

# Individual Executive Member Decision

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## West Berkshire Council Forward Plan - 7 September 2016 - 31 December 2016 – Supporting Information

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### 1. Introduction/Background

- 1.1 West Berkshire Council's Forward Plan, which is published monthly, sets out the key decisions that the Executive (either collectively or by Individual Executive Members) is expected to take over the next four months.
- 1.2 Key decisions are defined by the Government (Regulation 8 of the Local Authorities (Executive Arrangements)(Access to Information)(England) Regulations 2001) as:
- (1) Those which result in the Local Authority incurring expenditure which is, or the making of savings which are, significant having regard to the Local Authority's budget for the service or function to which the decision is related.
  - (2) Those which are significant in terms of its effect on communities living or working in an area comprising two or more wards or electoral divisions in the area of the Local Authority.
- 1.3 The introduction of The Local Authorities (Executive Arrangements) (Meetings and Access to Information) (England) Regulations 2012 in September 2012 included a requirement to publish 28 clear days' notice of any intended key decision. It should be noted that "clear days" means working days, from midnight to midnight, and excludes weekends and public holidays, so 28 clear days equates to around 5½ normal weeks.
- 1.4 On occasions, however, situations may arise where an urgent decision needs to be made in respect of an item that does not appear on the Forward Plan. There are two different ways in which this can be done:
- (i) the authority can take an urgent key decision without giving 28 days' notice where it is impracticable to give the full notice, provided that the authority gives at least five days' clear notice to all Members of the Overview and Scrutiny Management Commission, which can then call in the decision to check that it was genuinely urgent; or
  - (ii) where a key decision is so urgent there is not even time to give five clear days' notice, the authority can take the decision if the Chairman of the Overview and Scrutiny Management Commission has agreed that the key decision is urgent and cannot reasonably be deferred.
- 1.5 In addition The Local Authorities (Executive Arrangements) (Meetings and Access to Information) (England) Regulations 2012 introduced an entirely new requirement for the Council to publish 28 clear days' notice of the intention to hold a private

meeting (or part of a meeting) of the Executive. This 28 day notice must be reinforced by a five day notice which sets out the reasons for the meeting to be held in private, details of any propositions received as to why the meeting should be open, and the Council's response. The response will be provided by the Monitoring Officer. The regulations again provide for an urgency procedure, under which the Council can decide the matter with shorter than 28 or five days' notice, provided that it has first obtained the consent of the Chairman of the Overview and Scrutiny Management Commission.

- 1.6 There are currently two confidential items scheduled for the 8 September 2016 Executive meeting. The required notice is attached as Appendix D and will be displayed at the Council. If any representations are received the five day notice will be issued on 31 August 2016. The items are:
- EX3161 – Shared Lives Offer to the Royal Borough of Windsor and Maidenhead
  - EX3080 – Approved Provider List (APL) Intention to Award Contract
- 1.7 Details of decisions that Full Council, the Governance and Ethics Committee and the Personnel Committee are going to take are also included for ease of reference. It should, however, be noted that the 2012 Regulations only apply to Executive meetings.
- 1.8 Publication of the Forward Plan remains a statutory requirement of the Local Authority. The Forward Plan, any General Exception Decision Notices and Notices of Private Decisions have to be available for inspection and also have to be published on the Council's website.

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**Background Papers:**

None.

**Subject to Call-In:**

Yes:  No:

|   |                                     |
|---|-------------------------------------|
| The item is due to be referred to Council for final approval  | <input type="checkbox"/>            |
| Delays in implementation could have serious financial implications for the Council  | <input type="checkbox"/>            |
| Delays in implementation could compromise the Council's position  | <input checked="" type="checkbox"/> |
| Considered or reviewed by Overview and Scrutiny Management Commission or associated Task Groups within preceding six months | <input checked="" type="checkbox"/> |
| Item is Urgent Key Decision   | <input type="checkbox"/>            |
| Report is to note only  | <input type="checkbox"/>            |

**Officer details:**

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## Appendix B

### Equality Impact Assessment - Stage One

We need to ensure that our strategies, policies, functions and services, current and proposed have given due regard to equality and diversity.

Please complete the following questions to determine whether a Stage Two, Equality Impact Assessment is required.

|  |              |
|--|--------------|
| <b>Name of policy, strategy or function:</b>             | Forward Plan |
| <b>Version and release date of item (if applicable):</b> |              |
| <b>Owner of item being assessed:</b>                     | Moira Fraser |
| <b>Name of assessor:</b>                                 | Jo Reeves    |
| <b>Date of assessment:</b>                               | 18 May 2016  |

| Is this a:      |    | Is this:                                    |    |
|-----------------|----|---|----|
| <b>Policy</b>   | No | <b>New or proposed</b>                      | No |
| <b>Strategy</b> | No | <b>Already exists and is being reviewed</b> | No |
| <b>Function</b> | No | <b>Is changing</b>                          | No |
| <b>Service</b>  | No |   |    |

|  |  |
|--|--|
| <b>1. What are the main aims, objectives and intended outcomes of the policy, strategy function or service and who is likely to benefit from it?</b> |  |
| <b>Aims:</b>   |  |
| <b>Objectives:</b>   |  |
| <b>Outcomes:</b>   |  |
| <b>Benefits:</b>   |  |

|   |                                  |                                     |
|---|----------------------------------|-------------------------------------|
| <b>2. Note which groups may be affected by the policy, strategy, function or service. Consider how they may be affected, whether it is positively or negatively and what sources of information have been used to determine this.</b><br>(Please demonstrate consideration of all strands – Age, Disability, Gender Reassignment, Marriage and Civil Partnership, Pregnancy and Maternity, Race, Religion or Belief, Sex and Sexual Orientation.) |                                  |                                     |
| <b>Group Affected</b>   | <b>What might be the effect?</b> | <b>Information to support this.</b> |
| None  |                                  |                                     |

|   |
|---|
| <b>Further Comments relating to the item:</b> |
|   |

|  |    |
|--|----|
| <b>3. Result</b>   |    |
| <b>Are there any aspects of the policy, strategy, function or service, including how it is delivered or accessed, that could contribute to inequality?</b> | No |
| <b>Please provide an explanation for your answer:</b>  |    |
| <b>Will the policy, strategy, function or service have an adverse impact upon the lives of people, including employees and service users?</b>              | No |
| <b>Please provide an explanation for your answer:</b>  |    |

If your answers to question 2 have identified potential adverse impacts and you have answered ‘yes’ to either of the sections at question 3, or you are unsure about the impact, then you should carry out a Stage 2 Equality Impact Assessment.

If a Stage Two Equality Impact Assessment is required, before proceeding you should discuss the scope of the Assessment with service managers in your area. You will also need to refer to the Equality Impact Assessment guidance and Stage Two template.

|   |     |
|---|-----|
| <b>4. Identify next steps as appropriate:</b> |     |
| <b>Stage Two required</b>                     |     |
| <b>Owner of Stage Two assessment:</b>         |     |
| <b>Timescale for Stage Two assessment:</b>    |     |
| <b>Stage Two not required:</b>                | Yes |

**Name: Jo Reeves**

**Date: 18 May 2016**

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Please now forward this completed form to Rachel Craggs, the Principal Policy Officer (Equality and Diversity) for publication on the WBC website.