matters .....	31
3.10.7	Insurance.....	31
3.11	Service Director (Strategy and Governance).....	31
3.11.1	General.....	31
3.11.2	Local Government Act 1972 .....	32
3.11.3	Local Government (Miscellaneous Provisions) Act 1976:.....	32
3.11.4	Miscellaneous.....	32

3.11.5	Commons Registration.....	33
3.11.6	Berkshire Act 1986.....	33
3.11.7	Road Traffic Regulation Act 1984.....	33
3.11.8	Town and Country Planning (General Permitted Development) (England) Order 2015 .....	33
3.11.9	Localism Act 2011 .....	34
3.11.10	Property Matters.....	34
3.11.11	Anti-social Behaviour, Crime and Policing Act 2014.....	34
3.12	35	
3.13	Director of Public Health.....	35
3.13.1	General .....	35
3.14.2	Dental Health .....	35
3.14.3	Health of Prisoners.....	35
3.14.4	Weight Measurement and Children’s Sexual Health Service .....	35
3.14.5	Violent Offenders.....	36
3.14.6	Health Protection.....	36
3.14.7	Health Improvement.....	36
3.14.8	Health Care Public Health .....	36
3.15	Service Director (Community Services).....	36
3.15.5	Culture General.....	40
3.15.6	Anti-social Behaviour, Crime and Policing Act 2014.....	41
3.16	Registration of Births, Deaths and Marriages .....	41
3.17	Civil Contingencies.....	41
3.18	Service Director (Strategy and Governance).....	42
3.18.1	General .....	42
3.18.2	Local Government Act 1972.....	42
3.18.3	Local Land Charges .....	42
3.19	Electoral Matters .....	42
3.19.1	Localism Act 2011 - Part 5 Chapter 3 - Assets of Community Value .....	42
3.20	Local Authorities (Members’ Allowances) (England) Regulations 2003 (as amended) .....	42
3.21	Service Director (Environment) .....	42

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3.21.2	Agreements, Notices and Orders.....	44
3.21.4	Transport .....	47
3.21.5	Countryside including Rights of Way functions .....	47



## 3.1 Delegation of Functions

### 3.1.1 Introduction

This section of the Constitution summarises which part of the decision-making process is responsible for which function. Further detail is set out in paragraph 3.2 (Officer's Scheme of Delegation) of this Constitution.

The aim is to show which functions are the responsibility of the Council, the Planning Committees, Licensing Committee/Sub-Committee, the Governance Committee and the Personnel Committee and which are the responsibility of the Executive. This section also clarifies which functions are the responsibilities of the Executive to a specified extent. Delegation to Partners is also included in this section.

The allocation of functions follows the Local Authorities (Functions and Responsibilities) (England) Regulations 2000, and as subsequently amended, referred to in the tables that follow as 'The Function Regulations'.

The information is set out in tabular form as follows:

Table 1 – Responsibility for Local Choice Functions

Table 2 – Council Functions

Table 3 – Licensing Authority Functions

Table 4 – Executive Functions

Table 5 - Partners

### 3.1.2 Table 1- Responsibility for Local Choice Functions

Function	Decision-Making Body	Delegation of Function
Any function under a local Act other than a function specified or referred to in Regulation 2 or Schedule 1 of the Regulations 2000	Executive	Some highway-related functions under the Berkshire Act 1986 are delegated to the Service Director (Environment) or other Service Directors, depending on the function concerned. See Scheme of Delegation.
The determination of an appeal against any decision in relation to employment matter made by or on behalf of the Authority	Employment Appeals Panel	These functions will not be further delegated.
The determination of Appeals relating to council tax, home-to-school transport and Tourist Information Signs or any other appeal which is not otherwise specified but which must be determined by Members of the Council	Appropriate Appeal panel	These functions will not be further delegated.
The appointment of Review Boards under regulations under Subsection (4) of Section 34 (Determination of Claims and Reviews) of the Social Security Act 1998	Council	These functions will not be further delegated.
The making of arrangements pursuant to Sub-section (1) of Section 67 of, and Schedule 18 to, the 1998 Act (Appeals against the Exclusion of Pupils)	School Appeals Panel	These functions will not be further delegated.

<b>Function</b>	<b>Decision-Making Body</b>	<b>Delegation of Function</b>
The making of arrangements pursuant to Section 94(1) and (4) of, and Schedule 24 to, the 1998 Act (Admissions Appeals)	School Appeals Panel	These functions will not be further delegated.
The making of arrangements pursuant to Section 95(2) of, and Schedule 25 to, the 1998 Act (children to whom Section 87 applies: appeals by Governing Bodies)	School Appeals Panel	These functions will not be further delegated.
The making of arrangements under Section 20 (Questions on Police Matters at Council meetings) of the Police Act 1996 for enabling questions to be put on the discharge of the functions of a Police Authority	Council	These functions will not be further delegated.
The making of appointments under paragraphs 2 to 4 (Appointment of Members by Relevant Councils) of Schedule 2 (Police Authorities established under Section 3) to the Police Act 1996	Leader of the Council	These functions will not be further delegated.
Any function related to contaminated land	Licensing Committee	Functions delegated to the Service Director (Community Services), in accordance with the Scheme of Delegation.
The discharge of any function relating to control of pollution or the management of air quality	Licensing Committee	Functions delegated to the Service Director (Community Services) in accordance with the Scheme of Delegation.
The serving of an Abatement Notice in respect of a statutory nuisance	Licensing Committee	Functions delegated to the Service Director (Community Services) in accordance with the Scheme of Delegation.
The passing of a resolution to which Schedule 2 of the Noise and Statutory Nuisance Act 1993 should apply in the Authority's area	Licensing Committee	Functions delegated to the Service Director (Community Services) in accordance with the Scheme of Delegation.
The inspection of the Authority's area to detect any statutory nuisance	Licensing Committee	Functions delegated to the Service Director (Community Services) in accordance with the Scheme of Delegation.
The investigation of any complaint as to the existence of a statutory nuisance	Licensing Committee	Functions delegated to the Service Director (Community Services) in accordance with the Scheme of Delegation.
The obtaining of information under Section 330 of the Town and Country Planning Act 1990	District/Area Planning Committees	Functions delegated to the Service Director (Development and Housing) in accordance with the Scheme of Delegation.
The obtaining of particulars of persons interested in land under Section 16 of the Local Government (Miscellaneous Provisions) Act 1976	District/Area Planning Committees	Functions delegated to the Service Director (Development and Housing) in accordance with the Scheme of Delegation.
The making of agreements for the execution of highway works	District/Area	Functions delegated to the Service

Function	Decision-Making Body	Delegation of Function
	Planning Committees	Director (Environment) in accordance with the Scheme of Delegation.
The appointment of any individual: a) to any office other than an office in which they are employed by the Authority; b) to any other body than: i) the Authority; ii) a Joint Committee or Sub-Committee of two or more Authorities; or c) to any Committee or Sub-Committee of such a body, and the revocation of any such appointment	Executive (for specified appointments)  Council for Council functions	These functions will not be delegated further.
The making of agreements with other Local Authorities for the placing of staff at the disposal of those other Authorities	Executive	Function delegated to Chief Executive where an emergency situation exists.

3.1.3 Table 2 - Responsibility for Council Functions (Schedule 1 of the Functions Regulations)

Functions	Committee	Delegation of Functions
Functions relating to elections	Council	Some of these functions are delegated to the Returning Officer as set out in the Scheme of Delegation.
Functions relating to the name and status of areas and individuals	Council	These functions will not be further delegated.
Power to make, amend, revoke or re-enact bylaws	Council	These functions will not be further delegated.
Power to promote or approve local or personal Bills	Council	These functions will not be further delegated.
Functions relating to pensions, severance payments and premature retirements	Council	These functions will not be delegated further except for requests for the early release of pensions. (Where the total cost to the Council of a termination will exceed £10,000 but are below £100,000 the costs must first be approved by the Executive. Any costs exceeding £100,000 shall be approved by Council and not delegated further. Below £10,000, the costs must be approved by the Chief Executive in consultation with the Leader and Shadow Leader of the Council) which are delegated to the Personnel Committee.
Miscellaneous functions. Duty to approve Authority's statement of accounts, income and expenditure and balance sheet or record of receipts and payments (as the case may be)	Governance Committee	These functions will not be further delegated.
Duty to make arrangements for proper administration of financial affairs, etc.	Council	Function delegated to the Service Director (Finance, Property and Procurement) Service Director (Finance, Property and Procurement) as set out in

Functions	Committee	Delegation of Functions
		the Scheme of Delegation.
Power to amend the Council's Constitution	Council	These functions will not be further delegated – although the Service Director (Strategy and Governance) may make minor amendments to the Constitution in order to ensure that legislative provisions are current and any typographical or other errors are corrected.
Power to appoint Officers for particular purposes (appointment of 'Proper Officers')	Personnel Committee	These functions will not be further delegated.
Duty to designate or remove an Officer as the Head of the Authority's Paid Service and to provide staff	Council	These functions will not be further delegated.
Duty to designate or remove an Officer as the Monitoring Officer, and to provide staff	Personnel Committee	These functions will not be further delegated.
Duty to designate or remove an Officer as the Council's section 151 officer	Personnel Committee	These functions will not be further delegated.
Duty to designate or remove an Officer as the Director of Adult Social Services	Personnel Committee	These functions will not be further delegated.
Duty to designate or remove an Officer as the Director of Children's Services	Personnel Committee	These functions will not be further delegated.
Power to make Standing Orders as to contracts	Council	Function delegated to the Service Director (Finance, Property and Procurement) and to the Service Director (Strategy and Governance) as set out in the Scheme of Delegation.
Power to make payments or provide other benefits in cases of maladministration, etc.	Council	This function is delegated to the appropriate Service Director for payments / benefits up to the value of £5000.
Functions relating to Town and Country Planning and Development Control	District/Area Planning Committees	Functions are delegated to the appropriate Area Planning Committee (Eastern and Western). Where their proposed resolutions are deemed by the Development Manager to have a significant impact on the implementation of the policies and proposals in the Local Development Plan, these will be referred to the District Planning Committee. Functions delegated to the Service Director (Development and Housing) as set out in the Scheme of Delegation. Some functions are delegated to the Service Director (Development and Housing) in consultation with the Service Director (Strategy and Governance) as set out in the Scheme of Delegation.
Powers relating to the Planning and Compulsory Purchase Act 2004	Area Planning Committees	Functions delegated to the Service Director (Development and Housing) as set out in the Scheme of Delegation.
Licensing and registration functions	Licensing Committee	Functions delegated to the Service Director (Community Services) as set out in the Scheme of Delegation.
Power to make closing order in respect	Licensing	Functions delegated to the Service

Functions	Committee	Delegation of Functions
of take-away shops	Committee	Director (Community Services) as set out in the Scheme of Delegation.
Functions relating to health and safety (except those relating to the Council as an employer)	Licensing Committee	Functions delegated to the Chief Executive and / or the Service Director (Community Services) as set out in the Scheme of Delegation.
Duty to keep and maintain a register of commons	Area Planning Committees	Functions delegated to the Service Director (Environment) as set out in the Scheme of Delegation.
Duty to keep definitive maps and statement under review	Area Planning Committees	Functions delegated to the Service Director (Environment) as set out in the Scheme of Delegation.
Powers relating to the preservation of important hedgerows	Area Planning Committees	Functions delegated to the Service Director (Environment) as set out in the Scheme of Delegation.
Functions relating to public rights of way	Individual Decision Scheme	Functions delegated to the Service Director (Environment) in consultation with Service Director (Strategy and Governance) as set out in the Scheme of Delegation.
Powers relating to the preservation of trees	Area Planning Committees	Functions delegated to Service Director (Environment) as set out in the Scheme of Delegation.
Power to appoint staff and to determine the terms and conditions on which they hold office (including procedures for their dismissal)	Council	Powers to appoint staff at Service Director level and above delegated to the Personnel Committee by means of an Appointments Panel except for Head of Paid Service that may not be delegated from Council. Appointments below Service Director level are delegated to the Chief Executive or the relevant Service Director.
Functions relating to the Governance Committee, as set out in part 6.2	Governance Committee	These functions will not be further delegated

3.1.4 Table 3 - Summary of Licensing Authority functions in accordance with the Licensing Act 2003 (except where delegated below)

Matter to be dealt with	Full Committee	Sub-Committee	Officers
Application for a Premises Licence (Section 18(3))		If a representation is made	If no representation is made
Application for a Personal Licence (Section 120(7))		If a representation is made	If no representation is made
Application for a Personal Licence with unspent convictions		All cases	
Application for Premises Licence/Club Premises Certificate (Section 18(3) and 72(3))		If a representation is made	If no representation is made
Application for provisional statement (Section 31(3))		If a representation is made	If no representation is made

Matter to be dealt with	Full Committee	Sub-Committee	Officers
Application to vary Premises Licence/Club Premises Certificate (Sections 35(3) and 85(3))		If a representation is made	If no representation is made
Application to vary designated Personal Licence (Section 39(3))	If Police representation is made	If Police representation is made	All other cases
Request to be removed as a designated Personal Licence holder			All cases
Application for transfer of Premises Licence (Section 44(5))	If Police representation is made	If Police representation is made	All other cases
Application for interim Authorities (Section 48(3))	If Police representation is made	If Police representation is made	All other cases
Application to review Premises Licences/Club Premises Licence (Sections 52(2) or (3) and 88(2) or (3))		All cases	
Decision on whether a complaint is irrelevant, frivolous or vexatious			Officer in consultation with the Chairman and Vice-Chairman of the Licensing Committee or other appropriate appointed Members for this purpose.
Decision to object when Local Authority is a consultee and not the lead Authority			All cases
Determination of a Police representation to a temporary event notice (Section 105(2))		All cases	
Rights of Entry to investigate Licensable activities (Section 179)			Licensing Officers

3.1.5 Table 4 - Summary of Executive Functions

Responsibility	Delegation of Functions	Onward limits on delegations
Executive	The formulation, review and monitoring of the Budget and Policy Framework, including consultation with relevant Committees, members of the public and interested parties, and the submission of recommendations for amending the Budget and Policy Framework of the Council.	This function will not be delegated
Executive	The implementation of the approved Budget and Policy Framework, except in relation to those functions set out in Tables 1 and 2 of Part 3 of this Constitution which are shown as the responsibility of the Council or its Committees. This will include the management, control and	Functions will be delegated to the Chief Executive, Executive Directors and Service Directors in accordance with the Scheme of Delegation Functions delegated to the Head of Paid Service (Chief Executive) in accordance with Scheme of Delegation and in consultation with Members of the Joint

	supervision of key performance relating to the Council Strategy as agreed by Council.	Consultative Panel.
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3.1.6 Table 5 - Summary of Partner Functions

Responsibility	Delegation of Functions	Onward limits on delegations
Registered Social Landlords	Serving of Community Protection Notices in accordance with Part 4 of the Anti-social Behaviour, Crime and Policing Act 2014.	
Police Community Support Officers	Serving of Community Protection Notices and Fixed Penalty Notices in accordance with Part 4 of the Anti-social Behaviour, Crime and Policing Act 2014.	

## 3.2 Officers' Scheme of Delegation

### 3.2.1 Scope of Scheme

- 3.2.1.1 This Scheme sets out the extent to which the powers and duties of the Council shall be delegated to Officers. It encompasses both existing legislation (to include but not limited to primary and secondary legislation, Orders and regulations etc.) and shall be deemed to include references to amending, substituted or extending legislation in force from time to time.**
- 3.2.1.2 Powers designated to a Service Director under this Scheme of Delegation shall immediately transfer to a successor Service Director following a transfer of any functions as a result of a restructuring of Council Services.**
- 3.2.1.3 The Scheme operates under Sections 101 and 151 of the Local Government Act 1972, Section 9E of the Local Government Act 2000 and all other powers under which the Council exercises its functions.**
- 3.2.1.4 The Scheme places an obligation on Officers to keep Members properly informed of action arising within the scope of these delegations.**
- 3.2.1.5 For the purposes of Section 101 of the Local Government Act 1972 the Council may authorise an Officer of the Authority to commission and monitor work for and on behalf of the Council by people who are not Officers of the Authority. Such people will be bound by this Scheme and the obligations contained in it at all times when they are engaged on Council business.**
- 3.2.1.6 The term "Officer" means any employee of the Council and includes any person engaged as a contractor, consultant or**

**otherwise to perform the functions of an employee of the Council (and includes statutory officers, directors and managers).**

### 3.2.2 Consultation

- 3.2.2.1 In exercising delegated powers, Officers shall consult other Officers as appropriate and shall have regard to any advice given. Consultation in areas of financial, legal, personnel and property will be of paramount importance which includes the Council’s strategic partners.**
- 3.2.2.2 Officers shall liaise closely with the Executive on executive functions and the Chairmen of the Area Planning Committees and District Planning Committee or Chairman of the Licensing Committee on regulatory functions and Group Spokesmen before exercising delegated powers in relation to any matter which is likely to be regarded as politically sensitive or contentious.**
- 3.2.2.3 Officers shall inform the local Ward Member(s) when they exercise any delegated powers affecting their Ward and when the matter is likely to be regarded as politically sensitive or contentious.**
- 3.2.2.4 It shall always be open to an Officer to consult the Executive, the Area Planning Committees, the Licensing Committee, Personnel Committee or the Leader before the exercise of delegated powers; or not to exercise delegated powers but to refer the matter to the Executive, the relevant Committee or to Council for decision.**

### 3.2.3 Conditions of Delegation

By this Scheme, and subject to the limitations and reservations contained in it:

- (a) Council authorises the Officers identified personally to exercise the powers specified herein; and
- (b) powers delegated to Executive Directors and Service Directors may be exercised by any other duly authorised Officer on their behalf.
- (c) Powers delegated to Service Directors may be exercised by the appropriate Executive Director or the Chief Executive.

If any case where the Officer given general authorisation to act considers that a new departure in policy is likely to be involved or if the implications are such that they consider, after consulting the Chief Executive, that reference should be made to Members, the matter shall be referred to the Executive or the relevant Area Planning Committee for consideration.

Exercise of delegated powers by Sub-Committees or Officers does not, by virtue of Section 101(4) Local Government Act 1972, prevent the Executive the Council or its Committees from exercising those functions or powers.

(Note: Executive Directors and Service Directors need to ensure that substantial matters dealt with under delegation are recorded.)

### 3.2.4 Overall Limitations

#### 3.2.4.1 Matters not Delegated

The Scheme does not delegate to Officers any matter:

- reserved to full Council by Standing Orders;
- reserved to the Executive or a Committee by the Scheme;
- withdrawn from delegation by the Scheme; and
- which may not by law be delegated to an Officer.

#### 3.2.4.2 General Requirements

Any exercise of delegated powers shall comply with:

- any statutory restrictions;
- Rules of Procedure as contained in the Constitution;
- Policies and Plans approved by full Council, the Executive or the Council's committees; and
- Codes and Protocols.

#### 3.2.4.3 Exercising Delegated Powers

In exercising delegated powers, Officers shall have regard to any report by the Head of the Paid Service or the Monitoring Officer under Sections 4 and 5 of the Local Government and Housing Act 1989 or Section 66 of the Local Government Act 2000 or a report of the Section 151 Officer which is produced under Section 114 of the Local Government Finance Act 1988.

#### 3.2.4.4 Financial Powers

Any decision taken under this Scheme must be made within the approved Revenue and Capital Budgets, subject to any discretion allowed by the Financial Rules of Procedure.

Acceptance of quotations and tenders and entering into contracts must be in accordance with the Contract Rules of Procedure and the Financial Rules of Procedure, detailed at Parts 8 and 9 of the Constitution.

#### 3.2.4.5 Legal Powers

Any reference to the power to administer or enforce the provisions of any Act, Order or Regulation etc., shall include the power to decide whether to administer or otherwise enforce those provisions. Any reference to the power to commence or institute legal proceedings shall include the decision to commence proceedings or prosecute, as well as all other action in the matter (including in appropriate cases, the power to reach a settlement, withdraw or discontinue proceedings).

## 3.3 General Delegation to Executive Directors/Service Directors

All Executive Directors and Service Directors shall be authorised to exercise the following powers and functions of the Council to the extent that they fall within the remit of their Service (or in the case of Executive Directors, within the Directorate):

### 3.3.1 Legal Matters

- 3.3.1.1 Service of requisitions for information as to ownership of any property under statutory powers.**
- 3.3.1.2 Authority to apply for planning permission in respect of projects and minor modifications to projects subject to a report on the action taken being submitted to the Executive.**
- 3.3.1.3 To grant, renew, refuse or cancel any authorisation that may be required under the Provisions of the Regulation of Investigatory Powers Act 2000 insofar as it affects their service area. This function may be delegated to third tier Officers but may not be delegated further.**

### 3.3.2 Human Resources

- 3.3.2.1 To agree temporary posts provided costs are contained within service staffing budgets (in accordance with West Berkshire Council's Conditions of Service).**
- 3.3.2.2 Employment of consultants to advise on specialist aspects of work within the relevant Service Area.**
- 3.3.2.3 Advertisement of staff vacancies within establishment (in accordance with the Council's recruitment procedures).**
- 3.3.2.4 To fill a post without advertisement (in consultation with the relevant Service Director, and Service Director (Strategy and Governance, subject to the post having been advertised internally for a minimum period of two weeks. ).**
- 3.3.2.5 Appointment of staff to posts below second tier.**
- 3.3.2.6 Determination of starting point within grade.**
- 3.3.2.7 To sign job offers and/or contract of employment for:**
  - Executive Director appointments (by Chief Executive)
  - Service Director appointments (by Chief Executive or responsible Executive Director)
  - Other employee appointments (Executive Director, Service Director or Officer delegated by one of these)
- 3.3.2.8 To agree flexible contracts, including job share, variations outside of Timelord2 and term-time working (in consultation with relevant Executive Director, Service Director (Strategy and Governance) .**
- 3.3.2.9 Confirmation of appointments on completion of probationary period.**
- 3.3.2.10 Exercise of the discretion contained within the National Conditions for sick payment entitlements.**
- 3.3.2.11 Approval of car purchases and car leases in accordance with West Berkshire Council's Conditions of Service and the Council's relevant policies (in consultation with the Service Director (Finance, Property and Procurement)**

- 3.3.2.12** Extension of industrial accident pay (in consultation with the Service Director (Finance, Property and Procurement)) and Service Director (Strategy and Governance).
- 3.3.2.13** Approval of application of West Berkshire Council Service Related Additional Payments Scheme (in consultation with the Service Director (Strategy and Governance)).
- 3.3.2.14** Approval of variations to Council payment schemes (in consultation with the Service Director (Strategy and Governance) and where appropriate with employees' representatives).
- 3.3.2.15** To implement the Council's disciplinary and grievance procedures in accordance with West Berkshire Council's Conditions of Service.
- 3.3.2.16** To sign contracts for external employment services within approved budgets (with agreement of Executive Director or Officer delegated by one of these).
- 3.3.2.17** Authorising attendance of Officers at professional, administrative and educational meetings, conferences and courses.
- 3.3.2.18** To determine new organisation structures below Service Director level provided that:
- there are no resultant redundancies;
  - the change is following consultation with relevant staff, existing staff; and
  - the change can be contained within service budgets.
- 3.3.2.19** In consultation with the Service Director (Finance, Property and Procurement) and the Service Director (Strategy and Governance), to make ex-gratia payments in respect of claims not exceeding £1,000 in respect of damage or injury resulting from the actions of clients looked after by the District Council both in relation to young people and adults.
- 3.3.2.20** General organisation of services within policy laid down by Council.
- 3.3.2.21** To determine whether a post falls within the definition of a 'sensitive post' under the Local Government and Housing Act 1989 and should therefore be included on the list of sensitive posts within the Council, which are subject to political restriction.

### 3.3.3 Tenders/Contracts

No Officer shall place orders or authorise contracts to be awarded, otherwise than in accordance with the Council's Financial Rules of Procedure and Contract Rules of Procedure, as set out in this Constitution.

### 3.3.4 Emergencies

If the Council needs to act urgently in any matter including, without limitation, complying with the Major Incident Plan or taking any action under new legislation of powers, the Chief Executive may authorise any action taken or expenditure occurred as necessary. An Executive Director

may act in the place of the Chief Executive where the Chief Executive is unwell, unobtainable or where there is no Chief Executive in post. The Chief Executive, or Executive Director as appropriate, may delegate responsibility to a Service Director or other nominated Officer where it is considered appropriate.

### 3.3.5 Delegation to Specific Directors

3.3.5.1 Any such decision shall be recorded in writing on an agreed Decision Form signed by all consultees in order to provide a recognised audit trail of all such decisions and to ensure Member consultation, where appropriate.

3.3.5.2 The financial limits set out in the constitution will provide the basis of any financial assessment of the benefit or otherwise of any amendment to the operational requirements of the contract and under the above process will require approval by the Section 151 Officer.

#### (a) The Executive Director Place:

##### 3.3.5.1 .

**3.3.5.2 Is authorised to give consent to the marriage of a young person in care pursuant to Section 3 of the Marriage Act 1949 as amended by the Family Law Reform Act 1969.**

3.1.1.3 Is authorised to make changes to the Integrated Waste Management contract regarding operational matters in order to achieve improvements to the quality and efficiency of the service provided by the Contractor in consultation with the Section 151 Officer and Monitoring Officer and the relevant responsible Member.

3.1.1.4 Is authorised to agree Service Level Agreements/Joint Arrangements with other agencies in respect of the provision of joint leisure, cultural and information services

#### (b) Executive Director Children and Family Services

3.3.5.5 Is authorised to exercise the powers of the Council under paragraph 20 of Schedule 2 of the Children Act 1989 in relation to the death of children looked after by local authorities.

**3.3.5.6 Is authorised to exercise the functions of the Council under Part VII of the Children Act 1989 in relation to the provision of accommodation by voluntary organisations.**

**3.3.5.7 Is authorised to approve the registration of children's homes under Part VIII of the Children Act 1989.**

#### (c) Executive Director for Adult Social Care:

**3.3.5.8 Is authorised to appoint Officers to act as Approved Mental Health Professionals under the Mental Health Act 1983.**

#### (d) Executive Director Resources

**3.3.5.9 refer any matter to the Executive having assessed the potential risk to the Council and impact on service provision to the public.**

#### (b) The Chief Executive:

**3.3.5.10 Is authorised to approve new and revised HR policies and procedures. The Chief Executive may decide to refer particular**

**HR policies and procedures to the Personnel Committee rather than exercise the delegation.**

3.3.6 Schedule of Proper Officer  
Appointments

<b>The following Officers have been appointed Proper Officer for the purposes of exercising the functions under the legislation referred to below:</b>		
<b>Section</b>	<b>Function</b>	<b>Exercised by</b>
<b>Local Government Act 1972</b>		
83	Witness and receipt of declarations of acceptance of office	The Chief Executive or Monitoring Officer or deputy appointed in writing
84	Receipt of declarations of resignation of office	The Chief Executive or Monitoring Officer or deputy appointed in writing
86	Declaration of a vacancy	The Chief Executive or Head of Legal Services Monitoring Officer or deputy appointed in writing
88(2)	Convening of meeting of Council to fill a casual vacancy in the office of Chairman	Monitoring Officer or deputy appointed in writing or deputy appointed in writing
89(1)(b)	Receipt of notice of casual vacancy from two local government electors	The Chief Executive or Monitoring Officer or deputy appointed in writing
100B-F	Circulation of Reports and Agendas Supply of Papers to the Press Summaries of Minutes Members' Right to Papers Compilation of Lists Background Papers and Identification of Background papers	The Monitoring Officer or deputy appointed in writing
115(2)	Receipt of money due from Officers	Service Director (Finance, Property and Procurement)
146 (1)	Declarations and certificates with and regards to securities	Service Director (Finance, Property and Procurement)
151	Officers having responsibility for the administration of the Council's financial matters	Officer formally appointed under section 151 by Personnel Committee or

		their deputy appointed in writing
191	Functions with respect of Ordnance Survey	Service Director (Development and Housing)
210(6) & (7)	Charity functions of holders of offices with existing authorities transferred to holders of equivalent office with new authorities or, if there is no such office, to Proper Officers	Service Director (Strategy and Governance)
225(1)	Proper Officer for the depositing with the Independent Adjudicator the list of politically restricted posts under Section 2(4) of the Local Government & Housing Act 1989	Chief Executive
225(1)	Deposit of Documents	Service Director (Strategy and Governance)
228(3)	Accounts of 'any Proper Officer' to be open to inspection by any Member of the authority	Service Director (Finance, Property and Procurement)
229(5)	Certification of photographic copies of documents	Appropriate Director or Service Director from which the document originates
234	Authentication of all documents on behalf of the Council	Appropriate Director or Service Director from which the document originates
	Sealing of all documents on behalf of the Council	Monitoring Officer or their deputy authorised in writing.
236(9)	To send copies of byelaws for Parish records	Service Lead (Legal and Democratic Services)
	To receive copies of byelaws and deposit them with public documents of Parish or community	Service Lead (Legal and Democratic Services)
238	Certification of Byelaws	Service Lead (Legal and Democratic Services)
248	Keeping a Roll of Freeman	Service Lead (Legal and Democratic Services)
Sch. 12 Para 4(2)(b) & 4(3)	Signature of summonses to Council meetings	Monitoring Officer or their deputy authorised in

		writing.
	Schedule 12 Receipt of notices regarding Para 4(3) address to which summons to meetings is to be sent	Monitoring Officer or their deputy authorised in writing.
Sch. Para 25(7)	14 Certification of resolutions under Para 25 of Schedule 14	Monitoring Officer or their deputy authorised in writing
Sch. Para 28	16 Receipt on deposit of lists of protected buildings (Sections 146(6) and (7) of the Town & Country Planning Act 1990	Service Director (Development and Housing)
<b>Local Government (Miscellaneous Provisions) Act 1976</b>		
Section 41	Certification of minutes and resolutions	Monitoring Officer or their deputy authorised in writing
<b>Representation of the People Act 1983</b>		
Section 8	Registration Officer and the Deputy Registration Officer	Chief Executive Elections and Land Charges Manager
Section 35	Returning Officer for elections	Chief Executive
<b>General</b>		
To ensure that the Council's policies on Data Protection and Freedom of Information are complied with.		Service Director (Strategy and Governance)
Any reference to any enactment passed before or during the 1971/72 session of Parliament other than the Local Government Act 1972 or in any Instrument made before 26th October 1972, which, by virtue of any provision of the said Act, is to be construed as a reference to the Proper Officer of the Council.		Chief Executive Executive Directors
Any reference in any enactment passed before or during the 1971/72 session of Parliament, other than the Local Government Act 1972, or in any Instrument made before 26th October 1972, to the Public Health Inspector of a District or Borough Council which, by virtue of any provision of the said Act, is to be construed as a reference to the Proper Officer of the Council.		Director of Public Health
For the purpose of: - Marriage Act 1949 - Registration Services Act 1953 - Local Registration Scheme - Provisions relating to new governance of the Registration Services		Service Director (Community Services) with Superintendent Registrar as deputy
Designated Officer as 'Head of Paid Service' under the provisions of the Local Government and Housing Act 1989		Chief Executive
Designated Officer as 'Monitoring Officer' under the		Executive Director

provisions of the Local Government and Housing Act 1989	(Resources) or deputy appointed in writing.
Signing and authorising all property valuations on behalf of the Council	Service Director (Finance, Property and Procurement)
Carrying out the various statutory duties required under the Weights and Measures Acts 1963 and 1985 and/or any regulations or amendments made there-under on behalf of the Council.	The most senior qualified Trading Standards Officer as approved and appointed by the Service Director (Community Services)
Nominating representatives for the purpose of the Local Government Pension Scheme (Internal Dispute Resolution Procedure) Regulations 1997.	Service Director (Finance, Property and Procurement)
Neighbourhood Planning (Referendums) Regulations 2012	Service Director (Development and Housing)
Any proper officer post not specified in the above list.	The Chief Executive
<b>In the event of any Officers appointed as Proper Officer being absent or otherwise unable to act, the following Officers have been authorised to act as Proper Officers in their place:</b>	
For the Chief Executive	Appropriate Executive Director or other officer authorised in writing by the Chief Executive.
For the Service Director (Strategy, Governance)	Service Lead - Legal and Democratic Services
For the Service Director (Finance, Property and Procurement)	Service Lead (Financial Management) or Service Lead (Commissioning and Procurement)
Others	Appropriate Executive Director

### 3.3.7 Delegations to Service Directors

Specific delegations are granted to Service Directors as set out in section 3.6 to 3.17 below.

## 3.4 Service Director (Adult Social Care)

Subject to the reservations and exceptions set out in this Scheme, the Service Director (Adult Social Care) shall be authorised to exercise the functions, duties and powers of the Council as set out in any relevant legislation relating to Adult Social Care, which shall include but not be limited to the following:

- The Care Act 2014

- Mental Health Act 1983
- Mental Capacity Act 2005

#### 3.4.1 Residential and Nursing Home Accommodation

- 3.4.1.1 Subject to the Council’s Contract Rules of Procedure and Financial Rules of Procedure, to authorise and approve the maintenance costs for the admission of any person to any residential or nursing home accommodation and enter into such contracts.**
- 3.4.1.2 To authorise applications to the Court of Protection for the Council to act as Financial and Property Affairs Deputy (Authorisation for Health and Welfare applications to remain with the Service Director (Strategy, and Governance)).**
- 3.4.1.3 To act as Financial Deputy in all matters in which it is appropriate for the Council to act and in accordance with any Court Orders made by the Court of Protection.**
- 3.4.1.4 Better Care Fund**
- 3.4.1.5 Quarterly Performance Reporting**
- 3.4.1.6 To approve performance reporting for the Better Care Fund Programme.**

#### 3.4.2 Home Care Services: Financial Matters

- 3.4.2.1 In accordance with procedures approved in advance by the Service Director (Finance, Property and Procurement) to waive the assessment charges for any services to clients in circumstances where it is essential for the family for social and/or medical reasons and to record every case requiring such action in a register to be provided for this purpose.**
- 3.4.2.2 In accordance with procedures agreed in writing in advance, with the Service Director (Finance, Property and Procurement)), to vary or waive the charges for any service provided by the Council under Part III of the Children Act 1989 and Community Care legislation where failure to do so would adversely affect the welfare of the child/ or adult in question.**
- 3.4.2.3 Within the provisions of community care legislation, to arrange for the purchase and provision of appropriate care services to those persons assessed as having needs that fall within the Council’s agreed priorities, subject always to appropriate Contract and Financial regulations, the approved policies and estimates of the Council and the proper identification of appropriate suppliers including carers.**

Mental Health Act 1983

- 3.4.2.4 To accept a guardianship application and to exercise the powers of guardianship under the Mental Health Act 1983**

**3.4.2.5 To exercise the functions of the Nearest Relative under the powers contained in the Mental Health Act 1983 and the Mental Health Act 2007 in all matters in which it is appropriate for an Officer of the Council so to act.**

Deprivations of Liberty

**3.4.2.6 To authorise deprivations of liberty in accordance with Schedule A1 of the Mental Capacity Act 2005.**

**3.4.2.7 To authorise applications to the Court of Protection in conjunction with the Service Director (Strategy and Governance) for those being deprived of their liberty falling outside Schedule A1 of the Mental Capacity Act 2005.**

3.4.2.8 To support the framework of those Boards in relation to Safeguarding Adults Reviews arranged in accordance with the Care Act 2014 3.6 Service Lead, Commissioning and Procurement Subject to the reservations and exceptions set out in this Scheme, the Service Lead Commissioning and Procurement shall be authorised to exercise the functions, duties and powers of the Council as set out in any relevant legislation relating to commissioning, which shall include but not be limited to the following:

**3.4.3 Specifically in relation to Care Act 2014: market shaping, promoting quality & supporting sustainability places statutory duty on LA for Market Shaping and the need to commission effective appropriate commissioned services as well as managing market failure and market interruptions.**

**3.4.4 Through the function of Care Quality the Care Quality Commission (Registration Regulations) 2009 (SI 2009/3112) to provide Care Quality Commission with access to information to inform the assessment of quality of care provided to people who use services, the Commissioning Service meets the duty to provide explanation of a relevant matter where so requested by Care Quality Commission.**

**3.4.5 Health & Social Care Act 2008: to ensure failing services are improved and to support improvement of services - by ensuring Care Quality Commission views are fed in.**

**3.4.6 to make arrangements to secure a range of services as set out in The Local Authorities (Public Health Functions and Entry to Premises by Local Healthwatch Representatives) Regulations 2012.**

**3.4.7 In the delegated function of commissioning services on behalf of CCGs the Commissioning Service meets the NHS Act 2006 (Supply of goods and services by the local authority and the duty to cooperate with the National Health Service.**

**3.4.8 commissioning and providing direct support for schools catering in line with the School Standards and Framework Act 1998 Secondary - Education (Nutritional Standards and Requirements for School Food) (England) Regulations Supports statutory function.**

### **3.5 Service Director (Transformation, Customer & ICT)**

Local Government (Miscellaneous Provisions) Act 1982 - Section 38 – Use of spare capacity of computers of Local Authorities.

### **3.6 Service Director (Development and Housing)**

**3.6.1 Subject to the reservations and exceptions set out in this Scheme, the Service Director (Development and Housing) 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
- 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

**3.6.2 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.**

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

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

**3.6.5 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.**

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

3.6.3 Conditions

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

The Area Planning Committees shall reserve the authority to determine any type or class of application.

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

**3.8.3.3 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 Service Director (Development and Housing) or the Development Control Manager

**3.6.4 Members who wish to ‘call-in’ an item to be discussed at an Area Planning Committee will be required to complete the agreed proforma 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:

**3.6.5 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:**

- 3.6.5.1 those submitted by or on behalf of a member of staff of Planning,**
- 3.6.5.2 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;**
- 3.6.5.3 those recommended for approval, for which a petition of objection has been received of at least 20 signatories;**
- 3.6.5.4 those recommended for approval, for which at least 10 letters of objection have been received;**

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

**3.6.6 Traveller Sites**

**3.6.6.1 To commission professional services in relation to traveller and gypsy sites**

**3.6.6.2 To undertake an assessment of the accommodation needs of Gypsies and Travellers residing in or resorting to the district and to prepare a strategy in respect of meeting those needs, in accordance with the Housing Act 2004**

**3.6.6.3 To apply annual increases to charges on gypsy sites in line with the rent increases applied by West Berkshire Council managing the site to its own tenants.**

**3.6.7 Housing**

**3.6.7.1 To publish an allocations scheme and develop policies to offer choice to applicants in the allocation of housing**

**3.6.7.2 To exercise the duties conferred on the Council in relation to homelessness.**

**3.6.7.3 To promote energy efficient homes including administering grants for energy efficiency.**

**3.6.7.4 To give grants and loans for the repair / improvement of housing in accordance with national guidance and locally published policies.**

**3.6.7.5 To award mandatory, and where appropriate discretionary, Disabled Facilities Grants for the purpose of aids and adaptations for eligible people, in accordance with national guidance and local published policies.**

**3.6.7.6 To act as a Director of the Flexible Homes Improvement Limited, on behalf of West Berkshire Council, for the purpose of administering loans for the repair / improvement of housing within the Flexible Home Improvement Loans sub-region**

**3.6.7.7 To approve discretionary grants and loans as exceptions to the adopted Housing Grants & Loans Policy**

**3.6.7.8 To offer grants for the improvement and/or repair of housing.**

**3.6.7.9 To determine applications for Housing Association Grant with regard to the purchase of properties in the second-hand market for occupation by homeless families in accordance with the special homelessness initiative subject to the contribution on any one unit not exceeding £50,000.**

**3.6.7.10 Determination of application for individual DIYSO Housing Association Grant.**

**3.6.7.11 Implementing rent reviews in accordance with valuers' instructions.**

**3.6.7.12 Carry out repairs to units of temporary accommodation.**

**3.6.7.13 Repurchase of ex-Council House Stock in Rural Areas**

- 3.6.7.14 To approve exceptions to the application of the local connection criteria for homes subject to s.19 of the Housing Act 1980 and s.157 of the Housing Act 1985**
- 3.6.7.15 To develop and implement strategies to bring empty homes back into use, including the use of empty Dwelling Management Orders and Compulsory Purchase Orders.**
- 3.6.7.16 To make use of planning and housing powers to address poor housing**
- 3.6.7.17 Service of Notice to Quit on tenants of Council dwellings. Allocation of pitches on Council owned caravan sites.**
- 3.6.7.18 Decisions on all matters relating to the Council’s conditions of tenancy in relation to the Council’s statutory housing function.**
- 3.6.7.19 Assessing current and future need for affordable housing and demand for market housing**

#### 3.6.8 Future Development Sites

- 3.6.8.1 The Service Director (Development and Housing) be given delegated authority to determine the mix of types of affordable housing (that is to say the ratio of shared ownership to rented or a financial contribution instead that is to be varied, based on individual site/community needs) to be provided on future development sites, in line with adopted planning policies, and that this process form part of any pre-application or general application negotiations undertaken as part of the development control function.**
- 3.6.8.2 The Service Director (Development and Housing) be given delegated authority to determine the level of affordable housing financial contribution in line with current policy.**

#### 3.6.9 Sites with Existing Planning Permission

The Service Director (Development and Housing) be authorised to negotiate with developers variations in the mix of types of affordable housing specified in Section 106 Agreements to be provided on specified sites, following consultation with the Service Director (Strategy, and Governance) and in line with adopted planning policies.

### **3.7 Service Director (Education and SEND)**

Subject to the reservations and exceptions set out in this Scheme, the Service Director (Education and SEND) shall be authorised to exercise the functions, duties and powers of the Council as set out in any relevant legislation relating to education, which shall include but not be limited to the following:

- Education Act 1962
- Further Education Act 1985
- Education Reform Act 1988
- Further and Higher Education Act 1992

- Education Act 1996
- School Inspections Act 1996
- Education Act 1997
- School Standards and Framework Act 1998
- Special Educational Needs and Disability Act 2001
- Education Act 2002
- Education Act 2005
- Education and Inspections Act 2006
- Education and Skills Act 2008
- Apprenticeships, Skills, Children and Learning Act 2009
- Education (Schools) Act 1992
- Learning and Skills Act 2000
- Further Education and Training Act 2007
- Special Educational Needs (Information) Act 2008
- Academies Act 2010
- Equalities Act 2010
- Education Act 2011
- Children and Families Act 2014.
- Education and Adoption Act 2016
- Schools admission legislation including appeals
- Schools exclusion legislation including appeals

## **3.8 Admissions**

- 3.8.1.1 To consult with governing bodies about admission arrangements as required by the School Admission Code issued under Section 88 of the School Standards and Framework Act 1998.**
- 3.8.1.2 To keep Admission Numbers under review and to implement any necessary changes, where these are agreed with the governing body.**
- 3.8.1.3 To respond to any proposals from governing bodies to increase or reduce Admission Numbers.**
- 3.8.1.4 To set admission limits which exceed the Admission Number where this is considered necessary.**
- 3.8.1.5 To administer arrangements for admissions to nursery schools and classes in accordance with agreed policies.**
- 3.8.1.6 To administer arrangements for the admission of individual pupils to primary and secondary schools including designated catchment areas and other relevant factors and to present the case on behalf of the Authority to admission appeal panels.**

### 3.8.2 Attendance at School

- 3.8.2.1 To ensure that appropriate transport arrangements are made having regard to statutory guidance and the Authority’s Home to School Transport Policy and Post-16 Statement.**
- 3.8.2.2 To authorise home to school transport outside existing policy, in exceptional circumstances through the Stage 1 Appeal process.**
- 3.8.2.3 To exercise the powers and duties of the Authority in respect of children excluded from school and to make arrangements for the continuing education of pupils who are excluded or otherwise unable to attend school.**
- 3.8.2.4 To authorise any proceedings relating to the non-attendance of pupils at school, or education other than at school.**
- 3.8.2.5 To undertake the powers and duties of the Authority under Section 36 of the Children Act 1989 regarding Education Supervision Orders.**

### 3.8.3 Special Educational Needs (SEN)

- 3.8.3.1 To arrange for children to be assessed in accordance with the requirements of the Children and Families Act 2014 to determine the special educational provision which should be made for them and to maintain and review statements of special educational need and Education and Health and Care Plans in accordance with any regulations concerning these.**
- 3.8.3.2 To represent the Authority at statutory appeal tribunals in connection with the assessment of special educational needs.**
- 3.8.3.3 To determine and authorise the payment of fees and expenses at schools where fees are payable, in accordance with the policy of the Council.**
- 3.8.3.4 To determine applications for assistance towards home to school transport costs for Children with SEN within the Council’s approved scheme.**

### 3.8.4 School Term Dates

In the case of the Local Authority (LA), Voluntary Controlled and Special Schools, including residential schools, to propose school term dates after consultation with Schools Forum.

### 3.8.5 Name of School

To approve the name of a school proposed by the governors.

### 3.8.6 Curriculum

To provide on behalf of the Authority any information which the Secretary of State may by regulation require.

### 3.8.7 Staffing – in respect of Nursery Schools

- 3.8.7.1 To advise the Governing Body and/or the Selection Panel as to the shortlisting of candidates for Headship in accordance with the provisions of the Education Act 1996.**

**3.8.7.2 Subject to the Articles of Government and the disciplinary procedures applicable in each specific case, to authorise disciplinary action as appropriate.**

3.8.8 Staffing – in respect of Maintained Primary, Secondary and Special Schools

**3.8.8.1 To appoint persons selected by Governing Bodies to fill vacant posts in schools, unless the person so recommended does not meet the staff qualification requirements applicable to the appointment.**

**3.8.8.2 In the case of Aided and Foundation Schools, to exercise any advisory rights where appropriate relating to the appointment of Headteachers, Deputy Headteachers or other teaching or ancillary staff conferred by agreement or legislation.**

**3.8.8.3 To nominate persons for consideration to fill vacancies in other teaching posts in schools where Governing Bodies have notified their intention to fill those vacancies.**

**3.8.8.4 To appoint persons selected by Governing Bodies as their Clerks.**

**3.8.8.5 To implement decisions of Governing Bodies of schools relating to the determination of potential dismissals and any subsequent appeals against such dismissals which are in the Authority's power to determine.**

3.8.9 All Educational Establishments

To exercise the powers and duties under the Education (School Teachers' Appraisal) (England) Regulations 2012

3.8.10 Provision of Information Concerning Individual Performance of Pupils

**3.8.10.1 In accordance with Section 537 of the Education Act 1996, to provide performance information as specified.**

**3.8.10.2 In accordance with Section 38 of the Education Act 1997, to provide such information to the Chief Inspector as may be prescribed.**

3.8.11 Governance

**3.8.11.1 Appointment of local education authority governors: in accordance with Section 19 of the Education Act 2002 and relevant regulations to appoint and dismiss local education authority governors.**

**3.8.11.2 Training and support of governors: in accordance with Section 22 of the Education Act 2002, to provide information for governors and necessary training.**

3.8.12 Miscellaneous

**3.8.12.1 In accordance with School Organisation (Prescribed Alterations to Maintained Schools) (England) Regulations 2013 and (Establishment and Discontinuance of Schools) Regulations**

**2013, to make significant changes to maintained schools (e.g. expansion), establishing new provision and school closure.**

**3.8.12.2 In accordance with the academy/free school presumption, to establish new schools.**

**3.8.12.3 Pursuant to Academies Act 2010 to enter into Commercial Transfer Agreement and property transfer/ lease agreements.**

**3.8.12.4 To approve instruments of Government for all LEA maintained schools in the District in the future and to review or vary such instruments of Government (including nursery schools) as may be required by the Governors or the LEA.**

**3.8.12.5 To make provision for the day-care of pre-school children and provision for out-of-school and holiday care and activities as appropriate in accordance with the duties and powers of the Council under Section 18 of the Children Act 1989.**

**3.8.12.6 To approve minor amendments to the Council's Code of Conduct regarding the use of Fixed Penalty Notices for school non-attendance.**

**3.8.13 Post 16 Years - Education and Training Provision**

To exercise the powers and duties of the Council under:

**3.8.13.1 the Education Act 1996 (as inserted by the Apprenticeships, Skills and Children and Learning Act 2009),**

**3.8.13.2 Part 3 of the Children and Families Act 2014,**

**3.8.13.3 the Education and Skills Act 2008**

**3.8.13.4 the Education and Skills Act 2008**

### **3.9 Service Director (Children Social Care)**

**3.9.1** Subject to the reservations and exceptions set out in this Scheme, Service Director (Children Social Care) shall be authorised to exercise the functions, duties and powers of the Council as set out in any relevant legislation relating to prevention and safeguarding, which shall include but not be limited to the following:

- Care Act 2014
- Safeguarding Vulnerable Groups Act 2006
- Children Act 1989
- National Health Service and Community Care Act 1990
- Children Act 2004
- Children and Young Persons Act 2008

- Children and Families Act 2014
- Children and Social Work Act 2017

In accordance with procedures agreed in writing in advance with the Service Director (Finance, Property and Procurement), to vary the assessment scale in respect of financial contribution by a parent or young person to any service provided by the Council under Part III of the Children Act 1989 to the child in question. To ensure that a Local Safeguarding Adults Board and a Local Safeguarding Children's Board are established, to provide representation on such Boards and to ensure compliance with all the statutory functions and objectives of those Boards

3.9.2 To support the framework of those Boards Serious Case Reviews arranged in accordance with the Children Act 1989 and associated Regulations.

3.9.3 Governance

3.9.3.1 Pre- Appointment process to identify co-opted young persons to Children and Young Person Scrutiny Committee .

3.9.3.2 Training and support of co-opted young persons to provide information for individuals and necessary training to undertake their role

3.9.4 Child Protection

**3.9.4.1 To exercise the functions of the Council in relation to the duty to make investigations as necessary to decide whether action should be taken to safeguard or promote the welfare of children.**

**3.9.4.2 To take such action as is necessary to bring a child or young person before a Court where it is considered that there are grounds for bringing care proceedings.**

**3.9.4.3 To present an application to a Court for the variation or discharge of any care order or supervision order.**

**3.9.4.4 To present an application to a Court for a Child Assessment Order, an Emergency Protection Order or a Recovery Order.**

3.9.5 Accommodation, Care, Fostering and Adoption

3.9.5.1 To provide accommodation, care, fostering and adoption services for children in need

3.9.5.2 Make arrangement of interest free loans to foster parents in consultation with the Director (Finance, Property and Procurement).

3.9.6 Home Care Services: Financial Matters

**3.9.6.1 In accordance with procedures approved in advance by the Service Director (Finance, Property and Procurement) to waive the assessment charges for any services to clients in circumstances where it is essential for the family for social and/or medical reasons and to record every case requiring such action in a register to be provided for this purpose.**

- 3.9.6.2** In accordance with procedures agreed in writing in advance, with the Service Director (Finance, Property and Procurement), to vary or waive the charges for any service provided by the Council under Part III of the Children Act 1989 where failure to do so would adversely affect the welfare of the child in question.

## **3.10 Service Director (Finance, Property and Procurement)**

### **3.10.1 Designation**

The Service Director (Finance, Property and Procurement) will be the Council's designated Section 151 Officer under the Local Government Act 1972.

### **3.10.2 Responsibility**

- 3.10.2.1** To take all appropriate steps and measures to discharge the functions of the Section 151 officer as having responsibility for the proper administration of the financial affairs of the Council under all appropriate legislation.

- 3.10.2.2** The Service Director (Finance, Property and Procurement) provides strategic financial advice to the Council.

### **3.10.3 Finance General**

Subject to the reservations and exceptions set out in this Scheme, the Service Director (Finance, Property and Procurement) shall be authorised to exercise the functions, duties and powers of the Council as set out in any relevant legislation relating to finance, revenues, benefits and property, which shall include but not be limited to the following:

In consultation with the Service Director (Finance, Property and Procurement), the Service Director (Strategy and Governance) and the Portfolio Holder for Finance, to make additional payments to qualifying employees of up to £5,000 where it is deemed appropriate to do so.

- 3.10.3.1** Local Government Finance Act 1992
- 3.10.3.2** Local Government Finance Act 1988.
- 3.10.3.3** The power to administer and enforce the collection of council tax.
- 3.10.3.4** The power to calculate the Council's council tax base for the purpose of the calculation of its council tax.
- 3.10.3.5** The power to administer and enforce the collection of business rates (NDR)
- 3.10.3.6** The power to opt to tax certain properties for VAT purposes (in consultation with Service Director (Strategy and Governance)).
- 3.10.3.7** Determination of the appropriate rate of interest which may be charged, under Section 24 of the Health and Social Services and Social Security Adjudications Act 1983, on any sum charged on or secured over an interest in land under Section 22 of the Act (in consultation with the Corporate Director (Communities))

- 3.10.3.8** Decisions to write off arrears of irrecoverable debt of an amount not exceeding £25,000 and in cases of insolvency where the sums exceed £25,000 up to a maximum of £100,000, the decision should be taken in consultation with the Portfolio Holder for Finance.
- 3.10.3.9** Declaration of the Local Rate of Interest on Mortgage Advances on the basis that all mortgages are treated as if they are advances under the Housing Act 1985 and subject to decisions being reported to the Executive (in consultation with Head of Prevention and Safeguarding).
- 3.10.3.10** Agreement as to reduction in rateable value.
- 3.10.3.11** Investment of surplus funds in accordance with the Council's approved investment policies.
- 3.10.3.12** To make any necessary changes to the Constitution consequent upon amendments to the European thresholds on Procurement (see Contract Rules of Procedure).

#### 3.10.4 Loans and Borrowing

- 3.10.4.1** Raising of loans in sterling to meet the capital requirements of the Council for such amounts and on such terms as are considered necessary.
- 3.10.4.2** Borrowing in sterling from banks up to a prescribed limit by way of overdraft.
- 3.10.4.3** Raising and repayment of temporary loans in sterling.
- 3.10.4.4** Valuation
- 3.10.4.5** Service on Valuation Officer of Notice of Objection to any proposals for alteration of the Valuation List.
- 3.10.4.6** Making proposals for the alteration of the Valuation List or for the inclusion of particular properties in the Valuation List.

#### 3.10.5 Matters Relating to Children and Young Persons

Where requested by the Service Director (Childrens Social Care), to take joint action to take out letters of administration with or without the will annexed for:

- 3.10.5.1** the estate of parents or any other person where there is a beneficial interest for children or young persons for whom the Council has parental rights under provisions of the Children Act 1989, or any other statutory provision affecting children and young persons;
- 3.10.5.2** the estates of children or young persons who die whilst in the care of the Council;
- 3.10.5.3** and to administer such estates in the manner directed by the appropriate probate registry.
- 3.10.5.4** Jointly with the Service Director (Childrens Social Care) to accept money or other gifts from third parties for and on behalf

of children or young persons in care and to hold or convert such money or gifts on their behalf and to their benefit.

- 3.10.5.5** Jointly with the Service Director (Strategy and Governance) and the Service Director (Children’s Social Care) to invest and administer any funds received by the Council on behalf of a child in care by way of any compensation or settlement or award of damages from legal proceedings.

#### 3.10.6 Property Matters

- 3.10.6.1** The day-to-day management of the Council portfolio of land and buildings, including lease renewals, assignments and rent reviews.
- 3.10.6.2** Making proposals to the Valuation Office Rating List.
- 3.10.6.3** Agreeing to reductions in rent affecting Council-owned property.
- 3.10.6.4** Reaching an agreement on compulsory purchase and home loss payment claims up to £15,000.
- 3.10.6.5** Determination of rents of new properties in line with rents of other Council properties.
- 3.10.6.6** All matters pertaining to rent collection and the recovery of arrears.
- 3.10.6.7** Service of Notices to secure possession where there are arrears of rent.
- 3.10.6.8** Authority to approve applications for consent to transfer existing mortgages into joint names of Mortgagor and other members of the Mortgagor’s family.

#### 3.10.7 Insurance

All insurance arrangements and settlement of claims.

### **3.11 Service Director (Strategy and Governance) or Service Lead (Legal and Democratic Services)**

#### 3.11.1 General

- 3.11.1.1** On behalf of the Council, to defend, institute, participate in, appeal from, settle or abandon any legal proceedings whether administrative, civil or criminal in any court arbitration or tribunal where such action is necessary to give effect to decisions of the Council or in any case where the Service Director (Strategy and Governance)/ Service Lead (Legal and Democratic Services) considers that such an action is necessary to protect the Council’s interests.
- 3.11.1.2** Pursuant to Section 223 of the Local Government Act 1972 and other relevant legislation and Practice Directions, authorise persons to represent the Council in legal proceedings.
- 3.11.1.3** to instruct external Solicitors or Barristers to represent the Council.

- 3.11.1.4** Make such orders, issue such notices and execute such agreements and instruments as are necessary to give effect to any decision or authorisation of the Council, its Committees, Sub-Committees, the Executive or of an Officer acting within the scope of his or her authorised or delegated powers.
- 3.11.1.5** Determine whether inspection of a document in the possession of the Council should not be allowed on the grounds that it is, or in the event of legal proceedings would be, protected by privilege arising from the relationship of solicitor and client.
- 3.11.1.6** This role also provides advice and support to the Council on procurement and the development and delivery of efficiency programmes.
- 3.11.1.7** Sealing of all documents on behalf of the Council and to be authorised signatory of behalf of the Council.
- 3.11.1.8** Where appropriate exercise powers in consultation with relevant officers.

#### 3.11.2 Local Government Act 1972

- 3.11.2.1** Section 85 - Authority be delegated to the Monitoring Officer to allow the Monitoring Officer to approve applications in writing from absent Councillors in exceptional circumstances (such as serious illness, extended work commitments abroad or extended service in the Forces) subject to consultation with Group Leaders. Any applications for extended absence would be limited to two three month periods only and in the event of disagreement between the Group Leaders, the application would be determined by a Special Meeting of the Governance and Ethics Committee.
- 3.11.2.2** Section 229(5) - Certification of photographic copies of documents.
- 3.11.2.3** Section 234(1) and (2) - Sealing of documents.

#### 3.11.3 Local Government (Miscellaneous Provisions) Act 1976:

Section 29 - Application to High Court for repayment of monies paid into Court under Sub-Sections 76 or 85 Land Clauses Consolidation Act 1945 or Section 9 or Schedules 2 and 3 of the Compulsory Purchase Act 1965.

#### 3.11.4 Miscellaneous

To take all necessary steps to take out letters of administration with or without the will annexed either alone or jointly with the Service Director (Finance, Property and Procurement) and Service Director (children's social care)() for:

- 3.11.4.1** the estates of parents or any other person where there is a beneficial interest for children or young persons for whom the Council has parental rights under provisions of the Children Act 1989, or any other statutory provision affecting children and young persons;
- 3.11.4.2** the estates of children or young persons who die whilst in the care of the Council;

- 3.11.4.3 and to administer such estates in the manner directed by the appropriate probate registry.**

**To exercise the Council’s powers to be a Trust Corporation.**

**To act for all Trading Standards Officers authorised as Inspectors.**

**The Monitoring Officers or their Deputy appointed in writing may make minor amendments to the Constitution in order to ensure that legislative provisions are current and any typographical or other errors are corrected.**

#### 3.11.5 Berkshire Act 1986

- 3.11.5.1 Pursuant to Section 7 of the Berkshire Act 1986, to make application to the County Court for an order vesting former highway land in the highway authority.**

- 3.11.5.2 Pursuant to Section 9 of the Berkshire Act 1986, to recover from the person responsible the cost of making good damage caused to a grass verge or footway of a highway by any person carrying on building operations or delivering goods to premises in the course of trade.**

#### 3.11.6 Road Traffic Regulation Act 1984

- 3.11.6.1 To exercise the Council’s powers under the Road Traffic Regulation Act 1984 to restrict or prohibit vehicular and pedestrian movements as necessary to facilitate the holding of a “relevant event” when it is considered that an order under the Town Police Clauses Act 1847 is inappropriate (in consultation with the Service Director (Environment)).**

- 3.11.6.2 To make orders for traffic management other than temporary orders under Section 14(1) of the Road Traffic Regulation Act 1984 as substituted by the Road Traffic (Temporary Restrictions) Act 1991 and to subsequently make the orders where no objections to those proposals are received.**

- 3.11.6.3 To make temporary orders for traffic management under Section 14(1) of the Road Traffic Regulation Act 1984 as substituted by the Road Traffic (Temporary Restrictions) Act 1991.**

#### 3.11.7 Town and Country Planning (General Permitted Development) (England) Order 2015

To exercise the Council’s powers under the Town and Country Planning (General Permitted Development) (England) Order 2015 , on the instructions of the Service Director (Development and Housing), subject to the conditions below:

- 3.11.7.1 Article 4: the making, service and confirmation of directions restricting permitted development;**

- 3.11.7.2 Schedule 2, Part 6: Determination whether planning permission is required following notification of agricultural development.**

The delegations relating to Article 4 Directions above shall be exercised subject to the following:

- 3.11.7.3 The action shall be taken after consultation with the Service Director (Finance, Property and Procurement) Property to consider any financial implications.**
- 3.11.7.4 Consultation must also take place with the Chairman or in their absence the Vice-Chairman of the District Planning Committee and appropriate Ward Members, if available.**
- 3.11.7.5 The action taken shall be reported to the next meeting of the appropriate Area Planning Committee.**
- 3.11.7.6 In exercising these powers the Officers shall have regard to the urgency of the action which is required.**

Subject to circumstances, the Officers may report the matter to the appropriate Area Planning Committee for decision where it is prudent to do so.

#### 3.11.8 Localism Act 2011

The Monitoring Officer or their deputy appointed in writing consultation with an Independent Person pursuant to the Localism Act 2011 and its associated Regulations shall ensure that an Initial Assessment of any complaint in respect of Councilors' (District, Town or Parish) behavior in relation to the Code of Conduct is determined in accordance with the complaints procedure adopted by the Council.

#### 3.11.9 Property Matters

To enter into, in consultation with Service Director (Finance, Property and Procurement),

- 3.11.9.1 Agreements for easements and wayleaves to an unlimited value.**
- 3.11.9.2 Agreement for leases and licences up to a value of £100,000 per annum.**
- 3.11.9.3 Agreements relating to acquisition and disposal of investment properties pursuant to the Council's Investment and Borrowing Strategy accompanying Property Investment Strategy as amendment and/or revised from time to time.**
- 3.11.9.4 Agreements to acquire and dispose of land up to consideration of £300,000.**
- 3.11.9.5 Surrenders.**
- 3.11.9.6 Lifting of all restrictive covenants up to a value of £300,000.**
- 3.11.9.7 Agreements relating to deferred payments (including registration of a legal charge) pursuant to the Care Act 2014.**

#### 3.11.10 Anti-social Behaviour, Crime and Policing Act 2014

- 3.11.10.1 The Service Director (Strategy and Governance), in consultation with the relevant Service Director, be authorised to**

**seek a civil injunction in accordance with Part 1 of the Anti-social Behaviour, Crime and Policing Act 2014.**

**3.11.10.2 The Service Director (Strategy and Governance) be authorised to issue a Closure Notice and apply for a Closure Order in accordance with Chapter 3 of the Anti-social Behaviour, Crime and Policing Act 2014.**

#### 3.11.11 Local Land Charges

To authorise the issue of official certificates of search of the Council's Land Charges Register.

### 3.12 Electoral Matters

Designation of Polling Places (in consultation with the Returning Officer and Ward Members).

#### 3.12.1 Localism Act 2011 - Part 5 Chapter 3 - Assets of Community Value

To delegate to the Service Director (Strategy and Governance) the management of the Assets of Community Value provisions (Community Right to Bid) in accordance with Part 5, Chapter 3 of the Localism Act 2011. The Service Director (Strategy and Governance) shall be authorised to determine applications which have been properly made.

### 3.13 Director of Public Health

Subject to the reservations and exceptions set out in this Scheme, the Director of Public Health shall be authorised to exercise the functions, duties and powers of the Council as set out in any relevant legislation relating to public health and wellbeing, which shall include but not be limited to the following:

#### 3.13.1 General

Those matters which the Director of Public Health, working through the Director of Public Health are required to be responsible for under the National Health Service Act 2006 (as amended by the Health and Social care Act 2012).

#### 3.13.2 Dental Health

Dental health functions for which the Council has responsibility.

#### 3.13.3 Health of Prisoners

The duty to co-operate with the prison service to secure and maintain the health of prisoners.

#### 3.13.4 Weight Measurement and Children's Sexual Health Service

The Council's duties set out in Schedule 1 of the National Health Act 2006, which include medical inspection of pupils including the weighing and measuring of pupils and the provision of children sexual health services.

### 3.13.5 Violent Offenders

Arrangements for assessing the risks posed by violent and sexual offenders.

### 3.13.6 Health Protection

To include the provision of screening and immunisation programmes, sexual health services, infectious disease control and emergency planning.

### 3.13.7 Health Improvement

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

### 3.13.8 Health Care Public Health

The provision of specialist public health advice to Integrated Care Boards (ICBs) in the following areas which will be the subject of the "core offer":

**3.13.8.1 production of the Joint Strategic Needs Assessment;**

**3.13.8.2 reviewing service provision and providing advice to ICBs to reduce health inequalities;**

**3.13.8.3 advising ICBs on priorities based on appropriate data; and**

**3.13.8.4 procuring services and advising on the cost effectiveness of interventions.**

act as the Council's Proper Officer for the purposes of any enactment passed before or during the 1971/72 session of Parliament other than the Local Government Act 1972 or in any other instrument made before 26th October 1972, which refers to the post of Public Health Inspector.

## 3.14 Service Director (Community Services)

**3.14.1 Subject to the reservations and exceptions set out in this Scheme, the Service Director (Community Services) shall be authorised to exercise the functions, duties and powers of the Council as set out in any relevant legislation relating to environmental health, trading standards, licensing, building control and public protection, which shall include but not be limited to the following:**

Administration of Justice Act 1970

Agricultural Act 1970

Animal Boarding Establishments Act 1963

Animal Health Act 1981

Animal Welfare Act 2006  
Animals Act 1971  
Anti-social Behaviour Act 2003  
Anti-social Behaviour Crime and Policing Act 2014  
Berkshire Act 1980  
Breeding of Dogs Act 1973, 1991  
Building Act 1984  
Cancer Act 1939  
Caravan Act 1968, 1985  
Caravan Sites and Control of Development Act 1960-1985  
Charities Act 1992  
Children and Young Persons (Protection from Tobacco) Act 1991  
Children and Young Persons Act 1933  
Chiropractors Act 1994  
Chronically Sick and Disabled Persons Act 1970  
Cinema Act 1968-1985  
Civil Contingencies Act 2004  
Clean Air Acts 1956-1993  
Clean Neighbourhoods and Environment Act 2005  
Companies Act 2006  
Consumer Credit Act 1974, 2006  
Consumer Protection Act 1987  
Consumer Rights Act 2015  
Control of Pollution Act 1974  
Copyright Designs and Patents Act 1988  
Courts and Legal Services Act 1990  
Crime and Disorder Act 1997  
Criminal Justice Act 1988  
Criminal Justice and Public Order Act 1994  
Customs & Excise (Management) Act 1979  
Dangerous Dogs Act 1991  
Dangerous Wild Animals Act 1976  
Disabled Persons Act 1981  
Public Space Protection Orders  
Education Reform Act 1988  
Enterprise Act 2002

Environment Act 1995  
Environmental Protection Act 1990  
Estate Agents Act 1979  
European Communities Act 1972  
Explosives Act 1875, 1923  
Factories Act 1961  
Financial Services and Markets Act 2000  
Fireworks Act 2003  
Food and Environment Protection Act 1985  
Food Safety Act 1990  
Forgery and Counterfeiting Act 1981  
Fraud Act 2006  
Gambling Act 2005  
Guard Dogs Act 1975  
Hallmarking Act 1973  
Health Act 2006  
Health and Safety at Work etc. Act 1974  
Home Safety Act 1961  
Housing Acts 1957, 1985, 1996, 2004  
Housing Grants, Construction and Regeneration Act 1996  
Intoxicating Substances (Supply) Act 1985  
Knives Act 1997  
Land Compensation Act 1973  
Late Night Refreshment Houses Act 1969  
Licensing Act 2003  
Local Government (Miscellaneous Provisions) Act 1965, 1976, 1982  
Local Government Acts 1953-1989  
Local Government Act 1972  
Local Government and Housing Act 1989  
Malicious Communications Act 1988  
National Assistance (Amendment) Act 1951  
National Assistance Act 1948  
National Lotteries etc Act 1993  
Noise Act 1996  
Noise and Statutory Nuisance Act 1993  
Offices, Shops and Railway Premises Act 1963

Olympic Symbols etc. (Protection) Act 1995  
Osteopaths Act 1993  
Performing Animals (Regulation) Act 1925  
Pesticides Act 1996  
Pet Animals Act 1951  
Pollution, Prevention and Control Act 1999  
Prevention of Damage by Pests Act 1949  
Prices Acts 1974  
Private Hire Vehicles (Carriage of Guide Dogs etc.) Act 2002  
\*Proceeds of Crime Act 2002\*  
Protection from Harassment Act 1997  
Psychoactive Substances Act 2016  
Public Health (Control of Disease) Act 1984  
Public Health Act 1936-1984  
Radioactive Substances Act 1993  
Rag Flock Act 1961  
Regulation of Investigatory Powers Act 2000  
Regulatory Enforcement and Sanctions Act 2008  
Riding Establishments Act 1964, 1970  
Road Traffic (Foreign Vehicles) Act 1972  
Road Traffic Act 1988, 1991  
Road Traffic Regulation Act 1984  
Safety of Sports Grounds Act 1975  
Scotch Whisky Act 1982  
Scrap Metal Dealers Act 1964, 2013  
Slaughter of Poultry Act 1967  
Slaughterhouses Act 1974  
Solicitors Act 1974  
Sunbeds (Regulation) Act 2010  
Sunday Trading Act 1994  
Tattooing of Minors Act 1969  
Theatres Act 1968  
Theft Act 1968  
Tobacco Advertising and Promotion Act 2002  
Tobacco Products Duty Act 1979  
Town Police Clauses Acts 1847-1889

Trade Descriptions Act 1968  
 Trade Marks Act 1994  
 Transport Act 1980  
 Unsolicited Goods and Services Act 1971, 1975  
 Vehicles (Crime) Act 2001  
 Video Recordings Act 1984, 2010  
 Violent Crime Reduction Act 2006  
 Water Acts 1945-1989  
 Water Industries Act 1991  
 Weights and Measures Act 1985  
 Zoo Licensing Act 1981

**3.14.2 This extends to any offence under any legislation, or at common law, which is of a similar nature or related to the foregoing including offences of aiding, abetting, counselling and procuring, incitement, conspiracy, perverting the course of justice and criminal attempts.**

**3.14.3 appoint the Council's Chief Inspector of Weights and Measures ;**

3.14.4 Culture General

**3.14.4.1 To grant a licence and associated consents for the annual Michaelmas Fair.**

**3.14.4.2 Local Government (Miscellaneous Provisions) Act 1982, Action considered appropriate in relation to property found in buildings or premises administered by Cultural and Environmental Protection Services.**

**3.14.4.3 Letting of recreation facilities and premises (also Service Director (Environment) and Service Director (Development and Housing))**

**3.14.4.4 Admission and exclusion of public to recreation facilities and premises (also Service Director (Environment) and Service Director (Development and Housing)) .**

**3.14.4.5 Acquisition of items under Museum acquisition scheme.**

**3.14.4.6 Administer Archive Service on behalf of all six Unitary Authorities in Berkshire.**

**3.14.4.7 To manage public libraries in conformity with the Public Libraries and Museums Act 1964 (as amended) and the Local**

## **Government and Housing Act 1989 and the policies of the Council.**

### **3.14.5 Anti-social Behaviour, Crime and Policing Act 2014**

To delegate to the Service Director (Community Services) the authority to make a Public Space Protection Order in accordance with Chapter 2 of the Anti-social Behaviour, Crime and Policing Act 2014. The Service Director (Community Services), in consultation with the Service Director (Strategy and Governance) or Service Lead (Legal and Democratic Services), is authorised to serve Community Protection Notices in accordance with Part 4 of the Anti-social Behaviour, Crime and Policing Act 2014.

## **3.15 Registration of Births, Deaths and Marriages**

To grant or refuse applications for the approval of premises under the Marriage Act 1949 (as amended) and the Marriage (Approved Premises) Regulations 1995 and to revoke any approval which has been granted. To determine, in consultation with the Service Director (Finance, Property and Procurement), and from time to time vary, the fees payable for the granting or refusal of applications for the approval of said premises.

## **3.16 Civil Contingencies**

Subject to the reservations and exceptions set out in this Scheme, the Service Director (Community Services) shall be authorised to exercise the functions, duties and powers of the Council as set out in any relevant legislation relating to civil protection and emergency planning, which shall include but not be limited to the following:

**3.16.1 Put in place emergency plans;**

**3.16.2 Put in place Business Continuity Management arrangements;**

**3.16.3 Put in place arrangements to make information available to the public about civil protection matters and maintain arrangements to warn, inform and advise the public in the event of an emergency;**

**3.16.4 Share information with other local responders to enhance co-ordination;**

**3.16.5 Co-operate with other local responders to enhance co-ordination and efficiency; and**

**3.16.6 Provide advice and assistance to businesses and voluntary organisations about business continuity management (Local Authorities only). To form and participate in Local Resilience**

**Forums (based on Police areas) which will help co-ordination and co-operation between responders at the local level.**

### **3.17 Monitoring Officer or their Deputy appointed in writing**

#### 3.17.1 Local Government Act 1972

- 3.17.1.1 **Section 225(1) – to receive and retain documents deposited.**
- 3.17.1.2 **Schedule 12 Paragraph 4(2)(a) – to publish the time and place, within five clear working days, of the Council meeting.**
- 3.17.1.3 **Schedule 12 Paragraph 4(2)(b) – to sign the summons to attend the Council meeting**
- 3.17.1.4 **Schedule 12 Paragraph 4(3) – to receive notices regarding addresses to which summons to meetings are to be sent.**
- 3.17.1.5 **Schedule 14 Paragraph 25(7) – to certify copies of resolutions for the purposes of legal proceedings.**
- 3.17.1.6 **Section 248 – to retain a roll of Freeman.**

### **3.18 Local Authorities (Members' Allowances) (England) Regulations 2003 (as amended)**

To delegate authority to the Service Director (Strategy, and Governance) in consultation with the Leader of the Council and Group Leaders, to appoint members to the Independent Remuneration Panel.

### **3.19 Service Director (Environment)**

**3.19.1 Subject to the reservations and exceptions set out in this Scheme, the Service Director (Environment) shall be authorised to exercise the functions, duties and powers of the Council as set out in any relevant legislation relating to transport, highways, street management, street works, waste, countryside and rights of way, which shall include but not be limited to the following:**

Highways Act 1980

Transport Act 1985

Transport Act 2000

Traffic Management Act 2004

Local Transport Act 2008

Goods Vehicles (Licensing of Operators) Act 1995

New Roads and Street Works Act 1991

Town Police Clauses Act 1847

Road Traffic Regulation Act 1984  
Berkshire Act 1986  
Clean Neighbourhoods and Environment Act 2005  
Countryside Act 1968  
Countryside and Rights of Way Act 2000  
Criminal Damage Act 1971  
Environmental Protection Act 1990  
Land Drainage Act 1991  
Local Government (Miscellaneous Provisions Act) 1976  
Local Government Act 2003  
National Parks and Access to the Countryside Act 1949  
Natural Environment and Rural Communities Act 2006  
Rights of Way Act 1990  
Town and Country Planning Act 1990  
Wildlife and Countryside Act 1981  
Goods Vehicles (Licensing of Operators) Act 1985  
Flood and Water Management Act 2010  
Local Government Miscellaneous Provisions Act 1976  
Anti-social Behaviour Act 2003  
Anti-social Behaviour, Crime and Policing Act 2014  
Clean Neighbourhoods and Environment Act 2005  
Control of Pollution Act 1974  
Control of Pollution (Amendment) Act 1989  
Controlled Waste (Registration of Carriers and Seizure of Vehicles) Regulations 1991  
Controlled Waste Regulations 2012  
Environment Act 1995  
Environment Act 2021  
Environmental Protection Act 1990  
European Communities Act 1972  
Refuse Disposal (Amenity) Act 1978  
Waste (Household Waste Duty of Care) (England and Wales) Regulations 2005  
Waste Regulations 2011  
The Removal and Disposal of Vehicle Regulations 1986  
Bus Services Act 2017

### 3.19.2 Agreements, Notices and Orders

- 3.19.2.1 To enter into agreements with other public authorities for the provision of services and the recoupment of charges.
- 3.19.2.2 To enter into agreements relating to placing etc of certain apparatus in or under a highway.
- 3.19.2.3 To enter into agreements providing for contributions by developers towards the cost of highway improvements, transportation schemes, or other development to be carried out by the Council.
- 3.19.2.4 To enter into agreements and make creation orders, where appropriate, and in consultation with Ward Members, for the creation of new public rights of way
- 3.19.2.5 To extinguish rights of way, where appropriate, and in consultation with Ward Members
- 3.19.2.6 To divert public rights of way, where appropriate, and in agreement with Ward Members.
- 3.19.2.7 To enter into maintenance agreements, where appropriate, and in consultation with Ward Members.

### **3.19.3 Miscellaneous**

- 3.19.3.1 To agree contributions to regional water authorities' surface water drainage schemes calculated on the proportion of highway "run-off" to that from other areas, including related matters such as contributions towards the cost of cleansing village ponds, and to make payments to any minor drainage scheme of any type where they are satisfied that highways will benefit.
- 3.19.3.2 To extinguish public rights of way (stop up) and dispose of land not exceeding 500sq m no longer required for highway purposes.
- 3.19.3.3 In consultation with the Service Director (Strategy and Governance) to accept dedications of land donated to the Council for highway purposes.
- 3.19.3.4 To approve and protect development and improvement lines.
- 3.19.3.5 To construct and/or light cycle tracks.
- 3.19.3.6 To alter or remove any cycle tracks.
- 3.19.3.7 To settle compensation claims in respect of drainage or sewerage schemes on behalf of the Council (in consultation with Service Director (Strategy and Governance)).
- 3.19.3.8 To take all necessary action to safeguard the interests of the Council in relation to applications by water undertakings for orders or schemes under the legislation operated by such undertakings.
- 3.19.3.9 to advise on the highway aspects of development control
- 3.19.3.10 To demolish property acquired for road schemes in advance of requirements subject always to due regard to planning considerations or consent as appropriate.
- 3.19.3.11 To arrange for the temporary use of land for the dumping or storing of highways materials or equipment.
- 3.19.3.12 To erect traffic signs and to arrange wayleaves for their erection on private property.
- 3.19.3.13 To adopt streets constructed to specification.
- 3.19.3.14 To plan and carry out highway improvements not requiring planning permission subject to consultation with the appropriate Executive Member and Ward Members. If the purchase of land is necessary then delegated authority (for land up to the value of £300,000) from the Service Director (Strategy and Governance) will be required.
- 3.19.3.15 To fix contributions to private street works and charges apportioned in flank and rear frontages in accordance with the Council's approved policy.
- 3.19.3.16 To apply for planning permission.
- 3.19.3.17 To approve and licence (including charging any appropriate fees for doing so):
- the placing of structures within highway limits;
  - the laying maintenance and inspection of pipes, cables or other lines over or under highways;

- the erection of stiles, gates or cattle grids and enforcement and maintenance of stiles and gates under the Highways Act 1980;
- arrangements for motor vehicles and cycle trails;
- the construction of a building over any part of a highway.
- the placing of tables and chairs on the public highway.

3.19.3.18 To exercise the Council's powers:

- To grant permits to utility companies to work on the public highway
- To prohibit horses, cattle or vehicles entering on ornamental gardens within the highway;
- To pipe or culvert and fill up roadside ditches;
- To require the execution of works to prevent soil or refuse from land from falling or being washed on to a street;
- To take action in relation to any obstruction of or damage to or nuisance to the highway or users thereof;
- To require the removal of obstructions to sight lines at corners and to remove unauthorised signs on any part of the highway;
- To require the removal, lopping and cutting of trees or hedges overhanging or near to a highway.
- To carry out minor temporary repairs in private streets required to remove danger to persons or vehicles;
- To carry out emergency works of any kind whether or not provision has been made in the estimates, where justified in their opinion (and that of the Service Director (Strategy and Governance) and in consultation with the Service Director (Finance, Property and Procurement)), by the scale of the potential legal liability.

**3.19.3.19 Selection of sites for street seats.**

**3.19.3.20 Approval of requests for street closures or for making orders for the prevention of obstructions in the street during public processions etc in accordance with Section 21 of the Town Police Clauses Act 1847.**

**3.19.3.21 Approval of applications for permission to hold events in Council car parks.**

**3.19.3.22 Approval of requests to waive car parking charges in the period leading up to Christmas or for the promotion of sustainable travel events.**

**3.19.3.23 To implement highway maintenance and improvement works in accordance with approved budgets and to agreed service standards in accordance with the Highways Act 1980 and current guidance.**

**3.19.3.24 Following consultation with affected Ward Members and the relevant Executive Member/Portfolio Holder, to exercise powers**

under the Act to advertise Experimental Traffic Orders and subsequently implement them provided no objections are received. Where objections are received, the matter will be referred back to the relevant decision maker for consideration and determination. Where an order is implemented, the Ward Members will be advised in advance.

- 3.19.3.25** Following consultation with affected Ward Members and the relevant Executive Member/Portfolio Holder, to exercise powers under the Act to advertise Traffic Regulation Orders (for speed limits, prohibitions of movement, weight limits, etc.) and subsequently implement them provided no objections are received. Where objections are received, the matter will be referred back to the relevant decision maker for consideration and determination. Where an order is implemented, the Ward Members will be advised in advance.
- 3.19.3.26** In consultation with the Service Director (Finance, Property and Procurement) to issue licences and fix and collect fees in relation to the matters governed by the Highways Act 1980.
- 3.19.3.27** In consultation with the Service Director (Strategy and Governance) and the Service Director (Development and Housing) to submit objections to the Traffic Commissioner on behalf of the Council.
- 3.19.3.28** To act as the Traffic Manager in accordance with the requirements of the Traffic Management Act 2004.

#### 3.19.4 Transport

- 3.19.4.1** West Berkshire Council is a designated body for the issuing of Section 19 Bus Permits in accordance with the Transport Act 1985 and changes introduced by the Local Transport Act 2008
- 3.19.4.2** To lodge holding objections regarding proposals by operators for withdrawals of or alterations to rail services, or the fares and charges therefore, where it is anticipated that extra Council expenditure would result.

#### Other Powers – Consultation Provisions

- 3.19.4.3** All consultations on Transport issues (with the exception of those deemed significant and requiring referral to the Executive/Select Committee) be delegated to the Service Director (Environment) in consultation with the Leader, appropriate Portfolio Holder and Opposition Spokesperson.

#### 3.19.5 Countryside including Rights of Way functions

- 3.19.5.1** Management of Recreation Facilities where these are public open spaces.
- 3.19.5.2** Admission and exclusion of public to recreation facilities and premises (also Service Director (Community Services)).
- 3.19.5.3** Letting of recreation facilities and premises (also Service Director (Community Services)).

- 3.19.5.4 To carry out powers in relation to The Hedgerow Regulations 1997.**
- 3.19.5.5 To grant a licence and associated consents for the annual Michaelmas Fair.**
- 3.19.5.6 To enter into maintenance agreements in relation to Public Rights of Way, where appropriate, and in consultation with the Service Director (Strategy and Governance)**
- 3.19.5.7 To approve and protect development and improvement lines.**
- 3.19.5.8 The exercise (in consultation with the Service Director (Strategy and Governance)), of the common law duty to ‘seek, prevent and remove obstructions’ (Bagshaw vs Buxton Local Board of Health 1875).**
- 3.19.5.9 To keep the definitive maps and statement under review**
- 3.19.5.10 In consultation with the Service Director (Community Services) to submit objections and such representations considered necessary or permitted in respect of closed churchyard applications under the Section 1 Burial Act 1853.**
- 3.19.5.11 To exercise the Council’s obligations under the Act in relation to transfers of maintenance responsibilities relating to closed churchyards under Section 215 Local Government Act 1972.**

#### 3.1.1 Commons Registration

To exercise the Council’s powers and duties in relation to the registration of Commons and Towns and Village Greens.

## Part 11

### Scheme of Delegation

#### Document Control

<b>Document Ref:</b>	WB/P&C/MF/2008-11	<b>Date Created:</b>	May 2007
<b>Version:</b>	27	<b>Date Modified:</b>	December 2017
<b>Revision due</b>			
<b>Author:</b>	Moira Fraser – Democratic and Electoral Services Manager		
<b>Owning Service</b>	Strategic Support		

#### Change History

Version	Date	Description	Change ID
2	June 2008	Updated to incorporate new legislation and to apply the scheme to officers in two services	
2.1	Dec 2008	Paragraph 3.15.1	
3	Dec 2010	Entire document revised to align functions following Senior Management Review and to make amendments in line with changes to legislation	
4	October 2011	Entire document revised	
5	March 2012	Entire document revised to align functions following Senior Management Review and to make amendments in line with changes to legislation. Approved at Council meeting on 1 March 2012.	
6	May 2012	Changes arising from the introduction of the Localism Act	
7	Sept 2012	Added Paragraph 3.14.23	
8	December 2012	Amended Paragraph 3.13.2	
9	July 2013	Added Head of Public Health and Wellbeing (Paragraph 3.17)	



Version	Date	Description	Change ID
10	September 2013	Typos corrected in 3.8.2 and 3.8.5. Additional paragraph inserted in 3.8.6 and new section 3.8.10 added. Additions made to 3.15.3 and paragraph 3.15.5 amended.	
10.1	November 2013	Local Development Plan renamed Development Plan	
11	March 2014	Amendments to under the Head of Legal Services insert provisions pertaining to the Localism Act 2011, and permit the Monitoring officer to make minor amendments to the Constitution. Insert provisions under the Goods vehicles (Licensing of Operators) Act 1985. Changes to paragraphs 3.3.3. (final bullet point), 3.12.2, 3.12.3, 3.12.7, 3.12.14 and 3.15.3	
12	May 2014	To reflect revision of numbers of Members on the Licensing, Governance and Audit and Personnel Committees	
13	July 2014	Changes to paragraphs 3.15.3 and 3.15.5	
14	September 2014	Amendments to Paragraph 3.13.11	
15	September 2014	A new 3.1.6 – Table of Partner Functions A new 3.9.6 to delegate to the Head of Strategic Support, in consultation with the Head of Legal Services, to make a Public Spaces Protection Order. A new 3.13.14 delegating authority to the Head of Legal Services in consultation with the Head of Care Commissioning, Safeguarding and Housing, to seek civil injunctions in accordance with Part 1 of the ASB, Crime and Policing Act 2014. A new 3.13.14 to delegate authority to the Head of Legal Services or his/her nominee in consultation with the Head of Strategic Support, to issue Closure Notices and apply for a Closure Order. A new 3.15.7 delegating authority to the Head of Culture and Environmental Protection, in consultation with the Head of Legal Services, to serve Community Protection Notices. The delegation to serve Community Protection Notice is also extended to Registered Landlords and Police Community Support Officers who are also authorised to serve Fixed Penalty Notices.	
16	March 2015	Changes to paragraphs 3,3,3, 3,7,2, 3,7,3, 3,7,4, , 3,8.1, 3,8.11, 3,9.7, 3,12.15, 3,14.1, 3,15.2, 3,15.3, 3,15.4, 3,15.6, 3,16.1, 3,16.2, 3,16.3, 3,16.4, 3,16.5, 3,16.7, 3,16.8, 3,16.9, 3,16.10, 3,14.22	
17	March 2015	3.15.3(a) add Animals Act 1971	Monitoring Officer under delegated authority
18	March 2015	3.15.3(b) add Consumer Rights Act 2015	Monitoring Officer under delegated authority
19	July 2015	Amendments arising out of the merge of the Governance and Audit and Standards Committees 3.1.1, 3.1.3, 3.13.2	As per the Council Report
20	August 2015	3.13.11, 3.13.13, 3.14.6, 3.14.7, 3.14.8, 3.14.9, 3.14.10, 3.15.1, 3.15.3, 3.15.6 to 3.15.15	Monitoring Officer under delegated authority
21	March 2016	3.1.3, 3.3.3, 3.3.6, 3.4, 3.5.3, 3.5.7, 3.7.3 (new), 3.8.10 (Energy Act 2011), 3.8.10 (Disability), 3.12.2, 3.14.5 (Berkshire Act 1986), 3.14.16 (Section 1 Burial Act 1986), 3.14.17 (Section 215 Local Government Act 1972), 3.15.1, 3.15.3, 3.15.8 (Berkshire Act 1986), 3.15.17 (Section 1 of the Burial Act 1853), 3.15.18 (Section 215 Local Government Act 1972), 3.16.2,3.16.3 and 3.16.15	As per the Council Report March 2016
22	April 2016	Update the Schedule of Proper Officer Appointments	Monitoring Officer under delegated authority
23	April 2016	3.15.3 - addition of Psychoactive Substances Act 2016	Monitoring Officer under delegated authority
24	July 2016	3.16.14	Monitoring Officer under delegated authority
25	October 2016	3.3.3 and 3.5.3	Monitoring Officer under delegated authority
26	January 2017	3.15	Monitoring Officer under delegated authority
27	June to November 2017	Update to take into account changes in processes, legislation and corporate structure.	Deputy Monitoring Officer
28	December 2018	Updates in relation to the report taken to Council on the 06	Council

		December 2018 3.10.6.9, 3.10.3.8, 3.1.3. 3.10.3 and that 3.3.5.1 and 3.3.5.2 be deleted	
29	July 2026	Updates take to full Council on 16 July 2026	Council

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<http://www.opsi.gov.uk/legislation/uk>

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## Contents

3.1	Delegation of Functions.....	1
3.1.1	Introduction .....	1
3.1.2	Table 1- Responsibility for Local Choice Functions.....	1
3.1.3	Table 2 - Responsibility for Council Functions (Schedule 1 of the Functions Regulations).....	3
3.1.4	Table 3 - Summary of Licensing Authority functions in accordance with the Licensing Act 2003 (except where delegated below) .....	5
3.1.5	Table 4 - Summary of Executive Functions .....	6
3.1.6	Table 5 - Summary of Partner Functions.....	7
3.2	Officers' Scheme of Delegation .....	7
3.2.1	Scope of Scheme .....	7
3.2.2	Consultation .....	8
3.2.3	Conditions of Delegation .....	8
3.2.4	Overall Limitations.....	8
3.3	General Delegation to Executive Directors/Service Directors .....	9
3.3.1	Legal Matters .....	10
3.3.2	Human Resources.....	10
3.3.3	Tenders/Contracts.....	11
3.3.4	Emergencies .....	11
3.3.5	Delegation to Specific Directors .....	12
3.3.6	Schedule of Proper Officer Appointments .....	13
3.3.7	Delegations to Service Directors .....	16
3.4	Service Director (Adult Social Care).....	16
3.4.1	Residential and Nursing Home Accommodation .....	17
3.4.2	Home Care Services: Financial Matters .....	17
3.5	Service Director (Transformation, Customer & ICT) .....	18
3.6	Service Director (Development and Housing).....	18
3.6.3	Conditions .....	19
3.6.6	Traveller Sites .....	20
3.6.7	Housing .....	21
3.6.8	Future Development Sites.....	22
3.6.9	Sites with Existing Planning Permission.....	22

3.7	Service Director (Education and SEND).....	22
3.8	Admissions .....	23
3.8.2	Attendance at School.....	23
3.8.3	Special Educational Needs (SEN) .....	24
3.8.4	School Term Dates .....	24
3.8.5	Name of School .....	24
3.8.6	Curriculum .....	24
3.8.7	Staffing – in respect of Nursery Schools .....	24
3.8.8	Staffing – in respect of Maintained Primary, Secondary and Special Schools .....	24
3.8.9	All Educational Establishments.....	25
3.8.10	Provision of Information Concerning Individual Performance of Pupils.....	25
3.8.11	Governance .....	25
3.8.12	Miscellaneous.....	25
3.8.13	Post 16 Years - Education and Training Provision.....	25
3.9	Service Director (Children Social Care).....	26
3.9.1	Powers:.....	26
3.9.2	Children Act 1989 and associated Regulations. ....	26
3.9.3	Governance .....	26
3.9.4	Child Protection .....	26
3.9.5	Accommodation, Care, Fostering and Adoption .....	27
3.9.6	Home Care Services: Financial Matters.....	27
3.10	Service Director (Finance, Property and Procurement) .....	27
3.10.1	Designation.....	27
3.10.2	Responsibility.....	27
3.10.3	Finance General .....	27
3.10.4	Loans and Borrowing.....	28
3.10.5	Matters Relating to Children and Young Persons .....	29
3.10.6	Property Matters .....	29
3.10.7	Insurance.....	29
3.11	Service Director (Strategy and Governance) or Service Lead (Legal and Democratic Services .....	30
3.11.1	General.....	30
3.11.2	Local Government Act 1972 .....	30

3.11.3	Local Government (Miscellaneous Provisions) Act 1976: .....	31
3.11.4	Miscellaneous .....	31
3.11.5	Berkshire Act 1986.....	31
3.11.6	Road Traffic Regulation Act 1984.....	31
3.11.7	Town and Country Planning (General Permitted Development) (England) Order 2015 .....	32
3.11.8	Localism Act 2011 .....	32
3.11.9	Property Matters.....	32
3.11.10	Anti-social Behaviour, Crime and Policing Act 2014.....	33
3.11.11	Local Land Charges .....	33
3.12	Electoral Matters .....	33
3.12.1	Localism Act 2011 - Part 5 Chapter 3 - Assets of Community Value .....	33
3.13	Director of Public Health.....	33
3.13.1	General .....	33
3.13.2	Dental Health .....	33
3.13.3	Health of Prisoners.....	34
3.13.4	Weight Measurement and Children’s Sexual Health Service .....	34
3.13.5	Violent Offenders.....	34
3.13.6	Health Protection.....	34
3.13.7	Health Improvement.....	34
3.13.8	Health Care Public Health .....	34
3.14	Service Director (Community Services).....	34
3.14.4	Culture General.....	38
3.14.5	Anti-social Behaviour, Crime and Policing Act 2014.....	39
3.15	Registration of Births, Deaths and Marriages .....	39
3.16	Civil Contingencies.....	39
3.17	Monitoring Officer or their Deputy appointed in writing .....	39
3.17.1	Local Government Act 1972.....	39
3.18	Local Authorities (Members’ Allowances) (England) Regulations 2003 (as amended) .....	40
3.19	Service Director (Environment) .....	40
3.19.2	Agreements, Notices and Orders .....	42
3.19.4	Transport.....	45

3.19.5 Countryside including Rights of Way functions .....45



## 3.1 Delegation of Functions

### 3.1.1

#### Introduction

This section of the Constitution summarises which part of the decision-making process is responsible for which function. Further detail is set out in paragraph 3.2 (Officer's Scheme of Delegation) of this Constitution.

The aim is to show which functions are the responsibility of the Council, the Planning Committees, Licensing Committee/Sub-Committee, the Governance Committee and the Personnel Committee and which are the responsibility of the Executive. This section also clarifies which functions are the responsibilities of the Executive to a specified extent. Delegation to Partners is also included in this section.

The allocation of functions follows the Local Authorities (Functions and Responsibilities) (England) Regulations 2000, and as subsequently amended, referred to in the tables that follow as 'The Function Regulations'.

The information is set out in tabular form as follows:

Table 1 – Responsibility for Local Choice Functions

Table 2 – Council Functions

Table 3 – Licensing Authority Functions

Table 4 – Executive Functions

Table 5 - Partners

### 3.1.2

#### Choice Functions

#### Table 1- Responsibility for Local

Function	Decision-Making Body	Delegation of Function
Any function under a local Act other than a function specified or referred to in Regulation 2 or Schedule 1 of the Regulations 2000	Executive	Some highway-related functions under the Berkshire Act 1986 are delegated to the Service Director (Environment) or other Service Directors, depending on the function concerned. See Scheme of Delegation.
The determination of an appeal against any decision in relation to employment matter made by or on behalf of the Authority	Employment Appeals Panel	These functions will not be further delegated.
The determination of Appeals relating to council tax, home-to-school transport and Tourist Information Signs or any other appeal which is not otherwise specified but which must be determined by Members of the Council	Appropriate Appeal panel	These functions will not be further delegated.
The appointment of Review Boards under regulations under Subsection (4) of Section 34 (Determination of Claims and Reviews) of the Social Security Act 1998	Council	These functions will not be further delegated.
The making of arrangements pursuant to Sub-section (1) of Section 67 of, and Schedule 18 to, the 1998 Act (Appeals against the Exclusion of Pupils)	School Appeals Panel	These functions will not be further delegated.
The making of arrangements pursuant to	School	These functions will not be further

<b>Function</b>	<b>Decision-Making Body</b>	<b>Delegation of Function</b>
Section 94(1) and (4) of, and Schedule 24 to, the 1998 Act (Admissions Appeals)	Appeals Panel	delegated.
The making of arrangements pursuant to Section 95(2) of, and Schedule 25 to, the 1998 Act (children to whom Section 87 applies: appeals by Governing Bodies)	School Appeals Panel	These functions will not be further delegated.
The making of arrangements under Section 20 (Questions on Police Matters at Council meetings) of the Police Act 1996 for enabling questions to be put on the discharge of the functions of a Police Authority	Council	These functions will not be further delegated.
The making of appointments under paragraphs 2 to 4 (Appointment of Members by Relevant Councils) of Schedule 2 (Police Authorities established under Section 3) to the Police Act 1996	Leader of the Council	These functions will not be further delegated.
Any function related to contaminated land	Licensing Committee	Functions delegated to the Service Director (Community Services), in accordance with the Scheme of Delegation.
The discharge of any function relating to control of pollution or the management of air quality	Licensing Committee	Functions delegated to the Service Director (Community Services) in accordance with the Scheme of Delegation.
The serving of an Abatement Notice in respect of a statutory nuisance	Licensing Committee	Functions delegated to the Service Director (Community Services) in accordance with the Scheme of Delegation.
The passing of a resolution to which Schedule 2 of the Noise and Statutory Nuisance Act 1993 should apply in the Authority's area	Licensing Committee	Functions delegated to the Service Director (Community Services) in accordance with the Scheme of Delegation.
The inspection of the Authority's area to detect any statutory nuisance	Licensing Committee	Functions delegated to the Service Director (Community Services) in accordance with the Scheme of Delegation.
The investigation of any complaint as to the existence of a statutory nuisance	Licensing Committee	Functions delegated to the Service Director (Community Services) in accordance with the Scheme of Delegation.
The obtaining of information under Section 330 of the Town and Country Planning Act 1990	District/Area Planning Committees	Functions delegated to the Service Director (Development and Housing) in accordance with the Scheme of Delegation.
The obtaining of particulars of persons interested in land under Section 16 of the Local Government (Miscellaneous Provisions) Act 1976	District/Area Planning Committees	Functions delegated to the Service Director (Development and Housing) in accordance with the Scheme of Delegation.
The making of agreements for the execution of highway works	District/Area Planning	Functions delegated to the Service Director (Environment) in accordance

Function	Decision-Making Body	Delegation of Function
	Committees	with the Scheme of Delegation.
The appointment of any individual: a) to any office other than an office in which they are employed by the Authority; b) to any other body than: i) the Authority; ii) a Joint Committee or Sub-Committee of two or more Authorities; or c) to any Committee or Sub-Committee of such a body, and the revocation of any such appointment	Executive (for specified appointments)  Council for Council functions	These functions will not be delegated further.
The making of agreements with other Local Authorities for the placing of staff at the disposal of those other Authorities	Executive	Function delegated to Chief Executive where an emergency situation exists.

3.1.3 Table 2 - Responsibility for Council Functions (Schedule 1 of the Functions Regulations)

Functions	Committee	Delegation of Functions
Functions relating to elections	Council	Some of these functions are delegated to the Returning Officer as set out in the Scheme of Delegation.
Functions relating to the name and status of areas and individuals	Council	These functions will not be further delegated.
Power to make, amend, revoke or re-enact bylaws	Council	These functions will not be further delegated.
Power to promote or approve local or personal Bills	Council	These functions will not be further delegated.
Functions relating to pensions, severance payments and premature retirements	Council	These functions will not be delegated further except for requests for the early release of pensions. (Where the total cost to the Council of a termination will exceed £10,000 but are below £100,000 the costs must first be approved by the Executive. Any costs exceeding £100,000 shall be approved by Council and not delegated further. Below £10,000, the costs must be approved by the Chief Executive in consultation with the Leader and Shadow Leader of the Council) which are delegated to the Personnel Committee.
Miscellaneous functions. Duty to approve Authority's statement of accounts, income and expenditure and balance sheet or record of receipts and payments (as the case may be)	Governance Committee	These functions will not be further delegated.
Duty to make arrangements for proper administration of financial affairs, etc.	Council	Function delegated to the Service Director (Finance, Property and Procurement) Service Director (Finance, Property and Procurement) as set out in the Scheme of Delegation.

<b>Functions</b>	<b>Committee</b>	<b>Delegation of Functions</b>
Power to amend the Council's Constitution	Council	These functions will not be further delegated – although the Service Director (Strategy and Governance) may make minor amendments to the Constitution in order to ensure that legislative provisions are current and any typographical or other errors are corrected.
Power to appoint Officers for particular purposes (appointment of 'Proper Officers')	Personnel Committee	These functions will not be further delegated.
Duty to designate or remove an Officer as the Head of the Authority's Paid Service and to provide staff	Council	These functions will not be further delegated.
Duty to designate or remove an Officer as the Monitoring Officer, and to provide staff	Personnel Committee	These functions will not be further delegated.
Duty to designate or remove an Officer as the Council's section 151 officer	Personnel Committee	These functions will not be further delegated.
Duty to designate or remove an Officer as the Director of Adult Social Services	Personnel Committee	These functions will not be further delegated.
Duty to designate or remove an Officer as the Director of Children's Services	Personnel Committee	These functions will not be further delegated.
Power to make Standing Orders as to contracts	Council	Function delegated to the Service Director (Finance, Property and Procurement) and to the Service Director (Strategy and Governance) as set out in the Scheme of Delegation.
Power to make payments or provide other benefits in cases of maladministration, etc.	Council	This function is delegated to the appropriate Service Director for payments / benefits up to the value of £5000.
Functions relating to Town and Country Planning and Development Control	District/Area Planning Committees	Functions are delegated to the appropriate Area Planning Committee (Eastern and Western). Where their proposed resolutions are deemed by the Development Manager to have a significant impact on the implementation of the policies and proposals in the Local Development Plan, these will be referred to the District Planning Committee. Functions delegated to the Service Director (Development and Housing) as set out in the Scheme of Delegation. Some functions are delegated to the Service Director (Development and Housing) in consultation with the Service Director (Strategy and Governance) as set out in the Scheme of Delegation.
Powers relating to the Planning and Compulsory Purchase Act 2004	Area Planning Committees	Functions delegated to the Service Director (Development and Housing) as set out in the Scheme of Delegation.
Licensing and registration functions	Licensing Committee	Functions delegated to the Service Director (Community Services) as set out in the Scheme of Delegation.
Power to make closing order in respect of take-away shops	Licensing Committee	Functions delegated to the Service Director (Community Services) as set out in the Scheme of Delegation.

Functions	Committee	Delegation of Functions
Functions relating to health and safety (except those relating to the Council as an employer)	Licensing Committee	Functions delegated to the Chief Executive and / or the Service Director (Community Services) as set out in the Scheme of Delegation.
Duty to keep and maintain a register of commons	Area Planning Committees	Functions delegated to the Service Director (Environment) as set out in the Scheme of Delegation.
Duty to keep definitive maps and statement under review	Area Planning Committees	Functions delegated to the Service Director (Environment) as set out in the Scheme of Delegation.
Powers relating to the preservation of important hedgerows	Area Planning Committees	Functions delegated to the Service Director (Environment) as set out in the Scheme of Delegation.
Functions relating to public rights of way	Individual Decision Scheme	Functions delegated to the Service Director (Environment) in consultation with Service Director (Strategy and Governance) as set out in the Scheme of Delegation.
Powers relating to the preservation of trees	Area Planning Committees	Functions delegated to Service Director (Environment) as set out in the Scheme of Delegation.
Power to appoint staff and to determine the terms and conditions on which they hold office (including procedures for their dismissal)	Council	Powers to appoint staff at Service Director level and above delegated to the Personnel Committee by means of an Appointments Panel except for Head of Paid Service that may not be delegated from Council. Appointments below Service Director level are delegated to the Chief Executive or the relevant Service Director.
Functions relating to the Governance Committee, as set out in part 6.2	Governance Committee	These functions will not be further delegated

## 3.1.4

Table 3 - Summary of Licensing Authority functions in accordance with the Licensing Act 2003 (except where delegated below)

Matter to be dealt with	Full Committee	Sub-Committee	Officers
Application for a Premises Licence (Section 18(3))		If a representation is made	If no representation is made
Application for a Personal Licence (Section 120(7))		If a representation is made	If no representation is made
Application for a Personal Licence with unspent convictions		All cases	
Application for Premises Licence/Club Premises Certificate (Section 18(3) and 72(3))		If a representation is made	If no representation is made
Application for provisional statement (Section 31(3))		If a representation is made	If no representation is made
Application to vary Premises Licence/Club Premises Certificate (Sections 35(3) and 85(3))		If a representation is made	If no representation is made
Application to vary designated	If Police	If Police	All other cases

Personal Licence (Section 39(3))	representation is made	representation is made	
Request to be removed as a designated Personal Licence holder			All cases
Application for transfer of Premises Licence (Section 44(5))	If Police representation is made	If Police representation is made	All other cases
Application for interim Authorities (Section 48(3))	If Police representation is made	If Police representation is made	All other cases
Application to review Premises Licences/Club Premises Licence (Sections 52(2) or (3) and 88(2) or (3))		All cases	
Decision on whether a complaint is irrelevant, frivolous or vexatious			Officer in consultation with the Chairman and Vice-Chairman of the Licensing Committee or other appropriate appointed Members for this purpose.
Decision to object when Local Authority is a consultee and not the lead Authority			All cases
Determination of a Police representation to a temporary event notice (Section 105(2))		All cases	
Rights of Entry to investigate Licensable activities (Section 179)			Licensing Officers

### 3.1.5 Functions

Table 4 - Summary of Executive

Responsibility	Delegation of Functions	Onward limits on delegations
Executive	The formulation, review and monitoring of the Budget and Policy Framework, including consultation with relevant Committees, members of the public and interested parties, and the submission of recommendations for amending the Budget and Policy Framework of the Council.	This function will not be delegated
Executive	The implementation of the approved Budget and Policy Framework, except in relation to those functions set out in Tables 1 and 2 of Part 3 of this Constitution which are shown as the responsibility of the Council or its Committees.  This will include the management, control and supervision of key performance relating to the Council Strategy as agreed by Council.	Functions will be delegated to the Chief Executive, Executive Directors and Service Directors in accordance with the Scheme of Delegation  Functions delegated to the Head of Paid Service (Chief Executive) in accordance with Scheme of Delegation and in consultation with Members of the Joint Consultative Panel.

### 3.1.6 Functions

Table 5 - Summary of Partner

Responsibility	Delegation of Functions	Onward limits on delegations
Registered Social Landlords	Serving of Community Protection Notices in accordance with Part 4 of the Anti-social Behaviour, Crime and Policing Act 2014.	
Police Community Support Officers	Serving of Community Protection Notices and Fixed Penalty Notices in accordance with Part 4 of the Anti-social Behaviour, Crime and Policing Act 2014.	

## 3.2 Officers' Scheme of Delegation

### 3.2.1 Scope of Scheme

- 3.2.1.1 This Scheme sets out the extent to which the powers and duties of the Council shall be delegated to Officers. It encompasses both existing legislation (to include but not limited to primary and secondary legislation, Orders and regulations etc.) and shall be deemed to include references to amending, substituted or extending legislation in force from time to time.
- 3.2.1.2 Powers designated to a Service Director under this Scheme of Delegation shall immediately transfer to a successor Service Director following a transfer of any functions as a result of a restructuring of Council Services.
- 3.2.1.3 The Scheme operates under Sections 101 and 151 of the Local Government Act 1972, Section 9E of the Local Government Act 2000 and all other powers under which the Council exercises its functions.
- 3.2.1.4 The Scheme places an obligation on Officers to keep Members properly informed of action arising within the scope of these delegations.
- 3.2.1.5 For the purposes of Section 101 of the Local Government Act 1972 the Council may authorise an Officer of the Authority to commission and monitor work for and on behalf of the Council by people who are not Officers of the Authority. Such people will be bound by this Scheme and the obligations contained in it at all times when they are engaged on Council business.
- 3.2.1.6 The term "Officer" means any employee of the Council and includes any person engaged as a contractor, consultant or otherwise to

perform the functions of an employee of the Council (and includes statutory officers, directors and managers).

### 3.2.2 Consultation

- 3.2.2.1 In exercising delegated powers, Officers shall consult other Officers as appropriate and shall have regard to any advice given. Consultation in areas of financial, legal, personnel and property will be of paramount importance which includes the Council's strategic partners.
- 3.2.2.2 Officers shall liaise closely with the Executive on executive functions and the Chairmen of the Area Planning Committees and District Planning Committee or Chairman of the Licensing Committee on regulatory functions and Group Spokesmen before exercising delegated powers in relation to any matter which is likely to be regarded as politically sensitive or contentious.
- 3.2.2.3 Officers shall inform the local Ward Member(s) when they exercise any delegated powers affecting their Ward and when the matter is likely to be regarded as politically sensitive or contentious.
- 3.2.2.4 It shall always be open to an Officer to consult the Executive, the Area Planning Committees, the Licensing Committee, Personnel Committee or the Leader before the exercise of delegated powers; or not to exercise delegated powers but to refer the matter to the Executive, the relevant Committee or to Council for decision.

### 3.2.3 Conditions of Delegation

By this Scheme, and subject to the limitations and reservations contained in it:

- (a) Council authorises the Officers identified personally to exercise the powers specified herein; and
- (b) powers delegated to Executive Directors and Service Directors may be exercised by any other duly authorised Officer on their behalf.
- (c) Powers delegated to Service Directors may be exercised by the appropriate Executive Director or the Chief Executive.

If any case where the Officer given general authorisation to act considers that a new departure in policy is likely to be involved or if the implications are such that they consider, after consulting the Chief Executive, that reference should be made to Members, the matter shall be referred to the Executive or the relevant Area Planning Committee for consideration.

Exercise of delegated powers by Sub-Committees or Officers does not, by virtue of Section 101(4) Local Government Act 1972, prevent the Executive the Council or its Committees from exercising those functions or powers.

(Note: Executive Directors and Service Directors need to ensure that substantial matters dealt with under delegation are recorded.)

### 3.2.4 Overall Limitations

#### 3.2.4.1 Matters not Delegated

The Scheme does not delegate to Officers any matter:

- reserved to full Council by Standing Orders;
- reserved to the Executive or a Committee by the Scheme;
- withdrawn from delegation by the Scheme; and
- which may not by law be delegated to an Officer.

#### 3.2.4.2 General Requirements

Any exercise of delegated powers shall comply with:

- any statutory restrictions;
- Rules of Procedure as contained in the Constitution;
- Policies and Plans approved by full Council, the Executive or the Council's committees; and
- Codes and Protocols.

#### 3.2.4.3 Exercising Delegated Powers

In exercising delegated powers, Officers shall have regard to any report by the Head of the Paid Service or the Monitoring Officer under Sections 4 and 5 of the Local Government and Housing Act 1989 or Section 66 of the Local Government Act 2000 or a report of the Section 151 Officer which is produced under Section 114 of the Local Government Finance Act 1988.

#### 3.2.4.4 Financial Powers

Any decision taken under this Scheme must be made within the approved Revenue and Capital Budgets, subject to any discretion allowed by the Financial Rules of Procedure.

Acceptance of quotations and tenders and entering into contracts must be in accordance with the Contract Rules of Procedure and the Financial Rules of Procedure, detailed at Parts 8 and 9 of the Constitution.

#### 3.2.4.5 Legal Powers

Any reference to the power to administer or enforce the provisions of any Act, Order or Regulation etc., shall include the power to decide whether to administer or otherwise enforce those provisions. Any reference to the power to commence or institute legal proceedings shall include the decision to commence proceedings or prosecute, as well as all other action in the matter (including in appropriate cases, the power to reach a settlement, withdraw or discontinue proceedings).

### **3.3 General Delegation to Executive Directors/Service Directors**

All Executive Directors and Service Directors shall be authorised to exercise the following powers and functions of the Council to the extent that they fall within the remit of their Service (or in the case of Executive Directors, within the Directorate):

- 3.3.1 Legal Matters
- 3.3.1.1 Service of requisitions for information as to ownership of any property under statutory powers.
- 3.3.1.2 Authority to apply for planning permission in respect of projects and minor modifications to projects subject to a report on the action taken being submitted to the Executive.
- 3.3.1.3 To grant, renew, refuse or cancel any authorisation that may be required under the Provisions of the Regulation of Investigatory Powers Act 2000 insofar as it affects their service area. This function may be delegated to third tier Officers but may not be delegated further.
- 3.3.2 Human Resources
- 3.3.2.1 To agree temporary posts provided costs are contained within service staffing budgets (in accordance with West Berkshire Council's Conditions of Service).
- 3.3.2.2 Employment of consultants to advise on specialist aspects of work within the relevant Service Area.
- 3.3.2.3 Advertisement of staff vacancies within establishment (in accordance with the Council's recruitment procedures).
- 3.3.2.4 To fill a post without advertisement (in consultation with the relevant Service Director, and Service Director (Strategy and Governance, subject to the post having been advertised internally for a minimum period of two weeks. ).
- 3.3.2.5 Appointment of staff to posts below second tier.
- 3.3.2.6 Determination of starting point within grade.
- 3.3.2.7 To sign job offers and/or contract of employment for:
- Executive Director appointments (by Chief Executive)
  - Service Director appointments (by Chief Executive or responsible Executive Director)
  - Other employee appointments (Executive Director, Service Director or Officer delegated by one of these)
- 3.3.2.8 To agree flexible contracts, including job share, variations outside of Timelord2 and term-time working (in consultation with relevant Executive Director, Service Director (Strategy and Governance) .
- 3.3.2.9 Confirmation of appointments on completion of probationary period.
- 3.3.2.10 Exercise of the discretion contained within the National Conditions for sick payment entitlements.
- 3.3.2.11 Approval of car purchases and car leases in accordance with West Berkshire Council's Conditions of Service and the Council's relevant policies (in consultation with the Service Director (Finance, Property and Procurement)

- 3.3.2.12 Extension of industrial accident pay (in consultation with the Service Director (Finance, Property and Procurement)) and Service Director (Strategy and Governance).
- 3.3.2.13 Approval of application of West Berkshire Council Service Related Additional Payments Scheme (in consultation with the Service Director (Strategy and Governance)).
- 3.3.2.14 Approval of variations to Council payment schemes (in consultation with the Service Director (Strategy and Governance) and where appropriate with employees' representatives).
- 3.3.2.15 To implement the Council's disciplinary and grievance procedures in accordance with West Berkshire Council's Conditions of Service.
- 3.3.2.16 To sign contracts for external employment services within approved budgets (with agreement of Executive Director or Officer delegated by one of these).
- 3.3.2.17 Authorising attendance of Officers at professional, administrative and educational meetings, conferences and courses.
- 3.3.2.18 To determine new organisation structures below Service Director level provided that:
- there are no resultant redundancies;
  - the change is following consultation with relevant staff, existing staff; and
  - the change can be contained within service budgets.
- 3.3.2.19 In consultation with the Service Director (Finance, Property and Procurement) and the Service Director (Strategy and Governance), to make ex-gratia payments in respect of claims not exceeding £1,000 in respect of damage or injury resulting from the actions of clients looked after by the District Council both in relation to young people and adults.
- 3.3.2.20 General organisation of services within policy laid down by Council.
- 3.3.2.21 To determine whether a post falls within the definition of a 'sensitive post' under the Local Government and Housing Act 1989 and should therefore be included on the list of sensitive posts within the Council, which are subject to political restriction.

### 3.3.3 Tenders/Contracts

No Officer shall place orders or authorise contracts to be awarded, otherwise than in accordance with the Council's Financial Rules of Procedure and Contract Rules of Procedure, as set out in this Constitution.

### 3.3.4 Emergencies

If the Council needs to act urgently in any matter including, without limitation, complying with the Major Incident Plan or taking any action under new legislation of powers, the Chief Executive may authorise any action taken or expenditure occurred as necessary. An Executive Director may act in the place of the Chief Executive where the Chief Executive is unwell, unobtainable or where there is no Chief Executive in post. The Chief Executive, or Executive Director as appropriate, may delegate responsibility to a Service Director or other nominated Officer where it is considered appropriate.

### 3.3.5 Delegation to Specific Directors

- 3.3.5.1 Any such decision shall be recorded in writing on an agreed Decision Form signed by all consultees in order to provide a recognised audit trail of all such decisions and to ensure Member consultation, where appropriate.
- 3.3.5.2 The financial limits set out in the constitution will provide the basis of any financial assessment of the benefit or otherwise of any amendment to the operational requirements of the contract and under the above process will require approval by the Section 151 Officer.

#### **(a) Executive Director Place:**

- 3.3.5.3 Is authorised to give consent to the marriage of a young person in care pursuant to Section 3 of the Marriage Act 1949 as amended by the Family Law Reform Act 1969.
- 3.3.5.4 Is authorised to make changes to the Integrated Waste Management contract regarding operational matters in order to achieve improvements to the quality and efficiency of the service provided by the Contractor in consultation with the Section 151 Officer and Monitoring Officer and the relevant responsible Member.
- 3.3.5.5 Is authorised to agree Service Level Agreements/Joint Arrangements with other agencies in respect of the provision of joint leisure, cultural and information services

#### **(b) Executive Director Children and Family Services:**

- 3.3.5.6 Is authorised to exercise the powers of the Council under paragraph 20 of Schedule 2 of the Children Act 1989 in relation to the death of children looked after by local authorities.
- 3.3.5.7 Is authorised to exercise the functions of the Council under Part VII of the Children Act 1989 in relation to the provision of accommodation by voluntary organisations.
- 3.3.5.8 Is authorised to approve the registration of children's homes under Part VIII of the Children Act 1989.

#### **(c) Executive Director for Adult Social Care:**

- 3.3.5.9 Is authorised to appoint Officers to act as Approved Mental Health Professionals under the Mental Health Act 1983.

#### **(d) Executive Director Resources:**

- 3.3.5.10 refer any matter to the Executive having assessed the potential risk to the Council and impact on service provision to the public.

#### **(e) Chief Executive:**

- 3.3.5.11 Is authorised to approve new and revised HR policies and procedures. The Chief Executive may decide to refer particular HR policies and procedures to the Personnel Committee rather than exercise the delegation.

3.3.6  
Appointments

## Schedule of Proper Officer

<b>The following Officers have been appointed Proper Officer for the purposes of exercising the functions under the legislation referred to below:</b>		
<b>Section</b>	<b>Function</b>	<b>Exercised by</b>
<b>Local Government Act 1972</b>		
83	Witness and receipt of declarations of acceptance of office	The Chief Executive or Monitoring Officer or deputy appointed in writing
84	Receipt of declarations of resignation of office	The Chief Executive or Monitoring Officer or deputy appointed in writing
86	Declaration of a vacancy	The Chief Executive or Head of Legal Services Monitoring Officer or deputy appointed in writing
88(2)	Convening of meeting of Council to fill a casual vacancy in the office of Chairman	Monitoring Officer or deputy appointed in writing or deputy appointed in writing
89(1)(b)	Receipt of notice of casual vacancy from two local government electors	The Chief Executive or Monitoring Officer or deputy appointed in writing
100B-F	Circulation of Reports and Agendas Supply of Papers to the Press Summaries of Minutes Members' Right to Papers Compilation of Lists Background Papers and Identification of Background papers	The Monitoring Officer or deputy appointed in writing
115(2)	Receipt of money due from Officers	Service Director (Finance, Property and Procurement)
146 (1)	Declarations and certificates with and regards to securities	Service Director (Finance, Property and Procurement)
151	Officers having responsibility for the administration of the Council's financial matters	Officer formally appointed under section 151 by Personnel Committee or their deputy appointed in writing

191	Functions with respect of Ordnance Survey	Service Director (Development and Housing)
210(6) & (7)	Charity functions of holders of offices with existing authorities transferred to holders of equivalent office with new authorities or, if there is no such office, to Proper Officers	Service Director (Strategy and Governance)
225(1)	Proper Officer for the depositing with the Independent Adjudicator the list of politically restricted posts under Section 2(4) of the Local Government & Housing Act 1989	Chief Executive
225(1)	Deposit of Documents	Service Director (Strategy and Governance)
228(3)	Accounts of 'any Proper Officer' to be open to inspection by any Member of the authority	Service Director (Finance, Property and Procurement)
229(5)	Certification of photographic copies of documents	Appropriate Director or Service Director from which the document originates
234	Authentication of all documents on behalf of the Council	Appropriate Director or Service Director from which the document originates
	Sealing of all documents on behalf of the Council	Monitoring Officer or their deputy authorised in writing.
236(9)	To send copies of byelaws for Parish records	Service Lead (Legal and Democratic Services)
	To receive copies of byelaws and deposit them with public documents of Parish or community	Service Lead (Legal and Democratic Services)
238	Certification of Byelaws	Service Lead (Legal and Democratic Services)
248	Keeping a Roll of Freeman	Service Lead (Legal and Democratic Services)
Sch. Para 4(2)(b) & 4(3) 12	Signature of summonses to Council meetings	Monitoring Officer or their deputy authorised in writing.
	Schedule 12 Receipt of notices	Monitoring Officer or

	regarding Para 4(3) address to which summons to meetings is to be sent	their deputy authorised in writing.
Sch. Para 25(7)	14 Certification of resolutions under Para 25 of Schedule 14	Monitoring Officer or their deputy authorised in writing
Sch. Para 28	16 Receipt on deposit of lists of protected buildings (Sections 146(6) and (7) of the Town & Country Planning Act 1990	Service Director (Development and Housing)
<b>Local Government (Miscellaneous Provisions) Act 1976</b>		
Section 41	Certification of minutes and resolutions	Monitoring Officer or their deputy authorised in writing
<b>Representation of the People Act 1983</b>		
Section 8	Registration Officer and the Deputy Registration Officer	Chief Executive Elections and Land Charges Manager
Section 35	Returning Officer for elections	Chief Executive
<b>General</b>		
To ensure that the Council's policies on Data Protection and Freedom of Information are complied with.		Service Director (Strategy and Governance)
Any reference to any enactment passed before or during the 1971/72 session of Parliament other than the Local Government Act 1972 or in any Instrument made before 26th October 1972, which, by virtue of any provision of the said Act, is to be construed as a reference to the Proper Officer of the Council.		Chief Executive Executive Directors
Any reference in any enactment passed before or during the 1971/72 session of Parliament, other than the Local Government Act 1972, or in any Instrument made before 26th October 1972, to the Public Health Inspector of a District or Borough Council which, by virtue of any provision of the said Act, is to be construed as a reference to the Proper Officer of the Council.		Director of Public Health
For the purpose of: - Marriage Act 1949 - Registration Services Act 1953 - Local Registration Scheme - Provisions relating to new governance of the Registration Services		Service Director (Community Services) with Superintendent Registrar as deputy
Designated Officer as 'Head of Paid Service' under the provisions of the Local Government and Housing Act 1989		Chief Executive
Designated Officer as 'Monitoring Officer' under the provisions of the Local Government and Housing Act 1989		Executive Director (Resources) or deputy appointed in writing.

Signing and authorising all property valuations on behalf of the Council	Service Director (Finance, Property and Procurement)
Carrying out the various statutory duties required under the Weights and Measures Acts 1963 and 1985 and/or any regulations or amendments made there-under on behalf of the Council.	The most senior qualified Trading Standards Officer as approved and appointed by the Service Director (Community Services)
Nominating representatives for the purpose of the Local Government Pension Scheme (Internal Dispute Resolution Procedure) Regulations 1997.	Service Director (Finance, Property and Procurement)
Neighbourhood Planning (Referendums) Regulations 2012	Service Director (Development and Housing)
Any proper officer post not specified in the above list.	The Chief Executive
<b>In the event of any Officers appointed as Proper Officer being absent or otherwise unable to act, the following Officers have been authorised to act as Proper Officers in their place:</b>	
For the Chief Executive	Appropriate Executive Director or other officer authorised in writing by the Chief Executive.
For the Service Director (Strategy, Governance)	Service Lead - Legal and Democratic Services
For the Service Director (Finance, Property and Procurement)	Service Lead (Financial Management) or Service Lead (Commissioning and Procurement)
Others	Appropriate Executive Director

### 3.3.7

### Delegations to Service Directors

Specific delegations are granted to Service Directors as set out in section 3.6 to 3.17 below.

## 3.4 Service Director (Adult Social Care)

Subject to the reservations and exceptions set out in this Scheme, the Service Director (Adult Social Care) shall be authorised to exercise the functions, duties and powers of the Council as set out in any relevant legislation relating to Adult Social Care, which shall include but not be limited to the following:

- The Care Act 2014
- Mental Health Act 1983
- Mental Capacity Act 2005

### 3.4.1 Residential and Nursing Home Accommodation

3.4.1.1 Subject to the Council's Contract Rules of Procedure and Financial Rules of Procedure, to authorise and approve the maintenance costs for the admission of any person to any residential or nursing home accommodation and enter into such contracts.

3.4.1.2 To authorise applications to the Court of Protection for the Council to act as Financial and Property Affairs Deputy (Authorisation for Health and Welfare applications to remain with the Service Director (Strategy, and Governance)).

3.4.1.3 To act as Financial Deputy in all matters in which it is appropriate for the Council to act and in accordance with any Court Orders made by the Court of Protection.

3.4.1.4 Better Care Fund

3.4.1.5 Quarterly Performance Reporting

3.4.1.6 To approve performance reporting for the Better Care Fund Programme.

### 3.4.2 Home Care Services: Financial Matters

3.4.2.1 In accordance with procedures approved in advance by the Service Director (Finance, Property and Procurement) to waive the assessment charges for any services to clients in circumstances where it is essential for the family for social and/or medical reasons and to record every case requiring such action in a register to be provided for this purpose.

3.4.2.2 In accordance with procedures agreed in writing in advance, with the Service Director (Finance, Property and Procurement), to vary or waive the charges for any service provided by the Council under Part III of the Children Act 1989 and Community Care legislation where failure to do so would adversely affect the welfare of the child/ or adult in question.

3.4.2.3 Within the provisions of community care legislation, to arrange for the purchase and provision of appropriate care services to those persons assessed as having needs that fall within the Council's agreed priorities, subject always to appropriate Contract and Financial regulations, the approved policies and estimates of the Council and the proper identification of appropriate suppliers including carers.

#### Mental Health Act 1983

3.4.2.4 To accept a guardianship application and to exercise the powers of guardianship under the Mental Health Act 1983

3.4.2.5 To exercise the functions of the Nearest Relative under the powers contained in the Mental Health Act 1983 and the Mental Health Act 2007 in all matters in which it is appropriate for an Officer of the Council so to act.

#### Deprivations of Liberty

3.4.2.6 To authorise deprivations of liberty in accordance with Schedule A1 of the Mental Capacity Act 2005.

3.4.2.7 To authorise applications to the Court of Protection in conjunction with the Service Director (Strategy and Governance) for those being deprived of their liberty falling outside Schedule A1 of the Mental Capacity Act 2005.

3.4.2.8 To support the framework of those Boards in relation to Safeguarding Adults Reviews arranged in accordance with the Care Act 2014

3.6 Service Lead, Commissioning and Procurement Subject to the reservations and exceptions set out in this Scheme, the Service Lead Commissioning and Procurement shall be authorised to exercise the functions, duties and powers of the Council as set out in any relevant legislation relating to commissioning, which shall include but not be limited to the following:

3.4.3 Specifically in relation to Care Act 2014: market shaping, promoting quality & supporting sustainability places statutory duty on LA for Market Shaping and the need to commission effective appropriate commissioned services as well as managing market failure and market interruptions.

3.4.4 Through the function of Care Quality the Care Quality Commission (Registration Regulations) 2009 (SI 2009/3112) to provide Care Quality Commission with access to information to inform the assessment of quality of care provided to people who use services, the Commissioning Service meets the duty to provide explanation of a relevant matter where so requested by Care Quality Commission.

3.4.5 Health & Social Care Act 2008: to ensure failing services are improved and to support improvement of services - by ensuring Care Quality Commission views are fed in.

3.4.6 to make arrangements to secure a range of services as set out in The Local Authorities (Public Health Functions and Entry to Premises by Local Healthwatch Representatives) Regulations 2012.

3.4.7 In the delegated function of commissioning services on behalf of CCGs the Commissioning Service meets the NHS Act 2006 (Supply of goods and services by the local authority and the duty to cooperate with the National Health Service.

3.4.8 commissioning and providing direct support for schools catering in line with the School Standards and Framework Act 1998 Secondary - Education (Nutritional Standards and Requirements for School Food) (England) Regulations Supports statutory function.

### **3.5 Service Director (Transformation, Customer & ICT)**

Local Government (Miscellaneous Provisions) Act 1982 - Section 38 – Use of spare capacity of computers of Local Authorities.

### **3.6 Service Director (Development and Housing)**

3.6.1 Subject to the reservations and exceptions set out in this Scheme, the Service Director (Development and Housing) 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
- 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

3.6.2 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.

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

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

3.6.5 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.

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

3.6.3 Conditions

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

The Area Planning Committees shall reserve the authority to determine any type or class of application.

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

3.8.3.3 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 Service Director (Development and Housing) or the Development Control Manager

3.6.4 Members who wish to ‘call-in’ an item to be discussed at an Area Planning Committee will be required to complete the agreed proforma 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:

3.6.5 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:

3.6.5.1 those submitted by or on behalf of a member of staff of Planning,

3.6.5.2 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;

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

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

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

3.6.6 Traveller Sites

3.6.6.1 To commission professional services in relation to traveller and gypsy sites

3.6.6.2 To undertake an assessment of the accommodation needs of Gypsies and Travellers residing in or resorting to the district and to prepare a strategy in respect of meeting those needs, in accordance with the Housing Act 2004

3.6.6.3 To apply annual increases to charges on gypsy sites in line with the rent increases applied by West Berkshire Council managing the site to its own tenants.

- 3.6.7 Housing
- 3.6.7.1 To publish an allocations scheme and develop policies to offer choice to applicants in the allocation of housing
- 3.6.7.2 To exercise the duties conferred on the Council in relation to homelessness.
- 3.6.7.3 To promote energy efficient homes including administering grants for energy efficiency.
- 3.6.7.4 To give grants and loans for the repair / improvement of housing in accordance with national guidance and locally published policies.
- 3.6.7.5 To award mandatory, and where appropriate discretionary, Disabled Facilities Grants for the purpose of aids and adaptations for eligible people, in accordance with national guidance and local published policies.
- 3.6.7.6 To act as a Director of the Flexible Homes Improvement Limited, on behalf of West Berkshire Council, for the purpose of administering loans for the repair / improvement of housing within the Flexible Home Improvement Loans sub-region
- 3.6.7.7 To approve discretionary grants and loans as exceptions to the adopted Housing Grants & Loans Policy
- 3.6.7.8 To offer grants for the improvement and/or repair of housing.
- 3.6.7.9 To determine applications for Housing Association Grant with regard to the purchase of properties in the second-hand market for occupation by homeless families in accordance with the special homelessness initiative subject to the contribution on any one unit not exceeding £50,000.
- 3.6.7.10 Determination of application for individual DIYSO Housing Association Grant.
- 3.6.7.11 Implementing rent reviews in accordance with valuers' instructions.
- 3.6.7.12 Carry out repairs to units of temporary accommodation.
- 3.6.7.13 Repurchase of ex-Council House Stock in Rural Areas
- 3.6.7.14 To approve exceptions to the application of the local connection criteria for homes subject to s.19 of the Housing Act 1980 and s.157 of the Housing Act 1985
- 3.6.7.15 To develop and implement strategies to bring empty homes back into use, including the use of empty Dwelling Management Orders and Compulsory Purchase Orders.
- 3.6.7.16 To make use of planning and housing powers to address poor housing
- 3.6.7.17 Service of Notice to Quit on tenants of Council dwellings. Allocation of pitches on Council owned caravan sites.
- 3.6.7.18 Decisions on all matters relating to the Council's conditions of tenancy in relation to the Council's statutory housing function.
- 3.6.7.19 Assessing current and future need for affordable housing and demand for market housing

### 3.6.8 Future Development Sites

3.6.8.1 The Service Director (Development and Housing) be given delegated authority to determine the mix of types of affordable housing (that is to say the ratio of shared ownership to rented or a financial contribution instead that is to be varied, based on individual site/community needs) to be provided on future development sites, in line with adopted planning policies, and that this process form part of any pre-application or general application negotiations undertaken as part of the development control function.

3.6.8.2 The Service Director (Development and Housing) be given delegated authority to determine the level of affordable housing financial contribution in line with current policy.

### 3.6.9 Sites with Existing Planning Permission

The Service Director (Development and Housing) be authorised to negotiate with developers variations in the mix of types of affordable housing specified in Section 106 Agreements to be provided on specified sites, following consultation with the Service Director (Strategy, and Governance) and in line with adopted planning policies.

## 3.7 Service Director (Education and SEND)

Subject to the reservations and exceptions set out in this Scheme, the Service Director (Education and SEND) shall be authorised to exercise the functions, duties and powers of the Council as set out in any relevant legislation relating to education, which shall include but not be limited to the following:

- Education Act 1962
- Further Education Act 1985
- Education Reform Act 1988
- Further and Higher Education Act 1992
- Education Act 1996
- School Inspections Act 1996
- Education Act 1997
- School Standards and Framework Act 1998
- Special Educational Needs and Disability Act 2001
- Education Act 2002
- Education Act 2005
- Education and Inspections Act 2006
- Education and Skills Act 2008
- Apprenticeships, Skills, Children and Learning Act 2009
- Education (Schools) Act 1992
- Learning and Skills Act 2000

- Further Education and Training Act 2007
- Special Educational Needs (Information) Act 2008
- Academies Act 2010
- Equalities Act 2010
- Education Act 2011
- Children and Families Act 2014.
- Education and Adoption Act 2016
- Schools admission legislation including appeals
- Schools exclusion legislation including appeals

### **3.8 Admissions**

- 3.8.1.1 To consult with governing bodies about admission arrangements as required by the School Admission Code issued under Section 88 of the School Standards and Framework Act 1998.
- 3.8.1.2 To keep Admission Numbers under review and to implement any necessary changes, where these are agreed with the governing body.
- 3.8.1.3 To respond to any proposals from governing bodies to increase or reduce Admission Numbers.
- 3.8.1.4 To set admission limits which exceed the Admission Number where this is considered necessary.
- 3.8.1.5 To administer arrangements for admissions to nursery schools and classes in accordance with agreed policies.
- 3.8.1.6 To administer arrangements for the admission of individual pupils to primary and secondary schools including designated catchment areas and other relevant factors and to present the case on behalf of the Authority to admission appeal panels.
- 3.8.2 Attendance at School
- 3.8.2.1 To ensure that appropriate transport arrangements are made having regard to statutory guidance and the Authority's Home to School Transport Policy and Post-16 Statement.
- 3.8.2.2 To authorise home to school transport outside existing policy, in exceptional circumstances through the Stage 1 Appeal process.
- 3.8.2.3 To exercise the powers and duties of the Authority in respect of children excluded from school and to make arrangements for the continuing education of pupils who are excluded or otherwise unable to attend school.
- 3.8.2.4 To authorise any proceedings relating to the non-attendance of pupils at school, or education other than at school.
- 3.8.2.5 To undertake the powers and duties of the Authority under Section 36 of the Children Act 1989 regarding Education Supervision Orders.

- 3.8.3 Special Educational Needs (SEN)
- 3.8.3.1 To arrange for children to be assessed in accordance with the requirements of the Children and Families Act 2014 to determine the special educational provision which should be made for them and to maintain and review statements of special educational need and Education and Health and Care Plans in accordance with any regulations concerning these.
- 3.8.3.2 To represent the Authority at statutory appeal tribunals in connection with the assessment of special educational needs.
- 3.8.3.3 To determine and authorise the payment of fees and expenses at schools where fees are payable, in accordance with the policy of the Council.
- 3.8.3.4 To determine applications for assistance towards home to school transport costs for Children with SEN within the Council's approved scheme.
- 3.8.4 School Term Dates
- In the case of the Local Authority (LA), Voluntary Controlled and Special Schools, including residential schools, to propose school term dates after consultation with Schools Forum.
- 3.8.5 Name of School
- To approve the name of a school proposed by the governors.
- 3.8.6 Curriculum
- To provide on behalf of the Authority any information which the Secretary of State may by regulation require.
- 3.8.7 Staffing – in respect of Nursery  
Schools
- 3.8.7.1 To advise the Governing Body and/or the Selection Panel as to the shortlisting of candidates for Headship in accordance with the provisions of the Education Act 1996.
- 3.8.7.2 Subject to the Articles of Government and the disciplinary procedures applicable in each specific case, to authorise disciplinary action as appropriate.
- 3.8.8 Staffing – in respect of Maintained  
Primary, Secondary and Special Schools
- 3.8.8.1 To appoint persons selected by Governing Bodies to fill vacant posts in schools, unless the person so recommended does not meet the staff qualification requirements applicable to the appointment.
- 3.8.8.2 In the case of Aided and Foundation Schools, to exercise any advisory rights where appropriate relating to the appointment of Headteachers, Deputy Headteachers or other teaching or ancillary staff conferred by agreement or legislation.
- 3.8.8.3 To nominate persons for consideration to fill vacancies in other teaching posts in schools where Governing Bodies have notified their intention to fill those vacancies.

- 3.8.8.4 To appoint persons selected by Governing Bodies as their Clerks.
- 3.8.8.5 To implement decisions of Governing Bodies of schools relating to the determination of potential dismissals and any subsequent appeals against such dismissals which are in the Authority's power to determine.
- 3.8.9 All Educational Establishments  
To exercise the powers and duties under the Education (School Teachers' Appraisal) (England) Regulations 2012
- 3.8.10 Provision of Information  
Concerning Individual Performance of Pupils
- 3.8.10.1 In accordance with Section 537 of the Education Act 1996, to provide performance information as specified.
- 3.8.10.2 In accordance with Section 38 of the Education Act 1997, to provide such information to the Chief Inspector as may be prescribed.
- 3.8.11 Governance
- 3.8.11.1 Appointment of local education authority governors: in accordance with Section 19 of the Education Act 2002 and relevant regulations to appoint and dismiss local education authority governors.
- 3.8.11.2 Training and support of governors: in accordance with Section 22 of the Education Act 2002, to provide information for governors and necessary training.
- 3.8.12 Miscellaneous
- 3.8.12.1 In accordance with School Organisation (Prescribed Alterations to Maintained Schools) (England) Regulations 2013 and (Establishment and Discontinuance of Schools) Regulations 2013, to make significant changes to maintained schools (e.g. expansion), establishing new provision and school closure.
- 3.8.12.2 In accordance with the academy/free school presumption, to establish new schools.
- 3.8.12.3 Pursuant to Academies Act 2010 to enter into Commercial Transfer Agreement and property transfer/ lease agreements.
- 3.8.12.4 To approve instruments of Government for all LEA maintained schools in the District in the future and to review or vary such instruments of Government (including nursery schools) as may be required by the Governors or the LEA.
- 3.8.12.5 To make provision for the day-care of pre-school children and provision for out-of-school and holiday care and activities as appropriate in accordance with the duties and powers of the Council under Section 18 of the Children Act 1989.
- 3.8.12.6 To approve minor amendments to the Council's Code of Conduct regarding the use of Fixed Penalty Notices for school non-attendance.
- 3.8.13 Post 16 Years - Education and  
Training Provision  
To exercise the powers and duties of the Council under:

- 3.8.13.1 the Education Act 1996 (as inserted by the Apprenticeships, Skills and Children and Learning Act 2009),
- 3.8.13.2 Part 3 of the Children and Families Act 2014,
- 3.8.13.3 the Education and Skills Act 2008
- 3.8.13.4 the Education and Skills Act 2008

### **3.9 Service Director (Children Social Care)**

3.9.1 Subject to the reservations and exceptions set out in this Scheme, Service Director (Children Social Care) shall be authorised to exercise the functions, duties and powers of the Council as set out in any relevant legislation relating to prevention and safeguarding, which shall include but not be limited to the following:

- Care Act 2014
- Safeguarding Vulnerable Groups Act 2006
- Children Act 1989
- National Health Service and Community Care Act 1990
- Children Act 2004
- Children and Young Persons Act 2008
- Children and Families Act 2014
- Children and Social Work Act 2017

In accordance with procedures agreed in writing in advance with the Service Director (Finance, Property and Procurement), to vary the assessment scale in respect of financial contribution by a parent or young person to any service provided by the Council under Part III of the Children Act 1989 to the child in question. o ensure that a Local Safeguarding Adults Board and a Local Safeguarding Children’s Board are established, to provide representation on such Boards and to ensure compliance with all the statutory functions and objectives of those Boards

3.9.2 To support the framework of those Boards Serious Case Reviews arranged in accordance with the Children Act 1989 and associated Regulations.

3.9.3 Governance

3.9.3.1 Pre- Appointment process to identify co-opted young persons to Children and Young Person Scrutiny Committee .

3.9.3.2 Training and support of co-opted young persons to provide information for individuals and necessary training to undertake their role

3.9.4 Child Protection

3.9.4.1 To exercise the functions of the Council in relation to the duty to make investigations as necessary to decide whether action should be taken to safeguard or promote the welfare of children.

3.9.4.2 To take such action as is necessary to bring a child or young person before a Court where it is considered that there are grounds for bringing care proceedings.

- 3.9.4.3 To present an application to a Court for the variation or discharge of any care order or supervision order.
- 3.9.4.4 To present an application to a Court for a Child Assessment Order, an Emergency Protection Order or a Recovery Order.
- 3.9.5 Accommodation, Care, Fostering and Adoption
- 3.9.5.1 To provide accommodation, care, fostering and adoption services for children in need
- 3.9.5.2 Make arrangement of interest free loans to foster parents in consultation with the Director (Finance, Property and Procurement).
- 3.9.6 Home Care Services: Financial Matters
- 3.9.6.1 In accordance with procedures approved in advance by the Service Director (Finance, Property and Procurement) to waive the assessment charges for any services to clients in circumstances where it is essential for the family for social and/or medical reasons and to record every case requiring such action in a register to be provided for this purpose.
- 3.9.6.2 In accordance with procedures agreed in writing in advance, with the Service Director (Finance, Property and Procurement), to vary or waive the charges for any service provided by the Council under Part III of the Children Act 1989 where failure to do so would adversely affect the welfare of the child in question.

### **3.10 Service Director (Finance, Property and Procurement)**

- 3.10.1 Designation
- The Service Director (Finance, Property and Procurement) will be the Council's designated Section 151 Officer under the Local Government Act 1972.
- 3.10.2 Responsibility
- 3.10.2.1 To take all appropriate steps and measures to discharge the functions of the Section 151 officer as having responsibility for the proper administration of the financial affairs of the Council under all appropriate legislation.
- 3.10.2.2 The Service Director (Finance, Property and Procurement) provides strategic financial advice to the Council.
- 3.10.3 Finance General
- Subject to the reservations and exceptions set out in this Scheme, the Service Director (Finance, Property and Procurement) shall be authorised to exercise the functions, duties and powers of the Council as set out in any relevant legislation relating to finance, revenues, benefits and property, which shall include but not be limited to the following:
- In consultation with the Service Director (Finance, Property and Procurement), the Service Director (Strategy and Governance) and the

Portfolio Holder for Finance, to make additional payments to qualifying employees of up to £5,000 where it is deemed appropriate to do so.

- 3.10.3.1 Local Government Finance Act 1992
  - 3.10.3.2 Local Government Finance Act 1988.
  - 3.10.3.3 The power to administer and enforce the collection of council tax.
  - 3.10.3.4 The power to calculate the Council's council tax base for the purpose of the calculation of its council tax.
  - 3.10.3.5 The power to administer and enforce the collection of business rates (NDR)
  - 3.10.3.6 The power to opt to tax certain properties for VAT purposes (in consultation with Service Director (Strategy and Governance)).
  - 3.10.3.7 Determination of the appropriate rate of interest which may be charged, under Section 24 of the Health and Social Services and Social Security Adjudications Act 1983, on any sum charged on or secured over an interest in land under Section 22 of the Act (in consultation with the Corporate Director (Communities))
  - 3.10.3.8 Decisions to write off arrears of irrecoverable debt of an amount not exceeding £25,000 and in cases of insolvency where the sums exceed £25,000 up to a maximum of £100,000, the decision should be taken in consultation with the Portfolio Holder for Finance.
  - 3.10.3.9 Declaration of the Local Rate of Interest on Mortgage Advances on the basis that all mortgages are treated as if they are advances under the Housing Act 1985 and subject to decisions being reported to the Executive (in consultation with Head of Prevention and Safeguarding).
  - 3.10.3.10 Agreement as to reduction in rateable value.
  - 3.10.3.11 Investment of surplus funds in accordance with the Council's approved investment policies.
  - 3.10.3.12 To make any necessary changes to the Constitution consequent upon amendments to the European thresholds on Procurement (see Contract Rules of Procedure).
- 3.10.4 Loans and Borrowing
- 3.10.4.1 Raising of loans in sterling to meet the capital requirements of the Council for such amounts and on such terms as are considered necessary.
  - 3.10.4.2 Borrowing in sterling from banks up to a prescribed limit by way of overdraft.
  - 3.10.4.3 Raising and repayment of temporary loans in sterling.
  - 3.10.4.4 Valuation
  - 3.10.4.5 Service on Valuation Officer of Notice of Objection to any proposals for alteration of the Valuation List.
  - 3.10.4.6 Making proposals for the alteration of the Valuation List or for the inclusion of particular properties in the Valuation List.

### 3.10.5 Matters Relating to Children and Young Persons

Where requested by the Service Director (Childrens Social Care), to take joint action to take out letters of administration with or without the will annexed for:

- 3.10.5.1 the estate of parents or any other person where there is a beneficial interest for children or young persons for whom the Council has parental rights under provisions of the Children Act 1989, or any other statutory provision affecting children and young persons;
- 3.10.5.2 the estates of children or young persons who die whilst in the care of the Council;
- 3.10.5.3 and to administer such estates in the manner directed by the appropriate probate registry.
- 3.10.5.4 Jointly with the Service Director (Childrens Social Care) to accept money or other gifts from third parties for and on behalf of children or young persons in care and to hold or convert such money or gifts on their behalf and to their benefit.
- 3.10.5.5 Jointly with the Service Director (Strategy and Governance) and the Service Director (Children’s Social Care) to invest and administer any funds received by the Council on behalf of a child in care by way of any compensation or settlement or award of damages from legal proceedings.

### 3.10.6 Property Matters

- 3.10.6.1 The day-to-day management of the Council portfolio of land and buildings, including lease renewals, assignments and rent reviews.
- 3.10.6.2 Making proposals to the Valuation Office Rating List.
- 3.10.6.3 Agreeing to reductions in rent affecting Council-owned property.
- 3.10.6.4 Reaching an agreement on compulsory purchase and home loss payment claims up to £15,000.
- 3.10.6.5 Determination of rents of new properties in line with rents of other Council properties.
- 3.10.6.6 All matters pertaining to rent collection and the recovery of arrears.
- 3.10.6.7 Service of Notices to secure possession where there are arrears of rent.
- 3.10.6.8 Authority to approve applications for consent to transfer existing mortgages into joint names of Mortgagor and other members of the Mortgagor’s family.

### 3.10.7 Insurance

All insurance arrangements and settlement of claims.

### **3.11 Service Director (Strategy and Governance) or Service Lead (Legal and Democratic Services)**

#### 3.11.1 General

3.11.1.1 On behalf of the Council, to defend, institute, participate in, appeal from, settle or abandon any legal proceedings whether administrative, civil or criminal in any court arbitration or tribunal where such action is necessary to give effect to decisions of the Council or in any case where the Service Director (Strategy and Governance)/ Service Lead (Legal and Democratic Services) considers that such an action is necessary to protect the Council's interests.

3.11.1.2 Pursuant to Section 223 of the Local Government Act 1972 and other relevant legislation and Practice Directions, authorise persons to represent the Council in legal proceedings.

3.11.1.3 to instruct external Solicitors or Barristers to represent the Council.

3.11.1.4 Make such orders, issue such notices and execute such agreements and instruments as are necessary to give effect to any decision or authorisation of the Council, its Committees, Sub-Committees, the Executive or of an Officer acting within the scope of his or her authorised or delegated powers.

3.11.1.5 Determine whether inspection of a document in the possession of the Council should not be allowed on the grounds that it is, or in the event of legal proceedings would be, protected by privilege arising from the relationship of solicitor and client.

3.11.1.6 This role also provides advice and support to the Council on procurement and the development and delivery of efficiency programmes.

3.11.1.7 Sealing of all documents on behalf of the Council and to be authorised signatory of behalf of the Council.

3.11.1.8 Where appropriate exercise powers in consultation with relevant officers.

#### 3.11.2 Local Government Act 1972

3.11.2.1 Section 85 - Authority be delegated to the Monitoring Officer to allow the Monitoring Officer to approve applications in writing from absent Councillors in exceptional circumstances (such as serious illness, extended work commitments abroad or extended service in the Forces) subject to consultation with Group Leaders. Any applications for extended absence would be limited to two three month periods only and in the event of disagreement between the Group Leaders, the application would be determined by a Special Meeting of the Governance and Ethics Committee.

3.11.2.2 Section 229(5) - Certification of photographic copies of documents.

3.11.2.3 Section 234(1) and (2) - Sealing of documents.

- 3.11.3 Local Government (Miscellaneous Provisions) Act 1976:  
Section 29 - Application to High Court for repayment of monies paid into Court under Sub-Sections 76 or 85 Land Clauses Consolidation Act 1945 or Section 9 or Schedules 2 and 3 of the Compulsory Purchase Act 1965.
- 3.11.4 Miscellaneous  
To take all necessary steps to take out letters of administration with or without the will annexed either alone or jointly with the Service Director (Finance, Property and Procurement) and Service Director (children's social care)() for:
- 3.11.4.1 the estates of parents or any other person where there is a beneficial interest for children or young persons for whom the Council has parental rights under provisions of the Children Act 1989, or any other statutory provision affecting children and young persons;
- 3.11.4.2 the estates of children or young persons who die whilst in the care of the Council;
- 3.11.4.3 and to administer such estates in the manner directed by the appropriate probate registry.
- To exercise the Council's powers to be a Trust Corporation.  
To act for all Trading Standards Officers authorised as Inspectors.  
The Monitoring Officers or their Deputy appointed in writing may make minor amendments to the Constitution in order to ensure that legislative provisions are current and any typographical or other errors are corrected.
- 3.11.5 Berkshire Act 1986
- 3.11.5.1 Pursuant to Section 7 of the Berkshire Act 1986, to make application to the County Court for an order vesting former highway land in the highway authority.
- 3.11.5.2 Pursuant to Section 9 of the Berkshire Act 1986, to recover from the person responsible the cost of making good damage caused to a grass verge or footway of a highway by any person carrying on building operations or delivering goods to premises in the course of trade.
- 3.11.6 Road Traffic Regulation Act 1984
- 3.11.6.1 To exercise the Council's powers under the Road Traffic Regulation Act 1984 to restrict or prohibit vehicular and pedestrian movements as necessary to facilitate the holding of a "relevant event" when it is considered that an order under the Town Police Clauses Act 1847 is inappropriate (in consultation with the Service Director (Environment)).
- 3.11.6.2 To make orders for traffic management other than temporary orders under Section 14(1) of the Road Traffic Regulation Act 1984 as substituted by the Road Traffic (Temporary Restrictions) Act 1991 and to subsequently make the orders where no objections to those proposals are received.
- 3.11.6.3 To make temporary orders for traffic management under Section 14(1) of the Road Traffic Regulation Act 1984 as substituted by the Road Traffic (Temporary Restrictions) Act 1991.

3.11.7 Town and Country Planning  
(General Permitted Development) (England) Order 2015

To exercise the Council's powers under the Town and Country Planning (General Permitted Development) (England) Order 2015, on the instructions of the Service Director (Development and Housing), subject to the conditions below:

3.11.7.1 Article 4: the making, service and confirmation of directions restricting permitted development;

3.11.7.2 Schedule 2, Part 6: Determination whether planning permission is required following notification of agricultural development.

The delegations relating to Article 4 Directions above shall be exercised subject to the following:

3.11.7.3 The action shall be taken after consultation with the Service Director (Finance, Property and Procurement) Property to consider any financial implications.

3.11.7.4 Consultation must also take place with the Chairman or in their absence the Vice-Chairman of the District Planning Committee and appropriate Ward Members, if available.

3.11.7.5 The action taken shall be reported to the next meeting of the appropriate Area Planning Committee.

3.11.7.6 In exercising these powers the Officers shall have regard to the urgency of the action which is required.

Subject to circumstances, the Officers may report the matter to the appropriate Area Planning Committee for decision where it is prudent to do so.

3.11.8 Localism Act 2011

The Monitoring Officer or their deputy appointed in writing consultation with an Independent Person pursuant to the Localism Act 2011 and its associated Regulations shall ensure that an Initial Assessment of any complaint in respect of Councilors' (District, Town or Parish) behavior in relation to the Code of Conduct is determined in accordance with the complaints procedure adopted by the Council.

3.11.9 Property Matters

To enter into, in consultation with Service Director (Finance, Property and Procurement),

3.11.9.1 Agreements for easements and wayleaves to an unlimited value.

3.11.9.2 Agreement for leases and licences up to a value of £100,000 per annum.

3.11.9.3 Agreements relating to acquisition and disposal of investment properties pursuant to the Council's Investment and Borrowing Strategy accompanying Property Investment Strategy as amendment and/or revised from time to time.

3.11.9.4 Agreements to acquire and dispose of land up to consideration of £300,000.

- 3.11.9.5 Surrenders.
- 3.11.9.6 Lifting of all restrictive covenants up to a value of £300,000.
- 3.11.9.7 Agreements relating to deferred payments (including registration of a legal charge) pursuant to the Care Act 2014.
- 3.11.10 Anti-social Behaviour, Crime and Policing Act 2014
- 3.11.10.1 The Service Director (Strategy and Governance), in consultation with the relevant Service Director, be authorised to seek a civil injunction in accordance with Part 1 of the Anti-social Behaviour, Crime and Policing Act 2014.
- 3.11.10.2 The Service Director (Strategy and Governance) be authorised to issue a Closure Notice and apply for a Closure Order in accordance with Chapter 3 of the Anti-social Behaviour, Crime and Policing Act 2014.
- 3.11.11 Local Land Charges
- To authorise the issue of official certificates of search of the Council's Land Charges Register.

## **3.12 Electoral Matters**

Designation of Polling Places (in consultation with the Returning Officer and Ward Members).

- 3.12.1 Localism Act 2011 - Part 5  
Chapter 3 - Assets of Community Value
- To delegate to the Service Director (Strategy and Governance) the management of the Assets of Community Value provisions (Community Right to Bid) in accordance with Part 5, Chapter 3 of the Localism Act 2011. The Service Director (Strategy and Governance) shall be authorised to determine applications which have been properly made.

## **3.13 Director of Public Health**

Subject to the reservations and exceptions set out in this Scheme, the Director of Public Health shall be authorised to exercise the functions, duties and powers of the Council as set out in any relevant legislation relating to public health and wellbeing, which shall include but not be limited to the following:

- 3.13.1 General
- Those matters which the Director of Public Health, working through the Director of Public Health are required to be responsible for under the National Health Service Act 2006 (as amended by the Health and Social care Act 2012).
- 3.13.2 Dental Health
- Dental health functions for which the Council has responsibility.

- 3.13.3 Health of Prisoners  
The duty to co-operate with the prison service to secure and maintain the health of prisoners.
- 3.13.4 Weight Measurement and  
Children’s Sexual Health Service  
The Council’s duties set out in Schedule 1 of the National Health Act 2006, which include medical inspection of pupils including the weighing and measuring of pupils and the provision of children sexual health services.
- 3.13.5 Violent Offenders  
Arrangements for assessing the risks posed by violent and sexual offenders.
- 3.13.6 Health Protection  
To include the provision of screening and immunisation programmes, sexual health services, infectious disease control and emergency planning.
- 3.13.7 Health Improvement  
To include children’s public health, adult healthy lifestyles (drug and alcohol misuse, campaigns to prevent cancer and long term conditions, dental public health and local initiatives to reduce deaths as a result of seasonal mortality) and the wider determinants of public health such as housing, planning, and education.
- 3.13.8 Health Care Public Health  
The provision of specialist public health advice to Integrated Care Boards (ICBs) in the following areas which will be the subject of the “core offer”:
- 3.13.8.1 production of the Joint Strategic Needs Assessment;
  - 3.13.8.2 reviewing service provision and providing advice to ICBs to reduce health inequalities;
  - 3.13.8.3 advising ICBs on priorities based on appropriate data; and
  - 3.13.8.4 procuring services and advising on the cost effectiveness of interventions.

act as the Council’s Proper Officer for the purposes of any enactment passed before or during the 1971/72 session of Parliament other than the Local Government Act 1972 or in any other instrument made before 26th October 1972, which refers to the post of Public Health Inspector.

### **3.14 Service Director (Community Services)**

- 3.14.1 Subject to the reservations and exceptions set out in this Scheme, the Service Director (Community Services) shall be authorised to exercise the functions, duties and powers of the Council as set out in any relevant legislation relating to environmental health, trading standards, licensing, building control and public protection, which shall include but not be limited to the following:

Administration of Justice Act 1970

Agricultural Act 1970  
Animal Boarding Establishments Act 1963  
Animal Health Act 1981  
Animal Welfare Act 2006  
Animals Act 1971  
Anti-social Behaviour Act 2003  
Anti-social Behaviour Crime and Policing Act 2014  
Berkshire Act 1980  
Breeding of Dogs Act 1973, 1991  
Building Act 1984  
Cancer Act 1939  
Caravan Act 1968, 1985  
Caravan Sites and Control of Development Act 1960-1985  
Charities Act 1992  
Children and Young Persons (Protection from Tobacco) Act 1991  
Children and Young Persons Act 1933  
Chiropractors Act 1994  
Chronically Sick and Disabled Persons Act 1970  
Cinema Act 1968-1985  
Civil Contingencies Act 2004  
Clean Air Acts 1956-1993  
Clean Neighbourhoods and Environment Act 2005  
Companies Act 2006  
Consumer Credit Act 1974, 2006  
Consumer Protection Act 1987  
Consumer Rights Act 2015  
Control of Pollution Act 1974  
Copyright Designs and Patents Act 1988  
Courts and Legal Services Act 1990  
Crime and Disorder Act 1997  
Criminal Justice Act 1988  
Criminal Justice and Public Order Act 1994  
Customs & Excise (Management) Act 1979  
Dangerous Dogs Act 1991  
Dangerous Wild Animals Act 1976  
Disabled Persons Act 1981

Public Space Protection Orders  
Education Reform Act 1988  
Enterprise Act 2002  
Environment Act 1995  
Environmental Protection Act 1990  
Estate Agents Act 1979  
European Communities Act 1972  
Explosives Act 1875, 1923  
Factories Act 1961  
Financial Services and Markets Act 2000  
Fireworks Act 2003  
Food and Environment Protection Act 1985  
Food Safety Act 1990  
Forgery and Counterfeiting Act 1981  
Fraud Act 2006  
Gambling Act 2005  
Guard Dogs Act 1975  
Hallmarking Act 1973  
Health Act 2006  
Health and Safety at Work etc. Act 1974  
Home Safety Act 1961  
Housing Acts 1957, 1985, 1996, 2004  
Housing Grants, Construction and Regeneration Act 1996  
Intoxicating Substances (Supply) Act 1985  
Knives Act 1997  
Land Compensation Act 1973  
Late Night Refreshment Houses Act 1969  
Licensing Act 2003  
Local Government (Miscellaneous Provisions) Act 1965, 1976, 1982  
Local Government Acts 1953-1989  
Local Government Act 1972  
Local Government and Housing Act 1989  
Malicious Communications Act 1988  
National Assistance (Amendment) Act 1951  
National Assistance Act 1948  
National Lotteries etc Act 1993

Noise Act 1996  
Noise and Statutory Nuisance Act 1993  
Offices, Shops and Railway Premises Act 1963  
Olympic Symbols etc. (Protection) Act 1995  
Osteopaths Act 1993  
Performing Animals (Regulation) Act 1925  
Pesticides Act 1996  
Pet Animals Act 1951  
Pollution, Prevention and Control Act 1999  
Prevention of Damage by Pests Act 1949  
Prices Acts 1974  
Private Hire Vehicles (Carriage of Guide Dogs etc.) Act 2002  
\*Proceeds of Crime Act 2002\*  
Protection from Harassment Act 1997  
Psychoactive Substances Act 2016  
Public Health (Control of Disease) Act 1984  
Public Health Act 1936-1984  
Radioactive Substances Act 1993  
Rag Flock Act 1961  
Regulation of Investigatory Powers Act 2000  
Regulatory Enforcement and Sanctions Act 2008  
Riding Establishments Act 1964, 1970  
Road Traffic (Foreign Vehicles) Act 1972  
Road Traffic Act 1988, 1991  
Road Traffic Regulation Act 1984  
Safety of Sports Grounds Act 1975  
Scotch Whisky Act 1982  
Scrap Metal Dealers Act 1964, 2013  
Slaughter of Poultry Act 1967  
Slaughterhouses Act 1974  
Solicitors Act 1974  
Sunbeds (Regulation) Act 2010  
Sunday Trading Act 1994  
Tattooing of Minors Act 1969  
Theatres Act 1968  
Theft Act 1968

Tobacco Advertising and Promotion Act 2002  
 Tobacco Products Duty Act 1979  
 Town Police Clauses Acts 1847-1889  
 Trade Descriptions Act 1968  
 Trade Marks Act 1994  
 Transport Act 1980  
 Unsolicited Goods and Services Act 1971, 1975  
 Vehicles (Crime) Act 2001  
 Video Recordings Act 1984, 2010  
 Violent Crime Reduction Act 2006  
 Water Acts 1945-1989  
 Water Industries Act 1991  
 Weights and Measures Act 1985  
 Zoo Licensing Act 1981

- 3.14.2 This extends to any offence under any legislation, or at common law, which is of a similar nature or related to the foregoing including offences of aiding, abetting, counselling and procuring, incitement, conspiracy, perverting the course of justice and criminal attempts.
- 3.14.3 appoint the Council's Chief Inspector of Weights and Measures ;
- 3.14.4 Culture General
- 3.14.4.1 To grant a licence and associated consents for the annual Michaelmas Fair.
- 3.14.4.2 Local Government (Miscellaneous Provisions) Act 1982, Action considered appropriate in relation to property found in buildings or premises administered by Cultural and Environmental Protection Services.
- 3.14.4.3 Letting of recreation facilities and premises (also Service Director (Environment) and Service Director (Development and Housing)
- 3.14.4.4 Admission and exclusion of public to recreation facilities and premises (also Service Director (Environment) and Service Director (Development and Housing)) .
- 3.14.4.5 Acquisition of items under Museum acquisition scheme.
- 3.14.4.6 Administer Archive Service on behalf of all six Unitary Authorities in Berkshire.
- 3.14.4.7 To manage public libraries in conformity with the Public Libraries and Museums Act 1964 (as amended) and the Local Government and Housing Act 1989 and the policies of the Council.

### 3.14.5 Anti-social Behaviour, Crime and Policing Act 2014

To delegate to the Service Director (Community Services) the authority to make a Public Space Protection Order in accordance with Chapter 2 of the Anti-social Behaviour, Crime and Policing Act 2014. The Service Director (Community Services), in consultation with the Service Director (Strategy and Governance) or Service Lead (Legal and Democratic Services), is authorised to serve Community Protection Notices in accordance with Part 4 of the Anti-social Behaviour, Crime and Policing Act 2014.

## 3.15 Registration of Births, Deaths and Marriages

To grant or refuse applications for the approval of premises under the Marriage Act 1949 (as amended) and the Marriage (Approved Premises) Regulations 1995 and to revoke any approval which has been granted. To determine, in consultation with the Service Director (Finance, Property and Procurement), and from time to time vary, the fees payable for the granting or refusal of applications for the approval of said premises.

## 3.16 Civil Contingencies

Subject to the reservations and exceptions set out in this Scheme, the Service Director (Community Services) shall be authorised to exercise the functions, duties and powers of the Council as set out in any relevant legislation relating to civil protection and emergency planning, which shall include but not be limited to the following:

- 3.16.1 Put in place emergency plans;
- 3.16.2 Put in place Business Continuity Management arrangements;
- 3.16.3 Put in place arrangements to make information available to the public about civil protection matters and maintain arrangements to warn, inform and advise the public in the event of an emergency;
- 3.16.4 Share information with other local responders to enhance co-ordination;
- 3.16.5 Co-operate with other local responders to enhance co-ordination and efficiency; and
- 3.16.6 Provide advice and assistance to businesses and voluntary organisations about business continuity management (Local Authorities only). To form and participate in Local Resilience Forums (based on Police areas) which will help co-ordination and co-operation between responders at the local level.

## 3.17 Monitoring Officer or their Deputy appointed in writing

- 3.17.1 Local Government Act 1972
- 3.17.1.1 Section 225(1) – to receive and retain documents deposited.
- 3.17.1.2 Schedule 12 Paragraph 4(2)(a) – to publish the time and place, within five clear working days, of the Council meeting.

- 3.17.1.3 Schedule 12 Paragraph 4(2)(b) – to sign the summons to attend the Council meeting
- 3.17.1.4 Schedule 12 Paragraph 4(3) – to receive notices regarding addresses to which summons to meetings are to be sent.
- 3.17.1.5 Schedule 14 Paragraph 25(7) – to certify copies of resolutions for the purposes of legal proceedings.
- 3.17.1.6 Section 248 – to retain a roll of Freeman.

### **3.18 Local Authorities (Members' Allowances) (England) Regulations 2003 (as amended)**

To delegate authority to the Service Director (Strategy, and Governance) in consultation with the Leader of the Council and Group Leaders, to appoint members to the Independent Remuneration Panel.

### **3.19 Service Director (Environment)**

- 3.19.1 Subject to the reservations and exceptions set out in this Scheme, the Service Director (Environment) shall be authorised to exercise the functions, duties and powers of the Council as set out in any relevant legislation relating to transport, highways, street management, street works, waste, countryside and rights of way, which shall include but not be limited to the following:

Highways Act 1980

Transport Act 1985

Transport Act 2000

Traffic Management Act 2004

Local Transport Act 2008

Goods Vehicles (Licensing of Operators) Act 1995

New Roads and Street Works Act 1991

Town Police Clauses Act 1847

Road Traffic Regulation Act 1984

Berkshire Act 1986

Clean Neighbourhoods and Environment Act 2005

Countryside Act 1968

Countryside and Rights of Way Act 2000

Criminal Damage Act 1971

Environmental Protection Act 1990

Land Drainage Act 1991

Local Government (Miscellaneous Provisions Act) 1976

Local Government Act 2003

National Parks and Access to the Countryside Act 1949

Natural Environment and Rural Communities Act 2006

Rights of Way Act 1990  
Town and Country Planning Act 1990  
Wildlife and Countryside Act 1981  
Goods Vehicles (Licensing of Operators) Act 1985  
Flood and Water Management Act 2010  
Local Government Miscellaneous Provisions Act 1976  
Anti-social Behaviour Act 2003  
Anti-social Behaviour, Crime and Policing Act 2014  
Clean Neighbourhoods and Environment Act 2005  
Control of Pollution Act 1974  
Control of Pollution (Amendment) Act 1989  
Controlled Waste (Registration of Carriers and Seizure of Vehicles) Regulations 1991  
Controlled Waste Regulations 2012  
Environment Act 1995  
Environment Act 2021  
Environmental Protection Act 1990  
European Communities Act 1972  
Refuse Disposal (Amenity) Act 1978  
Waste (Household Waste Duty of Care) (England and Wales) Regulations 2005  
Waste Regulations 2011  
The Removal and Disposal of Vehicle Regulations 1986  
Bus Services Act 2017



- 3.19.3.1 To agree contributions to regional water authorities' surface water drainage schemes calculated on the proportion of highway "run-off" to that from other areas, including related matters such as contributions towards the cost of cleansing village ponds, and to make payments to any minor drainage scheme of any type where they are satisfied that highways will benefit.
- 3.19.3.2 To extinguish public rights of way (stop up) and dispose of land not exceeding 500sq m no longer required for highway purposes.
- 3.19.3.3 In consultation with the Service Director (Strategy and Governance) to accept dedications of land donated to the Council for highway purposes.
- 3.19.3.4 To approve and protect development and improvement lines.
- 3.19.3.5 To construct and/or light cycle tracks.
- 3.19.3.6 To alter or remove any cycle tracks.
- 3.19.3.7 To settle compensation claims in respect of drainage or sewerage schemes on behalf of the Council (in consultation with Service Director (Strategy and Governance)).
- 3.19.3.8 To take all necessary action to safeguard the interests of the Council in relation to applications by water undertakings for orders or schemes under the legislation operated by such undertakings.
- 3.19.3.9 to advise on the highway aspects of development control
- 3.19.3.10 To demolish property acquired for road schemes in advance of requirements subject always to due regard to planning considerations or consent as appropriate.
- 3.19.3.11 To arrange for the temporary use of land for the dumping or storing of highways materials or equipment.
- 3.19.3.12 To erect traffic signs and to arrange wayleaves for their erection on private property.
- 3.19.3.13 To adopt streets constructed to specification.
- 3.19.3.14 To plan and carry out highway improvements not requiring planning permission subject to consultation with the appropriate Executive Member and Ward Members. If the purchase of land is necessary then delegated authority (for land up to the value of £300,000) from the Service Director (Strategy and Governance) will be required.
- 3.19.3.15 To fix contributions to private street works and charges apportioned in flank and rear frontages in accordance with the Council's approved policy.
- 3.19.3.16 To apply for planning permission.
- 3.19.3.17 To approve and licence (including charging any appropriate fees for doing so):
- the placing of structures within highway limits;
  - the laying maintenance and inspection of pipes, cables or other lines over or under highways;
  - the erection of stiles, gates or cattle grids and enforcement and maintenance of stiles and gates under the Highways Act 1980;

- arrangements for motor vehicles and cycle trails;
- the construction of a building over any part of a highway.
- the placing of tables and chairs on the public highway.

3.19.3.18 To exercise the Council's powers:

- To grant permits to utility companies to work on the public highway
- To prohibit horses, cattle or vehicles entering on ornamental gardens within the highway;
- To pipe or culvert and fill up roadside ditches;
- To require the execution of works to prevent soil or refuse from land from falling or being washed on to a street;
- To take action in relation to any obstruction of or damage to or nuisance to the highway or users thereof;
- To require the removal of obstructions to sight lines at corners and to remove unauthorised signs on any part of the highway;
- To require the removal, lopping and cutting of trees or hedges overhanging or near to a highway.
- To carry out minor temporary repairs in private streets required to remove danger to persons or vehicles;
- To carry out emergency works of any kind whether or not provision has been made in the estimates, where justified in their opinion (and that of the Service Director (Strategy and Governance) and in consultation with the Service Director (Finance, Property and Procurement)), by the scale of the potential legal liability.

3.19.3.19 Selection of sites for street seats.

3.19.3.20 Approval of requests for street closures or for making orders for the prevention of obstructions in the street during public processions etc in accordance with Section 21 of the Town Police Clauses Act 1847.

3.19.3.21 Approval of applications for permission to hold events in Council car parks.

3.19.3.22 Approval of requests to waive car parking charges in the period leading up to Christmas or for the promotion of sustainable travel events.

3.19.3.23 To implement highway maintenance and improvement works in accordance with approved budgets and to agreed service standards in accordance with the Highways Act 1980 and current guidance.

3.19.3.24 Following consultation with affected Ward Members and the relevant Executive Member/Portfolio Holder, to exercise powers under the Act to advertise Experimental Traffic Orders and subsequently implement them provided no objections are received. Where objections are received, the matter will be referred back to the relevant decision maker for consideration and determination. Where an order is implemented, the Ward Members will be advised in advance.

- 3.19.3.25 Following consultation with affected Ward Members and the relevant Executive Member/Portfolio Holder, to exercise powers under the Act to advertise Traffic Regulation Orders (for speed limits, prohibitions of movement, weight limits, etc.) and subsequently implement them provided no objections are received. Where objections are received, the matter will be referred back to the relevant decision maker for consideration and determination. Where an order is implemented, the Ward Members will be advised in advance.
- 3.19.3.26 In consultation with the Service Director (Finance, Property and Procurement) to issue licences and fix and collect fees in relation to the matters governed by the Highways Act 1980.
- 3.19.3.27 In consultation with the Service Director (Strategy and Governance) and the Service Director (Development and Housing) to submit objections to the Traffic Commissioner on behalf of the Council.
- 3.19.3.28 To act as the Traffic Manager in accordance with the requirements of the Traffic Management Act 2004.
- 3.19.4 Transport
- 3.19.4.1 West Berkshire Council is a designated body for the issuing of Section 19 Bus Permits in accordance with the Transport Act 1985 and changes introduced by the Local Transport Act 2008
- 3.19.4.2 To lodge holding objections regarding proposals by operators for withdrawals of or alterations to rail services, or the fares and charges therefore, where it is anticipated that extra Council expenditure would result.
- Other Powers –Consultation Provisions
- 3.19.4.3 All consultations on Transport issues (with the exception of those deemed significant and requiring referral to the Executive/Select Committee) be delegated to the Service Director (Environment) in consultation with the Leader, appropriate Portfolio Holder and Opposition Spokesperson.
- 3.19.5 Countryside including Rights of Way functions
- 3.19.5.1 Management of Recreation Facilities where these are public open spaces.
- 3.19.5.2 Admission and exclusion of public to recreation facilities and premises (also Service Director (Community Services)).
- 3.19.5.3 Letting of recreation facilities and premises (also Service Director (Community Services)).
- 3.19.5.4 To carry out powers in relation to The Hedgerow Regulations 1997.
- 3.19.5.5 To grant a licence and associated consents for the annual Michaelmas Fair.
- 3.19.5.6 To enter into maintenance agreements in relation to Public Rights of Way, where appropriate, and in consultation with the Service Director (Strategy and Governance)
- 3.19.5.7 To approve and protect development and improvement lines.

- 3.19.5.8 The exercise (in consultation with the Service Director (Strategy and Governance)), of the common law duty to ‘seek, prevent and remove obstructions’ (Bagshaw vs Buxton Local Board of Health 1875).
- 3.19.5.9 To keep the definitive maps and statement under review
- 3.19.5.10 In consultation with the Service Director (Community Services) to submit objections and such representations considered necessary or permitted in respect of closed churchyard applications under the Section 1 Burial Act 1853.
- 3.19.5.11 To exercise the Council’s obligations under the Act in relation to transfers of maintenance responsibilities relating to closed churchyards under Section 215 Local Government Act 1972.

### 3.1.1 Commons Registration

To exercise the Council’s powers and duties in relation to the registration of Commons and Towns and Village Greens.

## Part 5

### Executive

#### 1 Introduction

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

#### 2 Leader of Council

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

#### 3 Deputy Leader of Council

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

#### 4 Appointment of the Executive

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

## 5 Scope of Role - Statutory

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

## 6 Scope of Role – General

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

## 7 Key Decisions

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

7.5 Where a Key Decision is taken by the Executive, it must be taken in public, except for items that are deemed to include Exempt Information.

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

8.1 A Forward Plan will be prepared and published at least 28 days before the Key Decision is made unless an urgent decision is required.

8.2 The Forward Plan will contain matters which the Leader has reason to believe will be the subject of a Key Decision.

8.3 The Forward Plan will describe the following particulars insofar as the information is available, applicable or might reasonably be obtained:

8.3.1 the matter in respect of which a decision is to be made;

8.3.2 where the decision taken is by an individual their name and title, if any, and where the decision-taker is a body, its name and details of membership;

8.3.3 the date on which, or the period within which, the decision will be taken;

8.3.4 the identity of the principal individuals or groups that the decision-taker proposes to consult before taking the decision;

8.3.5 the means by which any such consultation is proposed to be undertaken;

8.3.6 the steps any person might take who wishes to make representations to the Executive or decision-taker about the matter in respect of which the decision is to be made, and the date by which those steps must be taken; and

8.3.7 a list of the documents submitted to the decision-taker for consideration in relation to the matter.

8.4 Exempt Information and Confidential Information will not be included in the Forward Plan.

## 9 Exceptions to publicity in connection with Key Decisions

9.1 Where publicity of a Key Decision for 28 days is impractical, that decision may only be taken:

9.1.1 If it is an Urgent Key Decision and the rules relating to such have been followed; or

9.1.2 if the Monitoring Officer has:

9.1.2.1 informed the relevant Scrutiny Committee Chairman or, in their absence, each Member of that Scrutiny Committee, by notice in writing, of the matter about which the decision is to be made;

9.1.2.2 made a copy of that notice available at the Council offices for inspection by the public and published it on the Council's website.

9.2 As soon as reasonably practicable after the Monitoring Officer has complied with paragraph 9.1.2 they must:

9.2.1 make available at the Council offices a notice setting out the reasons why compliance with paragraph 8.1 is impracticable; and

9.2.2 publish that notice on the Council's website.

9.3 Where the procedure at 9.1.2 has been followed, the decision may be taken after five Clear Days have elapsed.

## 10 Urgent Key Decisions

- 10.1 An Urgent Key Decision is a Key Decision that, in the opinion of a Relevant Officer, needs to be determined urgently, making publicity of the decision in accordance with paragraph 8.1 or compliance with paragraph 9.1.2 impractical. In those circumstances, the Urgent Key Decision can only be made where the Relevant Officer has obtained agreement that the making of the decision is urgent and cannot reasonably be deferred from:
- 10.1.1 the relevant Scrutiny Committee Chairman; or
  - 10.1.2 in the absence of the relevant Scrutiny Committee Chairman, the Chairman of Council; or
  - 10.1.3 in the absence of the Chairman of Council, the Vice-Chairman of Council.
- 10.2 Where the procedure at 10.1 has been followed, the decision may be taken immediately.
- 10.3 As soon as reasonably practicable after the Relevant Officer has obtained agreement as above, they must:
- 10.3.1 make available at the Council offices a notice setting out the reasons that the decision is urgent and cannot reasonably be deferred; and
  - 10.3.2 publish that notice on the Council's website.

## 11 Recording and Publication of Executive Decisions

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

## 12 Call-In

- 12.1 The procedure for Calling-In an Executive Decision is set out in Parts 6.4, 6.9 and 6.10 (Council Bodies; Health and Adult Social Care Scrutiny Committee Appendix, Resources and Place Scrutiny Committee Appendix, and Children and Young People Scrutiny Committee Appendix).

## 13 Decisions not Subject to Call-In

- 13.1 The Call-In procedure shall not apply where the Executive Decision:
- 13.1.1 has been the subject of a previous Call-In request; or
  - 13.1.2 is due to be referred to Council for final approval (eg the budget);
  - 13.1.3 has been considered by any Scrutiny Committee or any Scrutiny Committee Sub-Body within the preceding six months; or
  - 13.1.4 in the opinion of a Relevant Officer has to be implemented before the expiry of the Call-in Period, and:
    - 13.1.4.1 is an Urgent Key Decision; or
    - 13.1.4.2 in the opinion of a Relevant Officer a delay in implementing the decision would have serious financial implications for the Council or could compromise the Council's position.

- 13.2 If a decision is stated not to be subject to Call-In, an explanation to support the reason why that is asserted must be specified in the report. In the event of a dispute over the reason why the item is not subject to Call-In, a decision of a Relevant Officer shall be final.

## 14 Implementation of Decisions

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

## 15 Executive Agenda

- 15.1 The Agenda for an Executive Meeting shall include any item requested by:
- 15.1.1 the Leader;
  - 15.1.2 the Council;
  - 15.1.3 any Scrutiny Committee or any Scrutiny Committee Sub-Body;
  - 15.1.4 any Council Committee;
  - 15.1.5 any Statutory Officer (and reports of Statutory Officers may not be deferred if, in the opinion of the Officer concerned, it is necessary for the report to be considered at that Executive Meeting).
- 15.2 The Leader and the Chief Executive will agree the Agenda for each Executive Meeting to ensure that the volume of business is manageable and appropriate information is available about any item on the Agenda.

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## **Task and finish groups guidance**

Task and finish groups are informal, usually small and time-limited bodies comprised of councillors and, at times, co-optees brought in from outside the council for their specific skills and experiences.

A parent (Scrutiny) committee (PSC) establishes them to undertake a discrete piece of more in-depth scrutiny work, and report back to that committee with their findings and recommendations.

Councillors should not embark upon work where there is no ability to make recommendations. For example, if a service has just been commissioned, running a scrutiny task group is unlikely to add value, although scrutiny may wish, in time, to have an assurance role. Likewise, if a decision has already been taken, or an inspection reached a judgement (CQC, Ofsted etc) scrutiny looking at the same issue is unlikely to add value.

### **1. Establish membership**

Ordinarily this will be agreed by the PSC but the membership may be drawn from across the entire elected members (other than Executive Members).

Membership should have regard to the political proportionality of West Berkshire Council. Before finalising the membership of the Task Group, the PSC Chairman should consult the Leaders of each of the political parties or groups to ensure they are happy with the nominations.

Nominated Members should ensure that they have no prior involvement to the matter being considered.

Members who have professional or lived experience may be helpful in informing the review. Consideration should be given to whether they could best be used as a witness or as a member of the Task Group. It is also good practice for the task group members to reflect on existing perspectives that may influence a way of thinking, and to approach the review with an open mind.

### **2. Setting Up: Scoping & Terms of Reference**

An Officer from Democratic Services supporting the Task Group shall draft the Terms of Reference (TOR) for approval by the PSC.

The TOR should define objectives, scope, methods, timelines and resources, along with stakeholders and witnesses that may be required.

Members should ensure clarity of purpose—the central question or hypothesis that the review will investigate and whether this is of a Service, Policy or Issue-led Review.

Background research may be required, and Officers and subject experts may be able to assist with any policy context, legislation, existing council reports (either public facing or internal), benchmarking data, etc.

The Task Group may consider evidence in open or confidential session as the Chairman thinks appropriate following advice from the Monitoring Officer. Reasons for the approach should be clearly recorded.

### **3. Planning Witnesses & Stakeholder Engagement**

The Task Group should refer to the TOR.

Evidence may be gathered through various methods, such as written submissions, interviews, site visits, and consultations.

Task Groups should seek to engage with a broad range of witnesses, such as council officers, Members of the Executive, external experts, service providers, service users, community representatives and other stakeholders.

When witnesses are invited to give evidence, it should be made clear this is to support the Task Group objectives, how their testimonies will be used and whether their contributions will be anonymised. The Privacy Notice should be shared with witnesses when they are invited to give evidence.

Notes from witness sessions (or extracts thereof) will be shared with witnesses to confirm accuracy. Notes from one witness session will not be shared with other witnesses, unless agreed by all parties.

### **4. Timing & Approach**

Consider the resource available to support the Task Group along with witness and expert availability.

Timescales will depend on the complexity of the matter and urgency. However, as a rule of thumb, Task Groups should be able to conclude their reviews in no more than six or seven sessions. If it is looking likely that a review will take significant longer, then it may be necessary to reduce the scope of the review.

Create an action plan that outlines responsibilities, timelines, and success metrics - ensuring the Task Group monitors progress and resource allocation.

### **5. Conducting the Review**

Throughout the review, keep referring back to the TOR to stay on scope and ensure core questions are addressed.

Use evidence-based methods: document reviews, interviews, consultations, site visits, public engagement, and workshops - aligned with what the TOR envisaged.

Wherever possible, the Task Group should seek to triangulate evidence from different sources.

## **6. Developing Recommendations & Follow-up**

Work with the Democratic Services Officer who will prepare the Task Group's report and finalise the Task Group recommendations for the Executive that are rooted in the evidence and aligned with scrutiny's remit.

Recommendations should be SMART (Specific, Measurable, Achievable, Relevant, and Time-bound) so all parties are clear about how and when they should be implemented and the expected outcomes.

The draft report will be submitted through the usual internal governance process before consideration in any public forum. This allows the report to be checked for factual accuracy and to ensure that it complies with current legislation. It also allows for discussion as to the realism of recommendations. While officers and Members of the Executive can make suggestions for changes to the recommendations, it is the Task Group's decision whether to reflect these comments or not. If any recommendations or advice are not adopted in the final report from the Task Group, this should be clearly documented along with the rationale for the decision.

The report will be presented to the PSC, which will agree whether the Task Group's recommendations should be referred to the Executive (or named partner organisation) for consideration, or whether changes should be made / further work undertaken by the Task Group.

If it is agreed that the Task Group's recommendations be referred to the Executive for consideration. Officers from the affected service areas will be asked to draft a report, setting out the proposed response to each of the Task Group's recommendations. Responses should indicate whether recommendations have been accepted or rejected, and timescales for delivering accepted recommendations, or reasons for rejecting recommendations.

## **7. Monitoring & Reporting Back**

The recommendations should be tracked through future meetings of the PSC; once the recommended action has been implemented and the impact is apparent, monitoring should cease.

Share outcomes and commitments where appropriate with relevant stakeholders to foster transparency and accountability.

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## Part 6.3

### Council Bodies

#### Appendix: Health and Wellbeing Board

##### 1 Preamble

- 1.1 Part 3 (Meeting Procedure Rules) sets out the rules and procedures that apply to all of the Council's Bodies and Sub-Bodies.
- 1.2 If there is any conflict between the wording of Part 3 and this Appendix, this Appendix will prevail.

##### 2 Establishment

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

##### 3 Scope of Role - Statutory

- 3.1 S.195 HSCA requires the Board to:
  - 3.1.1 encourage integrated working between bodies involved in the commissioning and delivery of health, social care and other public services in order to improve health and wellbeing outcomes for local residents, and in particular;
  - 3.1.2 encourage arrangements between the authority and the NHS under s.75 National Health Service Act 2006 ("NHSA").
- 3.2 S.196 HSCA provides that the Board shall exercise the functions of the Council under ss.116 and 116A Local Government and Public Involvement in Health Act 2007, namely to lead and co-ordinate actions to:
  - 3.2.1 assess the health needs of local residents and to prepare and publish a Joint Strategic Needs Assessment (JSNA); and
  - 3.2.2 support the preparation and publication of a Joint Health and Wellbeing Strategy, and to oversee delivery of that Strategy.
- 3.3 Ss.2B and 111 NHS Act 2012 require the Board to ensure that the Council complies with its duties to improve public health.
- 3.4 S.128A NHS Act 2012 requires the Board to assess the need for pharmaceutical services in its area and to publish a Pharmaceutical Needs Assessment.
- 3.5 The Better Care Fund Policy Framework published by NHS England further to s.223 NHS Act 2012 (as amended by s.121 Care Act 2014, and the Health and Care Act 2022) requires the Board, subject to any direction by the Secretary of State, to approve submission of the Better Care Fund Plan to NHS England.

##### 4 Scope of Role – General

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

- 4.2 Within its policy paper, 'Fit for the future: 10 Year Health Plan for England', the government has indicated that Health and Wellbeing Boards will coordinate the development of Local Neighbourhood Health Plans.
- 4.3 The Board will lead the development and review of the Council's Vision as set out in its Vision Document.
- 4.4 The Board will undertake such oversight of local safeguarding arrangements as it considers appropriate and necessary.
- 4.5 The Board will consider, as appropriate and necessary, reports from Sub-Groups.

## 5 Membership

- 5.1 Applying s.194 HSCA (as amended by the Health and Social Care Act 2022) to the Council, the minimum core Board membership is:
  - 5.1.1 at least one elected Councillor appointed (s.194(3)(a) HSCA) by the Leader of Council;
  - 5.1.2 at least one representative from the Thames Valley Integrated Care Board ("ICB");
  - 5.1.3 the Council's Executive Director – Adult Social Care and Executive Director – Children's Services;
  - 5.1.4 the Director of Public Health for Reading and West Berkshire;
  - 5.1.5 a representative from Healthwatch West Berkshire<sup>1</sup>.
- 5.2 Ss.194(8) and (9) HSCA set out that further Board Members may be appointed:
  - 5.2.1 by the Council (ie by the Leader of Council) in consultation with the Board; or
  - 5.2.2 by the Board itself.
- 5.3 Regulation 7 The Local Authority (Public Health, Health and Wellbeing Boards and Health Scrutiny) Regulations 2013 disapplies ss.15 and 16, and Schedule 1, Local Government and Housing Act 1989 vis-a-vis HWBs such that rules as to political proportionality of seats (etc) on Council committees do not apply to the Board.
- 5.4 Membership of the Board currently consists of the following (with Members encouraged to identify Substitutes to attend if they are unable to do so):
  - the WBC Leader of Council;
  - the WBC Portfolio Holder with responsibility for Adult Social Care and Public Health;
  - the WBC Portfolio Holder with responsibility for Children and Family Services;
  - the WBC Portfolio Holder with responsibility for Culture, Leisure, Sport and Countryside;
  - the WBC Shadow Spokesperson for Health and Wellbeing;
  - the WBC Minority Group Spokesperson for Health and Wellbeing;
  - the WBC Executive Director – Adult Social Care;
  - the WBC Executive Director – Children's Services
  - the WBC Executive Director - Place
  - the Director of Public Health, Reading and West Berkshire;
  - a nominated representative from the ICB;

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<sup>1</sup> Until such time as local Healthwatch services are abolished as announced in Fit for the Future: 10 Year Health Plan for England.

- a nominated representative from Healthwatch West Berkshire<sup>2</sup>;
- a nominated representative from Berkshire Healthcare NHS Foundation Trust;
- a nominated representative from Royal Berkshire NHS Foundation Trust;
- a nominated GP representative
- a nominated representative from the Voluntary and Community Sector;
- a nominated representative from Thames Valley Police;
- a nominated representative from Royal Berkshire Fire and Rescue Service;
- a nominated representative from the housing sector.
- ;

## 6 Chairmanship, Quorum and Voting

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

## 7 Governance and Code of Conduct

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

## 8 Meetings and Decisions

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

## 9 The Board may also arrange informal meetings and workshops, which will be held in private. These are intended to facilitate discussion around performance, partnership working, and how best to respond to emerging issues or changes in legislation / government guidance. However, no formal decisions will be taken at these meetings. Sub-Bodies

- 9.1 The Board is supported by a number of Sub-Bodies, which may have Sub-Bodies themselves, each responsible for an aspect of the Board's work or, in some cases, statutory obligations. The sub-bodies may change over time to reflect the Board's priorities.

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<sup>2</sup> Until such time as local Healthwatch services are abolished as announced in Fit for the Future: 10 Year Health Plan for England.

9.2 The Sub-Bodies may have responsibility for overseeing implementation of particular aspects of the Joint Health and Wellbeing Strategy, the Local Neighbourhood Health Plan, the Best Start in Life Strategic Plan and/or their own Delivery Plans..

9.3 Sub-Bodies may:

- have their own Terms of Reference; or
- act in accordance with any resolution of the Board establishing them, or any other resolution of the Board.

## Risk Management Q4 2025/26 Report – Part I

<b>Committee considering report:</b>	Audit and Risk Committee
<b>Date of Committee:</b>	23 June 2026
<b>Portfolio Member:</b>	Cllr Iain Cottingham
<b>Report Author:</b>	Martyn Sargeant, Service Director – Strategy and Governance Beatriz Teixeira, Performance, Research and Consultation Manager

### 1. Purpose of the Report

- 1.1 To highlight the **13 corporate risks** (as at the end of March 2026) that need to be considered by the committee and outline the actions that were being taken to mitigate those risks, in accordance with the [West Berkshire Council Risk Management Strategy](#)
- 1.2 To call attention to changes observed in the Corporate Risk Register (CRR) during the reference period, more specifically, those related to a change in scoring or to the closure or inclusion of a risk in the register.

### 2. Implications and Impact Assessment

Implication	Commentary		
<b>Financial:</b>	None.		
<b>Human Resource:</b>	None.		
<b>Legal:</b>	None.		
<b>Risk Management:</b>	The report outlines the key risks that Corporate Board are monitoring / managing at present.		
<b>Property:</b>	None.		
<b>Policy:</b>	There are no policy implications associated with this report.		
	<b>Positive</b>	<b>Neutral</b>	<b>Negative</b>
			<b>Commentary</b>
<b>Equalities Impact:</b>			
<b>A</b> Are there any aspects of the proposed decision, including how it is delivered or accessed, that could impact on inequality?		x	

<b>B</b> Will the proposed decision have an impact upon the lives of people with protected characteristics, including employees and service users?		x		
<b>Environmental Impact:</b>		x		
<b>Health Impact:</b>		x		
<b>ICT or Digital Services Impact:</b>		x		
<b>Council Strategy Priorities or Business as Usual:</b>	x			Risk management activities support the delivery of the objectives relevant to the Council Strategy priorities and other business as usual areas.
<b>Data Impact:</b>		x		
<b>Consultation and Engagement:</b>	The report is based on the updated Service Risk Registers provided by Service Directors. The updating of the Service Risk Registers includes a requirement that changes are discussed at the relevant Directorate Management Team meetings and approved by relevant Portfolio Holder. Corporate Management Team receives a copy of this report.			

### 3. Executive Summary

- 3.1 This report summarises a range of information relating to the Corporate Risk Register (CRR) and analyses any developments and emerging risks. It updates the committee on key issues and actions that they should be aware of.
- 3.2 Following the review of the report by the Corporate Board, the following changes were made to the CRR:
- (a) One new Personal (Staff or Customer) risk was included in the CRR. This new risk consolidates elements which previously featured in the CRR as three separate risks until last quarter. With a current score of 6, the risk is within the acceptable exposure limit for that type of risk. The four risks that accounted for the elements of this new risk have been removed from the register.
  - (b) One risk previously listed in the CRR as a reputational risk has been absorbed by another related to Assets (Physical & Information). That risk current score is 20, therefore, it exacerbates the Council's acceptable exposure limit for that type of risk. The absorbed risk has been removed from the register.
  - (c) One compliance risk was de-escalated from the Corporate to the Resources Directorate Risk Register. Therefore, it has been removed from the CRR.

- (d) One new financial reputational risk was added to the CRR. With a score of 12, the risk is within the limit established by the Council's Risk Strategy.
  - (e) One financial risk had its score decreased from 8 (high) to 2 (low).
- 3.3 Following said changes, there were in total 13 risks in the Corporate Risk Map, with 8 of them at a risk appetite level higher than the acceptable limit established by the [Council's Risk Management Strategy](#). However, only three of the risks exceed the appetite significantly (by three or more points).
- 3.4 More detailed information on the modifications to the Corporate Risk Register can be found in Part II of this report (Part II - Appendix A: Changes in the CRR)
- 3.5 The submission of a part II report is due to the presence of exempt information, in accordance with Part 1 of Schedule 12A of the Local Government Act 1972, as amended by the [Local Government \(Access to Information\)\(Variation\) Order 2006](#). [Rule 8.10.4 of the Constitution also refers](#). More specifically, information relating to:
- financial/business affairs of particular person
  - legal privilege
  - proposed action to be taken by the Local Authority

#### **4. Overview of the Corporate Risk Register (public version): Risk scores and classification**

- 4.1 The Corporate Risk Register (CRR) is designed to summarise all major risks escalated by Directors and Service Leads for action or active monitoring at corporate level. The method used to score risks is detailed as part of the Risk Management Strategy. The risks and their respective scores can be found in the table below.

Corporate Risk Register Q4 2025/2026 (v2.0)

N.	Primary Risk Category	Current Score		Score variation
1	Financial loss	25	Extreme	0
2	Financial loss	16	Extreme	0
3	Personal, Staff or Customer	6	Moderate	New
4	Assets (Physical & Information)	20	Extreme	0
5	Personal, Staff or Customer	9	High	0
6	Personal, Staff or Customer	10	High	0
7	Personal, Staff or Customer	9	High	0
8	Personal, Staff or Customer	9	High	0
9	Personal, Staff or Customer	6	Moderate	0
10	Financial loss	9	High	0
11	Financial loss	2	Low	↓ 6
12	Reputation	15	Extreme	0
13	Financial loss	12	High	New

Table 1 Risk scores (public version)

4.2 As of the end of Q4, the 13 risks in the CRR (Table 1) were categorised as: four *extreme*, six *high*, two *moderate*, and one *low* (Figure 2). The most common primary risk category is *personal, staff or customer*, which accounts for six risks. The category *financial* comes in second with five risks and *reputation and assets* in third, with one risk each (Figure 3). The classification of all risks in the CRR is illustrated in the graphs below (Figure 1).



Figure 1. Heat Map (public version)

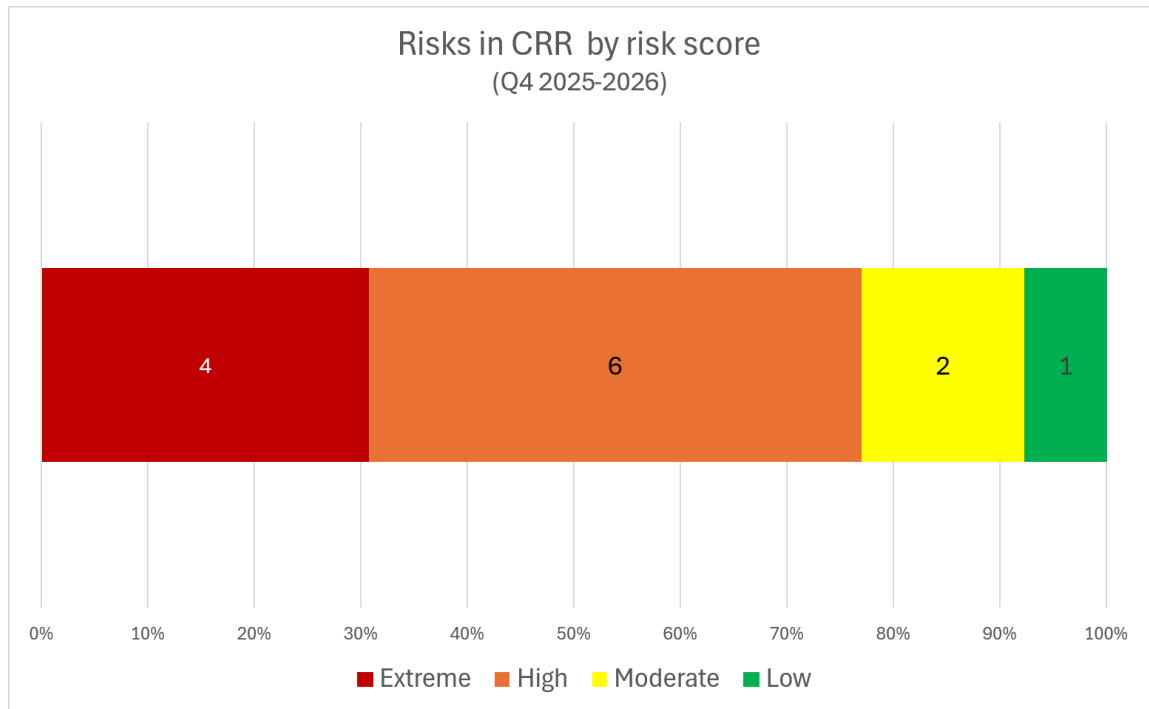


Figure 2. Risks in CRR by risk score

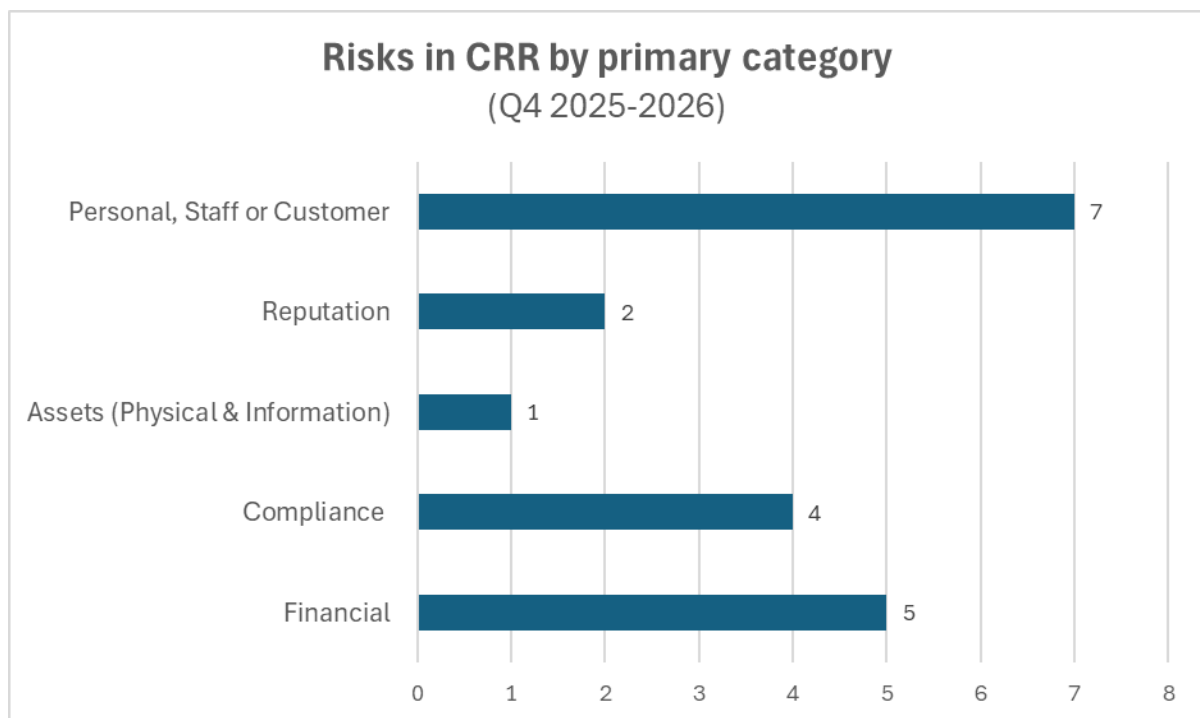


Figure 3. Risks in CRR by primary category

## 5. Assurance on the risk management approach

5.1 The matrix below maps the risk appetite scorings associated with the different risk exposure levels. These were the thresholds utilised to assess if the risks currently in the Corporate Risk Register exceed acceptable parameters as set by the Risk Management Strategy (Figure 4).

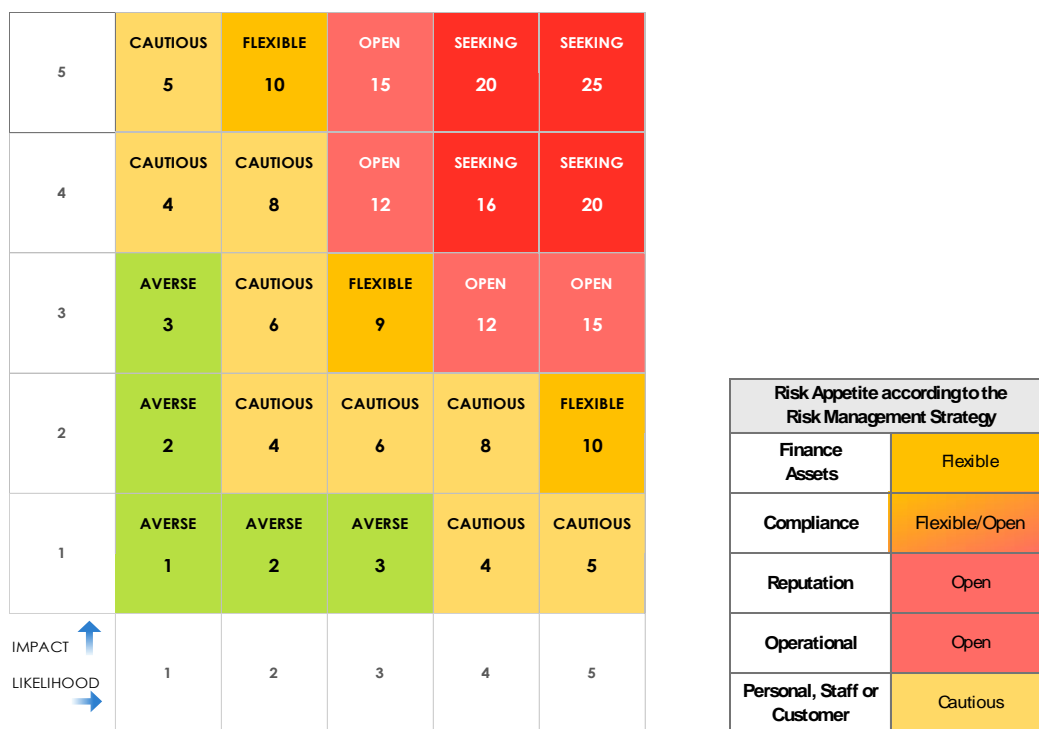


Figure 4. Heat map of risk appetite levels and Risk appetite levels according to the Risk Management Strategy

5.2 The table at paragraph 5.3 includes details of the relevant appetite parameters and ranks each risk according to whether it exceeds the appetite and to what extent. This is done with a simple RAG rating as follows:

- RED: exceeds appetite threshold by three or more points.
- AMBER: exceeds appetite threshold by up to two points.
- GREEN: at or below the appetite threshold.

5.3 The table below presents the exposure levels of the 13 risks in the CRR in terms of their acceptable levels according to the Risk Management Strategy (Figure 7).

5.4 As shown in the table, the scores attributed to eight of the risks currently in the Corporate Risk Register exceed the acceptable levels of risk appetite set in the Council's Strategy – three of them by 3 points or more and five by up to 2 points. The remaining risks are currently within or below the acceptable risk levels, as illustrated in Figure 6.

N.	Primary Risk Category	Current Score (Q4)	Current Risk Exposure	Acceptable Risk Exposure	Deviation from Risk Appetite
1	Financial loss	25	Seeking	Flexible	↑ 15
2	Financial loss	16	Seeking	Flexible	↑ 6
3	Personal, Staff or Customer	6	Cautious	Cautious	No deviation
4	Assets (Physical & Information)	20	Seeking	Flexible	↑ 10
5	Personal, Staff or Customer	9	Flexible	Cautious	↑ 1
6	Personal, Staff or Customer	10	Flexible	Cautious	↑ 2
7	Personal, Staff or Customer	9	Flexible	Cautious	↑ 1
8	Personal, Staff or Customer	9	Flexible	Cautious	↑ 1
9	Personal, Staff or Customer	6	Cautious	Cautious	No deviation
10	Financial loss	9	Flexible	Flexible	No deviation
11	Financial loss	2	Averse	Flexible	↓ 7
12	Reputation	15	Open	Open	No deviation
13	Financial loss	12	Open	Flexible	↑ 2

Figure 5. Overview of CRR exposure levels

Risks in CRR by exposure level  
(Q4 2025-2026)

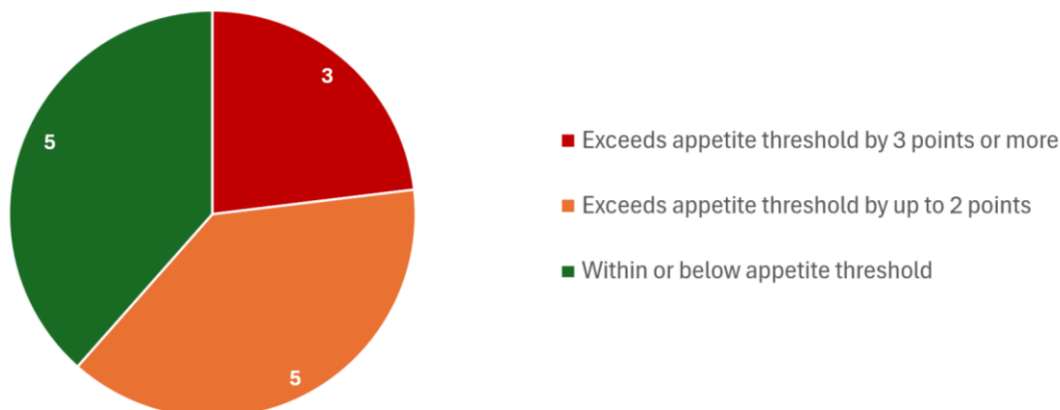


Figure 6. Risks in CRR according to their acceptable exposure levels

5.5 More details on the risks currently in the Corporate Register, information on mitigation actions in place and on emerging risks are available in Part II of this report (Appendix B: Overview Corporate Risks).

## 6. Proposal(s)

6.1 That the Committee be informed of the current position (as at the end of March 2026) and actions undertaken to minimise the impact for existing 13 risks on the Corporate Risk Register (CRR), which are described in Appendix B and detailed in Appendix C, in the confidential Part II of this report.

## 7. Conclusion

7.1 The report highlights the variations observed in the Corporate Risk Register until the end of Q4 2025/2026. At time of reporting, there were 13 risks in the CRR, all of which have been assessed in accordance with the Risk Management Strategy, including the acceptable exposure levels as per the Council's risk appetite.

7.2 More information on individual risks and the actions in place and planned for their mitigation can be found in the Part II of this report, more specifically in:

- Appendix A – Changes in the Corporate Risk Register
- Appendix B – Overview of the Corporate Risk Register (Confidential)
- Appendix C – Detailed Corporate Risk Register (Confidential)

**Subject to Call-In:**

Yes:  No:

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

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By virtue of paragraph(s) 3, 5 of Part 1 of Schedule 12A  
of the Local Government Act 1972.

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