



WOKINGHAM BOROUGH COUNCIL

The Annual Meeting of the **COUNCIL** will be held in the Council Chamber - Civic Offices, Shute End, Wokingham RG40 1BN on **THURSDAY 19 MAY 2022 AT 7.00 PM**

Susan Parsonage
Chief Executive
Published on 11 May 2022

Note: Although members of the public are entitled to attend the meeting in person, space is very limited due to the ongoing Coronavirus pandemic. You can however participate in this meeting virtually, in line with the Council's Constitution. If you wish to participate either in person or virtually via Microsoft Teams please contact Democratic Services. The meeting can also be watched live using the following link: <https://youtu.be/mQH9pGQhrxo>

This meeting will be filmed for inclusion on the Council's website.

Please note that other people may film, record, tweet or blog from this meeting. The use of these images or recordings is not under the Council's control.



WOKINGHAM BOROUGH COUNCIL

Our Vision

A great place to live, learn, work and grow and a great place to do business

Enriching Lives

- Champion outstanding education and enable our children and young people to achieve their full potential, regardless of their background.
- Support our residents to lead happy, healthy lives and provide access to good leisure facilities to complement an active lifestyle.
- Engage and involve our communities through arts and culture and create a sense of identity which people feel part of.
- Support growth in our local economy and help to build business.

Safe, Strong, Communities

- Protect and safeguard our children, young and vulnerable people.
- Offer quality care and support, at the right time, to prevent the need for long term care.
- Nurture communities and help them to thrive.
- Ensure our borough and communities remain safe for all.

A Clean and Green Borough

- Do all we can to become carbon neutral and sustainable for the future.
- Protect our borough, keep it clean and enhance our green areas.
- Reduce our waste, improve biodiversity and increase recycling.
- Connect our parks and open spaces with green cycleways.

Right Homes, Right Places

- Offer quality, affordable, sustainable homes fit for the future.
- Build our fair share of housing with the right infrastructure to support and enable our borough to grow.
- Protect our unique places and preserve our natural environment.
- Help with your housing needs and support people to live independently in their own homes.

Keeping the Borough Moving

- Maintain and improve our roads, footpaths and cycleways.
- Tackle traffic congestion, minimise delays and disruptions.
- Enable safe and sustainable travel around the borough with good transport infrastructure.
- Promote healthy alternative travel options and support our partners to offer affordable, accessible public transport with good network links.

Changing the Way We Work for You

- Be relentlessly customer focussed.
- Work with our partners to provide efficient, effective, joined up services which are focussed around you.
- Communicate better with you, owning issues, updating on progress and responding appropriately as well as promoting what is happening in our Borough.
- Drive innovative digital ways of working that will connect our communities, businesses and customers to our services in a way that suits their needs.

To: The Members of Wokingham Borough Council

ITEM NO.	WARD	SUBJECT	PAGE NO.
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1.

ELECTION OF MAYOR FOR THE MUNICIPAL YEAR 2022/23

To elect a Mayor for the 2022/23 Municipal Year.

The outgoing Mayor will address the Council for up to 5 minutes.

The outgoing Mayor will then call for nominations for the Office of Mayor for the 2022/23 Municipal Year.

The outgoing Mayor will ask the Council to vote on the nomination(s).

At this point in the proceedings, the outgoing Mayor and the incoming Mayor may adjourn in order to place the Cloak and Chain of Office on the incoming Mayor.

The incoming Mayor will take the chair and make the Declaration of Acceptance of Office as required by Section 83(3) of the Local Government Act 1972.

The Mayor to address the Council for up to 5 minutes.

The Mayor to present the Past Mayor's Badge to the outgoing Mayor.

2.

APPOINTMENT OF DEPUTY MAYOR FOR THE MUNICIPAL YEAR 2022/23

To appoint a Deputy Mayor for the 2022/23 Municipal Year.

The Mayor will call for nominations for the Office of Deputy Mayor for the 2022/23 Municipal Year.

The Mayor will ask the Council to vote on the nomination(s).

The Deputy Mayor will make the Declaration of Acceptance of Office as required by

Section 83(3) of the Local Government Act, 1972.

The Mayor will present the Deputy Mayor's badge of office to the Deputy Mayor.

The Deputy Mayor will address the Council for up to 3 minutes.

3.

APOLOGIES

To receive any apologies for absence

4.

MINUTES OF PREVIOUS MEETING

To confirm the Minutes of the Council Meeting held on 24 March 2022.

9 - 36

5.

DECLARATIONS OF INTEREST

To receive any declarations of interest

6.

PUBLIC QUESTION TIME

To answer any public questions

A period of 30 minutes will be allowed for members of the public to ask questions submitted under notice.

The Council welcomes questions from members of the public about the work of the Council

Subject to meeting certain timescales, questions can relate to general issues concerned with the work of the Council or an item which is on the Agenda for this meeting. For full details of the procedure for submitting questions please contact the Democratic Services Section on the numbers given below or go to www.wokingham.gov.uk/publicquestions

6.1

Maiden Erlegh

Jo Beales has asked the Executive Member for Highways and Transport the following question:

Question

My question is on child safety outside Maiden Erlegh and Aldryngton schools on the Silverdale Road and surrounding roads. Last week there was an accident between a 13 yr old child and a car on the Silverdale Road. The child was taken to RBH, due to their injuries. A couple of years ago, 2 primary school children were pinned against a wall by a car, with severe injuries, which required an air ambulance.

Child safety in this area needs urgent attention before a fatality occurs. Each school day at school drop off and pick up times, the roads around the school area

are clogged with cars. Parents drive onto pavements, they block pavements to get into the Tesco car park to drop off or pick up their child(ren), so children have to walk on the main road to get to school! The parents don't care of the impact on surrounding pedestrians, as long as they can get as close to the school as possible.

We need to reduce the number of cars in this area around the schools, can we install parking restrictions on Sevenoaks Road and barriers along certain stretches of Silverdale and Sevenoaks Roads, to protect the pedestrians?

6.2 Arborfield

Jan Heard has asked the Executive Member for Planning and Enforcement the following question:

Question

Just before the election, representatives of main parties were interviewed on BBC Radio Berkshire regarding the proposed development on Hall Farm. Two declared opposition to 4,500 Houses on Hall Farm and wanted more information from Officers regarding other sites. Another subsequently made a pledge in writing to oppose overdevelopment. Two Independents also publicly stated their opposition to Hall Farm.

Given the outcome of the election, and stated opposition to Hall Farm of representatives of all parties, I ask the Executive Member of Planning the following; in a climate where 97% of new development has been in southern wards, and 4,500 doubles numbers of houses required in the period, will this Council take Hall Farm out of the LPU?

6.3 None Specific

David Spedding has asked the Executive Member for Highways and Transport the following question:

Question

How can the Council support safer roads around schools at drop off and collection times?

6.4 Maiden Erlegh

Rachel Fielding has asked the Executive Member for Highways and Transport the following question:

Question

As a local resident and parent of a child at Aldryngton Primary School, the number of cars driving and parking dangerously along Silverdale Road seems to be increasing. How can we improve the route to prioritise pedestrians and make it safer for children

walking to school; Reading Borough Council have recently started implementing 'school streets', would this be a path you would consider following?

7. **PETITIONS**
To receive any petitions which Members or members of the public wish to present.
8. **MAYOR'S OR HEAD OF PAID SERVICE'S ANNOUNCEMENTS**
To receive any announcements from the Mayor or the Head of Paid Service
9. None Specific **RETURNING OFFICER'S REPORT ON MAY 2022 ELECTIONS** 37 - 40
The Council's Assistant Director Governance, as Returning Officer, to report on the Borough elections held on 5 May 2022.
RECOMMENDATION: That the Council notes the report of the Returning Officer.
10. None Specific **MOTION OF NO CONFIDENCE**
In accordance with the Council's Constitution the following motion:

"That this Council has no confidence in the Leader"

has been submitted, signed by the Members below.

Clive Jones
Stephen Conway
Prue Bray
Gary Cowan
Lindsay Ferris
Tahir Maher
Imogen Shepherd-Dubey
Sarah Kerr
Caroline Smith
Morag Malvern
11. **STATEMENTS FROM THE LEADER OF THE COUNCIL, EXECUTIVE MEMBERS AND LEADER OF THE OPPOSITION**
To elect the Leader of the Council (if applicable) and receive notification from the Leader of his/her Deputy and the remainder of the Members appointed to the Executive and their respective portfolios, Deputy Executive Members and, if applicable, the terms of delegation to Executive Members and Officers.

The Leader of Council/Executive Members will be allowed to speak for up to 10 minutes in total.

The Leader of the Opposition will be allowed to speak for up to 5 minutes.

12. None Specific **CHANGES TO THE CONSTITUTION** **41 - 68**

To receive a report from the Monitoring Officer setting out proposed changes to the Constitution as considered by the Constitution Review Working Group.

RECOMMENDATION: That Council agree the following changes to the Constitution, as recommended by the Monitoring Officer via the Constitution Review Working Group that:

- 1) Sections 11 Officers, be amended as set out in Appendix 1 of the report;
- 2) Section 5.5.1 List of items delegated to Individual Executive Members be amended as set out in Paragraph 2 of the report;
- 3) Section 12.1.16.24 Fees and Charges, be amended as set out in Paragraph 2 of the report.

13. **MEMBER QUESTION TIME**
To answer any member questions

A period of 30 minutes will be allowed for Members to ask questions submitted under Notice

Any questions not dealt with within the allotted time will be dealt with in a written reply.

13.1 Winnersh Rachelle Shepherd-DuBey has asked the Executive Member for Highways and Transport the following question:

Question

At the planning stage of the Winnersh Relief Road 'northern roundabout' and the North Wokingham Distribution Road 'southern roundabout' concern was raised about the safe usage of the uncontrolled crossings by pedestrians and cyclists as traffic volumes would not allow sufficient gaps to allow people to cross in safety. Signal-controlled toucan crossings were suggested at that time but were dismissed by the Borough Council.

These routes are well used by residents including

school students from at least three local schools, who are finding it increasingly difficult to cross the road safely. With the North Wokingham Distribution Road due to open in June 2022 the situation is only going to get worse. What improved safety measures can be introduced to make these uncontrolled crossings safer?

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| 14. | None Specific | POLITICAL BALANCE OF THE COUNCIL AND ALLOCATION AND APPOINTMENT TO SEATS ON COMMITTEES AND BOARDS
To receive a report on the political balance of the Council and to appoint to Council Committees/Panels/Boards in accordance with the Groups' wishes as set out in Appendix 1.

Further information relating to the nominations will be circulated before or at the meeting. | To Follow |
| 15. | None Specific | APPOINTMENTS TO PANELS/WORKING GROUPS, ETC
To consider and approve the appointment of Members to serve on Joint Committees, Various Bodies and Panels/Working Groups in accordance with the Groups' wishes, as set out in Appendix 2.

Further information relating to nominations will be circulated before or at the meeting. | To Follow |
| 16. | None Specific | APPOINTMENTS TO OUTSIDE BODIES
To consider and approve the appointment of Members to serve on Outside Bodies in accordance with the Groups' wishes, as set out in Appendix 3.

Further information relating to nominations will be circulated before or at the meeting. | To Follow |

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**MINUTES OF A MEETING OF
THE COUNCIL
HELD ON THURSDAY, 24 MARCH 2022 FROM 7.30 PM TO 10.33 PM**

Members Present

Councillors: Keith Baker (Mayor), Abdul Loyes (Deputy Mayor), Sam Akhtar, Parry Batth, Rachel Bishop-Firth, Laura Blumenthal, Chris Bowring, Prue Bray, Jenny Cheng, Rachel Burgess, Anne Chadwick, Stephen Conway, Phil Cunnington, Peter Dennis, Lindsay Ferris, Michael Firmager, Paul Fishwick, John Halsall, Jim Frewin, Maria Gee, Guy Grandison, Pauline Helliard-Symons, Graham Howe, Clive Jones, Norman Jorgensen, Pauline Jorgensen, John Kaiser, Tahir Maher, Morag Malvern, Charles Margetts, Rebecca Margetts, Andrew Mickleburgh, Gregor Murray, Barrie Patman, Jackie Rance, Angus Ross, Imogen Shepherd-DuBey, Rachelle Shepherd-DuBey, Caroline Smith, Bill Soane, Alison Swaddle, Simon Weeks and Shahid Younis

Members In Attendance Virtually

Councillors: Gary Cowan, David Hare, Sarah Kerr, Ian Shenton, and Wayne Smith.

111. Minute's Silence

Father Stan Gibzinski led the Council in a one minutes silence for all those affected by the war in Ukraine.

112. Apologies

Apologies for absence were submitted from Shirley Boyt, Adrian Mather, Stuart Munro and Daniel Sargeant.

113. Minutes of Previous Meeting

The Minutes of the meeting of the Committee held on 17 February 2022 were confirmed as a correct record and signed by the Chairman subject to the inclusion of Gary Cowan, Carl Doran, Simon Weeks and Graham Howe being marked as having attended the meeting virtually.

114. Declarations of Interest

The following Members declared a general personal interest relating to items on the Agenda:

Councillor John Halsall declared a personal interest on the grounds that he was a Non-Executive Director of Optalis Holdings.

Councillor Charles Margetts declared a personal interest on the grounds that he was a Non-Executive Director of Optalis.

Councillor Norman Jorgensen declared a personal interest on the grounds that he was a Non-Executive Director of Loddon Homes.

Councillor John Kaiser declared a personal interest on the grounds that he was a

Non-Executive Director of WBC Holdings Ltd.

Councillor Shahid Younis declared a personal interest on the grounds that he was a Non-Executive Director of Loddon Homes

The following Members declared a personal interest relating to items on the Agenda:

Councillor Maria Gee declared a personal interest in relation to Agenda item 103 Ukraine on the grounds that she had applied to host Ukrainian refugees.

Councillor Rachel Bishop Firth declared a personal interest in relation to Agenda item 103 Ukraine on the grounds that she had applied to host Ukrainian refugees.

Councillor Paul Fishwick declared a personal interest in relation to Agenda item 103 Ukraine, on the grounds that he had applied to host Ukrainian refugees.

Councillor Phil Cunnington declared a personal interest in relation to Agenda item 103 Ukraine on the grounds that he had applied to host a Ukrainian family.

115. Mayor's Announcements

The Mayor informed Members that it was the last meeting of the municipal year. He thanked those Members who were retiring for their hard work and wished those standing for election, good luck.

John Halsall, Clive Jones, and Stephen Conway paid tribute to a number of Members who were not restanding for election.

The Mayor that in accordance with Rule 4.2.2.2a) the order of business would be varied, and the Ukraine item taken following a minute's silence.

116. Public Question Time

In accordance with the agreed procedure the Mayor invited members of the public to submit questions to the appropriate Members.

116.1 Suzy Pfizer asked the Executive Member for Planning and Enforcement the following question, which was answered by the Leader of the Council. Due to her inability to attend the following written answer was provided:

Question

I refer you to your recent statement in which you said "Green spaces are a vital part of that because of the role they play in maintaining people's physical and emotional wellbeing. They offer valuable opportunities for exercise, socialising and spending time outside in nature, which can significantly reduce stress". The users of Laurel Park already know this, especially during Covid!! There is a children's play area in the Park; the children won't be in the open fresh air, they will instead be breathing in emissions from the increase in cars using the pitch.

Do you stand by that statement, and will you therefore be objecting to the installation of a 3G pitch at Laurel Park a conservation area and wildlife reserve?

Answer

Given that there are a plethora of questions on Laurel Park, I propose to take them all myself as Leader of the Council.

Thank you, Suzy, for your question.

I share your enthusiasm for Laurel Park and believe that it should be protected.

I refer you to my letter written to residents who are around Laurel Park stating, "A review of a 3G pitch at Laurel Park indicates that this site is not suitable and therefore will not be progressed by this administration." This letter has been widely distributed in Facebook.

I am sure that you are aware that every blade of grass, tree or field in the Borough which is lost through development or neglect is a tragedy for me.

We will be examining in detail after the election the results of the Local Plan Update Consultation and as a consequence of residents' feedback we will published and acted upon in the Autumn.

I believe that Laurel Park should be a designated green space; it is now proposed in the Local Plan Update Consultation. I will do all I can to ensure that it is.

I know that an election is upon us when numerous false flag campaigns are started.

The most notable one is Pinewood where the Council has no intention of building any houses and is stated as such in the Local Plan Update Consultation. This has been clarified on numerous occasions and yet there has been a campaign against doing something which was never proposed that we would.

On the other hand, I would like to commend Peter Harper. who has organised a petition with 1,200 signatures, mobilised local members and encouraged residents to reply to the Local Plan Update Consultation on the Rook's Nest Farm. I am sure that this will, when appraised, give a clear indication to the opposition and local sentiment for development on this site and be very influential in any new proposal put forward.

116.2 AI Neal asked the Executive Member for Environment and Leisure the following question, which was answered by the Leader of the Council

Question

Your letter to residents dated 26th February states the Executive has made no formal decision on the site of the proposed 3G pitch in the Lower Earley area.

How can this statement be reconciled with the facts that on the 24th June, the Council's Executive approved expenditure of £300k on this project; and that on page

103 of the Medium Term Financial Plan presented to Council on the 9th February this figure appears to have doubled to £600,000 with “3G Pitch at Laurel Park” explicitly recorded?

Answer

Thank you for your question, Al.

I believe that you are aspiring to be a Lib Dem Borough Councillor and are an Earley Town councillor.

In order for any project like this to be considered it needs to be included in the Medium Term Financial Plan. This an essential and necessary precondition. Thereafter, it will need elaboration into a business plan, a planning application will be required and various consultations with residents and other interested parties. Only when all these steps have been concluded satisfactorily authorisation will be given to proceed.

The MTPF capital figure for 22/23 of £600,000 is in addition to £300,000 in the current year. Of a £900,000 scheme, £500,000 of that cost will be funded from the Football Foundation – leaving Wokingham Borough Council to fund the balance, initially estimated at £400,000. In fact, our latest cost estimates suggest a total project cost of £800,000.

Supplementary Question:

I am just appearing here as an Earley resident actually and in no other capacity. The cancellation, has there been anything minuted that we can refer to, to show that this project has been cancelled? I have only heard that a letter has been put out on Facebook, there is nothing in a formal Council meeting, is there?

Supplementary Answer

In my years as a Councillor, I have never seen Councillors both Borough and Town behave as badly as I have seen them do on this issue. The public have a right to be angry.

The Opposition promoted a 3G pitch in Laurel Park based on “if Wokingham Town have one Earley should as well”. Without properly consulting residents, the Town Council or fellow borough councillors, the Opposition leader ploughed on clandestinely or so it appears. When it was clear that this was likely to be unpopular the active promotion appears to have become fervent opposition and the Borough Council was at fault.

Officers quite rightly responded to the enthusiasm on the assumption that they reflected a common view. Officers were totally bemused to find that the support for the project expressed previously was now outright opposition. This is not only taking the residents for fools but also wasting officer time and wreaking havoc on outside relationships, which the Borough needs.

116.3 Mike Smith asked the Executive Member for Environment and Leisure the following question, which was answered by the Leader of the

Council. Due to his inability to attend the following written answer was provided

Question

In the Berks and Bucks Football Foundation web based report, entitled - Local Football Facility Plan - Wokingham (but not dated), it has, as a 5th of 20 priorities, a recommendation for a 3G pitch in the Earley area with the statement that “A preferred site is to be confirmed, multiple potential options exist such as Laurel Park and Chalfont Park.”

In the Minutes of the Executive Meeting of the 25th June 2021, under Agenda item 9 - Implementing the Leisure Strategy – sub-item 3, it was explicitly Resolved to allocate £300,000 funding for a 3G pitch at Laurel Park (page 19 in Minutes). And the Medium Range Financial Forecast approved at the last Council meeting allocates £600,000 of capital to Laurel Park 3G Pitch on page 103.

How did WBC’s Leisure Services get from a simple suggestion as one of multiple options with no needs analysis, residential consultation, value for money assessment or other justification in a third-party report to the explicit designation of £600,000 for a new 3G pitch at Laurel Park in budget allocations?

Answer

Mike, thank you for your question.

I believe that you are a Liberal Democrat candidate for the local elections and an Earley Town Councillor.

The answer is very simple. It was the enthusiasm displayed by the Leader of Earley town Council, Clive Jones to have a 3G pitch located in Laurel Park. He was actively promoting it.

On 8th December 2020 the day after the Cantley Park 3G pitch was announced Clive Jones wrote to the Borough Council:

“ NEW FUNDING TO REVAMP CANTLEY PARK’S FACILITIES

Hi,

This is very good news.

How are discussions going with them about Laurel Park? It would be great to have something similar there.

Can we have an update chat?

Best wishes,

Clive”

Several meetings were subsequently held with Clive Jones or ETC; two in January 2021; one in March 2021; one in August 2021. Unsurprisingly Officers assumed that the Leader of Earley Town Council was speaking on behalf of Earley Town Council and also the residents and that the Leader of the Lib Dem Group was speaking on behalf of the Liberal Democrat Borough Councillors.

I was amazed to find Councillor Jones write that Earley Town Council had never discussed this proposal which was confirmed by the Earley Town Mayor. Maybe the Liberal Democrat Parliamentary Candidate for Wokingham, the Leader of the LibDem Group at Wokingham Borough Council and the Leader of Earley Town Council are three independent people who do not confer with one another?

Mike, this is election season, but it is not an excuse for false flag episodes or electoral stunts particularly at this moment when residents need to have confidence in the Council.

It is similar to the claim that the Local Plan Update Consultation proposes provision for 16,000 new homes over the next twenty years. It is a lie. The period is 1st April 2018 to 31st March 2038. First of all, the number should be 15,513 of which 3,900 are already built and a further 8900 are either permitted, adopted allocations or windfalls) The plan actually assumes a total of 3,910 new homes a figure significantly different from 16,000.

For the 3G pitch, the Borough Council has not made a decision as to where to locate it and even whether a suitable site exists; so that there is nothing to oppose.

I am in agreement with the residents that Laurel Park is not suitable and whilst I head the administration, I will be strongly against a 3G pitch in Laurel Park. When the 3G pitch options analysis is considered by executive in the summer, I will be voting against the Laurel Park site. Indeed, I will be promoting Laurel Park as a designated green space to protect it ad infinitum.

116.4 Daniel Hinton asked the Executive Member for Health, Wellbeing and Adult Services the following question:

Question

Since the GP at Burma Hills has retired and local residents are being redirected to the Wokingham medical centre, I understand there is talk and promises but at the moment no firm plans to restore GP services at this practice. I am very concerned about this and have a petition to draw attention to this which has picked up support. I noted the update from the CCG but the date has passed with no GP still in Burma Hills.

Certain Councillors have commented on Facebook that this and the petition was scaremongering and not correct. What is the truth in regards to Burma Hills and is there any update?

Answer

I share your concern about the situation at Burma Hills. This arose because the CCG allowed the Primary Care Network to remove the face-to-face GP service with no public consultation at all. This is simply not acceptable. When we complained to the CCG in February, we were given a firm assurance that face to face services would resume at this practice as soon as the vaccination clinic they were running ended. We went back to the CCG last week and have received a commitment that the full range of primary care medical services, which means face-to-face GP

services, will restart in April. It is the responsibility of the practice to communicate to local residents.

We will continue to watch this situation and apply pressure to ensure this service is fully restored. Therefore, to my mind, your petition is very appropriate as it represents the just concerns of the 2,000 people on the roll at Burma Hills who had their face-to-face GP service withdrawn with no notice. I can't really give you a sensible explanation for the social media comments that have been made around this issue.

We see the withdrawal of a face-to-face GP service effecting 2,000 residents as a serious problem. We see our role as to raise resident issues and obtain a resolution from the CCG. Councillor Kerr commented that on social media that the practice was never closing and this story was scaremongering. This was factually wrong. Imagine how you would feel if you were one of the 2,000 people on the roll at Burma Hills who had their face-to-face GP service withdrawn with no notice and were told this issue was not real. The bottom line is that people can say what they like. I can assure you that we will remain committed to focusing on the issues our residents face and demanding solutions to their concerns.

Supplementary Question:

What does this say about the approach of the CCG towards GP practices in central Wokingham? We have had this issue at Burma Hills and continued issues at Wokingham Medical Centre, and who is responsible for these problems?

Supplementary Answer:

GP services are commissioned by the CCG and WBC has no direct control over them, therefore the direct answer to your question is that the CCG are responsible for all GPs. However, this does not mean we will stand by and ignore problems. I share your concerns about the performance of GPs in central Wokingham. We in Wokingham are fortunate to have some very good GPs delivering great services. However, the Wokingham Medical Centre, as I have commented here before, is ranked in the bottom 5% in England, and now we have this serious issue at Burma Hills. We have been calling on the CCG for many months to do something about this and have raised this with our local MPs. We have now raised this issue with the ICS, and I have a meeting next week with its head, Dr James Kent, to take this further. We will not rest on this until I get a response. I would share with you the issue with Burma Hills did raise an interesting response at first from the CCG. In initial discussion with our officers, a senior CCG representative said something along the lines of 'Why are Wokingham always complaining about GPs? GPs in Wokingham are generally good', which is true. He then went on to say that 'GPs in Reading are not very good but Reading never complain.' Now my message to the CCG on this is simple, we are not Reading, and we will continue to praise good GP performance where it happens, but also to call out poor performance, and to demand solutions as we know that this really matters to all of our residents.

116.5 Judith Clark asked the Executive Member for Environment and Leisure the following question, which was answered by the Leader of the Council:

Question

Please could the Council tell us whether the 3G “upgrade” contemplated for the Maiden Erlegh School pitch means transforming some of the existing playing field into a new 3G football pitch(es), with floodlights, 7 days a week and evening use up to 10:00pm and providing relevant extra parking, as was the case for Laurel Park?

Answer

Thank you for your question. I believe you are a Cutbush Town Councillor together with Clive Jones. *(it was clarified that this was not the case)*

Firstly, there was no “as was the case for Laurel park”. As I wrote in my letter “Given the number of public questions raised on this matter at the last full Council meeting, I wanted to write to you to reinforce the responses provided. Wokingham Borough Council listens to all our residents and your instructions.

The Executive has made no formal decision on the site of the proposed 3G pitch in the Lower Earley area or indeed if there is a suitable site. This will be made after consideration of an options analysis at a future Executive meeting, after a full consultation with residents. Laurel Park was simply the initial site put forward by the Berks and Bucks Football Association. A review of a 3G pitch at Laurel Park indicates that this site is not suitable and therefore will not be progressed by this administration. Other sites have now emerged. A possibility is upgrading current facilities at Maiden Erlegh school or using facilities in Bearwood as an alternative. If these are not feasible, then maybe there is no suitable site in Lower Earley.

Supplementary Question

If Maiden Erlegh School were chosen, given that it is an academy, how would the use of the new pitch be regulated, because I understand academies are not under the control of the Council? Already floodlights are Maiden Erlegh School in the evenings sometimes continue to provide enough light for residents not to have to use their bathroom lights, because the lights are not turned off as they ought to be.

Supplementary Answer

We have facilities that we share with schools, and provide to schools, so there is a facility to have an agreement, but as I say this discussion is completely premature, because there is no such plan existing, it is only an option to explore with Maiden Erlegh School, if they are interested.

116.6 Anna Morris asked the Executive Member for Environment and Leisure the following question:**Question**

I live in Avalon Road, about five minutes on foot from Maiden Erlegh School. I am concerned over the proposed upgrade to Maiden Erlegh School pitches to include a 3G pitch. This would have serious implications for residents of my area with regard to noise, traffic congestion, parking, light pollution from the floodlights and so a heavy impact on the environment.

Which residents do you propose to consult, given the small number of residents who were directly consulted over the Laurel Park proposal?

Answer

Thank you very much Anna.

Any consideration of any site will be after a business case, planning application and a full consultation. As I said before there may not be a suitable site in Earley. Obviously, we hope there will be as there is an urgent need for football pitches.

Supplementary Question:

You have not really answered the question which was who would be consulting with exactly over the proposed pitch?

Supplementary Answer:

Well, there are a number of stakeholders and obviously the residents are one of them, and you would be consulted. No, I do not know the particular area of consultation. That would be worked out with officers at the time, but Earley Town Council would be very influential, as would be the Borough Town Councillors in Earley.

116.7 Beth Rowland asked the Executive Member for Highways and Transport the following question:

Question

The consultation on the Woodley to Reading Cycleway has caused the Council to have to go back to the drawing board. What lessons has the Council learnt about managing change from this exercise and what will it do differently to carry residents with it on its plan to get more people walking and cycling?

Answer

The purpose of the consultation was to introduce the designs to residents and other stakeholders to get their feedback, and boy did we get some feedback. We knew that the scheme was ambitious and wanted to gauge public opinion on such a transformational scheme.

The project was funded by the Department for Transport's (DfT) Active Travel Fund, and they will only fund schemes which comply with their cycle design guidance. The design was intended to demonstrate to DfT that we are trying to deliver to the highest standard of cycleways for pedestrians and cyclists.

The feedback means that we need to make changes to some elements of the scheme. We will be working with stakeholders, including the town councils before we launch a new consultation later in the year.

We appreciate that in hindsight it would have been better for Officers to engage stakeholders ahead of the public consultation and this is something we will be doing

for the next iteration of the scheme.

Supplementary Question:

Given that the cheerleader for the Opposition, the Mayor of the Borough, to the cycleway scheme, was another Conservative party councillor, can we the residents of this town, be confident that the ruling party is united around the plan to get more people walking and cycling?

Supplementary Answer:

I am pretty sure you can.

117. Petitions

The following Member presented a petition in relation to the matter indicated. The Mayor's decision as to the action to be taken is set out against the petition.

Rachel Burgess	Rachel Burgess presented a petition with 187 signatures asking for the installation of a pedestrian crossing on Warren House Road near the new Mulberry View development. <i>To be forwarded to the Executive Member for Highways and Transport</i>
Andrew Mickleburgh	Andrew Mickleburgh presented a petition of 380 signatures against a 3G pitch at Laurel Park. <i>To be forwarded to the Executive Member for Environment and Leisure</i>

118. Ukraine

The Council received a report regarding Ukraine as set out in pages 55 to 58 of the agenda.

Keith Baker proposed that in accordance with Rule 4.2.12(n), Rule (4.2.13.1) be suspended for this item, and that Rule (4.2.2.1) also be suspended to extend the time limit for debate to one hour. This was seconded by Abdul Loyes.

On being put to the vote this was carried.

It was proposed by Keith Baker and seconded by Abdul Loyes that the recommendations within the report be approved.

Mick Pollek from the Reading Ukrainian Community Centre was invited to say a few words. He commented that in times of need friends helped each other and Wokingham Borough Council had provided a lot of help to the Ukrainian community. A fantastic response had been received to the request for donations and a facility had been made available in Winnersh to help sort donations. Mick Pollek stated that

Ukraine's history was littered by pain and suffering. He was grateful for the work that the Council was undertaking and offered for people to contact himself or his colleague at the Reading Refugee Support Group. Mick Pollek outlined the experiences of a refugee family and commented that refugees would be very grateful for support but would need to live their own lives.

A large number of Members expressed their strong support for and solidarity with the Ukrainian people.

Members welcomed the action that would be taken to support Ukrainian families and residents' desire to provide support, such as offering to house refugees. It was also acknowledged that it was important to continue to support refugees from other areas such as Syria and Afghanistan. A number of Members outlined some of the terrible experiences that refugees had experienced.

Some of the support that would be made available to Ukrainian families coming to the area, was outlined, including the provision of a support worker, direct access to charity support and a frequently asked question information sheet in Ukrainian. Children's Services were preparing to accept Ukrainian children and considering how best to support them.

Work would be undertaken with health partners to address any health issues and healthcare packs in Ukrainian were being prepared. Each refugee would be experiencing trauma which they would react differently to. Mental health support was likely to be at the forefront of the response.

Council was informed that the Fire Service had provided equipment and fire appliances to Ukraine.

RESOLVED: That Council

- 1) condemns the violations of the territorial integrity and sovereignty of Ukraine;
- 2) pledges its support of, and solidarity with, the people of Ukraine and will welcome those seeking sanctuary here;
- 3) notes the immediate response of the Council and the longer term actions planned.

119. Council Plan Refresh 2022/23

The Council considered the Council Plan Refresh 2022/23 as set out in agenda pages 59 to 98.

It was proposed by John Halsall and seconded by John Kaiser that the recommendations within the report be agreed.

John Halsall outlined the record of achievement against the Council Plan. The need to respond to Covid was a key focus in 2020/21. Immediate action had been taken to set up robust, enhanced financial monitoring, following the start of the pandemic.

Despite the impact of Covid, the Council had been able to deliver on its savings targets. John Halsall highlighted that occupation levels in the Town continued to be on target. He also referred to successes such as the launch of Kooth and an increase in spending to provide domestic abuse support, the delivery of the Bulmershe Leisure Centre and the development of several schools.

John Kaiser stated that plans needed to be realistic, ambitious and deliver what residents really wanted. They needed to be living documents, so he welcomed the refresh of the Council Plan.

Sarah Kerr highlighted some areas of positive work such as the Compass Team, the expansion of the Virtual School, and the local response to the pandemic. However, she felt that the Council did not always work with the community sufficiently, and that the Plan refresh was a glossy brochure which did not resemble residents' life experiences. She was of the view that the commitments were not always met. The Council Plan had been presented to Overview and Scrutiny the day before its consideration allowing little input and the refresh had not been scrutinised.

Jim Frewin requested that in the next refresh there be a greater focus on quality, affordable, sustainable homes which were fit for the future. This was a particular issue in his ward.

Rachel Burgess expressed concern regarding a number of areas of the Plan, including climate emergency and community engagement on this issue. She also expressed concern regarding road safety, equality and diversity, the levels of affordable housing and green space.

Phil Cunnington felt the Plan to be positive.

RESOLVED That Council:

- 1) notes the slight change in articulation of the strategic priorities as proposed;
- 2) agrees the proposed changes to the Council Plan and updates to strategic themes as summarised within this report and set out in Appendix 1;
- 3) adopts the Annual Review for 2020/21 as contained in Appendix 2 and highlights for 2021/22 as contained in Appendix 3.

120. Gorse Ride Regeneration Project Changes to Delivery Model

Council considered a report regarding the Gorse Ride Regeneration Project Changes to Delivery Model as set out in agenda pages 99 to 106.

It was proposed by John Kaiser and seconded by John Halsall that the recommendations within the report be agreed.

John Kaiser advised that the first phase had successfully been built and the second was now beginning. There had been some changes, including the way in which it was funded and the inclusion of more affordable homes and more social homes.

In the last 5 years 1691 affordable homes had been built in the Borough, of which 789 had been for social rent. 746 people had presented as homeless this year to the Council, an unprecedented outcome of Covid and the economy. John Kaiser went on to state that when the Council sought affordable homes developers would be asked to make 70% of these social rent.

Prue Bray indicated that the Liberal Democrats supported the item. However, she expressed concern around the change to the delivery model. She commented that the change had been coming for some time, yet there had been no mention of the possibility of the £37.5million extra Housing Revenue Account borrowing in the Treasury Management Strategy or the Capital Management Strategy presented at the Budget meeting.

Rachel Burgess expressed a number of concerns. She commented that many more council houses were required and questioned why the scheme was as costly as it was. She also did not support the delegation of authority to the Director.

John Kaiser indicated that the change in the delivery of model has not been fully finalised at the time the Budget was set. It was noted that the proposal had been discussed with the Tenant and Landlord Improvement Panel.

RESOLVED: That Council

- 1) approves that the development of homes within the Gorse Ride regeneration will be transferred to the Housing Revenue Account. 99 - 106 (With market sale element in the general fund);
- 2) approves the expenditure budget up to the total cost of the scheme of £105,601,534 funded through a combination of HRA borrowing, capital receipts, developer contributions and right to buy receipts. (Further information provided in the report);
- 3) gives delegated authority to the Director of Resources and Assets, in consultation with the Executive Member for Housing and Finance, to approve the use of additional Affordable Housing s106 commuted sums as a contingency against cost and funding variations such as any future design changes and/or fluctuations in costs and values of up to 15% of the cost of the scheme in the event of any other financial impacts;
- 4) agrees that any appropriation of land between the HRA and general fund required to deliver the scheme will be delegated to the Director of Resources and Assets, in consultation with the Executive Member for Housing and Finance.

121. Delivering the Gorse Ride Regeneration Project - Procurement of Construction Works and Services

Council received a report regarding the delivery of the Gorse Ride Regeneration Project – procurement of construction works and services, as set out in agenda

pages 107 to 126.

It was proposed by John Kaiser and seconded by Rebecca Margetts that the recommendations in the report be agreed.

John Kaiser confirmed that the report sought permission to let the contract.

Rebecca Margetts stated that as a ward member for Gorse Ride she was proud of the flagship project and all the Council had achieved.

Prue Bray commented that she supported the project but not the recommendations within the report. It was a huge project but the papers had only been circulated a week previously and given that she had not been involved previous discussions, it was difficult to be sure that the procurement business case was sound and that all the assumptions were valid. In addition, the project was being delivered in phases and for each phase there were three parts to the procurement; site enabling works, consultancy and construction. Only the construction procurement was over the Executive financial sign off limits and was taken to Full Council.

RESOLVED: that Council

- 1) approves the procurement business case of the construction works and services as relevant to Gorse Ride Regeneration project;
- 2) gives delegated authority to the Director of Resources and Assets and Director of Place and Growth to approve the awarding and execution of the construction works and services as relevant to Gorse Ride Regeneration within the funding envelope and the over-arching business case as presented to the Executive on 17th February 2022.

122. Electoral Review - Phase 1 Submission

Council received a report regarding the Electoral Review – Phase 1 submission, as set out in agenda pages 127 to 152.

It was proposed by Angus Ross and seconded by Clive Jones that the recommendation in the report be agreed.

Angus Ross advised that this was Phase 1 of the ward review process. The Working Group had met twice and proposed that the Council should remain at 54 councillors. An increase would take Wokingham above its near neighbours and a decrease would give the highest elector per councillor, locally.

RESOLVED: That Council agrees the phase 1 submission to the Local Government Boundary Commission for England (as set out in Appendix A to the report) on the preferred number of Councillors of 54, as recommended by the Electoral Review Working Group at its meeting of 8 March 2022.

123. Recruitment and Appointment of Directors and Assistant Directors

(Permanent and Interim)

Council considered a report regarding the recruitment and appointment of Directors and Assistant Directors (Permanent and Interim) as set out in agenda pages 153 to 158.

It was proposed by John Halsall and seconded by John Kaiser that the recommendations in the report be agreed.

John Halsall commented that whilst it was desirable to continue to have permanent staff as the norm, for various reasons, the use of temporary or interim staff was becoming more common. Changes were therefore proposed to the appointment process of permanent and interim Director and Assistant Directors.

Rachel Bishop-Firth stated that the appointment of key people was vital. She had been disappointed that the inclusion of the Leader of the Opposition as a consultee in the appointment process had not been agreed. She pointed out that the Leader of the Council and the Chairman of the Personnel Board were the same person.

RESOLVED That Council agrees:

- 1) to the changes to the appointment processes for Directors and Assistant Directors, as set out in the report;
- 2) that changes to the appointment processes for Directors and Assistant Directors will not apply to any recruitment process that has already started.

124. Independent Member of Audit Committee

Council received a report regarding the appointment of an Independent Member of the Audit Committee, as set out in agenda pages 159 to 168.

It was proposed by Shahid Younis and seconded by Angus Ross that the recommendations within the report be agreed.

Shahid Younis explained that the rationale for appointing an Independent member to the Audit Committee was to provide knowledge and expertise to the Committee, to reinforce the political neutrality and independence of the Committee, and to maintain continuity of the Committee membership where membership was impacted by the electoral cycle.

RESOLVED That Council agrees that:

- 1) an Independent member is co-opted on to the Audit Committee on a non-voting basis and the Constitution is updated accordingly to reflect this;
- 2) the independent member role profile, as set out in the report, is approved;
- 3) the appointment of the independent member is delegated to the Audit Committee;

- 4) the process for selecting and recommending an appropriate candidate is delegated to the Assistant Director Governance in consultation with the Chair of the Audit Committee.

125. Annual Report from the Overview and Scrutiny Management Committee and the Overview and Scrutiny Committees 2021/22

Council considered the Annual report of the Overview and Scrutiny Committees as set out in agenda pages 166 to 188.

It was proposed by Pauline Helliar-Symons and seconded by Alison Swaddle that the report be noted.

Pauline Helliar-Symons advised that it had been a busy year and that the Committees had worked extremely hard.

RESOLVED: That the report from the Chairman of the Overview and Scrutiny Management Committee be noted.

126. Reports from Members Appointed to Outside Bodies

Council considered the reports from Members appointed to Outside Bodies as set out in agenda pages 189 to 228.

It was proposed by Gregor Murray and seconded by Chris Bowring that the Outside Body reports be noted.

Gregor Murray highlighted the importance of the Council's involvement with the Outside Bodies.

RESOLVED: That the reports from Members appointed to Outside Bodies be noted.

127. Member Question Time

In accordance with the agreed procedure the Mayor invited Members to submit questions to the appropriate Members

127.1 Sam Akhtar asked the Executive Member for Planning and Enforcement the following question which was answered by the Leader of the Council:

Question

Over thirty trees have been felled on Council owned land in Charvil by a resident towards the end of last year. The resident in question is claiming they had permission from the Council to fell these trees, however they do not have any proof of the permission granted. In light of the climate crisis and recent tree planting initiatives, can the Council advise what they are doing to rectify the situation and prevent other residents from believing that it is acceptable to do the same?

Answer

The land you refer to was transferred from the Council, via lease agreement, to Charvil Parish Council in 2016. Consequently, it is Charvil Parish Council's responsibility to take further action against the resident who felled the trees. This kind of activity is viewed as criminal damage and it is the responsibility of Charvil Parish Council to decide on further action and to engage with the Police, who have the powers to progress the matter and any possible prosecution.

I understand that the WBC Tree Officers and Legal Team are engaging with Charvil Parish Council on the matter and will continue to provide support and advice on enforcement and replanting measures.

This type of activity on third party land is not common, however, Officers are considering how we can engage with communities to discourage such activity and promote additional planting through the emerging WBC Tree Strategy. We are also working with Charvil Parish Council on opportunities for tree planting in this location and other locations across Charvil.

127.2 Andrew Mickleburgh asked the Leader of the Council the following question:**Question**

Would you consider it good practice for all Borough Councillors representing the affected wards to be copied into 'mass circulation' letters or emails sent under Wokingham Borough Council letterhead, such as the letter from you regarding the 3G pitch proposals at Laurel Park, dated the 26th February?

Answer

I would like to remind you that embedded within our Constitution are the Nolan Principles. We are required to show Honesty, Leadership, Openness, Accountability, Objectivity, Integrity, and Selflessness. There is ample opportunity for all Members, Town and Parish councils and residents to question a decision or proposal; this can be simply by giving me, the Executive Member, Chief Executive or a Director a call. This Administration is here for one purpose alone and that is to serve the residents. By being open and transparent hopefully if we have got it wrong it will come to light and we can get it right.

The recent debate over the Laurel Park has regrettably shown us wanting. There is ample evidence that the proposal to site a 3G pitch at Laurel Park was in the public domain in and before March 2021, when it was advertised in the Executive Forward Plan. The proposal was first promoted by Councillor Jones in December 2020 followed up by many other discussions, which he and officers had. There were no Member or public questions on this proposal until February 2022, when residents en masse questioned the Council. It was never raised in Overview and Scrutiny nor whilst the budget was being scrutinised. The Executive's proposal to include it in the budget proposals and explore was not called in. Indeed, there is ample evidence that Earley Town Council enthusiastically supported the decision until very recently when they found that local residents were against. I understand that conversations

were being held to improve the pavilion to accommodate this 3G pitch in September 2021.

Supplementary Question:

Thank for you acknowledging that the Council has been found wanting on this particular matter. The answer that you have given is not the one you gave me during the meeting residents at Laurel Park. There you told me that it was not necessary for me, a Ward Member that would be affected by these proposals to receive your letter, because it was all over social media. For so many reasons this is not the way that this Council should be communicating, but my supplementary question is how many times have Conservative councillors deliberately not been forwarded important correspondence from yourself that directly effected their wards? A simple numerical answer would suffice.

Supplementary Answer:

The requirement for Honesty and Integrity means that false flag initiatives designed to put the Administration into disrepute does nothing to enhance the reputation of this Council.

On 8 December the day after Cantley Park was announced Clive Jones wrote to the Borough Council:

“ NEW FUNDING TO REVAMP CANTLEY PARK’S FACILITIES

Hi,

This is very good news.

How are discussions going with them about Laurel Park? It would be great to have something similar there.

Can we have an update chat?

The discussions with the Borough Council and Councillor Jones went on throughout 2020/21. The fact that you did not know about it is really not a matter for me.

The false flag initiatives which are currently being raised - We will not have borrowings of £750million (our current net borrowings are closer to £170million with realisable assets well over £1billion. To keep on repeating £750million is untrue and does not make it true. Council documents do not support your contention. To keep repeating information which is untrue does not make it.

To negate a saving circulated by our Monitoring Officer and calculated by our statutory financial officer of £1million plus per annum and for all-out elections does you and the Council a disservice.

127.3 David Hare asked the Executive Member for Environment and Leisure the following question which was answered by the Leader of the Council:

Question

How involved in the decision recently made to discount Laurel Park from consideration for a 3G pitch were you? You were very strong on the apparent fact

that this was an F.A. choice, but were overridden as John Halsall and Pauline Jorgensen reacted to an overwhelming wave of local resistance, the FA seeming to have no consideration in this.

Answer

I am answering on behalf of the Executive Member for Environment and Leisure, who echoes my sentiments. I was intimately involved. We are only here to serve the residents and their view is the determinant. Holders of public office should act solely in terms of the public interest.

I take my responsibility as the Leader of the council very seriously. As President Truman said, "The buck stops here". When I see something which is clearly wrong, I am prepared to say so and correct this. Officers never are left to take the can. Officers should never be asked to do something that I am not prepared to do. If you are in a leadership role, you must lead. The Council only works if those leading it are clear in their direction. In this case what was being proposed was clearly wrong. As a Liberal Democrat you take a different view "The Liberal Democrat manual says, "As a Liberal Democrat Councillor, you are not there to defend the Council (even when we run the Council)". You take no responsibility. It's always someone else's fault, coupled with continuous bouts of virtue signalling to hide your inadequacies.

Supplementary Question:

I was going to ask about consultation because that is something which I do not think happened at Laurel Park, and obviously needs to happen before other agreements are made concerning this 3G pitch. When is the Council going to consult with local people before a planning application, so that they know the local people's views about this subject?

Supplementary Answer:

This is absolute nonsense, and you know it is nonsense. There is no planning application that has been submitted or prepared. No business case has been submitted or prepared. At the moment what was being done was a successful application in principle, not confirmed, of a grant, to put a 3G pitch in Earley because of a recognition of need for football pitches. All the Earley Members have done is managed to sink the proposal and done it very well and virtual signal. The petition was absolute nonsense Dr Mickleburgh. You rode on the back of a letter that I had already written.

127.4 Stephen Conway asked the Executive Member for Planning and Enforcement the following question, which was answered by the Leader of the Council:

Question

I think we can agree that significant parts of the Borough are at risk of flooding.

Can you assure me that the Council's draft Local Plan includes robust measures to project as accurately as possible future flood risk and is not over-reliant on Environment Agency mapping of existing and historic flood zones?

I ask because both run-off from current development and the increased incidence of heavy rainfall events associated with climate change suggest that there will be a significant expansion of the areas at risk of flooding over the local plan period.

Answer

National planning guidance on accounting for flood risk has been followed in progressing the local plan, as I think you know. Our draft planning policy on flood risk contained within the Draft Plan Consultation (2020) requires consideration of climate change and that flood risk both within and outside an application site is not worsened by development.

We have prepared a Level 1 Strategic Flood Risk Assessment (2020) to consider the land that has been promoted across the Borough, as well as a Level 2 Strategic Flood Risk Assessment (2021) for the masterplanned site at Hall Farm / Loddon Valley. Moving forward, a Level 2 Strategic Flood Risk Assessment is required to consider and inform all the proposed allocations.

Turning briefly to climate change, our work has applied the Environment Agency climate change allowances, specific to the Wokingham Loddon catchment, when modelling flood risk occurs. Climate change allowances are predictions of anticipated change for peak river flow and peak rainfall intensity and are required to be considered in flood modelling works to ensure increased infrastructure resilience to future flooding. Site specific flood risk assessments for individual development sites are also required to consider these climate change allowances and developers must design drainage systems and flood mitigation to cater for current surface water and fluvial flood risk, as well as predicted future rainfall.

At each stage we have engaged, and will continue to engage, the Environment Agency and the Council's specialist flooding and drainage team.

I am sure you have a supplementary but whatever it is will have to be a written answer because I hardly understand the words, I have read myself.

Supplementary Question:

I thought that might be the case John and I am glad that you admitted that, because I have to say that I am afraid it did not fill me with enormous confidence. It did not fill me with enormous confidence because I am sure you, if not already aware, will become aware that the Environment Agency has commented on the new draft Local Plan. It has submitted its comments on 1st March. In its submission the Agency expresses concern about some of the sites, quite serious concern, including Hall Farm. It states in relation to numerous sites identified as suitable for development in the draft Local Plan, and I am now quoting the Environment Agency's comments, forgive me for the double negative it is theirs not mine; 'we are not satisfied that the proposals will not increase the risk of flooding on or off the site.' This is the Environment Agency telling you that they are not satisfied that you have built in proper safeguards. This is the Environment Agency telling you that they do not believe that some of these sites are suitable for development. Their overall comment is that they disagree with the viability of the plan. Would you like to respond to the Agency's concern?

Supplementary Answer:

I am sure that what you have read out has been a concern that the Agency has written in, and I am sure that is part of the process of having a Local Plan Update consultation. There is absolutely no point in having a consultation unless you expect people to give you a reaction to what you propose. I am sure that will be taken into account and responded to in the next consultation, which would be the Reg 19 consultation or another Reg 18 consultation if there is sufficient push back against the current Local Plan Update consultation.

127.5 Sarah Kerr asked the Executive Member for Resident Services, Communications and Emissions the following question:**Question**

We are all aware of the sharp increase in energy bills that are having a huge detrimental effect on our communities. The debate we're seeing played out in the media focuses on the sourcing of our energy, but very little is being said about reducing the demand for energy in the first place.

People are requiring more gas and electricity to heat and power their homes, at a greater cost to them, than they would have needed if the national green homes grant scheme hadn't been a failure and if this government hadn't scrapped the zero carbon homes policy in 2016.

I do appreciate that this Council is helping to deliver the green home local authority delivery scheme and the ECO scheme which helps households to insulate better. These schemes are focused on low income and vulnerable households, with the vast majority of households not qualifying. This energy crisis is really going to bite for a lot of people who do not qualify for these schemes, and people are going to be looking for support and guidance at this challenging time. What is this Council going to do to facilitate this?

Answer

There is no one solution for rising energy costs. As a result, we need multiple alternatives to engage and support our residents. The hugely successful Eco and Eco Flex Help to Heat scheme remain open, and continue to support families to keep down their home heating costs. The Council has partnered with the South East Energy Hub and an organisation called Warm Works to deliver a new scheme that offers energy saving home improvements including double glazing, not only to low-income households, but also to homes with a D to G energy rating. Around 1,300 homes have been already contacted directly offering them access to this energy and money saving programme.

Through our Property Strategy we are working with the Hardship Alliance to develop a range of support for those who are facing fuel poverty. We are working with Age UK Berkshire to identify, reach and support older people, who are struggling to heat their homes. We are working along with the Hardship Alliance, along with our Voluntary Community Sector, along with our other partners, to promote energy saving measures and grants available to those who are struggling to meet rising energy costs.

We also know that other organisations such as schools are seeing the impact of rising fuel costs eating into their limited discretionary budget, so we are continuing to roll out and seek to accelerate our Solar in Schools Programme in partnership with organisations such as In Range and the Community Energy Fund. Yesterday the Chancellor announced the doubling of the Household Support Fund, which is administered by Councils, along with a raft of measures to help us deal with recent increases to our cost of living; this includes the 5p fuel duty reduction, an increase in national income tax and insurance earning threshold and the 0% vat rating on energy saving materials. This comes on top of the recent rebate received by those in the A to D council tax bands. We are exploring multiple opportunities with external partners that will help address challenges of retro fitting and reducing energy demand.

Supplementary Question:

There is a lot of stuff there that is for low income funded households. Warm Works was the one I think you mentioned which may be for others, and I would like to find out some more please. I would like to hope that there is more than just that because there are a lot of people that do not qualify for a lot of the schemes. I also wanted to ask further in my supplementary, we have seen a lot from one of the Wokingham MPs, John Redwood, who is repeatedly making calls for the UK to construct new oil and gas fields to reduce its dependency on Russia and Russian gas, despite the fact that renewables have substantially shorter construction times as well as helping the UK achieve its net zero target. Do you Councillor Murray agree with me that the government's focus should be on facilitating and enabling increased renewable energy generation and not giving the green light to more fossil fuels?

Supplementary Answer:

I cannot speak on behalf of John Redwood. He speaks on behalf of himself, and you can read his blog on a daily basis to find out what he thinks on any given issue. My own personal opinion and I have expressed this on numerous occasions in this Council and through our actions, we are doing all we can to increase the amount of renewable energy generated within our community. We are putting solar panels on schools. We are taking actions in order to help residents reduce the amount of energy in their homes and to reduce their energy bills as a result of it. If you have any additional ideas of things, we could be doing in order to generate more renewable energy in our community I welcome them. If you have any additional suggestions of more that we could be doing to help our residents reduce their energy bills, and reduce the amount of energy they are using at the same time, I welcome them as well. Please contact me directly and if we can put it into place, we will action it.

128. Continuation of the meeting

At this point in the meeting, 10.13pm, in accordance with Procedure Rule 4.2.12 (m), the Council considered a Motion to continue the meeting beyond 10.30pm for a maximum of 30 minutes to enable further business on the Agenda to be transacted. The Motion was proposed by Prue Bray and seconded by Stephen Conway.

Upon being put to the vote, the Motion was declared by the Mayor to be lost.

128.1 Paul Fishwick asked the Executive Member for Highways and Transport the following question:

Question

The Woodley to Reading cycle route was awarded funding from the DfT under the Active Travel 2 tranche. As this scheme has been delayed beyond the original deadline date, will the Executive Member guarantee that the DfT funding will not be lost?

Answer

I could give you the short answer or the long answer. The short answer is yes. The slightly lower answer is, we have had a very good meeting with the DfT this week. They have not only agreed that the £575,000 grant can be extended further, they have given us some helpful suggestions as to how we might improve the route, and finally they have also, I am very delighted to announce, given us an extra £2.95million towards segregated cycleways compliant with LTN 1 20 in the Borough, which I am very pleased about. They are obviously convinced that we are trying to do the right thing for cycling and the right thing for walking and the right thing for transport, and they are putting their money where their mouth is.

Supplementary Question:

Thank you for that. It would appear therefore that Grant Shapps has told Rishi Sunak that the Active Travel Funding has already been committed as many authorities in England have received a letter this week on Tuesday, just before the Budget. So, this additional funding which has come in for Wokingham is very much welcome. My question is what is the definitive timetable for the delivery of this and the remainder of the Woodley to Reading scheme, and how will you be making the case to residents who were opposed to the original scheme?

Supplementary Answer:

I am very pleased with the amount of money that we have been given for this. We have been given considerably more than quite a lot of other councils. It is very important to get the design of these things right. We will listen to residents and their views. We will talk to the Town Council, and we will talk to local Members. We are very keen to get a cycleway. It is very difficult to do cycleways. I think you yourself recognise that more or less anywhere you try to put a cycleway, which is segregated on a road, somebody will object to it, so it is very difficult to find the right route, but we will work on that with residents and local councillors. In the end we will work as long as we need to work to get something that people will actually use. There is no point in imposing a cycleway or anything else on people if they are not going to use and they do not want it, so we are going to work very hard with this money that the Government has given us to make sure we provide a really good cycleway for the residents of Wokingham Borough.

128.2 Caroline Smith asked the Executive Member for Highways and Transport the following question:

Question

Please could clarify which of these statements is correct:

In the Executive Meeting of the 24th of June, you are minuted as being... 'pleased to see the proposal for a 3G pitch at Laurel Park'

A letter from Wokingham Borough Council to a small number of residents talking of '... looking into the feasibility of installing a flood-lit, all-weather pitch towards the end of 2022'

A Facebook post-dated 5th February in which you wrote...'the proposal is in a very early conceptual stage'.

Answer

As this is not a highways question or a transport question it is wrongly directed to the Member for Highway and Transport.

Thank you for your question, Caroline. I would guess that all the statements are true:

As a Council we are delighted that we have received Football Foundation support. We recognise the need for football pitches in the Borough and in particular in Earley. However, we do recognise that there are problems with Laurel Park and the discussions on Laurel Park from the Executive Member for Highways was particular to if they could sort highways problems, because there is a traffic problem there already.

The proposal is at a very early stage and if we can find a suitable site, then we have budgeted the capital spend and in principle have grant support, but that grant support, I now understand, is only for Earley, so lots of thinking caps on.

Supplementary Question:

It was just to clarify that last statement, you said that budget was for Earley only, was that clear?

Supplementary Answer:

Yes indeed.

128.3 Peter Dennis asked the Executive Member for Highways and Transport the following question:

Question

In August 2020 the Borough Council submitted a bid for Active Travel Phase 2 funding, claiming to have undertaken "a robust scheme prioritisation process" leading to 2 alternative options. £576,650 was granted in November 2020 but the Council decided to spend this on an entirely new scheme in Woodley. Inevitably, this took longer than originally envisages and after a rushed consultation process, the scheme and the associated funding are on hold indefinitely.

The wider network plan for walking and cycling – the LCWIP – was to be developed for public consultation starting in June 2021. It is now March 2022 and there is no

forecast for when this consultation will start. The first part of this – an LCWIP for Wokingham Town – was completed and presented to the Executive Member for Highways and Transport in 2020, but never published.

The Low Carbon Transport Plan which was commissioned by the Council in 2019 has yet to be seen. And projects such as the A327 cycleway and replacement rail crossings to make walking and cycling easier have all slipped. Does the Council acknowledge the urgency of these issues, and can they commit, tonight or in a written response, to a schedule for when each of these issues will be resolved?

Answer

Thank you for your question, Peter. I think I have partly answered some of it in the answer to Paul.

Your recollection of it is not the same as my recollection. The original plans were for three different routes for cycleways. One was in Wokingham, one was along the A4 and either down towards Thames Valley Park or along under the roundabout and into Reading, and the third was a line drawn through Woodley. These were all taken to public consultation. We got a lot of responses, and the one that was most popular was the line that was drawn through Woodley. That was then developed into a more detailed scheme which was the one that was put out for consultation around about Christmas last year. That obviously got a lot of feedback, which suggests that the residents were very unhappy with the one way section on the way into the precinct, by Waitrose at that end. So, we are going to have to take that away and look at alternative routes to see if we can find something that meets the LTN 1 20 requirements and also meets support from the residents. I cannot put a timetable on that because I will not do anything unless the residents are in support of it, and that is what I am here for. I am not here to impose cycleways on people who do not want it, and I am not here to propose routes that people do not want. We are consulting. We have consulted twice now. We have had two different sets of answers and we will continue to work through them.

As far as the question about the Local Cycling Walking Infrastructure Plan for Wokingham, I actually intervened on that and said there is no point in a Local Cycling Walking Infrastructure Plan for Wokingham Town, because people do not actually cycle within towns, they cycle on routes, so we need to do a wider view of all the key routes. They went back to the drawing board and not only looked at the Walking and Infrastructure Plan, which is in Wokingham Town itself, but also how people use it to travel through the Borough as a whole. That is why we have not done anything with the Plan that was originally published for Wokingham, because there is a real danger of if you do not look at the routes, you improve a whole load of cycleways but you do not improve enough cycleways for people to get on the routes that they want to travel on.

Supplementary question

I would be interested to see what you do with the rest of the Local Cycling Walking Infrastructure Plan stuff. One of the things that is apparent is the amount of money that it is going to cost. I wholeheartedly welcome the extra funding that you are going to receive from the Government, however that does leave a gap with the funding as we go on. So, you have got it down to £33million to be spent to complete

50% of the Local Cycling Walking Infrastructure Plan by 2030, and then you are going to do about £3million a year, reducing to £2 million in 2024, so you are still to have a gap. How is the Council going fund that?

Supplementary answer

Some of the funding will come from developers as part of the developments that are being done. Some of it will come from more grant funding. The Officers have already proven themselves very good at getting grant funding from the DfT, and we are going to continue with that process. I do not foresee a gap, but I do foresee that it is 5 year funding and we do not have all the grants in place yet.

128.4 Clive Jones asked the Executive Member for Environment and Leisure the following question, which was answered by the Leader of the Council:

Question

The letter from the Leader of the Council to residents dated 26th February states: "A review of a pitch at Laurel Park indicates that this site is not suitable and will not therefore be progressed by this administration." Can a copy of this review please be made public to include clear details of the process by which it was conducted, factors considered and when this review started and ended?

Answer

As you are referring to a letter of mine then it is appropriate that I answer the question.

Thank you, Clive for the question.

This must be your darkest hour. You clearly promoted the project to build a 3G pitch in Laurel Park, but you must have done so clandestinely without discussing it with your colleagues in Earley Town Council nor in Wokingham Borough Council. Why you should do this I cannot fathom. It appears, that you certainly did not take the residents into your confidence whose views are not opaque. They are very clear that they value Laurel Park as the amenity it is now.

Once you understood that the proposal would be unpopular you clearly positioned yourself to be against it, but you seem to not understand the Borough Council processes. A full consultation had not taken place but would be necessary. You know that; I know that. You know that a decision has not been taken; why are you trying to pretend that it has. You know that planning permission has not been granted. It has not been sought. You know that consultation will have to occur prior to any application. Why are you trying to mislead the public? You have ambitions to be a Member of Parliament for the Borough. Should the public trust you when clearly on local issues you are not straightforward or honest?

Supplementary Question

It is not a supplementary, I would just like an answer to my question Councillor Halsall. My question was, "a review of a pitch review of a pitch at Laurel Park indicates that this site is not suitable and will not therefore be progressed by this

administration.” Can a copy of this review please be made public to include clear details of the process by which it was conducted, factors considered and when this review started and ended? Could you answer that question without any other unnecessary comments?

Supplementary Answer

Can you tell me who you discussed a 3G pitch at Laurel Park before you promoted it with WBC officers? Can a copy of this review please be made public to include clear details of the process by which it was conducted, factors considered and when this review started and ended? Was this discussed with Earley Town Council Members and if so when and who? Was this discussed with Earley Borough Councillors and if so when and who? When you changed your mind and decided to oppose what you had previously promoted. Can a copy of this review please be made public to include clear details of the process by which it was conducted, factors considered and when this review started and ended? Was this discussed with Earley Town Council Members and if so when and who? Was this discussed with Earley Borough Councillors and if so when and who?

128.5 Prue Bray asked the Executive Member for Children's Services the following question:

Question

I understand that residents in the Borough have signed up to host Ukrainian refugees, and the first families are expected to arrive in the near future. Unlike previous refugee schemes where the Council has had direct involvement and has been informed about the arrival of refugees, in this instance, the scheme is reliant on individuals and the hosts will need help accessing Council services. Can you please explain what the process is for getting refugee children into school, and for ensuring children’s social services can provide help where necessary, and give the contact details that host families should use?

Answer

I would like to answer that Councillor Bray and I hope that it is a subject that we can unify ourselves around like we did at the beginning of the meeting.

Children’s Services are working alongside other directorates as part of the Council’s response to the situation and preparing for the imminent arrival of families from the Ukraine. I can tell you the number of children that we can foresee coming down the pipeline that we had on the books as of yesterday lunchtime was 30, but I had a phone call at 2 o’clock today from one of my residents who has privately got families in to the Wargrave area, and that is ten families. I do not know exactly how many children yet, but it is somewhere between 18 and 22. If this is going on all around our parishes then we are in for quite a time.

Direct information on the English education system will be included alongside central contact information for the Borough in-year school’s admissions service. The Headteachers have been briefed via the weekly leadership drop in, and actually it is going to be increased beyond the weekly.

The Admissions team for school age pupils are working with pupil place planning officers and schools to review capacity, like I alluded to earlier. Early Years advice and guidance is also signposted in the information and a central helpline, but the key information has already been given by my colleague on Communications, everybody will be assigned their own support officer as and when we know about them, so I ask all of you, let us know.

129. Minutes of Committee Meetings and Ward Matters

Due to time constraints this item was not considered.

130. Statements by the Leader of the Council, Executive Members and Deputy Executive Members

Due to time constraints this item was not considered.

131. Statement from Council Owned Companies

Due to time constraints this item was not considered.

132. Motions

132.1 Motion 474 submitted by Rachel Burgess

Due to time constraints this item was not considered.

132.2 Motion 475 submitted by Clive Jones

Due to time constraints this item was not considered.

132.3 Motion 476 submitted by Gregor Murray

Due to time constraints this item was not considered.

132.4 Motion 477 submitted by Guy Grandison

Due to time constraints this item was not considered.

132.5 Motion 478 submitted by Paul Fishwick

Due to time constraints this item was not considered.

Agenda Item 9.

TITLE	Returning Officer's Report on May 2022 Elections
FOR CONSIDERATION BY	Council on 19 May 2022
WARD	None specific
LEAD OFFICER	Andrew Moulton - Returning Officer

OUTCOME / BENEFITS TO THE COMMUNITY

To inform Council and residents of the results of 5th May 2022 elections.

RECOMMENDATION

That Council notes the report of the Returning Officer.

SUMMARY OF REPORT

On 5th May 2022, elections were held in eighteen wards of the Borough Council, and an election for Remenham Parish Council.

The count for the Borough and parish elections was held on Friday 6th May.

Overall, the administration of the various election processes was delivered without significant issues. Where feedback from electors and others has been received, this will be reviewed and, where appropriate, built into the planning for future elections.

The results from the Borough elections can be found at Appendix A

Background

1. Introduction

- 1.1 On 5 May 2022, elections were held in eighteen of the twenty five wards of the Borough Council.
- 1.2 The total number of electors for Borough wards was 106,777.
- 1.3 64 candidates contested the 18 available seats on the Borough Council across 18 wards. Of those, the representation of the various parties was as follows:-
 - 18 Conservative
 - 10 Green Party
 - 1 Independent
 - 18 Labour
 - 17 Liberal Democrat

2. The Election Process

- 2.1 Planning for elections takes place many months in advance of election day.
- 2.2 On the day of the poll, 62 polling stations were in use during the polling hours of 7am to 10pm. All polling stations had been previously risk-assessed. Visiting/inspecting officers attended all polling stations to ensure that all statutory procedures were adhered to under the Representation of the People Acts, and also that access arrangements were adequate for disabled voters. Feedback from this process will be used to help improve further the arrangements for future elections.
- 2.3 The verification and count of all ballot papers for the elections took place at Loddon Valley Leisure Centre on Friday 6th May. Again, all feedback received about the venue and count process is being taken into account to improve future processes.
- 2.4 At the elections in May 2022, over 500 casual election jobs were staffed and I would like to thank all Deputy Returning Officers, Presiding Officers, Poll Clerks, counting and postal vote opening staff, supervisors and the Democratic and Electoral Services Team who carried out this important task. I am also grateful to colleagues across the Council from IT, facilities, communications, leisure services, and customer services who made significant contributions to ensuring the successful administration of this important corporate event.

3. Election Results

- 3.1 Full details of the Borough election results, including the turnout figures in each ward, are set out in Appendix A.

4. Conclusion

- 4.1 Overall, the administration of the various election processes was delivered without any significant issues. Where any improvements are identified, these will be built into our processes for future elections.

FINANCIAL IMPLICATIONS OF THE RECOMMENDATION

The Council faces severe funding pressures, particularly in the face of the COVID-19 crisis. It is therefore imperative that Council resources are focused on the vulnerable and on its highest priorities.

	How much will it Cost/ (Save)	Is there sufficient funding – if not quantify the Shortfall	Revenue or Capital?
Current Financial Year (Year 1)	There are no specific financial implications of this report.		
Next Financial Year (Year 2)			
Following Financial Year (Year 3)			

Other financial information relevant to the Recommendation/Decision

There are no other financial implications associated with this report.

Cross-Council Implications

Elections are a key corporate event that require a cross-Council approach to ensure their successful delivery

Public Sector Equality Duty

Due regard to the Public Sector Equality Duty is taken in the planning and discharge of the election processes.

Climate Emergency – *This Council has declared a climate emergency and is committed to playing as full a role as possible – leading by example as well as by exhortation – in achieving a carbon neutral Wokingham Borough by 2030*

There are no specific implications of the decision being made would be on the Council's carbon neutral objective.

List of Background Papers

None

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ELECTION OF BOROUGH COUNCILLORS – 5th MAY 2022

RETURN OF COUNCILLORS ELECTED

Ward	Turnout (%)	Name	Political Party	Retirement date
Arborfield	33.15	Gary Cowan	Independent	2024
Bulmershe & Whitegates	42.85	Andy Croy	Labour	2024
Coronation	41.82	Keith Baker	Conservative	2024
Emmbrook	42.56	Imogen Shepherd Dubey	Liberal Democrat	2024
Evendons	42.1	Sarah Kerr	Liberal Democrat	2024
Finchampstead North	44.72	Peter Harper	Conservative	2024
Finchampstead South	42.21	David Cornish	Liberal Democrat	2024
Hawkedon	35.13	David Hare	Liberal Democrat	2024
Hillside	46.82	Alistair Neal	Liberal Democrat	2024
Loddon	33.24	Bill Soane	Conservative	2024
Maiden Erlegh	44.04	Mike Smith	Liberal Democrat	2024
Norreys	42.22	Rachel Burgess	Labour	2024
Remenham, Wargrave & Ruscombe	40.88	Graham Howe	Conservative	2024
Shinfield South	33.1	Chris Johnson	Liberal Democrat	2024
South Lake	46.03	Beth Rowland	Liberal Democrat	2024
Swallowfield	36.49	Stuart Munro	Conservative	2024
Winnersh	34.35	Prue Bray	Liberal Democrat	2024
Wokingham Without	40.44	David Davies	Conservative	2024

Agenda Item 12.

TITLE	Changes to the Constitution
FOR CONSIDERATION BY	Council on 19 May 2022
WARD	None Specific
LEAD OFFICER	Andrew Moulton, Assistant Director, Governance

OUTCOME / BENEFITS TO THE COMMUNITY

Reviewing the Council's Constitution on a regular basis ensures that it is relevant and fit for purpose.

RECOMMENDATION

That Council agree the following changes to the Constitution, as recommended by the Monitoring Officer via the Constitution Review Working Group that:

- 1) Sections 11 Officers, be amended as set out in Appendix 1 of the report;
- 2) Section 5.5.1 List of items delegated to Individual Executive Members be amended as set out in Paragraph 2 of the report;
- 3) Section 12.1.16.24 Fees and Charges, be amended as set out in Paragraph 2 of the report.

SUMMARY OF REPORT

Chapter 1.1.4 of the Council's Constitution states that the Monitoring Officer will monitor and review the operation of the Constitution to ensure that its aims and principles are given full effect.

The report contains revisions to several areas in the Constitution which were agreed by the Constitution Review Working Group (CRWG) for recommendation to the Monitoring Officer, at their meeting on 20 April 2022.

Background

SECTION 11 -OFFICERS

1. The Constitution Review Working Group considered an amended Officer Scheme of Delegation which sets out the most up to date responsibilities for senior officers. Please note all requested new delegations are shown in bold green and all other changes are existing delegations which have been moved under the correct Officer or are new delegations that have been previously agreed by the Executive. Please note that 11.3.6 i) and j) and 11.3.8 f) had been previously agreed by Executive and Council. Details of the changes are set out in Appendix 1.
2. The following Amendments have also been proposed to Section 5.5.1 List of items delegated to Individual Executive Members and Section 12.1.16.24 Fees and Charges, to carry through changes in the revised Officer Scheme of Delegation and provide consistency throughout the Constitution. These delegations were agreed by the Executive at their meeting on 17 February 2022.

5.5.1 List of Items Delegated to Individual Executive Members

The process for Individual Executive Member decisions shall be as follows:

The following is a list of items that are delegated to Individual Executive Members:

l) *In-year increases above inflation to fees and charges subject to no adverse on-going budgetary implications and in consultation with the Chief Finance Officer and the Executive Member for Finance. The Deputy Chief Executive, in consultation with the Lead Member for Finance and the Lead Member for Leisure, may approve reductions, discounts and/or promotions for fees and charges within sports and leisure, up to £100 per fee or charge.*

m) *In exceptional circumstances fees and charges may be increased, reduced or waived for a specified period to promote a service or facility subject to there being no on-going budgetary implications and in consultation with the Chief Finance Officer and the Executive Member for Finance. This may include introducing a casual charge for the purpose of defraying costs of a special event. The Deputy Chief Executive, in consultation with the Lead Member for Finance and the Lead Member for Leisure, may approve reductions, discounts and/or promotions for fees and charges within sports and leisure, up to £100 per fee or charge.*

12.1.16.24 Fees and Charges

Directors shall set the established fees and charges annually. These shall be increased in accordance with the Corporate Charging Policy and the rate of inflation as confirmed by Director Corporate Services (Chief Finance Officer) and the Executive Member responsible for Council Budgets.

The Deputy Chief Executive, in consultation with the Lead Member for Finance and the Lead Member for Leisure, may approve reductions, discounts and/or promotions for fees and charges within sports and leisure, up to £100 per fee or charge.

FINANCIAL IMPLICATIONS OF THE RECOMMENDATION

The Council faces severe funding pressures, particularly in the face of the COVID-19 crisis. It is therefore imperative that Council resources are focused on the vulnerable and on its highest priorities.

	How much will it Cost/ (Save)	Is there sufficient funding – if not quantify the Shortfall	Revenue or Capital?
Current Financial Year (Year 1)	£0	Yes	Revenue
Next Financial Year (Year 2)	£0	Yes	Revenue
Following Financial Year (Year 3)	£0	Yes	Revenue

Other financial information relevant to the Recommendation/Decision

There are no financial implications associated with this report.

Cross-Council Implications

None

Public Sector Equality Duty

This report has had due regard to the public sector equality duty and where applicable and available has included information relating to impacts upon people with protected characteristics and inequality.

List of Background Papers

Council's Constitution

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**SECTION 11
OFFICERS**

Ref	Contents	Page No.
	Chapter 11.1 – Officers - General Principles	
11.1.1	Terminology	1
11.1.2	Management structure	1
11.1.3	Functions of the Head of Paid Service	1
11.1.4	Functions of the Monitoring Officer	2
11.1.5	Functions of the Chief Finance Officer	2
11.1.6	Duty to provide sufficient resources to the Monitoring Officer and Chief Finance Officer	3
11.1.7	Conduct	3
11.1.8	Employment	3
11.1.9	Appointment of Political Assistants	3
	Chapter 11.2 – Responsibility for Local Choice Functions	
11.2	Responsibility for Local Choice Functions	4
	Chapter 11.3 –Scheme of Delegation to Officers	
11.3.1	Introduction	6
11.3.2	Principles and Conditions	6
11.3.3	Proper Officer Functions	8
11.3.4	Chief Executive	12
11.3.5	All Directors	12
11.3.6	Director Corporate Services <u>Resources and Assets</u>	14
11.3.7	Director Children's Services	16
11.3.8	Director Adult's Services	17
11.3.9	Director Locality and Customer Services <u>Place and Growth</u>	17
11.3.10	Assistant Director Governance	19
11.3.11	Assistant Director Commercial Properties	19
11.3.12	Strategic Director of Public Health	19
Appendix A	List of Relevant Acts / Regulations	21

APPENDIX 1

	Chapter 11.4 –Officers’ Code of Conduct	
11.4.1	Policy statement	27
11.4.2	Purpose	27
11.4.3	Scope	27
11.4.4	Equal Opportunities	27
11.4.5	Procedure Description	27
11.4.6	Confidentiality	28
11.4.7	Political Neutrality	28
11.4.8	Additional Activities	28
11.4.9	Conflict of Interest	28
11.4.10	Gifts and Hospitality	28
11.4.11	Personal Behaviour	29
	Chapter 11.5 – Officer Employment Procedure Rules	
11.5.1	Recruitment and Appointment	30
11.5.2	Recruitment of Head of Paid Service, Directors, S151 Officer and Monitoring Officer	30
11.5.3	Permanent or Interim Appointment of Head of Paid Service, S151 Officer, Monitoring Officer	30
11.5.4	Permanent Appointment of other Directors (excluding S151 Officer)	31
11.5.5	Interim Appointment of Directors (excluding Statutory Chief Officers)	31
11.5.6	Other Appointments	31
11.5.7	Disciplinary Process to be followed for Head of Paid Service, Monitoring Officer and Section 151 Officer.	31
11.5.8	Disciplinary Process to be followed for Other Director Level Positions (excluding S151 Officer)	32
11.5.9	Disciplinary Action for Positions Below Director Level	33
	Chapter 11.6 –Delegated Powers Relating to Staffing Matters	
11.6.1	Directors	34
11.6.2	Assistant Directors	34
11.6.3	Budget Manager	34
11.6.4	Transacting Delegations	34
11.6.5	Delegations	35

CHAPTER 11.1 – OFFICERS – GENERAL PRINCIPLES

11.1.1 Terminology

The use of the word "Officers" means all employees and staff engaged by the Council to carry out its functions and also covers those engaged under short term, agency or other non employed situations.

11.1.2 Management Structure

Details of the Council's management structure are set out in Chapter 1.3.

11.1.2.1

The Council will designate the following posts as shown:

Post	Designation
Chief Executive	Head of Paid Service
Director Children's Services	Director of Children's Services
Director Adult Services	Director of Adult Social Services
Director Corporate Services <u>Resources and Assets</u>	Chief Finance Officer
Assistant Director Governance	Monitoring Officer

In their absence, the following Officers are entitled to carry out the functions of those Officers:-

Post	Nominated Deputy(ies)
Chief Finance Officer	Lead Specialist <u>Assistant Director</u> , Finance
Director of Adult Social Services	Relevant Officer from Adult Services Leadership Team
Director of Children's Services	Relevant Officer from Children's Services Leadership Team
Head of Paid Service	Relevant Director
Monitoring Officer	As designated by the Monitoring Officer

Such posts will have the functions described below.

11.1.2.2

The Head of Paid Service will determine and publicise a description of the overall structure of the Council showing the management structure and deployment of Officers. This is set out in Chapter 1.3 of this Constitution.

11.1.3 Functions of the Head of Paid Service

- a) **Discharge of functions by the Council.** Overall corporate management and operational responsibility (including overall management responsibility for all officers)
- b) **Restrictions on functions.** The Head of Paid Service may not be the Monitoring Officer but may hold the post of Chief Finance Officer if a qualified accountant.

11.1.4 Functions of the Monitoring Officer

- a) **Maintaining the Constitution.** The Monitoring Officer will maintain an up-to-date version of the Constitution and will ensure that it is widely available for consultation by members, staff and the public.
- b) **Ensuring lawfulness and fairness of decision making.** After consulting with the Head of Paid Service and Chief Finance Officer, the Monitoring Officer will report to the Council or to the Executive in relation to any Executive function if he or she considers that any proposal, decision or omission would give rise to unlawfulness or if any decision or omission has given rise to maladministration. Such a report will have the effect of stopping the proposal or decision being implemented until the report has been considered.
- c) **Supporting the Standards Committee.** The Monitoring Officer will contribute to the promotion and maintenance of high standards of conduct through provision of support to the Standards Committee.
- d) **Proper Officer for access to information.** The Monitoring Officer will ensure that Executive decisions, together with the reasons for those decisions and relevant officer reports and background papers are made publicly available as soon as possible.
- e) **Advising whether Executive decisions are within the budget and policy framework.** The Monitoring Officer will advise whether decisions of the Executive are in accordance with the budget and policy framework.
- f) **Providing advice.** The Monitoring Officer will provide advice on the scope of powers and authority to take decisions, maladministration, financial impropriety, probity and budget and policy framework issues to all Councillors.
- g) **Restrictions on posts.** The Monitoring Officer cannot be the Chief Finance Officer or the Head of Paid Service.

11.1.5 Functions of the Chief Finance Officer

- a) **Ensuring lawfulness and financial prudence of decision making.** After consulting with the Head of Paid Service and the Monitoring Officer, the Chief Finance Officer will report to the Council or to the Executive in relation to an Executive function and the Council's external auditor if he or she considers that any proposal, decision or course of action will involve incurring unlawful expenditure, or is unlawful and is likely to cause a loss or deficiency or if the Council is about to enter an item of account unlawfully.
- b) **Administration of financial affairs.** The Chief Finance Officer will have responsibility for the administration of the financial affairs of the Council.

- c) **Providing advice.** The Chief Finance Officer will provide advice on the scope of powers and authority to take decisions, maladministration, financial impropriety, probity and budget and policy framework issues to all Councillors and will support and advise Councillors and Officers in their respective roles.
- d) **Overview of work of Internal Audit.** In order to ensure that the Chief Finance Officer's statutory duties are discharged effectively, he/she will have direct input into the programme of work of Internal Audit and advise the Audit Committee of his/her opinion if the programme, quantity and quality of staff is inadequate to undertake the relevant audits.
- e) **The Chief Finance Officer can enact urgent Value For Money decisions that ensure the effective financial and service operations of the Council, in consultation with the Leader, or in his/her absence, the Deputy Leader.**

11.1.6 Duty to Provide Sufficient Resources to the Monitoring Officer and Chief Finance Officer

The Council will provide the Monitoring Officer and Chief Finance Officer with such Officers, accommodation and other resources as are in their opinion sufficient to allow their duties to be performed.

11.1.7 Conduct

Officers will comply with the Officers' Code of Conduct and the Protocol on Member/Officer Relations set out in Chapters [11.4](#) and 9.3 of this Constitution.

11.1.8 Employment

The recruitment, selection and dismissal of Officers will comply with the Officer Employment Rules and Delegated Powers relating to staffing matters set out in [Chapters 11.3](#), [11.5](#) and [11.6](#) of this Constitution.

11.1.9 Appointment of Political Assistants

11.1.9.1

Political Assistants may be appointed from time to time in accordance with the wishes of a political group qualifying in terms of Section 9 of the Local Government and Housing Act 1989.

11.1.9.2

No appointment shall be made to any post allocated to a political group until the Council has allocated a post to each of the political groups that so qualify.

11.1.9.3

No such post shall be allocated to a political group which does not qualify in terms of Section 9 of the aforementioned Act.

11.1.9.4

Not more than one such post shall be allocated to any one political group.

CHAPTER 11.2 – RESPONSIBILITY FOR LOCAL CHOICE FUNCTIONS

These functions are so named because the Council can decide whether the Executive should or should not be the decision making body. The Council has therefore allocated these functions as follows:

Function	Executive or Non-Executive	Delegated to
Any function under a local Act other than a function specified or referred to in regulation 2 of Schedule 1 of the Local Authorities (Functions and Responsibilities) (England)(Amendment) Regulations 2001	Non-executive	Chief Executive
The determination of an appeal against any decision made by or on behalf of the authority	Non-executive	Licensing and Appeals Committee
The Licensing Authority's fee setting functions as set out in the Gambling Act 2005	Non-executive	Licensing and Appeals Committee
The making of arrangements pursuant to subsection (1) of section 67 of, and Schedule 18 to the 1998 Act (appeals against exclusion of pupils)	Non-executive	Chief Executive
The making of arrangements pursuant to section 94(1) and (4) of, and Schedule 24 to the 1998 Act (admission appeals)	Non-executive	Chief Executive
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)	Non-executive	Chief Executive
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	Non-executive	Chief Executive
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	Non-executive	Chief Executive
Any function relating to contaminated land.	Non-executive	Director Locality and Customer Services <u>Place and Growth</u>
The discharge of any function relating to the control of pollution or the management of air quality.	Non-executive	Director Locality and Customer Services <u>Place and Growth</u>
The service of an abatement notice in respect of a statutory nuisance.	Non-executive	Director Locality and Customer Services <u>Director Environment Place and Growth</u>
The passing of a resolution that Schedule 2 to the Noise and Statutory Nuisance Act 1993 should apply in the authority's area.	Executive	Executive

The inspection of the authority's area to detect any statutory nuisance.	Non-executive	Director Locality and Customer Services <u>Place and Growth</u>
The investigation of any complaint as to the existence of a statutory nuisance.	Non-executive	Director Locality and Customer Services <u>Place and Growth</u>
The obtaining of any information under section 330 of the Town and Country Planning Act 1990 as to interests in land.	Non-executive	Director Locality and Customer Services <u>Place and Growth</u> / Borough Solicitor <u>Head of Legal</u>
The obtaining of particulars of persons interested in land under section 16 of the Local Government (Miscellaneous Provisions) Act 1976.	Non-executive	All Directors
The making of agreements for the execution of highways works	Non-executive	Director Locality and Customer Services <u>Place and Growth</u>
The appointment of any individual – a) to an office other than an office in which he is employed by the authority b) to any body other than – i) the authority; ii) a joint Committee of two or more authorities; or c) to any Committee or sub- Committee of such a body d) to a body or committee of two or more partners of the Wokingham Borough Strategic Partnership and the revocation of any such appointment.	Executive	Executive
The making of agreements with other local authorities for the placing of staff at the disposal of those other authorities.	Non-executive	Chief Executive
The authorisation of another local authority or officer(s) of another local authority under Section 101 of the Local Government Act 1972 to discharge any functions of Wokingham Borough Council which have been delegated to Directors or Monitoring Officer	Non-executive	Any Director or <u>the</u> Monitoring Officer

CHAPTER 11.3 - SCHEME OF DELEGATION TO OFFICERS

11.3.1 Introduction

The following section sets out the extent to which the functions and duties of the Council are delegated to the Council's Officers to carry out, the conditions and principles by which such authority will be exercised and limitations to it.

The Scheme is divided into the following sections:

- a) Proper Officer functions – functions of the Council required to be assigned to named Officers under Statute;
- b) Service specific delegations, set out by Director.

The delegations in this Scheme include the discharge of both Executive and Non-Executive functions. Non-Executive functions cannot be taken by the decision-making Executive of the Council. A list of Non-Executive functions is set out in Schedule 1 of the Local Authorities (Functions and Responsibilities) (England) Regulations 2000 as amended.

The delegations set out in this Chapter apply to those functions which have not, by virtue of the Constitution or any other instrument, been reserved to Council, Executive or any committee / sub-committee thereof. Any functions which are not specifically discharged by Council, Executive or delegated to a committee / sub-committee are delegated to officers.

11.3.2 Principles and Conditions

The following principles and conditions shall apply where Officers exercise delegated powers:-

Any exercise of delegated powers shall comply with:

- a) any statutory restrictions;
- b) any relevant Act of Parliament as set out in [Appendix A](#). Any reference to any Act of Parliament shall be deemed to include any act, statutory instrument or regulation by which it is applied, extended, amended, consolidated or replaced;
- c) the Council's Budget and Policy Framework which includes the approved Budget;
- d) Council Rules of Procedure as set out in Chapter 4.2 of this Constitution;
- e) Financial Regulations and Procurement and Contract Rules of Procedures as set out in Chapters 12 and 13 of this Constitution;
- f) Policies and Plans approved by ~~full~~ Full Council or the Executive in conjunction with the Council's strategic partners;
- g) Codes and Protocols; and
- h) The Officer Code of Conduct set out in [Chapter 11.4](#) of this Constitution.

Delegated powers shall be exercised within the Council's policy guidelines and the appropriate budget provision having regard to economy, efficiency and effectiveness, ensuring compliance with the Council's objectives as set out in its Policy Framework, the highest standards of customer care and giving due consideration to the environmental implications and human rights implications of any decision taken.

Officers shall not exercise delegated powers in any case where a departure from current policy is likely to be involved, where the decision is a Key Decision as defined in Chapter 1.4 or where it is reserved to the Council or a Committee/Sub-Committee of the Council. Officers shall have the discretion not to exercise their delegated powers but to refer the matter to the Executive, Council or Committee/Sub-Committee of the Council.

Functions delegated by reference to job titles or posts which have changed will continue to be exercised by Officers whose duties include or most closely correspond to the duties of the post originally referred to.

11.3.2.1 Consultation

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, property and public relations will be of paramount importance, as will consultation with the Council's strategic partners ~~as defined in the Partnership Register (see Chapter 10.2)~~.

Officers shall liaise with the relevant Executive Member on executive functions and the Chairmen of the Planning Committee, Licensing and Appeals Committee or Personnel Board, as appropriate, before exercising delegated powers in respect of matters which are likely to be regarded as politically sensitive or contentious.

Officers shall inform the local Ward Member(s) when they exercise any delegated powers affecting a particular Ward in respect of a matter which is likely to be regarded as politically sensitive or contentious.

The exercise of a power by an Officer which requires consultation with other Officers shall be dependent upon agreement being reached otherwise the matter shall be referred to the Chief Executive for determination or, if he/she considers it necessary, for reference to the Executive for consideration.

11.3.2.2 Delegations

The scheme sets out delegations to each Director, and where appropriate further delegations to other named Officers. Directors may arrange for other Officers under their control to exercise some or all of their powers, subject to:

- a) such arrangements being clearly set out within written section procedures;
- b) accountability for the actions of subordinate Officers remaining with the Director.

Any delegation to a Director or other Officer may be exercised by the Chief Executive.

11.3.3 PROPER OFFICER FUNCTIONS

11.3.3.1 Local Government Act 1972 and Any Other Amending Legislation

The following Officers have been appointed Proper Officer for the purposes of the undermentioned provisions of the Local Government Act 1972 and any other amending legislation:

Responsibility	Exercised by:	Section(s)
Registration of Local Land Charges	Head of Customer Excellence Assistant Director, Customer and Locality Service	212(1) (2)
Deposit of Documents	Borough Solicitor <u>Head of Legal Services</u>	225(1)
Certification of photocopies of documents	Borough Solicitor <u>Head of Legal Services</u>	229(5)
Authentication of Documents	Chief Executive, Borough Solicitor <u>Head of Legal Services</u> or any solicitor, or barrister employed by the Council	234(1) (2)
Sending Bye-laws to Parishes and Town councils	Borough Solicitor <u>Head of Legal Services</u>	236 (9) (10)
Certification of Bye-laws	Borough Solicitor <u>Head of Legal Services</u>	238
Signature of summonses to Council meetings	Chief Executive	Sch. 12 Para. 4(2)(b)
Receipt of notices of addresses for summonses to Council meetings	Chief Executive	Sch. 12 para 4(3)
Functions with respect to Ordnance Survey	Director Locality and Customer Services <u>Place and Growth</u>	191 as amended
Receipt of money due from Officers	Director Corporate Services <u>Resources and Assets</u>	115(2)
Declarations and certificates with regard to securities	Director Corporate Services <u>Resources and Assets</u>	146(1) (a) and (b)
Witness and receipt of declarations of acceptance of office	Chief Executive or Assistant Director Governance	83 (1) to (4)
Receipt of declaration of resignation from Office	Chief Executive or Assistant Director Governance	84
Convening a meeting of Council to fill casual vacancy in office of Mayor	Chief Executive or Assistant Director Governance	88(2)
Receipt of notice of casual vacancy from two local Government electors	Assistant Director Governance	89 (1)(b)
Receipt of notices of Disclosable Pecuniary Interests or any relevant Personal Interests.	Assistant Director Governance	S29-34 of the Localism Act 2011
Keeping records of Disclosable Pecuniary interests	Assistant Director Governance	S30(3) of the Localism Act

Granting of dispensations under the Localism Act 2011	Assistant Director Governance	S33 of the Localism Act
Circulation of reports and agendas	Assistant Director Governance	100B(2)
Supply of papers to the press	Assistant Director Governance	100B(7)
Summaries of Minutes	Assistant Director Governance	100C(2)
Members' right to papers	Assistant Director Governance	100F
Officer responsible for identifying background papers and compiling lists of such documents	Assistant Director Governance	100d(1) (a) and (5)(a)
Certification of Resolutions under paragraph 25 of Schedule 14	Chief Executive	Sch. 14 Para. 25(7)
Making arrangements for the proper administration of the Council's financial affairs	Director of Corporate <u>Services Resources and Assets</u>	151

11.3.3.2 Other Legislation

The following Officers have been appointed Proper Officer under the terms of the following legislation:

Representation of the People Act 1983

a) Electoral Registration Officer

For the purposes of Section 8 of the Act, the Officer responsible for the compilation and maintenance of the Register of Electors and the discharge of duties contained in Parts V and VI of the Representation of the People (England and Wales) Regulations 2001;

**Assistant Director
Governance**

b) Acting Returning Officer

For the purposes of Section 24, the Officer responsible for the discharge of the Returning Officer's functions as Acting Returning Officer;

**Assistant Director
Governance**

c) Returning Officer

For the purposes of Section 35 of the Act, the Officer responsible for the discharge of functions of Returning Officer at an election of Borough and Town/Parish Councillors and any other relevant elections or referendums;

**Assistant Director
Governance**

d) Emergency Re-designation of Polling Places

Emergency powers to re-designate a polling place if there is an unplanned event which makes the polling place unusable, within the period between close of nominations and polling day;

Assistant Director Governance, in consultation with the lead Executive Member and the Ward Member(s) (unless the Member is a candidate in that ward in the forthcoming election)

e) Neighbourhood Planning (Referendums)

The officer responsible for the discharge of functions of Counting officer at a Neighbourhood Plan Referendum.

Assistant Director Governance

Local Government Finance Act 1988

For the purposes of Section 114, the Officer who shall make a report on any decision or proposed decision which would incur expenditure which is unlawful

Director ~~Corporate Services~~ Resources and Assets

For the purposes of Section 116(3), the Officer who shall notify the auditor of the date, time and place of any meeting of the authority to consider a report under Section 114

Director ~~Corporate Services~~ Resources and Assets

Local Government and Housing Act 1989

For the purposes of Section 2(4), the Officer with whom the list of politically restricted postholders under Section 2(2) of the Act shall be deposited

Chief Executive

Local Government (Committees and Political Groups) Regulations 1990

The Officer who shall receive notices relating to the establishment and membership of political groups and the wishes of those groups with regard to the filling of committee seats allocated to them

Lead Specialist, Democratic and Electoral Services.

11.3.3.3 Miscellaneous

- | | |
|---|--|
| 1. Any reference to an Officer which may be interpreted as reference to the Proper Officer of the Council in any Act, Statutory Instrument or local statutory provision passed before 26 October 1972 (other than the Local Government Act 1972). | Chief Executive |
| 2. Any similar reference to 1 above which refers to the Public Health Inspector. | Director Locality and Customer Services <u>Place and Growth</u> |
| 3. Any similar reference to 1 above which refers to the Surveyor. | Director Locality and Customer Services <u>Place and Growth</u> |
| 4. Any similar reference to 1 above which refers to the Treasurer or Chief Finance Officer. | Director, Corporate Services <u>Resources and Assets</u> |
| 5. Any reference in Rules of Procedure, not dealt with in this document. | Chief Executive |
| 6. In relation to Adult Social Services matters. | Director, Adult Services |
| 7. In relation to Children's Services matters. | Director, Children's Services |
| 8. Alternative Proper Officer to act in the absence of the Proper Officer(s) and where urgent action is necessary. | a) in the absence of the Chief Executive, the relevant Director

b) in the absence of the relevant Director, the Chief Executive |

11.3.3.4 General Data Protection Regulation

To act as the Council's Data Protection Officer

Assistant Director Governance

11.3.4 Chief Executive

11.3.4.1

To carry out the functions of the Council as set out in [Chapter 11.1](#).

11.3.4.2.

To amend the Scheme of Delegation to Officers to enable Directors to authorise Council Officers to carry out duties in pursuance of new legislation, such power not to be exercised to carry out functions not in accordance with Council policy. Any amendments to be subsequently reported to the Council.

11.3.4.3

Under Section 92 of the Local Government Act 2000, power to make payments or provide other benefits in cases of maladministration etc.

11.3.4.4

Ensuring compliance with the Health and Safety at Work legislation so far as it affects Council employees.

11.3.4.5

Approval of virements in accordance with the Financial Regulations as set out in Chapter 12.1.

11.3.4.6

The appointment on an interim basis of a Director who is not a statutory chief officer as an interim appointment and for a period not exceeding 12 months, pending permanent replacement.

11.3.4.7

The Chief Executive is authorised to exercise or further delegate to a named Officer the Council's functions, powers or duties related to the following areas:

- a) Human Resources, including organisational development and health and safety;
- b) communications and marketing;
- c) Informational Management Technology – IT management, web design and digital strategy.

11.3.5 All Directors

11.3.5.1

Expenditure of a routine and recurring nature which is provided for in the current year's estimates.

11.3.5.2

Virement between budgets within the limits set out in the Financial Regulations Chapter 12.1.

11.3.5.3

Incurring expenditure not within the current year's estimates arising from an emergency as defined in the Civil Contingencies Act 2004 and any Regulations made thereunder or any local emergency that requires the activation of the Council's 'gold' team.

11.3.5.4

Acceptance of tenders and quotations subject to compliance with the Procurement and Contract Rules and Procedures set out in Chapter 13, and the ongoing management of contracts.

11.3.5.5

Making such visits on Council business and participating in inter-agency and other partnership working as are necessary.

11.3.5.6

Purchase, hire and sale of vehicles, plant, equipment and materials, in accordance with the Financial Regulations as set out in Chapter 12.1.

11.3.5.7

Issue of public advertisements for contractors in accordance with the Procurement and Contract Rules and Procedures set out in Chapter 13.

11.3.5.8

Service of Requisitions for Information under various enactments relative to the functions of the service concerned.

11.3.5.9

Making arrangements for the safety and security of all Council owned buildings within the purview of his/her service in accordance with the requirements of legislation and for insurance purposes, where relevant, having regard to the advice of the police.

11.3.5.10

Release of Section 106 funds in accordance with the Financial Regulations as set out in Chapter 12.1.

11.3.5.11

To respond to petitions in accordance with the Council's agreed Petition Protocol as set out in Chapter 3.5.

11.3.5.12

To safeguard the consistency and integrity of the Council's electronic public interface by providing editorial management and regulation of the web site.

11.3.5.13

To safeguard the consistency and integrity of the Council's internal electronic communications and information sharing by providing editorial management and regulation of the Intranet.

11.3.5.14

To authorise the right of entry onto land by contractors representing the Authority to carry out works and to seek appropriate recharge of costs.

11.3.5.15

To make service information and personal data available to Members, staff and the public within the provisions of the Data Protection Act (and the General Data Protection Regulations)

11.3.5.16

To comply with the Freedom of Information Act by making information available to Members, staff and the public within the provisions of the Act.

11.3.5.17

Approval of attendance by Members at conferences, seminars and training.

11.3.5.18

To exercise the delegated powers as set out in the Human Resources Schedule of Delegated Powers [Chapter 11.6](#).

11.3.5.19

To undertake the actions required by the Financial Regulations (see Chapter 12.1) which are necessary to assist the Chief Finance Officer in the sound management of the Council's financial affairs.

11.3.5.20

To waive Fees and Charges in accordance with the Financial Regulations as set out in Chapter 12.1.

11.3.5.21

To approve requests for purchase orders or payments in accordance with the Financial Regulations as set out in Chapter 12.1.

11.3.5.22

To take action to promote the health and welfare of young people across the Borough.

11.3.5.23

To authorise disposal of assets or write off of items, in accordance with the Financial Regulations as set out in Chapter 12.1.

11.3.5.24

To obtain specialist advice, if required. ~~The Head of Estates~~Estates Unit Manager to be consulted on any transaction where there may be strategic asset management implications.

11.3.5.25

To make ex gratia payments in respect of claims against the Council for damage or injury, subject to the limits in the budget.

11.3.6 Director, Corporate Services Resources and Assets

To exercise the functions of the Chief Finance Officer as set out in [Chapter 11.1](#).

The Director of ~~Corporate Resources and Assets Services~~ is authorised to exercise or further delegate to a named Officer the Council's functions, powers or duties related to the following areas:

- a) Income collection, rRevenues and Benefit assessments, including⁴:
 - i) action to cover arrears relating to Council Tax and National Non-Domestic Rates;
 - ii) the administration of any benefit schemes adopted by the Council, including the exercise of the discretions permitted;
 - iii) approving the write-off of irrecoverable Council Tax and NNDR debts and Housing Benefit and Council Tax Benefit overpayments in accordance with the Financial Regulations as set out in Chapter 12.1;
 - iv) the administration of debtor control and collection;
- b) Treasury Management, in accordance with the Council's policy statement, Treasury Management Practices and CIPFA's Standard of Professional Practice on Treasury Management;
- c) Effecting of all necessary insurances and settlement of claims arising therefrom;
- ~~d) Informational Management Technology~~
- ~~ed) Procurement~~
- ~~fe) Commercial Property Services~~, including:
 - i) the granting and taking of leases or licences and renewals and surrenders of up to 14-20 years ~~(including renewals and surrenders)~~ of commercial, operational (service) and non-operational property;
 - ii) approval of Community Asset Transfers under leases of between 14-30 years following consultation with the Executive Member with responsibility for Business, and Economic Development ~~and Strategic Planning~~, the Executive Member with responsibility for the relevant service area and local Ward Members;
 - iii) making or granting or easements, wayleaves and revocable licences;
 - iv) disposing of freeholds or leaseholds of small parcels of land required by statutory undertakers for their operation purposes (eg sub station sites);
 - v) in consultation with any barrister or solicitor acting on behalf of ~~employed by~~ the Council taking action on breaches of lease covenants including arrears of rent;

⁴~~Also delegated to Director Locality and Customer Services — Rule 11.3.9.u~~

- vi) maintaining an Asset Register of all properties owned by the Council, for all fixed assets valued in excess of £10,000, and to ensure that assets are valued in accordance with best practice arrangements.

~~g) Human Resources, including organisational development and health and safety;~~

hf) Emergency planning;

~~ig) Community health and wellbeing development, including management~~
Management of the Council's sport and leisure facilities and parks and oversight of any contract with an external partner for the provisions of such facilities;

~~j) Economic Development~~

~~h) Payments including ensuring a robust purchasing and payments process Council suppliers.~~

~~i) authority (jointly with Director Adult Services) to add to and remove services within Optalis during the term of the contract provided that in each case, up to the total value of £500k:~~

- ~~i. the budget for the costs of the services has already been approved as part of the agreed Council Budget;~~
- ~~ii. the business case has been approved by both Directors;~~
- ~~iii. the Executive Member with responsibility for Adult Services and the Executive Member with responsibility for Finance have been consulted.~~

~~j) in consultation with the Lead Member for Finance and the Lead Member for Leisure, to approve reductions, discounts and/or promotions for fees and charges within sports and leisure, up to £100 per fee or charge.~~

11.3.6.1 Further delegation to the ~~Lead Specialist Head of~~ Legal Services

- a) institute, defend, lay information, negotiate and settle any dispute decision or any proceedings by or against the Council including taking any necessary steps in connection with such dispute decision or proceedings;
- b) instructing and obtaining the opinion of Counsel and external legal advice;
- c) the formation, negotiation and settlement of any agreement with any party that binds the Council to an obligation.

11.3.6.2 Delivery of Joint Procurements through the Director of Public Health

11.3.6.2.1

To arrange for the delivery of joint procurement with the other Berkshire Unitary Authorities through the Director of Public Health for the future provision of joint public health services and / or contracts.

11.3.6.2.2

In consultation with the Consultant in Public Health, to negotiate and conclude amendments to the inter-authority Public Health Agreement dated 10 July 2018 to provide

for the administration, management and operation of future contracts for which joint procurement has been agreed.

11.3.7 Director Children's Services

To exercise the powers and duties of the Council in relation to section 18 of the Children Act 2008 and appoint and authorise Council Officers to exercise all such powers as the Council may appoint or authorise persons, Officers or inspectors to exercise, in the pursuance of the undermentioned enactments and amendments thereto and any regulations, statutory instruments, bylaws and licenses made thereunder:

- a) functions conferred on or exercisable by the Council in its capacity as Local Education Authority;
- b) functions conferred on or exercisable by the Council which are social services functions, so far as those functions relate to children;
- c) functions exercisable by the Council under Section 75 of the National Health Service Act 2006, so far as those functions relate to children;
- d) functions conferred on the Council as a children's services authority.

11.3.7.1

The Director Children's Services is authorised to exercise or further delegate to a named Officer the Council's functions, powers or duties related to the following areas:

- a) early years;
- b) school improvement;
- c) special education needs support;
- d) safeguarding and child protection;
- e) youth services;
- f) school governor services;
- g) adoption services;
- h) fostering services;
- i) support for children, young people, looked after and care leavers,
- j) youth offending services;
- k) school admissions, including pupil place planning;
- l) school transport;
- m) adult community learning.

11.3.8 Director of Adult Services

To carry out the statutory duties of the Director of Adult Social Services as set out in Section 6(A1) Local Authority Social Services Act 1970 and in statutory guidance.

11.3.8.1

The Director of Adult Services is authorised to exercise or further delegate to a named Officer the Council's functions, powers or duties related to the following areas:

- a) safeguarding vulnerable adults;
- b) social care support for persons aged 18 or over;
- c) older people's services;
- d) services for adults with a physical or ~~mental learning~~ disability and mental illness.
- e) Public health, Community health and wellbeing development.
- f) authority (jointly with Director Resource and Assets) to add to and remove services within Optalis during the term of the contract provided that in each case, up to the total value of £500k:
 - i. the budget for the costs of the services has already been approved as part of the agreed Council Budget;
 - ii. the business case has been approved by both Directors;
 - iii. the Executive Member with responsibility for Adult Services and the Executive Member with responsibility for Finance have been consulted.

11.3.9 Director ~~Locality and Customer Services~~ Place and Growth

To exercise the powers and duties of the Council in relation to legislation in [Appendix A](#) that is applicable to the service area and appoint and authorise Council Officers to exercise all such powers as the Council may appoint or authorise persons, Officers or inspectors to exercise, in the pursuance of the enactments and amendments thereto and any regulations, statutory instruments, bylaws and licences made thereunder:

The Director ~~Environment~~ Place and Growth is authorised to exercise or further delegate to a named Officer the Council's functions, powers or duties related to the following areas:

- a) management and operation of public car parks and parking spaces administered by the Council;
- b) street naming, subject to no objections to any proposed name being received from the Parish/Town Council, Post Office or Fire and Rescue Service and the agreement of local Members;
- c) the Council as the Highways Authority, including highway inspection, minor highway repairs, winter maintenance, gritting, gully cleansing, street lighting and asset management;
- d) waste, including refuse collection, recycling, waste disposal and abandoned vehicles;

- e) transport planning, traffic management and road safety. In relation to Traffic Regulation Orders only those where no objections have been received;
- f) Trading Standards, Environmental Health and Licensing Services;
- g) Place shaping strategies such as planning policy, including the Local Development Framework; climate emergency; economic development planning policy, including the Local Development Framework;
- h) planning service, including the determination of planning applications not included in the Planning Committee's Terms of Reference;
- i) building control;
- j) libraries and Information service;
- k) cultural services;
- l) community development;
- m) assets of Community Value;
- n) countryside service, including public rights of way and tree preservation orders;
- o) customer services;
- p) local land charges;
- q) sale of council houses;
- r) housing; (excluding strategic housing);
- s) provision and management of housing accommodation, including maintenance and improvement to Council dwellings, associated buildings and land;
- t) proper officer under the provisions of the Registration Act 1953;
- ~~u) — revenues and benefit, including²
 - ~~i) — action to cover arrears relating to council tax and national non-domestic rates;~~
 - ~~ii) — the administration of any benefit schemes adopted by the Council, including the exercise of the discretions permitted;~~
 - ~~iii) — approving the write-off of irrecoverable council tax and NNDR debts and housing benefit and council tax benefit overpayments in accordance with the financial regulations as set out in Chapter 12.1;~~~~

² Also delegated to Director Corporate Services Rule 11.3.6a

- u) in consultation with the borough solicitor, functions in relation to Part III of the Wildlife and Countryside Act 1981

v) Community safety and anti-social behaviour

11.3.9.1

~~The Council's functions, powers and duties in relation to Trading Standards and Environmental Health/Licensing Services areas are also delegated to West Berkshire District Council by virtue of shared service agreements. When such shared service agreements are expired the delegations to West Berkshire District Council will cease.~~

The Director has delegated certain functions, powers, and duties in relation to Trading Standards and ancillary regulatory services to officers of West Berkshire District Council from 01 April 2022 by virtue of a delegation agreement under s113 of the Local Government Act 1972. The Director may add to or remove any delegations as they see fit and when the delegation agreement expires the delegations to officers of West Berkshire District Council will cease.

11.3.10 Assistant Director Governance

To carry out the functions of the Monitoring Officer as set out in [Chapter 11.1](#) and to act as Proper Officer for the functions set out in [Rule 11.3.3](#)

The Assistant Director Governance is authorised to exercise or further delegate to a named Officer the Council's functions, powers or duties related to the following areas:

- a) Members' Code of Conduct, including reporting breaches by Members with respect to cases involving legal proceedings;
- b) to amend the Scheme of Delegation to Officers to reflect any changes to the Council's Officer Management Structure and to update the list of relevant Act/Regulations as detailed in [Section 11 Officers Appendix A](#) and other references to legislation within the Constitution as appropriate;
- c) Audit and Investigation Services;
- d) Democratic and Electoral Services, including making arrangements for appeals, reviews and hearings in relation school admission, school exclusion, home to school/college transport and in relation to the granting, revocation and conditions imposed under the Licensing Act 2003 and the Gambling Act 2005;

e) [Legal Services](#);

f) [to make amendments to the Constitution in accordance with Rule 1.1.6.](#)

11.3.10.1 Further Delegation to the Borough Solicitor

To carry out any of the functions delegated to the ~~Lead Specialist~~ Head of Legal as set out in [Rule 11.3.6.1](#).

To carry out the role of Commons Registration Officer as set out in Chapter 8.8.

11.3.11 Assistant Director Commercial Property

The Assistant Director Commercial Property is authorised to exercise or further delegate to a named Officer the Council's functions, powers or duties related to commercial property.
~~Town Centre Regeneration.~~

11.3.12 ~~Strategic~~ Director of Public Health – Shared Across Berkshire West

To have responsibility for the functions of the Strategic Director of Public Health as required by section 30 and all relevant provisions of the Health and Social Care Act 2012, and all other relevant legislation, and which shall include the following:

- a) the duty imposed upon the Council to take such steps as it considers appropriate for improving the health of the people in its area;
- b) any public health functions of the Secretary of State which he/she requires local authorities to discharge on his/her behalf;
- c) dental health functions of the Council;
- d) the duty to co-operate with the prison service to secure and maintain the health of prisoners;
- e) the Council's duties set out in Schedule 1 of the National Health Act 2006, which include medical inspection of pupils, the weighing and measuring of children and sexual health services;
- f) arrangements for assessing the risks posed by violent and sexual offenders.

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