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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 TUESDAY 29 SEPTEMBER 2026

Present: Councillor Erik Pattenden (Chairman), Councillor Ross Mackinnon (Vice-Chairman), Councillor Laura Coyle, Councillor Carolyne Culver, Councillor Billy Drummond, Councillor Owen Jeffery, Councillor Stephanie Steevenson (Substitute) (In place of Councillor Jeremy Cottam), and Simon Carey (Independent Co-opted Member) (via Zoom)

Also Present: Councillor Denise Gaines (Executive Portfolio Holder – Panning and Housing), Toby Bradley (Service Lead, Financial Management), Sarah Clarke (Executive Director (Resources)), Bob Dray (Interim Service Lead - Planning), Julie Gillhespey (Audit Manager), April Peberdy (Service Director - Community Services), Martyn Sargeant (Service Director (Strategy & Governance)) and George Winterbourne (Service Lead - Finance & Strategic Assets), Stephen Chard (Clerk), Gordon Oliver (Zoom Host)

Apologies for inability to attend the meeting: Councillor Jeremy Cottam

PART I

20 Minutes

The Minutes of the meeting held on 23 June 2026 were approved as a true and correct record and signed by the Chairman.

The Minutes of the first extraordinary meeting held on 28 July 2026 were approved as a true and correct record and signed by the Chairman.

The Minutes of the second extraordinary meeting held on 28 July 2026 were approved as a true and correct record and signed by the Chairman.

21 Action Log

The Committee considered the Action Log (Agenda Item 3).

It was noted that action 26-20 was still in progress and had not been completed as indicated in the Action Log.

Satisfied with the information presented, the Committee agreed that the updates could be noted.

22 Declarations of Interest

There were no declarations of interest received.

23 Work Programme

Officers requested that the Strategic Risk Register Update be slipped from the November meeting to the January meeting to allow it to be presented alongside the Internal Audit update. The Committee agreed to this amendment.

24 Planning Constitution Amendments - National Scheme of Delegations

Councillor Denise Gaines (Executive Portfolio Holder – Planning and Housing) and Bob Dray (Interim Service Lead – Planning) presented the proposed Planning Constitution Amendments (Agenda Item 6).

The following points were raised in the debate:

- It was confirmed that there had been no feedback from the Constitution Review Task Group regarding the proposed amendments.
- There was a question about whether officers and Members would have sufficient guidance and training to minimise the risk of legal challenges around the interpretation and application of the gateway tests. Officers explained that one of the tests for an application to be referred to committee was around the significance of the application. This was a matter of planning judgement, which was why an experienced planning officer would be involved. Statutory guidance provided examples of how to interpret the tests. There would be regular meetings between the nominated Member and officer, with a legal advisor present until all parties were familiar with the process. A proforma was being developed, which would contain relevant questions/prompts and would also act as a record of the decision as to why each application was referred to committee or not.
- Officers were asked how the anticipated efficiencies of going from three planning committees to one would be measured. It was confirmed that the main measure would be the number of applications going to committee, which would be extracted from back office systems, with a Power BI dashboard providing live data.
- It was noted that under current arrangements, District Planning Committee only met when applications were referred up from one of the Area Planning Committees. Also, there was a significant imbalance in the number of applications being considered by the two Area Planning Committees. Moving to a single committee should reduce the number of meetings that had to be cancelled due to a lack of applications.
- Members asked about what weight would be given to letters from residents in relation to particular planning applications. It was explained that the number of letters received was not a material planning consideration - what mattered was the content of those letters.
- It was noted that ‘Member flagging’ would replace the current call-in system. However, this would only be used to ‘flag’ the application to the nominated Member and officer for consideration. An online form was being developed for this purpose, with supporting guidance to explain the legal tests.
- Clarification was sought as to whether Ward Members would be expected to submit letters of support/objection under the new system. It was confirmed that they would be able to make representations in the same way as anyone else.
- Officers were asked what measures would be put in place to ensure that triage and gateway test processes for Schedule 2 applications were transparent and robust. It was explained that there was a requirement for every decision of the nominated Member and officer to be recorded – these would be included in the officer’s report. Back office systems were due to be updated to pull this information to the front-facing website.
- Members asked how the Planning Service would monitor and report on whether applications that raised significant local issues were being filtered out from committee consideration. It was confirmed that Power BI dashboards would facilitate monitoring and review.

- It was suggested that other local authorities with a single planning committee be approached to understand what feedback they had received from Members. Officers stressed that the proposal was based on knowledge of past workload. A review of other local authorities with multi-area committees had been carried out and found that many were considering going down to a single committee.
- Clarification was sought as to what might happen if West Berkshire Council chose not to accept the reforms. Officers explained that the Council would have a cohort of applications which the current Constitution directed should go to committee. However, this would not be permitted under law, so a backlog of applications would build up, which would affect wider service delivery. Applicants would be able to appeal against non-determination, leading to legal challenges, appeals and associated costs, as well as reputational harm. It was stressed that the changes were legal requirements and were not optional.
- Members asked about the composition of the new Planning Committee. It was confirmed that this would be comprised of 11 Members and would reflect the political makeup of the Council. No recommendations had been made as to the geographical makeup of the Committee – this would be up to each political group. A report would go to Council allocating seats to the new Planning Committee alongside this report. It was not proposed to change allocations to other committees at this point.
- Officers were asked if they had sufficient staff resources to process all the applications. It was noted that it was more resource-intensive to bring an application to committee, so there should be less call on staff resources under the new system.
- It was suggested that the changes be clearly communicated to town/parish councils. Officers indicated that an email would be sent out and the matter would be discussed at the next District Parish Conference.

RESOLVED to:

a) Replace Section 8 (Service Director – Development and Housing) of the Scheme of Delegation in Part 11 of the Constitution with the changes shown in Appendix A to implement the National Scheme of Delegation and ensure the amended Constitution is in accordance with the Planning and Infrastructure Act 2025 and the Town and Country Planning (Discharge of Local Planning Authority Functions) (England) Regulations 2026.

b) Amend Part 6.8 Appendix Planning Committees with the changes shown in Appendix B to replace the existing three committee structure with a single Planning committee.

c) Delegate to the Monitoring Officer to make any minor substantive changes to the Constitution they deem necessary to ensure the Council's planning delegation arrangement comply with the Planning and Infrastructure Act 2025 and the Town and Country Planning (Discharge of Local Planning Authority Functions) (England) Regulations 2026. This delegated authority is provided that any such changes are the minimum necessary to ensure compliance, and subject to the amendments being ratified by Full Council as soon as practicable.

d) Endorse a review of the new arrangements by the Service Lead for responsibility for planning between 6 and 12 months following implementation.

25 Internal Audit Update Report: Q1 2026/27

JULIE GILLHELSPIE (AUDIT MANAGER) PRESENTED THE INTERNAL AUDIT UPDATE REPORT: Q1 2026/27 (AGENDA ITEM 7).

The following points were raised in the debate:

- April Peberdy (Service Director - Community Services) was invited to provide an update in relation to recommendations made following a previous audit of the West Berkshire Lottery. She confirmed that an officer had now been recruited whose duties would include management of the lottery contract. Their priority upon starting would be to address the points raised within the audit report in relation to the lottery.
- Members expressed concern that the audit only provided limited assurance in relation to compliance with Gambling Commission requirements. It was explained that this was a potential risk of not having a contract in place. The contractor was experienced and provided similar services to other local authorities, so the risk was considered low, but if it did occur, then the Council would incur reputational damage.

RESOLVED to note the report.

26 Strategic Risk Register: Q1 2026/27

Martyn Sargeant (Service Director – Strategy and Governance) presented the Strategic Risk Register for Quarter 1 2026/27 (Agenda Item 8).

The following points were raised in the debate:

- Officers were asked why details of the corporate risks were restricted to the Part II appendix. It was felt that most people could guess what they were, and it was suggested that the opportunity was being missed to provide reassurance to residents that the Council recognised the risks and had suitable mitigations in place.
- It was noted that the Audit Manager had taken on responsibility for the Strategic Risk Register and would be responsible for preparing the Quarter 2 update. Officers indicated that they would take on board Members comments about the value of the public report.
- Officers referenced another council which published its risk register in full. Concerns were expressed that this approach meant putting the local authority's cyber risks and mitigations into the public domain. Officers indicated that for Quarter 2, more detail may be included in the Part I report. However, there needed to be a balance between transparency and not exposing the Council to unnecessary risk by publishing too much information.
- Members did not see any specifics in the Part II report that could potentially expose the Council to additional risk if the information was put in the public domain. It was suggested that the Council should adopt a 'transparency as a default' approach, with risks only discussed in private where there was a clear case for doing so. Officers confirmed that 'transparency as a default' was the legal position and material was published on the basis of an assessment of risk. However, officers undertook to review reporting to see what could be put into the public domain.
- Reference was made to the Grazeley Solar Farm report that had been discussed at Resources and Place Scrutiny Committee. Members felt that some of the material discussed in Part II appendix could have been included in the public meeting - this would have helped residents to satisfy themselves that the Council's proposal was sound.

Action: Officers to consider whether additional information could be included within the Part I element of the Strategic Risk Register report in future.

RESOLVED to note the report.

27 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, 5 and 6 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.

28 Strategic Risk Register - Q1 2026-27

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

(Paragraph 5 – information relating to legal privilege)

(Paragraph 6 – information relating to proposed action to be taken by the Local Authority)

The Committee considered an exempt report (Agenda Item 10) concerning Strategic Risk Register - Q1 2026-27.

RESOLVED to note the report.

(The meeting commenced at 6.50 pm and closed at 7.37 pm)

CHAIRMAN …….

Date of Signature …….