



WOKINGHAM BOROUGH COUNCIL

A Meeting of the **COUNCIL** will be held in the Council Chamber - Civic Offices, Shute End, Wokingham RG40 1BN on **THURSDAY 17 FEBRUARY 2022 AT 7.00 PM**

A handwritten signature in black ink, appearing to read 'Susan Parsonage', written in a cursive style.

Susan Parsonage
Chief Executive
Published on 9 February 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/AuxJZtsC4Pg>

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.
83.		APOLOGIES To receive any apologies for absence	
84.		MINUTES OF PREVIOUS MEETING To confirm the Minutes of the Council Meeting held on 20 January 2022.	13 - 44
85.		DECLARATIONS OF INTEREST To receive any declarations of interest	
86.		MAYOR'S ANNOUNCEMENTS To receive any announcements by the Mayor	
87.		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	
87.1	None Specific	Adrian Betteridge has asked the Executive Member for Resident Services, Communications and Emissions the following question: Question The sum of the commitments to reduce CO2 in the Transport Section of the Council's Climate Emergency Action Plan is that, by 2030, vehicle traffic will be reduced by 40%, and levels of walking and cycling will be 250% and 450% respectively of their current levels. How confident is the Council in achieving this target based on the current actions and investment and what further actions does it intend to take to improve this confidence?	

87.2 Maiden Erlegh Rebecca Frazier has asked the Executive Member for Environment and Leisure the following question:

Question

Can you confirm that there will be a full public consultation for the proposal for 3G pitches to be built adjacent to the Maiden Erlegh nature reserve before any planning permission is put in?

87.3 Maiden Erlegh Julie Freak has asked the Executive Member for Environment and Leisure the following question:

Question

Please could you tell us why Laurel Park is being favoured as a site for a new 3G pitch when it is quite clearly the wrong location and is facing fierce opposition from many Lower Earley residents that use the park for all manner of recreation purposes, not just football?

87.4 Maiden Erlegh Antony Crouch has asked the Executive Member for Environment and Leisure the following question:

Question

Re Laurel Park 3G pitch proposal, If Laurel Park is the main focus, can you please highlight why this valuable park space (currently the main green area for the majority of the development) is being favoured?

87.5 Maiden Erlegh Debra Taylor has asked the Executive Member for Environment and Leisure the following question:

Question

Re Laurel Park 3G pitch proposal, there are existing sites in the very close locality (literally within walking distance of Laurel Park - no emissions) existing hard courts and floodlights in place. One is Reading FC (based outside Wokingham Borough) with state of the art training facilities at Bearwood, (inside the Borough) 1.6 miles from Laurel Park. A condition of the planning approval for that site was that it opened for community use. Yet, in the WBC letter to residents (received by very few residents), it stated that one of the groups that will use the 3G pitch will be Reading FC.

There is a 3G 1.8 miles and another 3G 3.4 miles from Laurel Park. We are told grass pitches are running at full capacity, yet you are intent on digging up four of these grass pitches. Grassroots, will Laurel

Park FC play their league games on a plastic pitch?

87.6 Maiden Erlegh

Chris Elliott has asked the Executive Member for Environment and Leisure the following question:

Question

Re Laurel Park 3G pitch proposal, has the usage profile been assessed - what that means is how is the facility used now, by whom and how often and what is the assessed profile going to change to afterwards?

87.7 None Specific

Louise Timlin has asked the Executive Member for Neighbourhoods and Communities the following question:

Question

At the WBC meeting on 20 January 2022, in response to a supplementary question from Councillor Kerr, Councillor Soane remarked that although the contract to provide support for domestic abuse victims was awarded to Cranstoun in July 2021, we need to “appreciate” that time would be needed to find an appropriate property for a refuge. I therefore conclude that WBC were aware it would take some time for Cranstoun to provide a refuge in Wokingham and ask why, in that case, was provision not made to continue to provide funds to Berkshire Women’s Aid in the interim period until Cranstoun have a refuge up and running?

87.8 Maiden Erlegh

Laura Taylor has asked the Executive Member for Environment and Leisure the following question:

Question

There are two 3G pitches, one 1.8 miles from Laurel Park and one 3.4 miles from Laurel Park, plus facilities with outdoor floodlit facilities in place at:

- London Valley Leisure Centre 0.8 miles from Laurel Park
- Maiden Erlegh School 0.9 miles from Laurel Park (where Laurel Park Winter train)
- Sol Jol Park 0.8 miles from Laurel Park
- Chalfont Park 1.4 miles from Laurel Park
- Reading FC training ground 1.6 miles from Laurel Park
- Reading University 1.6 miles from Laurel Park

Local players and members therefore do not have too far to travel for training (most of the above facilities are in fact within walking distance of Laurel Park or no more than a 5 minute drive.

My question is therefore why are WBC intent on digging up the only green space at Laurel Park, installing a 3G pitch which will increase congestion and emissions and when the majority of residents don't want nor need it?

88.

PETITIONS

To receive any petitions which Members or members of the public wish to present.

89.

None Specific

MEDIUM TERM FINANCIAL PLAN AND ASSOCIATED REPORTS

The following budget reports will be taken as one Agenda Item and a period of 1½ hours will be allowed to debate the item.

89.1

None Specific

Housing Revenue Account Budget 2022/23

45 - 54

To consider the recommendations of the Executive in respect of the Housing Revenue Account Budget for 2022/23.

RECOMMENDATION that Council approve:

- 1) The Housing Revenue Account budget for 2022/23 (Appendix A);
- 2) Council house dwelling rents be increased by up to 4.10% effective from 4 April 2022 in line with the council's Rent Setting Policy that was approved by Executive on 25 November 2021.
- 3) Garage rents to be increased by 3.80% effective from April 2022 in line with Council's general fees and charges;
- 4) Shared Equity Rents to be increased by 4.86% based on September RPI, effective from April 2022;
- 5) Tenant Service Charges to be set based on cost recovery;
- 6) The Housing Major Repairs (capital) programme for 2022/23 as set out in Appendix B;
- 7) Sheltered room guest charges for 2022/23 remain unchanged at £9.50 per night per room.

89.2	None Specific	<p>Capital Programme and Strategy 2022-2025 To consider the recommendations of the Executive in respect of the Capital Programme and Strategy 2022-2025.</p> <p>RECOMMENDATION that Council approve:</p> <ol style="list-style-type: none"> 1) the Capital Strategy for 2022 - 2025 - Appendix A; 2) the three-year capital programme for 2022 - 2025 –Appendix B; 3) the draft vision for capital investment over the next five years - Appendix C; 4) the use of developer contribution funding (s106 and CIL) for capital projects as set out in Appendix D. Approval is sought up to the project budget. 	55 - 92
89.3	None Specific	<p>Treasury Management Strategy 2022-2025 To consider the recommendations of the Executive in respect of the Treasury Management Strategy 2022-2025.</p> <p>RECOMMENDATION that Council:</p> <ol style="list-style-type: none"> 1) note the Treasury Management Strategy as set out in Appendix A including the following additional appendices; <ul style="list-style-type: none"> • Prudential Indicators (Appendix B) • Annual Investment Strategy 2022/23 (Appendix C) • Minimum Revenue Provision (MRP) policy (Appendix D) 2) note that the Audit Committee agreed the Treasury Management Strategy on 2 February 2022 and have recommended the report to Council for approval; 3) note the cumulative financial impact on the Council of its borrowing activities equates to a net credit to the general fund for the taxpayer of £42.70 per band D equivalent at end of 2022/23 and noting this credit increases to £62.47 at the end of 2024/25. 	93 - 138

89.4	None Specific	<p>Medium Term Financial Plan 2022-2025 Including Revenue Budget Submission 2022/23</p> <p>To consider the recommendations of the Executive in relation to the Medium Term Financial Plan 2022-2025 and the Budget submission and Council Tax for 2022/23.</p> <p>RECOMMENDATION that Council approve the following:</p> <ol style="list-style-type: none"> 1) the Medium Term Financial Plan (MTFP) 2022/25, including the budget submission for 2022/23 and the Summary of Budget Movements (SOBM); 2) the statutory resolution that sets out the 2022/23 council tax levels (as set out in Appendix A to the report) (<i>to be provided on the day once all provisional figures are confirmed</i>); 3) that in the event that there are any changes to the provisional precept of the Fire Authority or parishes, arising from their precept setting meetings being held before the end of February, the Deputy Chief Executive (S151 Officer) is delegated authority to enact all relevant changes to the MTFP, Statutory Resolution and council tax levels. 	139 - 142
90.	Hillside; Maiden Erlegh	<p>INTERIM POLLING PLACE REVIEW</p> <p>To consider proposals from the Returning Officer to re-designate two polling places which used to be sited in local primary schools.</p> <p>RECOMMENDATION: The Returning Officer for Wokingham has reviewed the polling districts and polling places and recommends that Council agree the following permanent re-designations:</p> <ol style="list-style-type: none"> 1) Hillside Ward: Lower Earley Library to be designated as the polling place for all elections for polling district EDW. 2) Maiden Erlegh Ward: Earley St Peters Church Hall to be designated as the polling place for all elections for polling districts EFW & EGW. 	143 - 154
91.	Coronation	<p>RE-DESIGNATION OF POLLING PLACES</p> <p>To consider a report setting out a proposed alternative to a Polling Place that is unavailable for the elections due to be held in May 2022.</p>	155 - 162

RECOMMENDATION That Council agree for any elections held in 2022 that:

- 1) St John's Church, Woodley be designated as the polling place for polling district KCM in Coronation Ward instead of St John's Ambulance, HQ, Woodley;
- 2) The Assistant Director Governance be delegated authority, in consultation with the relevant Ward Member(s), to re-designate any polling place in the Borough which becomes unavailable.

92. None Specific **ELECTORAL REVIEW ARRANGEMENTS** **163 - 170**

To consider a proposal to set up a cross-party working group to compile the necessary submission to the Local Government Boundary Commission for England and develop and recommend proposals to full Council.

RECOMMENDATION That Council:

- 1) note the arrangements for a review of electoral arrangements by the Local Government Boundary Review for England;
- 2) agree to setting up a cross-party, Member level Working Group on the basis set out in paragraphs 4.3-4.5 of the report; and
- 3) agree the Terms of Reference of the Electoral Review Working Group as set out in Appendix 1 to the report.

93. None Specific **WHOLE COUNCIL ELECTIONS** **171 - 222**

To consider the recommendation of the Executive to launch a consultation to move to whole Council electoral cycle.

RECOMMENDATION: That Council launch a consultation with stakeholders on moving to a whole council (all-out) electoral cycle.

94. None Specific **CHANGES TO THE CONSTITUTION** **223 - 244**

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:

- 1) the deadline for public and Member questions, that relate to items on the agenda or urgent matters, be amended, as set out in Paragraph 1 of the report;
- 2) that Section Rule 4.2.9.9 Written Answers, be amended as set out in Paragraph 2 of the report;
- 3) that Section 4.2.8.1 Consideration of motions and Section 4.2.11.3 Motion set out in Agenda be amended as set out in Paragraph 3 of the report;
- 4) that Section 4.2.11.3 Motion set out in Agenda, be amended as set out in Paragraph 4 of the report;
- 5) that Section 4.2.13.1 No Speeches Until Motion Seconded, be amended as set out in Paragraph 5 of the report;
- 6) that Section 4.2.13.13 Motions on Expenditure or Revenue, as set out in Paragraph 6 of the report, be added to the Constitution;
- 7) that Section 8.1 Planning Committee Terms of Reference be amended as set out in Paragraph 7 of the report;
- 8) that Sections 8.7.1 Function and Composition of School Transport Appeals Panel and 8.7.2 Meetings of the School Transport Appeals Panel, be amended as set out in Paragraph 8 of the report;
- 9) that Section 9.1.12 Process for Dealing with Misconduct Complaints be amended as set out in Appendix 1 to the report;
- 10) amendments to various sections of the Constitution, put forward by the Head of Legal Services, and as set out in Paragraph 10 of the report be agreed.

95.	None Specific	<p>OPTALIS CONTRACT RENEWAL 2022</p> <p>To consider recommendations from the Executive to in respect of the renewal of the Optalis Contract.</p> <p>RECOMMENDATION The Executive recommends Council to:</p> <ol style="list-style-type: none"> 1) approve the attached procurement business case to renew the contract to Optalis; 2) delegate authority to the Director of Adult Services, in consultation with the Lead Member for Adult Services to: <ol style="list-style-type: none"> a) approve and complete the contract with Optalis for £7.3mil – 2022-23; and b) undertake all activities required to complete the joint ownership arrangements between RBWM and the Council as set out under the heading ‘Future Arrangements’ below. 3) delegate jointly to the Director of Adult Services and the Director of Resources and Assets authority 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: <ol style="list-style-type: none"> a) the budget for the costs of the services has already been approved as part of the agreed Council Budget; b) the business case has been approved by both Directors; c) the Executive Member with responsibility for Adult Services and the Executive Member with responsibility for Finance have been consulted. 4) note the shareholders agreement. 	245 - 304
96.	None Specific	<p>CENTRAL AND EASTERN BERKSHIRE JOINT MINERALS AND WASTE PLAN: MAIN MODIFICATIONS CONSULTATION</p> <p>To consider the recommendations from the Executive in respect of the Central and Eastern Berkshire Joint Minerals and Waste Plan: Main Modifications Consultation.</p>	305 - 428

RECOMMENDATION Council is recommended by Executive to:

- 1) agree the Central and Eastern Berkshire Joint Minerals and Waste Plan: Main Modifications, set out in Enclosure 3 (February 2022) to the report, and supporting documentation for publication and public consultation;
- 2) authorise community engagement on the Central and Eastern Berkshire Joint Minerals and Waste Plan: Main Modifications and associated supporting documents to take place for at least 6 weeks from February 2022 onwards;
- 3) authorise the Director of Place and Growth, in consultation with the Executive Member for Planning and Enforcement, to agree minor amendments necessary to the Central and Eastern Berkshire Joint Minerals and Waste Plan: Main Modifications and other supporting documents prior to consultation.

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**MINUTES OF A MEETING OF
THE COUNCIL
HELD ON THURSDAY, 20 JANUARY 2022 FROM 7.30 PM TO 10.30 PM**

Members Present

Councillors: Keith Baker (Mayor), Abdul Loyes (Deputy Mayor), Sam Akhtar, Parry Batth, Laura Blumenthal, Chris Bowring, Shirley Boyt, Prue Bray, Jenny Cheng, Rachel Burgess, Peter Dennis, Lindsay Ferris, Michael Firmager, Paul Fishwick, John Halsall, Jim Frewin, Maria Gee, Guy Grandison, David Hare, Graham Howe, Clive Jones, Norman Jorgensen, Pauline Jorgensen, John Kaiser, Sarah Kerr, Tahir Maher, Charles Margetts, Adrian Mather, Andrew Mickleburgh, Stuart Munro, Gregor Murray, Barrie Patman, Jackie Rance, Angus Ross, Daniel Sargeant, Ian Shenton, Imogen Shepherd-DuBey, Rachelle Shepherd-DuBey, Caroline Smith, Wayne Smith, Bill Soane, Alison Swaddle and Shahid Younis

Members in Attendance Virtually

Councillors: Rachel Bishop-Firth, Anne Chadwick, Gary Cowan, Phil Cunnington, Carl Doran, Pauline Helliard-Symons, Morag Malvern and Simon Weeks

71. Apologies

Apologies for absence were submitted from Stephen Conway and Rebecca Margetts.

72. Minutes of Previous Meeting

The Minutes of the meeting of the Council held on 18 November 2021 were confirmed as a correct record and signed by the Mayor.

73. 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 Ltd.

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

Councillor Stuart Munro declared a personal interest on the grounds that he was a Non-Executive Director of WBC Holdings Ltd.

Councillor Wayne Smith 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.

Councillor Prue Bray declared a personal interest in relation to Agenda items 68 and 76 on the grounds that she was a trustee of Kaleidoscopic UK (a domestic abuse charity).

74. Mayor's Announcements

The Mayor informed Members that the "No to Hate Crime" charter had been signed by 53 Members. The Mayor would be meeting with CLASP Wokingham to hand over the signed copies.

The Mayor also referred to the Mayor's Ball which was due to be held in March 2022. The Mayor thanked Members who had already made a donation and advised other Members that tickets were still available for the event.

75. Public Question Time

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

75.1 Philip Meadowcroft asked the Chairman of the Constitution Review Working Group the following question:

At the November 2021 Full Council Meeting, the Mayor, responding to a Members' query about the previous meeting's draft minutes, was advised by Democratic Services that the minuting of a written answer to a Supplementary Question (about Members' use of private email addresses raised at the September meeting) was not required because clause 4.2.9.9 "Written Answers" in the Constitution did not extend to written answers to Supplementary Questions.

The first two words of 4.2.9.9, which specifically deals with Written Answers, are "Any questions..." and I consider that the advice given to the Mayor, (which he duly endorsed and thereby dismissed the Member's query) was patently flawed.

To prevent this occurring again, in the interests of transparency and openness (otherwise written answers to Supplementary Questions will be hidden from both public and Members' view), will this Full Council Meeting tonight urge the Constitution Review Working Group to revise the wording of 4.2.9.9 to ensure that Democratic Services in future advises the Mayor and Leader of the Council (both of whom I trust, on reflection, will agree with me) that written answers to Supplementary Questions will be included in the minutes of the related meeting?

Answer

Resident participation in the work of the Council is at the heart of our approach and we strive to encourage transparency and openness. Section 3 of the Constitution sets out the various ways in which residents can participate – asking questions at a meeting of Full Council is just one of the many ways in which residents can get involved.

Dealing with your specific concern about the minuting of the answers to

supplementary questions, I do not agree with your assertion that the advice provided to the Mayor was flawed. Clause 4.2.9.9 applies specifically to substantive, written questions that cannot be dealt with during public question time, either because of lack of time, because of the non-attendance of the questioner or because of the non-attendance of the Member to whom it was to be put or because the Member answering the Question requires further information not available at the time, will be deemed to have been put, and shall be the subject of a written reply within seven working days to the person asking the question. The answer shall also be recorded in the Minutes of the meeting. However, this provision does not apply to supplementary questions, which can take longer to respond to, due to the often, complex nature of the subject matter.

Officers have researched your request further and confirmed that Wokingham's practice is consistent with other Berkshire authorities. However, I am prepared to bring your query to the Constitution Review Working Group so Members can give this further consideration.

Supplementary Question

There are elements of your reply that I appreciate, particularly what you said at the end. But most of it I found a remarkable complacent answer to a question which I think is quite straightforward. Therefore, I am not surprised that the Executive wants to spend £150k on market research to find out why Wokingham residents are not in raptures with the achievements of the Council. My supplementary question, therefore, is quite simple, and I have a reasonable expectation that you will answer this evening please. Is what you have said tonight, as Chairman of the Constitution Review Working Group, really, totally and completely consistent with the highest standards of conduct in public life, which Wokingham aspires to and mentions at least 10 times in the Constitution and in the standards set out in Chapter 9.2 Conduct: Appendix A – Principles and Appendix C – Practice? Yes or no Councillor Munro?

Supplementary Answer

No. I totally agree with you. That is why I said that we would take a look at it at the next meeting of the Constitution Review Working Group. Before I did the research it made sense to me, so I think it is worth looking at again. So that is the answer. The answer is yes.

75.2 Danny Errawalla asked the Leader of the Council the following question:

Please can you give us an update on how the anti-poverty strategy is going?

Answer

Development of the Anti-Poverty Strategy is progressing well with an analysis of data having been undertaken prior to Christmas with an initial consultation of those who are struggling. Engagement of the wide voluntary and community sector is paramount to design and delivery of the strategy, and they have been engaged since September to develop a draft strategy. In late December we established a Hardship Alliance with four key VCS organisations to lead this work and focus on coordinating VCS engagement to informing the strategy and underpinning action plan.

There is a Cross Party Working Group which has been contributing to and engaged in development of the strategy throughout. This has enabled ongoing Member discussions and input to inform the proposals coming forward from within the Council and from our partners. Early engagement with the Town & Parish Clerks demonstrates a desire to be involved and consider how they are able to support projects in their local areas.

The strategy is now at a stage of going into public consultation for one month which will target members of the public, VCS organisations and Town / Parish Councils. Responses to this consultation will feed into the draft strategy and action planning, help to identify any gaps in proposals and widen engagement to other groups who would like to be involved.

Action plans are being developed in the Council and with our VCS partners, which will be built up over the next couple of months as engagement widens. The Anti-Poverty Strategy will be delivered through an annual action plan, refreshed each year, working towards the objectives of the strategy and able to build on previous years' actions.

Development of the strategy is currently on track for the Anti-Poverty Strategy to be launched following the local elections in May 2022.

Engagement with the VCS in developing the strategy has included:

- A series of meetings since September led by Citizen's Advice to gain initial input;
- Workshop on terminology to make language accessible and not stigmatising;
- Specific meetings with other forums and groups to gain early buy-in and input to form the draft strategy;
- Creation of a Hardship Alliance in December to be key partners: engaging with and leading the wider VCS;
- Ongoing work with the VCS through the Hardship Alliance to develop and deliver projects to tackle poverty.

We hope to make a considerable difference through this strategy.

Supplementary Question

Local charities do a lot to help people struggling financially. Please can you let me know how they have been involved in the creation of the Anti-Poverty Strategy?

Supplementary Answer

As I said, they are key to developing the strategy and play a substantial part on the working group which is taking it forward.

75.3 Juliet Sherratt asked the Executive Member for Neighbourhoods and Communities the following question:

In the introduction of the Domestic Abuse Strategy 2021-24 document, it is claimed that prevention is at the heart of the Strategy. However, there is only one sentence referring to prevention in the rest of the document. Please can Cllr Soane outline

how the strategy aims to prevent domestic abuse and put prevention at the heart of the strategy to reassure residents that this is not a hollow document?

Answer

Prevention is at the heart of the Domestic Abuse Strategy 2021-24 and can be found within the body of the Strategy document. The key priorities and detailed explanations which can be found on pages 16,17,34,35 and 36 explain the work that is being undertaken in relation to prevention including:

- Support educational settings to raise awareness of domestic abuse;
- Deliver training to enable domestic abuse to be identified and responded to;
- Encourage those who are causing harm as a result of their abusive and controlling behaviour to change;
- Tackle the root cause of domestic abuse, including seeking to break the cycle of abuse.

To ensure that we have a robust mechanism to drive change and deliver on our priorities, the strategy is underpinned by an action plan. This action plan is continually updated and reviewed at the two, bi-monthly domestic abuse meetings to review progress and address any blockers to achieving the aims.

The action linked to supporting educational settings is detailed below to provide reassurance that the actions are targeted and have set outcomes and measures.

The action plan, like the Strategy cover a three-year period commencing December 2021, so whilst all actions have been initiated and key agencies and measurements agreed some of the actions are currently in the early stages of delivery. Some will remain on the plan for the three-year period as they will be ongoing, other actions will be added to reflect new and emerging issues during this time period.

Supplementary Question

When I looked at pages 16, 17, 34, 35 and 36, I could only see a framework with heavy emphasis on action to be taken after the event of domestic abuse. My question was specifically about prevention. Given that the Conservative Councillors would not sign up to the White Ribbon campaign, which focuses largely on misogyny and preventing domestic violence, what will the Council sign up for as part of their campaign for prevention?

Supplementary Answer

As far as prevention is concerned, as I said at the beginning, it is at the heart of our Domestic Abuse Strategy and prevention is a key part of it. Therefore, actions we are taking will be before the event rather than after. That is our aim and that is where we will be making a considerable effort.

75.4 Annette Medurst asked the Executive Member for Finance and Housing the following question. Due to non-attendance, the following written answer was provided:

Wokingham Foodbank provides support for residents across Wokingham Borough by providing food and fuel support for households in crisis or in an emergency

situation. Wokingham Borough Council currently has 108 members of staff registered to make referrals into Wokingham Foodbank. In 2021, Council staff made 441 referrals for emergency food parcels and 68 referrals for emergency energy support vouchers (excluding Covid Local Support grant referrals).

Local Welfare Provision (LWP) is a financial assistance scheme run by the Council to help people who are in a crisis or emergency situation. Foodbank volunteers invariably find that Council employees are unaware that the LWP exists and don't know how to access these funds.

What is Wokingham Borough Council doing to ensure its staff are fully aware of LWP and how to access this help quickly and easily to best support residents, rather than always relying on local charities.

Answer

Teams within the council are aware of the LWP and details of this are also available on the website to help people access the support they need and are eligible for. There is always an opportunity for further promotion to make staff more aware of this.

Since the Household Support Fund was launched, provision for crisis support has been managed by Citizen's Advice through their 'One Front Door' for e.g., fuel payments.

The Council website is currently being updated to ensure that all staff have the latest information, including financial assistance available. In addition to this, as a part of the Anti-Poverty Strategy, information on LWP is included in the list of available support (subject to eligibility criteria) that will be published alongside the Action Plan. As part of the strategy development, we are also:

- Reviewing the effectiveness of support / signposting including Wokingham's Local Welfare Provision Scheme;
- Consulting with residents and the voluntary sector to understand how those who need crisis assistance can be better supported;
- Enabling effective signposting of the scheme in conjunction with the voluntary sector;
- Ensuring residents in need of support can easily access support they need and the scheme: working to remove barriers to application;
- Providing frontline staff with training so that they are fully aware of the scheme, other support available and are able to advise residents on how to apply; and
- Reviewing the qualifying criteria and disclosure requirements for the scheme, ensuring that residents' dignity is respected throughout.

The LWP will also be further promoted internally via the intranet and staff e-newsletter to ensure all staff are aware of the LWP and how it can support residents.

This will not remove the need, or desire, for the Council to continue working with local charities to support those in need in the best way that meets their individual requirements.

75.5 Louise Timlin asked the Chairman of the Equalities Working Group the following question:

White Ribbon is a leading national charity, engaging with men and boys, aiming to end men's violence against women. They are working towards the culture change that is needed to prevent violence before it starts. Part of this is encouraging men and boys to recognise and call out harassment, sexist behaviour, microaggressions and misogynist "jokes", in order to promote equality and respect, and remove the cultural norms which enable the tolerance and excuse of men's violence against women in our society.

The four recommendations from the Equalities Working Group do not address these aims. Please could the leader of the Equalities Working Group state how Wokingham Borough Council intends to be a role model, and what concrete actions it will take to seek the culture change necessary to prevent men's violence against women?

Answer

All Councillors will soon be receiving an invitation to a workshop led by Dr Fiona Vera-Grey from Durham University, on public harassment and violence against women. Dr Vera-Gray is industry-leading and gave key guidance to the Government's Violence Against Women and Girls Strategy. She will share with us policy recommendations and practical suggestions, including for culture change, to help us make Wokingham Borough safer for women.

You will notice in the report, that has come from the cross-party Equalities Working Group, that the Council is already talking to White Ribbon. The Leader of the Council, officers and I met with them – they are a fantastic organisation and we support them. We decided with them that the best way they could help us was giving training to our staff. We are not at the beginning of our culture change journey but advanced so don't need to rewind back to create an action plan and new committee (which White Ribbon accreditation would require and payment of a fee) to duplicate work that has already been done. You will also see in the report that we are seeking accreditation, just one that's more comprehensive and grades performance as that matches our culture change programme.

We are looking for White Ribbon to contribute to our established monthly domestic abuse training for frontline staff. This focuses on culture change and gives attendees the insights into violence against specific demographics. This doesn't just cover male violence against women but also how abuse can manifest, for example, against older people, men and those with disabilities.

We are also designing training for staff and Councillors on allyship and being an active bystander, which will help tackle street harassment and micro-aggressions. This will not just be for sexism and misogyny but goes further and will address the nine protected characteristics, including covering racism, homophobia and prejudice against disabled people.

Further afield, the Council has also worked with the police to train supermarket workers to support victims that go into stores and all major pharmacies in the

Borough have signed up to Ask for ANI, the scheme which alerts staff to taking someone to a safe space. We are working to roll out Ask for ANI to Council buildings, after staff are fully trained, so residents can access more safe havens. Working with partners such as the police and businesses in rolling out culture change is helping to create informed citizens who are equipped to help people who need it.

Supplementary Question

Do the members of this Council agree to take the White Ribbon pledge, never to commit, excuse or remain silent about male violence against women and if not, why not?

Supplementary Answer

I think that is a question for everyone, not just me, but, obviously, I will be the one answering it. I think that it is up to every individual. I cannot answer on other people's behalf.

75.6 JB Staunton asked the Executive Member for Children's Services the following question:

The Ofsted rapid review of sexual abuse in schools and colleges, published in June 2021 found that nearly 90% of girls and 50% of boys have been sent explicit pictures or videos of things they did not want to see. 92% of girls and 74% of boys said sexist name calling happens a lot. Children reported that sexual harassment is so commonplace they see no point in reporting it.

One of your four recommendations is to write to schools to ask how they are upholding the Department for Education's "Keeping Children Safe in Education" policy. This seems a rather passive recommendation. Addressing a sexist culture is essential in order to end men's violence against women, and clearly schools have a huge role to play in this.

Will you be making it clear to schools what best practice looks like and how will you be holding them accountable to implement these best practices?

Answer

There are many facets to this answer. The Berkshire West Children's Safeguarding Partnership (BWCSP) provides support and guidance to partners across the locality. Ofsted review their activity to support schools and partners in further developing practice has included supporting discussion and school self-evaluation to promote best practice, including:

- Education Act S175 Requirements: that is to support the annual school safeguarding audit process, using the NSPCC tool, to ensure schools comply with S175 of the Education Act 2003. The NSPCC tool has been updated this year to include a section on peer-on-peer abuse, and the results of this section will be analysed to identify any compliance gaps.
- The BWCSP widely shared with school headteachers and Designated Safeguarding Leads a document titled Local Advice on Harmful Sexual

Behaviour, Sexual Harassment and Sexual Violence that outlines the expectations on schools from September 2021 in relation to the statutory guidance 'Keeping Children Safe in Education' (September 2021).

- Discussion at Wokingham Education Safeguarding Engagement Group: In response to the DfE Letter to Safeguarding Partners regarding Sexual Abuse in School and Colleges, the Education Safeguarding Engagement Group discussed this topic on a number of occasions. As a result, headteacher colleagues have shared the resources (both specific training packages and safeguarding information) that they use in school with their staff.

Supplementary Question

Will you be telling schools about best practice and holding schools accountable?

Supplementary Answer

Yes. There is a letter, under my signature, to all school heads asking them to make sure that their policies are up-to-date and agreed by their governing bodies. You will understand that academies do not report to the local authority and we can only influence. We cannot command and control.

76. 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 over 650 signatures asking for a safe crossing for children from the Norreys ward who attended the Holt School. <i>To be forwarded to the Executive Member for Highways and Transport</i>
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77. Council's Anti-Abuse Charter

The Council considered a report which proposed the adoption of a local Anti-Abuse Charter. The report stated that the Council had worked with the local domestic violence charity Kaleidoscopic UK, to develop a Charter for all Members and Officers. The proposed Charter set out the Council's commitment to foster a deep-rooted culture and step change on violence and abuse.

Laura Blumenthal introduced the report and stated that the proposed Anti-Abuse Charter had the support of all the political groups on the Council.

Sarah Kerr expressed thanks to Vickie Robertson (founder of Kaleidoscopic UK) for her support in developing the Charter and nominated her for the Mayor's Role of Honour Award.

It was proposed by Laura Blumenthal and seconded by Sarah Kerr that the recommendation in the report be amended to read:

“That the Council approve the adoption of a local Anti-Abuse Charter and produces a report on progress to the relevant Overview and Scrutiny Committee at least twice a year”.

Upon being put to the vote, the proposed amendment was approved.

It was proposed by Laura Blumenthal and seconded by Sarah Kerr that the recommendation in the report, as amended, be approved.

Upon being put to the vote, the amended recommendation was approved.

RESOLVED: That the Council approve the adoption of a local Anti-Abuse Charter and produces a report on progress to the relevant Overview and Scrutiny Committee at least twice a year.

78. Council Tax Base 22/23

The Council considered a report relating to the Council Tax Base for 2022/23. The Council tax Base was the total number of Band D equivalent dwellings liable for Council Tax after discounts and exemptions. Setting the Council Tax Base would enable each precepting body to set their Council Tax budgets for the year ahead.

It was proposed by John Kaiser and seconded by John Halsall that the recommendation in the report be approved.

Upon being put to the vote, the voting was as follows:

For	Against	Abstain
Sam Akhtar		Keith Baker
Parry Batth		Abdul Loyes
Laura Blumenthal		
Chris Bowring		
Shirley Boyt		
Prue Bray		
Rachel Burgess		
Jenny Cheng		
Peter Dennis		
Lindsay Ferris		
Michael Firmager		
Paul Fishwick		
Jim Frewin		
Maria Gee		
Guy Grandison		
John Halsall		
David Hare		
Graham Howe		
Clive Jones		
Norman Jorgensen		
Pauline Jorgensen		

John Kaiser		
Sarah Kerr		
Tahir Maher		
Charles Margetts		
Adrian Mather		
Andrew Mickleburgh		
Stuart Munro		
Gregor Murray		
Barrie Patman		
Jackie Rance		
Angus Ross		
Daniel Sargeant		
Ian Shenton		
Imogen Shepherd-Dubey		
Rachelle Shepherd-Dubey		
Caroline Smith		
Wayne Smith		
Bill Soane		
Alison Swaddle		
Shahid Younis		

RESOLVED: That the proposed Council Tax Base for the whole area and by Parish, as set out in the report, be approved.

79. Council Tax Reduction Scheme 22/23

The Council considered a report on the proposed adoption of a Localised Council Tax Reduction Scheme (CTRS). The scheme would ensure that all working age Borough residents who may experience financial difficulties in paying their Council Tax liabilities have access to local assistance, offering financial help.

Rachel Burgess stated that funding for the Council Tax Reduction Scheme had reduced steadily since 2013, when Council Tax benefit was abolished, and there remained a number of additional levers which could be applied to increase the number of people receiving support.

Maria Gee stated that the impact of the looming cost of living crisis would result in more residents struggling to pay their Council Tax. She suggested that the scheme be referred to the Anti-Poverty Working Group as part of a joined-up approach to helping the most vulnerable residents.

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

Upon being put to the vote, the voting was as follows:

For	Against	Abstain
Sam Akhtar		Keith Baker
Parry Batth		Shirley Boyt
Laura Blumenthal		Prue Bray

Chris Bowring		Rachel Burgess
Jenny Cheng		Peter Dennis
Michael Firmager		Lindsay Ferris
Jim Frewin		Paul Fishwick
Guy Grandison		Maria Gee
John Halsall		David Hare
Graham Howe		Clive Jones
Norman Jorgensen		Sarah Kerr
Pauline Jorgensen		Tahir Maher
John Kaiser		Adrian Mather
Abdul Loyes		Andrew Mickleburgh
Charles Margetts		Ian Shenton
Stuart Munro		Imogen Shepherd-Dubey
Gregor Murray		Rachelle Shepherd-Dubey
Barrie Patman		Caroline Smith
Jackie Rance		
Angus Ross		
Daniel Sargeant		
Wayne Smith		
Bill Soane		
Alison Swaddle		
Shahid Younis		

RESOLVED That:

- 1) a local CTR scheme for 2022/23 be adopted on the same basis as the 2021/22 scheme;
- 2) the full disregard currently allowed for War Widows and War Disability Pensions be continued from 1st April 2022 in respect of the Prescribed and Local Council Tax Reduction Scheme and Housing Benefit schemes;
- 3) funds be made available to the Hardship Fund, known as Section 13a (S13a) scheme, for those who cannot pay their Council Tax liabilities;
- 4) Members note the linkages to the broader Anti-Poverty Strategy of both the Council Tax Reduction Scheme and the S13a Scheme.

80. Treasury Management Mid - Year Report 2021-22

The Council considered a report which provided a summary of the Treasury Management operations during the first six months of 2021/22. The report gave details relating to the two elements of Treasury performance: debt management which related to the Council's borrowing and cash investment which related to the investment of the Council's cash balances.

Imogen Shepherd-Dubey stated that the contents of the Treasury Management Reports appeared to change from year to year. This made it difficult for the layperson to understand the Council's true financial position.

John Halsall referred to the Council's sound financial position and thanked Members and Officers who had worked hard to achieve this position, especially in light of the many challenges faced over the past two years.

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

Upon being put to the vote, the voting was as follows:

For	Against	Abstain
Sam Akhtar		Keith Baker
Parry Batth		Prue Bray
Laura Blumenthal		Peter Dennis
Chris Bowring		Lindsay Ferris
Shirley Boyt		Paul Fishwick
Rachel Burgess		Jim Frewin
Jenny Cheng		Maria Gee
Michael Firmager		David Hare
Guy Grandison		Clive Jones
John Halsall		Sarah Kerr
Graham Howe		Tahir Maher
Norman Jorgensen		Adrian Mather
Pauline Jorgensen		Andrew Mickleburgh
John Kaiser		Ian Shenton
Abdul Loyes		Imogen Shepherd-Dubey
Charles Margetts		Rachelle Shepherd-Dubey
Stuart Munro		Caroline Smith
Gregor Murray		
Barrie Patman		
Jackie Rance		
Angus Ross		
Daniel Sargeant		
Wayne Smith		
Bill Soane		
Alison Swaddle		
Shahid Younis		

RESOLVED That Council note:

- 1) that the Treasury Management Mid-Year report was considered and agreed by the Audit Committee at their meeting on Tuesday 30 November 2021;
- 2) that all approved indicators set out in the Treasury Management Strategy have been adhered to;
- 3) the contents of "Table A", as set out in the report, which shows the net benefit per Council Tax Band D equivalent, from the income generated less the financing costs on all borrowing to date equates to £36.62 per Band D for 2021/22. This income is used by the Council to continue to provide priority

services for the Borough's residents.

- 4) that, as at the end of September 2021, the total external General Fund debt was £416m, which reduces to £120m after taking into account cash balances (net indebtedness). External debt is forecast to reduce to £266m by the end of the financial year.

81. Procurement of External Audit

The Council considered a report which set out proposals for appointing the external auditor to the Council for the accounts for the five year period from 2023/24.

It was proposed by Daniel Sargeant and seconded by John Kaiser that the recommendations in the report be approved.

Upon being put to the vote, the voting was as follows:

For	Against	Abstain
Sam Akhtar		Keith Baker
Parry Batth		Abdul Loyes
Laura Blumenthal		
Chris Bowring		
Shirley Boyt		
Prue Bray		
Rachel Burgess		
Jenny Cheng		
Peter Dennis		
Lindsay Ferris		
Michael Firmager		
Paul Fishwick		
Jim Frewin		
Guy Grandison		
John Halsall		
David Hare		
Graham Howe		
Clive Jones		
Norman Jorgensen		
Pauline Jorgensen		
John Kaiser		
Sarah Kerr		
Tahir Maher		
Charles Margetts		
Adrian Mather		
Andrew Mickleburgh		
Stuart Munro		
Gregor Murray		
Barrie Patman		
Jackie Rance		
Angus Ross		
Daniel Sargeant		

Ian Shenton		
Imogen Shepherd-Dubey		
Rachelle Shepherd-Dubey		
Caroline Smith		
Wayne Smith		
Bill Soane		
Alison Swaddle		
Shahid Younis		

RESOLVED: That the Council agree the preferred approach to appoint the external auditor for the accounts for the five year period from 2023/24, as recommended by the Audit Committee on 30 November 2021 of using the sector-led body, the PSAA, by indicating an option to “opt-in”.

82. Appointment of Town/Parish Council Representative on the Standards Committee

The Council considered a report relating to the appointment of a Town/Parish Council representative on the Standards Committee. The Committee had been holding a vacancy for one of its three Town/Parish representatives.

The process for appointing the Town/Parish representative had been overseen by the Monitoring Officer and one of the Council’s Independent Persons. Each of the Borough’s Town and Parish Councils were invited to submit nominations for the role. Four candidates were then interviewed for the position.

It was proposed by John Kaiser and seconded by Daniel Sargeant that Councillor Sheena Mathews (Earley Town Council) be appointed as a Town/Parish Council representative on the Standards Committee.

Upon being put to the vote, the proposal was approved.

RESOLVED: That Councillor Sheena Mathews (Earley Town Council) be appointed as a Town/Parish Council representative on the Standards Committee.

83. Appointment to Royal Berkshire Fire Authority

The Council considered a report which gave details of the resignation of Councillor Anne Chadwick from her appointment to the Royal Berkshire Fire Authority. As a result, the Council was requested to appoint a Conservative Group Member in Councillor Chadwick’s place.

It was proposed by Angus Ross and seconded by John Halsall that the recommendation in the report be approved.

Upon being put to the vote the proposal was approved.

RESOLVED: That Councillor Alison Swaddle be appointed as one of the Council’s representatives on the Royal Berkshire Fire Authority.

84. Timetable of Meetings

The Council considered the proposed timetable of meetings for the 2022/23 Municipal Year, set out on Page 89 of the Agenda.

It was proposed by John Halsall and seconded by John Kaiser that the proposed Timetable of Meetings for 2022/23 be approved.

Upon being put to the vote, the voting was as follows:

For	Against	Abstain
Sam Akhtar		Keith Baker
Parry Batth		Abdul Loyes
Laura Blumenthal		
Chris Bowring		
Shirley Boyt		
Prue Bray		
Rachel Burgess		
Jenny Cheng		
Peter Dennis		
Lindsay Ferris		
Michael Firmager		
Paul Fishwick		
Jim Frewin		
Maria Gee		
Guy Grandison		
John Halsall		
David Hare		
Graham Howe		
Clive Jones		
Norman Jorgensen		
Pauline Jorgensen		
John Kaiser		
Sarah Kerr		
Tahir Maher		
Charles Margetts		
Adrian Mather		
Andrew Mickleburgh		
Stuart Munro		
Gregor Murray		
Barrie Patman		
Jackie Rance		
Angus Ross		
Daniel Sargeant		
Ian Shenton		
Imogen Shepherd-Dubey		
Rachelle Shepherd-Dubey		
Caroline Smith		
Wayne Smith		
Bill Soane		
Alison Swaddle		

RESOLVED: That the proposed Timetable of Meetings for 2022/23 be approved.

85. White Ribbon Motion

The Council considered a report which referred to Motion 469, submitted to the November 2021 meeting by David Hare. The Motion proposed that the Council seek White Ribbon Accreditation, promote the Our Streets Now campaign to make street harassment of women a crime and ask schools, academies and colleges to develop clear policies and education to prevent public sexual harassment.

At the November Council meeting, the Motion was referred to the cross-party Equalities Working Group for consideration and a report back to full Council. The report stated that the Equalities Working Group had met on 6 January 2022 and agreed a number of recommendations which were set out in the report.

It was proposed by Laura Blumenthal and seconded by Shahid Younis that Recommendation 2) in the report be amended by adding the following words:

“...and provide a report on their findings to a meeting of the Executive”.

Upon being put to the vote, the proposed amendment was carried.

It was proposed by Sarah Kerr and seconded by Rachel Burgess that the recommendations in the report be amended as follows:

“Recommendation

That Council note the update and agree the recommendations of the Equalities Working Group and the revisions (**in bold**) below:

- 1) Council explore how it can improve communications to residents on what it is doing to support domestic violence victims **and how it is taking action to bring about the culture change required to end male violence against women;**
- 2) Council Officers explore whether there is a more comprehensive accreditation to certify at which level the Council is performing when it comes to domestic violence provision and provide a report on their findings to a meeting of the Executive;
- 3) **Council will also seek White Ribbon Accreditation for the organisation in the next 6 months which goes well beyond domestic violence and works to eliminate ALL male violence against women;**
- 4) the Leader of the Council write to the Home Secretary in support of making public sexual harassment a specific offence and impress the need for wider cultural change, and write to the four MPs that cover Wokingham Borough and the PCC to encourage them to also support this **and lobby ministers;**
- 5) the Executive Member for Children’s Services write to local schools on how they

are upholding the Department for Education’s September 2021 “Keeping Children Safe in Education” policy on public sexual harassment **and to ask them, if they haven’t already, to develop a clear policy on it separate to their bullying policy and ask them to include education to prevent public sexual harassment as part of their PSHE education.**”

Councillor Kerr stated that the recommendations in the report relating to tackling domestic violence were welcomed and supported. However, in her view, they did not address the wider cultural issue of tackling male violence against women and girls.

It was proposed by Laura Blumenthal and seconded by Pauline Jorgensen that the meeting be adjourned for 10 minutes to enable Members to consider Sarah Kerr’s amendment.

Upon being put to the vote the proposed 10 minute adjournment was agreed.

On the resumption of the meeting, Laura Blumenthal confirmed that she did not accept the proposed amendment.

Upon being put to the vote, voting on the amendment was as follows:

For	Against	Abstain
Shirley Boyt	Sam Akhtar	Keith Baker
Prue Bray	Parry Batth	Abdul Loyes
Rachel Burgess	Laura Blumenthal	
Peter Dennis	Chris Bowring	
Lindsay Ferris	Jenny Cheng	
Paul Fishwick	Michael Firmager	
Jim Frewin	Guy Grandison	
Maria Gee	John Halsall	
David Hare	Graham Howe	
Clive Jones	Norman Jorgensen	
Sarah Kerr	Pauline Jorgensen	
Tahir Maher	John Kaiser	
Adrian Mather	Charles Margetts	
Andrew Mickleburgh	Stuart Munro	
Ian Shenton	Gregor Murray	
Imogen Shepherd-Dubey	Barrie Patman	
Rachelle Shepherd-Dubey	Jackie Rance	
Caroline Smith	Angus Ross	
	Daniel Sargeant	
	Wayne Smith	
	Bill Soane	
	Alison Swaddle	
	Shahid Younis	

The Mayor declared that the proposed amendment was lost.

It was proposed by Laura Blumenthal and seconded by Shahid Younis that the recommendations in the report, as amended, be approved.

Upon being put to the vote, the voting was as follows:

For	Against	Abstain
Sam Akhtar		Keith Baker
Parry Batth		Shirley Boyt
Laura Blumenthal		Prue Bray
Chris Bowring		Rachel Burgess
Jenny Cheng		Peter Dennis
Michael Firmager		Lindsay Ferris
Jim Frewin		Paul Fishwick
Guy Grandison		David Hare
John Halsall		Clive Jones
Graham Howe		Sarah Kerr
Norman Jorgensen		Abdul Loyes
Pauline Jorgensen		Tahir Maher
John Kaiser		Adrian Mather
Charles Margetts		Andrew Mickleburgh
Stuart Munro		Ian Shenton
Gregor Murray		Imogen Shepherd-Dubey
Barrie Patman		Rachelle Shepherd-Dubey
Jackie Rance		Caroline Smith
Angus Ross		
Daniel Sargeant		
Wayne Smith		
Bill Soane		
Alison Swaddle		
Shahid Younis		

RESOLVED That:

- 1) Council explore how it can improve communications to residents on what it is doing to support domestic violence victims;
- 2) Council Officers explore whether there is a more comprehensive accreditation to certify at which level the Council is performing when it comes to domestic violence provision and provide a report on their findings to a meeting of the Executive;
- 3) the Leader of the Council write to the Home Secretary in support of making public sexual harassment a specific offence and impress the need for wider cultural change, and write to the four MPs that cover Wokingham Borough and the PCC to encourage them to also support this;
- 4) the Executive Member for Children’s Services write to local schools on how they are upholding the Department for Education’s September 2021 “Keeping Children Safe in Education” policy on public sexual harassment.

86. Member Question Time

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

86.1 Gary Cowan asked the Executive Member for Resident Services, Communications and Emissions the following question:

The Council's plan to tackle climate change contains the following:

- Reduce carbon dioxide emissions from transport;
- Create a local plan that specifies net zero construction and infrastructure;
- Increase the levels of carbon sequestration the Borough through greening the environment;
- Engage with young people and support sustainable schools;
- Encouraging behaviour change.

Part of the Arborfield Green (Garrison) planning permission was to provide two primary schools for the new occupants and had the developer not agreed planning permission would have been quite rightly refused by the Planning Department.

When the primary school was nearing completion Wokingham Borough Council's Children's Services agreed to shut Farley Hill School and moved it in its entirety to the new school location at Arborfield Green, even calling it Farley Hill Primary School, so denying children living directly outside the gates of the new school access.

As a result of this decision all the primary school aged children in Arborfield Green have to be driven to surrounding primary schools while many who attended Farley Hill now have a much longer drive to the new school

How does this fit in with the five bullet points in the Council's plan to tackle climate emergency?

Answer

At a strategic level our planning for the Borough's Strategic Development Locations (or SDLs) has been underpinned by principles of creating sustainable communities that can sustain local access to services and amenities whilst minimising the need to travel. This is also underpinned by sustainable transport options both within and between SDLs and with existing main town centres. As you rightly point out, ensuring primary school provision to meet future anticipated need within these new communities has always been a key priority and, although pre-dating our climate emergency, fully in line with the principles of sustainable development by reducing the need to travel and minimising carbon impact.

Of course, in detail at any one point in time changing the overall pattern of primary provision and seeking to balance demand versus school places available across the system will never be an exact science and there will always be some anomalies. It is anticipated that these will reduce over time as these new communities mature.

For many years the Farley Hill Primary School has been one of two schools serving the homes associated with the Arborfield Garrison and what is now the Arborfield Green and associated Finchwood Park areas. Relocating the Farley Hill Primary School to this site means that children living in these areas (the majority of the children on roll) attending the school have the opportunity to walk, scoot or cycle to the school. Previously only the very small number of children living in Farley Hill Village itself could easily travel to the school sustainably. The relocation has therefore significantly reduced school run traffic and this reduction has had a beneficial impact on reducing CO2 emissions. In addition, it is proposed that the school expands to a full two forms of entry and, as the enlarged school grows, increasing numbers of children from the area immediately around the school will be admitted. Again, overall, the number of children with the opportunity to walk to school, rather than be driven, will increase.

The new school premises could not open as a new school in 2021, as there was insufficient local need to ensure that all local schools, including potentially both the Farley Hill Primary School and the Coombes CofE Primary School, in the Arborfield ward, could remain financially sustainable. Conversely, relocating the Farley Hill Primary School enabled significant numbers of children from the former Arborfield Garrison, Arborfield Green and Finchwood Park areas to benefit from a school they could walk to at the earliest opportunity. It also addressed the long-standing issue of some undersized classrooms in the original Farley Hill School building.

Supplementary Question

I think I would challenge that. The planning regulations are, if they said no we are building the school there, the school would not be there and neither would the houses. On top of the utter stupidity of denying children access to a school where the child lives directly opposite the gate, how does the Council square the Climate Emergency circle when other departments approve trees being cut down, including trees with TPOs to facilitate development and also approve development that allows extra vehicles on roads which the Council already recognises as being over capacity.

My question is: should all Council departments be promoting the Climate Emergency aims or is it ok to ignore them when a few houses are in the offing?

Supplementary Answer

There is a mix of disciplines in there. I am responsible for Children's Services and schools. What I would say is that we are making changes and we are undertaking consultations in order to change catchment areas in order to make it more walkable to those schools, to make them more accessible. I would also say that, from a point of education, we have had a programme for 18 months to put solar on schools. It is part of the school curriculum. The curriculum is set by the School Commissioners, as schools are academies. So we cannot command what the curriculum will be. We are trying to influence that by bringing down the cost of electricity very visibly. There are other motions in play as well.

86.2 Sam Akhtar asked the Executive Member for Neighbourhoods and Communities the following question:

In Charvil village, I have had some issues with graffiti and have attempted to get this

removed. However, I have been informed by the Council that their policy is to only remove graffiti which is offensive. Can you confirm why this policy is in place and if the Council will consider changing the policy to include non-offensive graffiti in order to keep our Borough graffiti free?

Answer

I too put this to our teams in relation to graffiti because we had an issue like this in Woodley. I was given the same answer, i.e. that they concentrate on removing offensive graffiti first. Within a short amount of time the graffiti I was referring to, which was not offensive, was removed.

The amount of graffiti around the Borough is not extensive, but it is there and we do have a team to deal with it. I think that we do a good job and to concentrate on moving offensive graffiti first is a must. I do take the point that all graffiti should be removed at some point, and it is. I know that the team is working to get this done.

86.3 Rachelle Shepherd-DuBey asked the Executive Member for Highways and Transport the following question:

When is the safety audit on Woodward Close entrance expected to be finished and the safety problems of the entrance finally fixed for the residents?

Answer

The safety audit was completed in November and comments from the auditors confirmed that there is no safety issue with the ramp. The purpose of the raised table is to highlight the busy shared use crossing and slow traffic down as they get across. The ramp up should not be changed as this is what dictates drivers' behaviour to slow down. The speed limit is 30mph and drivers are expected to slow down as they manage the turn into Woodward close.

The down ramp in its current state does not cause a safety issue. However, we acknowledge that the down ramp from Reading Road to Woodward Close appears slightly more abrupt than others in the area and some drivers have reported experiencing a greater bump as a result. This aspect has been raised with the contractor and we are having ongoing discussions with them to find the best way to remedy this reported problem.

A site meeting has been held with the WBC Project Manager for the scheme with Councillors Paul Fishwick and Prue Bray to discuss this problem and what options are available to remedy it. I attended later and talked to the officer after the site meeting. It is quite obvious that the road dips down towards the hump which is what is causing the problem. The road surface is also not good enough in my view. There is a crack down it which is, I think, exacerbated by water and the recent cold weather. The Project Manager is hoping that the fix will be carried out in the first quarter of 2022. Obviously, this is dependent on the weather. If it is wet or frozen they will not be able to resurface and they are going to have to resurface part of the road. It is in hand and I assure you that it will be done. If you have any more questions, feel free to contact me.

Supplementary Question

Thank you for doing something for the residents. I would like to understand why the Health and Safety audit took so long. If, apparently, it was available in November, no one seemed able to find it in December at all. Just curious.

Supplementary Answer

To be honest, I have not seen the safety audit. The fact that it said that it was not a safety issue probably explains why I didn't see it. But, as I reiterate, the problem is actually the way in which the road attaches itself to the hump and the various angles. There is definitely a problem and, therefore, we will get it fixed.

86.4 Shirley Boyt asked the Executive Member for Finance and Housing the following question:

Lilly May Court is an affordable development in my ward under a shared ownership arrangement. It has emerged that these properties weren't constructed in accordance with planning conditions and mitigation intended to reduce the impact of noise from haulage yards was not installed. Furthermore, a covenant regarding the yards and the mitigation wasn't disclosed at the point of sale.

When residents complained to their provider about intolerable noise and pollution from the haulage yards, they were treated with contempt and told that they were 'not allowed' to complain about the hauliers and should 'keep their windows closed'.

It has finally been accepted that a breach of planning has taken place and the provider is now pressurising the residents to accept the mitigation. However, the majority of residents would never have bought into these properties had they been given the full facts at the point of sale and have requested the properties are bought back by the provider, who has refused.

The provider, Housing Solutions, is a 'Preferred Registered Provider' of WBC, so my question is - what pressure can WBC exert to encourage this provider to buy back these flats to enable these families to move on with their lives?

Answer

As you are aware, the Council has been in close contact with the residents of Lily May Court and Housing Solutions, and we are committed to doing all we can to improve their living conditions.

We have ensured that the developer is in a position to retrospectively take steps to comply with the original planning conditions to mitigate against noise. We have served Notice on the haulage company adjacent to the dwellings to ensure that the best practicable means are taken, at all times, to minimise the escape of dust from the site and minimise air pollution. We have also installed air quality monitoring equipment adjacent to the property to ensure that the air quality is suitable, and we'll be getting the results of that monitoring at the end of January.

It would not however be appropriate, nor possible, for the Council to interfere with the contractual position between the residents and the Housing Association who are the joint owners of the properties.

We would be happy to explore and discuss with Housing Solutions the future management options of these properties given the issues, whilst not wanting to interfere with the contractual agreement with residents.

I would also add that we will be reviewing all the registered providers, this year, who provide affordable homes in the Borough and this will be one of the issues on the table.

Supplementary Question

As a member of TLIP I know that our housing officers provide a very high level of service, especially when it comes to listening to tenants and resolving complaints. They also conduct regular monitoring via the Star survey. It seems to me that we set a higher standard for ourselves than we do for preferred providers. Shouldn't all the Borough's tenants, residing in affordable social housing, irrespective of the provider, have the same expectations?

Supplementary Answer

I fully agree with you. In fact the registered providers should have a head start on us as they are supplying brand new homes. We are putting tenants into older properties. We manage to maintain 100% decency and, yes, it is a question that will be asked of them when we speak to them again. We cannot do much more – our hands are tied. An interesting fact of life is that everyone goes on – the Liberal Democrats go on - about building 300,000 homes each year. The Labour Party goes on about 250,000 homes. At the end of the day, that has not happened since councils were stopped from building homes.

86.5 Jackie Rance asked the Executive Member for Children's Services the following question:

Could you give me an update on the situation with 6th Form provision in the South of the Borough?

Answer

The Wokingham South School Planning Area is served by six schools, four of which have sixth forms. These co-educational sixth forms are accessible to residents across the area, and all have been judged to be "good" by Ofsted. Students from this area also choose schools and colleges outside the Borough, despite having choices in the area. However, the Council is keen to see an expansion of post-16 provision in south Wokingham for which there is strong local support. I know that you are one of them.

The Bohunt School Wokingham is keen to provide this expansion. The Post-16 element of the Secondary Strategy is now the focus for consultation. We hope to have that finished soon. Notional funding to enable post-16 expansion will be included in the Medium-Term Financial Plan which is coming before Executive in February.

86.6 Shahid Younis asked the Executive Member for Children's Services the following question:

Now most of our schools in WBC are academies and as such beyond WBC control. What are you doing in Children's Services to ensure our children are properly educated?

Answer

Academies fall under the remit of the Regional Schools Commissioner (RSC) and DfE, most of them not under local authorities. In order to operate in this complex landscape effectively, investment in partnership working is important. At a local level for WBC, this means that we have regular discussion with national partners such as Regional Schools Commissioners (RSC), Ofsted and DfE. These discussions are to review outcomes and manage any concerns regarding provision which would then be taken forward by the appropriate agency. These meetings usually involve WBC Officers. However, Children's Services Overview and Scrutiny Committee has also met with representatives from RSC Office and DfE to pose questions and seek assurance on performance, and any related actions being taken by those with direct responsibility for the academies inside the Borough.

Since I have taken up post as Lead Member in May 2021 it has become clear that a strengthening of the strategic partnership working across schools with the Local Authority would be beneficial. The days of command and control by local authorities are long over. The responsibility for children in the Borough is joint with schools. The heads of schools know, first-hand, the needs of children and their guardians in their communities and we need to have a close, partnership engagement to understand needs, form strategies and make change for the better.

Therefore, the Wokingham Borough Education Partnership has been formed with membership from early years, primary and secondary level heads. The first meeting at the end of January. This partnership will strengthen vision, strategy and collaborative working with all Wokingham schools.

86.7 Sarah Kerr asked the Executive Member for Neighbourhoods and Communities the following question:

It's now more than 6 months since Cranstoun were awarded the domestic abuse contract. Have Cranstoun finally got a refuge set up yet?

Answer

Since being awarded the contract in July 2021, Cranstoun have been working hard to deliver on all aspects of the Wokingham Domestic Abuse Commissioned contract.

The Council's Commissioning Team and Community Safety Team are working closely with Cranstoun to monitor progress through frequent performance monitoring meetings to ensure that any identified issues or challenges are resolved and brought in line with the requirements of the commissioned contract.

There has been no reduction or change in the offer of refuge support for victims of domestic abuse. Those victims who have come forward and contacted the Council requesting refuge space have been offered a place. Support for victims whilst they are in safe accommodation is essential and this also continues to be delivered.

Negotiations for a local property continue to be undertaken as a priority by Cranstoun. This will ensure that an additional local refuge to add to the existing local provision is brought online as soon as possible. Cranstoun have commissioned a property sourcing expert to provide specialist advice in response to the urgency of the matter.

We can reassure victims of domestic abuse, who may need or require emergency accommodation and may be considering approaching the Council for help, that they will continue to be assisted.

Supplementary Question

I think that the answer was no. I have had residents getting in touch with me as they are concerned about the award of this contract and the lack of refuge provision from the contract provider. With a view to holding them to account and having visibility, could I have a copy of the tender document they submitted? I appreciate that there may be some sensitive information in there which could be removed. My residents are concerned and I would like to see what they promised and where they are in delivering it.

Supplementary Answer

You have to appreciate that when a contract is awarded with an item such as providing a refuge to be part of that contract and is not already there, they have to find a property. To find a property that is suitable for the type of needs of people seeking refuge is not easy. We have not denied anybody refuge. If there has been any need for assistance in safe accommodation we will always be there to do that. There is availability of refuge in the Borough. We are still working with Berkshire Women's Aid who are providing that facility. So we are not denying anybody a safe solution and we will continue to do that. I am quite happy to request that suitable parts of the contract tendering process are made available. I will check with Democratic Services if it is ok to let you have a copy.

87. Continuation of the Meeting

At this point in the meeting, 10.04pm, 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 Sarah Kerr.

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

88. Minutes of Committee Meetings and Ward Matters

88.1 Clive Jones asked the Leader of the Council the following question:

A resident of Hawkedon ward has asked me why the Council has paid for a party political letter to be posted to residents. They were, of course, referring to the letter which was sent out by you, with your home address and your home phone number, indicating where the letter had come from, not the Borough Council. Was the letter and its design approved by the Council's Local Plans Team? I assume that they were not involved in the drafting of a political letter. Were the Council's Communications team involved in the creation of the letter? Again, I assume not

because of the political nature of the letter, but I would like confirmation of this.

The letter also refers to the Liberal Democrats supporting a target of 800 new homes in the Borough each year locally. You know this is untrue. Liberal Democrats have consistently, for five years, talked about an absolute maximum of 600 new homes each year in the Borough.

Will you apologise for these errors and will you confirm that the costs of this party political letter are being borne by the Conservative Party and not by the Council Taxpayers of Wokingham.

Answer

No. The letter was drafted by the Local Plan Update team in conjunction with the Communications team and it is and was to ensure that we got a good response to the Local Plan Update consultation. At the time that we wrote it, the consultation was quite thin and now, I am pleased to say, the consultation is quite adequate, so it will pass muster at the Inspection in Public.

It is quite interesting how you are able to extract stuff which is not there. The Liberal Democrat manifesto, and I believe that you Lib Dems are part of a national party, or have you disassociated yourselves from that as well, said that 300,000 houses a year. So the statement which is that the Government has set a national target of 300,000 homes within its manifesto and the Liberal Democrat manifesto, per year, is absolutely correct. So, I am absolutely baffled by the question.

As Leader of the Council I do represent the Council and it is all the Council. I am perfectly entitled to put my name to documents which come from the Council and I should put my name to documents which come from the Council, because I take responsibility. Interestingly enough, the Lib Dems don't because they keep on abstaining from everything which requires responsibility. If you are in this seat Clive you have to take responsibility. You cannot avoid that. I don't and yes I am responsible for the Local Plan Update consultation and yes I have done everything I can to ensure that the response to the consultation is sound and will pass muster.

I think that you should do me the courtesy of listening to me instead of talking to someone else.

Note: Under Paragraph 4.2.13.14 of the Constitution, Clive Jones raised a point of personal explanation. Councillor Jones stated that the question had not come from him. It had been asked on behalf of a resident in Hawkedon ward. Councillor Jones understood that other residents were also asking about this issue.

88.2 Shirley Boyt asked the Executive Member for Highways and Transport the following question:

Community bus services, such as Keep Mobile and Readibus, are a lifeline for many residents. They enable the elderly and those with disabilities to maintain their independence and prevent social isolation. Occasionally the drivers of these minibuses have to park the vehicle up in order to pick up a resident who needs assistance or has lost track of time. When this happens they have to park wherever

they can.

Recently, a Keep Mobile bus was given a parking ticket in the Crockhamwell Road car park. I believe that there needs to be a designated parking bay in at least one of the four Woodley car parks. I think the cost benefits of maintaining the independence of these residents will surely outweigh the cost of losing a couple of parking bays. Would the Executive Member for Highways and Transport please give serious consideration to this request?

Answer

Yes, we will give consideration to it. I think the thing you have to think about in restricting spaces and only allowing them to be used by disabled buses is that, when a disabled bus is not there, nobody can use the space, including other disabled drivers. So, in reality, I think that I would prefer to look at a disabled space that a disabled bus can use rather than a bus designated space. I will certainly look into it.

88.3 Rachel Bishop-Firth asked the Executive Member for Finance and Housing the following question:

We know that there were a number of issues with the 2021 Christmas Market held at Cantley. Visitors reported disappointment that the ice rink was in fact plastic and only suitable for small children. The Council had to offer refunds and amend advertising. There were also vacancies at the stalls which, we understand, the Council was renting at £200 per day. The Lib Dems have been asking about the financial results since before Christmas. Could the Council confirm what the profit or loss was from this event?

Answer

No I can't at the moment, but I will get back to you.

Parry Batth, Executive Member for Environment and Leisure stated that the Christmas Market was a small scale, well-intentioned venture that was to help local businesses as well. We offered the reduced rate of zero cost for these businesses. Covid and the weather didn't help. I am due to meet the officers next week (the officers responsible for organising the event are currently on leave). I do intend to sit down and review the whole event with the officers to identify some learning points. I will then feed-back to you.

88.4 Andrew Mickleburgh asked the Leader of the Council the following question:

Could I ask, on behalf of a resident of Hawkedon ward, for an update on the situation of the BME Forum?

Answer

It is a very good question. We have run the BME Forum for many years as a Council. We are determined that we should not be running the BME Forum. It should be run by the members of the Forum. Since we went to the Forum and said please tell us what you want and how you want to organise yourselves, we have not had tangible results. But, we are still pressing for it and we are still pressing to resuscitate it with

what is probably a very different demographic mix compared to when it was set up 20/30 years ago, or whenever it was. So, the BME Forum is still in existence, it is dormant for the moment, we are trying to resuscitate it and, hopefully, we will.

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

I am sure that we all want to see school students walking and cycling to school safely. However, the Council's policy on not salting signed cycle routes has resulted in many students coming off their bikes and injuring themselves on their way to Wheatfield and Forest schools in Winnersh on Tuesday morning, when air temperature fell to -3 with widespread ice. These incidents have dented the confidence of many students who are now asking parents to drive them to school. What actions will the Executive Member take to make cycling safer on these dedicated cycling routes?

Answer

I believe that we may have discussed the gritting of cycle routes recently, maybe a couple of meetings ago. At the time I was told that there wasn't sufficient cycle usage to be able to grit them and for them to remain safe. What happens is, if you grit something and no one uses it for a while, it actually freezes over again. So, if you could give me the precise route, I can get someone to assess whether there is enough traffic to make gritting work. Just send me an email.

88.6 Caroline Smith asked the Executive Member for Environment and Leisure the following question:

The proposed 3G pitch in Earley, a consultation with residents is needed before the planning application. Please could you assure me that a consultation is going to be carried out before any planning application is submitted and that all potential sites as well as Laurel Park, have been assessed as to their suitability and a written scoring system is recorded.

Answer

The answer to your question is yes. There will be consultation. I have had discussions with Councillor Hare on this matter as well. We will listen to all the consultation feedback and act on it. The consultation will take place.

88.7 Rachelle Shepherd-Dubey asked the Executive Member for Environment and Leisure the following question:

Will you please tell me when you will improve the paths in Winnersh Meadows country park so that differently abled people and people with prams can actually use them. They are too muddy to be used during the winter. It needs some type of material so that people can actually move on it.

Answer

I will definitely look into that.

89. Imogen Shepherd-Dubey asked the Executive Member for Environment

and Leisure the following question:

I am asking again about the Christmas Market. During December the Christmas Market was held at Cantley Park, with a skating rink. It was paid for with public money, as Councillor Bishop-Firth discussed. My residents are concerned about why this location was chosen and the viability of such a project – it was a mile out of town and it seems that, if public money was used for such an event, it should have been used for maximum effect.

People are wondering why the event was not in Wokingham town centre where it could have existed symbiotically with town centre businesses and increased footfall into the town. Other concerns about the rental charges for the huts which were impossibly high for many local businesses to use.

I have asked several times for a copy of the business plan and the decision making around the Christmas Market, but I have yet to see one. Can you please advise on the decision process relating to holding the Christmas Market in this location and why this information is not openly available to Councillors or the public.

Answer

I have already explained that. I answered the question from Rachel Bishop-Firth. It was a small scale well-intentioned venture. We tried this location. It was a trial. We have held events like that in the town centre before. We thought that Cantley Park would be a better place. There is a café nearby that we want to promote as well. I am meeting with officers next week. We will review everything and act on the learning points.

90. Lindsay Ferris asked the Executive Member for Children's Services the following question:

Last year there was a significant problem with children getting into the Pigott School. At one point there were 58 children in the catchment area that were not able to be accommodated. Fortunately, due to a lot of work and agreement with the school these children were accommodated. What are the plans to ensure that this does not happen again?

Answer

Yes, there was a problem last year. It is really to do with planning. So, this coming year, there are less places available, until we put in place extra provision for Year 7. Part of the problem with the Pigott School relating to Twyford, Wargrave and surrounding area is not just a question of entry into Year 7, but through their career in the school. You will see in the Medium Term Financial Plan, to be presented to the Executive next month, that we are making provision for that.

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

Due to time constraints, this item was not considered.

92. Statement from Council Owned Companies

Due to time constraints, this item was not considered.

93. Motions

93.1 Motion 472 submitted by Rachel Burgess

Due to time constraints, this item was not considered.

94. Motion 473 submitted by Guy Grandison

Due to time constraints, this item was not considered.

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TITLE	Housing Revenue Account Budget 2022/23
FOR CONSIDERATION BY	Council on Thursday, 17 February 2022
WARD	None Specific;
LEAD OFFICER	Deputy Chief Executive - Graham Ebers
LEAD MEMBER	Executive Member for Finance and Housing - John Kaiser

PURPOSE OF REPORT (INC STRATEGIC OUTCOMES)

The revenue and capital budgets for 2022/23 are set and tenants rent levels are set for 2022/23 to ensure sound finances and value for money in providing housing services for council tenants.

RECOMMENDATION

The Executive recommends Council to approve:

- 1) The Housing Revenue Account budget for 2022/23 (Appendix A);
- 2) Council house dwelling rents be increased by up to 4.10% effective from 4 April 2022 in line with the council's Rent Setting Policy that was approved by Executive on 25 November 2021.
- 3) Garage rents to be increased by 3.80% effective from April 2022 in line with Council's general fees and charges;
- 4) Shared Equity Rents to be increased by 4.86% based on September RPI, effective from April 2022;
- 5) Tenant Service Charges to be set based on cost recovery;
- 6) The Housing Major Repairs (capital) programme for 2022/23 as set out in Appendix B;
- 7) Sheltered room guest charges for 2022/23 remain unchanged at £9.50 per night per room.

EXECUTIVE SUMMARY

The proposed Housing Revenue Account (HRA) for 2022/23 is set out for consideration and recommendation to Council. An indication of the budget for 2023/24 and 2024/25 is provided for information. Proposed 2022/23 rent levels for council housing and council owned garages are also set out for recommendation to Council.

The level of reserves over the next three years are estimated to remain in line with our reserves policy, ranging from £1.3m in 2022/23 to £1m in 2024/25.

BACKGROUND

HOUSING REVENUE ACCOUNT 2021/22

Housing Ring Fence

1. The Housing Revenue Account (HRA) is a ring-fenced fund. This means that the HRA must be self-financing and expenditure must be paid for by Council tenants through rent and service charges. HRA expenditure cannot be funded by council tax and similarly HRA income should not be used to pay for general fund services.

Rent Restructuring, Convergence, Housing Self Financing and the End of the Rental Reduction

2. For four years, commencing in 2016/17 the Government introduced a compulsory 1% reduction in Social and Affordable rents. There was no discretion in making this change and it applied to all council tenants. The 1% reduction was implemented in April 2016 and was followed by a further 1% cumulative reduction from April each year for the three years to 2019/20. From 2020/21 onwards, the rent reduction stopped and has been replaced with rental increases of CPI + 1% which for **2022/23 equals 4.10%** (1.50% in 21/22, and 2.7% in 20/21), although the Council will continue increasing rents to formula rent when properties are re-let whilst still maintaining the compulsory rental changes. Formula rent is a calculation by Government to ensure all properties of a similar nature (e.g. location, no. of bedrooms) have similar rent levels for tenants.
3. The Council has prepared a 30-year business plan for the HRA. The allocated debt is based on a notional valuation of the Council's housing stock and a 30 year notional business plan of income and expenditure. The HRA will incur an annual interest charge and principal debt repayment over the majority of the plan. Over the next three years a further £6.0m of debt is to be repaid. The estimated debt as at the 31st March 2025 is £77m. Revenue budget provision for debt repayment is included under the HRA principal repayments line in Appendix A.
4. The Council's 30 year business plan is being reviewed and updated to reflect known changes including the rent policy issues highlighted above. The Council will need to consider its appetite for debt over the 30 year period in light of legislative changes and the removal of the borrowing cap for local authorities. Key features of the HRA budget submission are;
 - a) The HRA Capital Programme for 2022/23 will be £5.7m plus any carry forwards from 2021/22, followed by indicative budgets of £8.6m in 2023/24 and £8.0m in 2024/25. The programme assumes all retained right to buy receipts are utilised.
 - b) Rental income will be based on government requirements for an increase of 1% + Consumer Price Inflation (CPI) in future years albeit the current government policy of 1% + CPI is in place until 2024/25 inclusive.

Garage Rents

5. It is proposed to increase garage rents by 3.80% for 2022/23 (1.16% for 2021/22) in line with the council wide increase to fees and charges. Charges will be rounded to the nearest £0.10p.

Shared Equity Rents

6. It is proposed to increase shared equity rents by 4.86% for 2022/23 (1.13% for 2021/22) based on September RPI, effective from April 2022.

2022/23 Budget Assumptions & Risks

7. The Housing Revenue Account budget for 2022/23 is shown at Appendix A. The budget has been drawn up on a self-financing basis and reflects interest charges of £2.7m, depreciation of £4.5m as determined by the Council's 30-year business plan under the self-financing system. The 2022/23 budget also includes expenditure of £3.5m for repairs and maintenance.

The projected HRA reserve balance (see Appendix C) at 31 March 2023 will be £1.3m.

Housing Major Repairs (Capital Programme)

8. The Council is required to fund major repairs from the rental income. The intention over the 30 year business plan is to generate additional resource to help the Council meet the decent homes standard and also to invest further in the redevelopment and regeneration of the council's housing stock.

The proposed Housing Capital Programme is shown at Appendix B. The capital programme will be funded from the Major Repairs Reserve.

Consultation

9. On 28 October 2021, the Tenants & Landlord Improvement Panel (TLIP) were consulted regarding a 4.10% increase in housing dwelling rents. TLIP agreed the 4.10% rent increase in principle and understood the rationale behind the need to apply the full 4.10% increase.

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)	See attached reports	Yes	Revenue and Capital
Next Financial Year (Year 2)	See attached reports	Yes	Revenue and Capital
Following Financial Year (Year 3)	See attached reports	Yes	Revenue and Capital

Other Financial Information
None

Stakeholder Considerations and Consultation
On 28 October 2021, TLIP were consulted regarding a 4.10% increase in housing dwelling rents.

Public Sector Equality Duty
The specific projects and programmes of work will be assessed individually prior to implementation. Rent increases follow Government legislation.

Climate Emergency – <i>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</i>
Climate change within the HRA is being looked at on a number of levels. Housing Officers attend the Council’s climate change meetings and are also members of the retro fitting working group. As we know domestic homes contribute to the emissions of the country and we will need to reduce these emissions over time. Projects will be coming forward but social housing providers are still awaiting guidance and associated funding from central government. Any future investments to meet climate change agenda will be factored into future budget papers.

List of Background Papers
Appendix A – HRA Revenue Budget Appendix B – HRA Capital Budget Appendix C – HRA Reserves

Contact Simon Price	Service Housing Services
Telephone 07500 951702	Email simon.price@wokingham.gov.uk

HOUSING REVENUE ACCOUNT - REVENUE BUDGET

The HRA is a ring-fenced account and as such has no impact on the level of council tax. The money spent maintaining the Council's housing stock (valued at approximately £235m) and providing a service to Council tenants is mainly funded by housing rents paid by Council tenants. The following table sets out the revenue expenditure planned for the HRA and the estimated income.

		2022/23 Budget £'000	2023/24 Budget £'000	2024/25 Budget £'000
INCOME				
Rents				
Dwelling Rents		(15,502)	(15,967)	(16,446)
Garage Rents		(258)	(263)	(268)
Commercial Rents		(2)	(2)	(2)
Total Rents		(15,762)	(16,232)	(16,716)
Fees & Charges				
Service Charges		(425)	(433)	(442)
Leasehold Charges		(123)	(125)	(128)
Other Charges for Services & Facilities		(48)	(48)	(48)
Interest on balances		(20)	(20)	(20)
Total Income		(16,377)	(16,859)	(17,354)
EXPENDITURE				
Housing Repairs		3,485	3,555	3,626
General Management		3,404	3,472	3,542
Sheltered Accommodation		231	235	240
Depreciation	Note 1	4,538	4,538	4,538
Capital Finance Interest Charge	Note 2	2,650	2,680	2,710
Voluntary Revenue Provision	Note 3	2,070	2,000	1,900
Revenue Contribution to Capital	Note 4	0	456	987
Total Expenditure		16,377	16,936	17,542
Net Expenditure / (Income)		0	77	188
HRA Revenue Reserve				
Balance at Beginning of Year		(1,280)	(1,280)	(1,203)
Net Expenditure / (Income) - from above		0	77	188
Balances at Year End	Note 5	(1,280)	(1,203)	(1,015)

Note 1. The contribution from HRA revenue to Major Repairs Reserve

Note 2. Based on current and forecast loan portfolio

Note 3. Repayment of HRA loans taken during self financing introduction

Note 4. Additional revenue contribution to fund capital programme

Note 5. Reserve balances guided by assessments of financial risks

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HOUSING REVENUE ACCOUNT CAPITAL BUDGET

The following table sets out the capital expenditure planned for the HRA and the funding set aside to pay for the expenditure.

		2022/23 Budget £'000	2023/24 Budget £'000	2024/25 Budget £'000
EXPENDITURE				
Estate Improvements		10	10	10
Home Loss Payments		100	220	150
Capitalised Staffing Costs		675	675	675
Adaptations for the Disabled		600	600	600
Voids		800	800	800
Housing Purchase & New Builds		0	2,500	2,500
Planned & Improvements Works		3,542	3,832	3,290
Total Capital Expenditure		5,727	8,637	8,025
FUNDED BY				
Major Repairs Reserve		(5,727)	(5,681)	(4,538)
Right to Buy Receipts	Note 1	0	(1,000)	(1,000)
Revenue Contributions	Note 2	0	(456)	(987)
Loan for 60% right to buy contribution	Note 3	0	(1,500)	(1,500)
Total Capital Funding		(5,727)	(8,637)	(8,025)
Balances at Year End		0	0	0

Note 1. Estimated receipts from right to buy sales

Note 2. Revenue contribution to fund capital programme

Note 3. Additional borrowing to support maximising right to buy receipts and capital works

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HOUSING REVENUE ACCOUNT RESERVES

APPENDIX C

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Reserve	Policy	Estimated Level at 31 March	Benefits	Opportunity Costs
<p>Housing Revenue Account</p>	<p>Local Government and Housing Act 1989 section 76 (3) forbids a year end deficit on the HRA</p> <ul style="list-style-type: none"> Balance is determined by level of risk associated with the budget <p>Current recommended minimum level of reserves is approx.. £1m - minimum level</p>	<p>2023 £1.3m 2024 £1.2m 2025 £1.0m</p>	<ul style="list-style-type: none"> Provides general contingency for unavoidable and unseen expenditure or fall in income Stability for longer term planning and for meeting the decent homes standards Interest on Balances helps to reduce costs: Interest on Balances @ 1.0% = £13k 	<ul style="list-style-type: none"> Could be used to fund HRA Capital expenditure to help meet decent homes standard which would result in loss of interest £10k per £1m Could be used to fund HRA debt repayment
<p>Major Repairs Reserve</p>	<ul style="list-style-type: none"> Use of Capital to meet Decent Homes Standard Redevelopment and regeneration of the Council's housing stock 	<p>2022 £1.1m 2023 £0m 2024 £0m</p>	<ul style="list-style-type: none"> Provides capital to invest in stock to meet the government's Decent Homes Standard policy Provides general contingency for unavoidable or unseen expenditure 	<ul style="list-style-type: none"> Will be used to fund HRA capital expenditure to help meet decent homes standard

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TITLE	Capital Programme and Strategy 2022-2025
FOR CONSIDERATION BY	Council on Thursday, 17 February 2022
WARD	None Specific;
LEAD OFFICER	Deputy Chief Executive - Graham Ebers
LEAD MEMBER	Executive Member for Finance and Housing - John Kaiser

PURPOSE OF REPORT (INC STRATEGIC OUTCOMES)

The capital programme and strategy 2022 – 2025 sets out the capital investment for the benefit of the community and how this is funded.

RECOMMENDATION

The Executive recommends that Council approve the following:

- 1) the Capital Strategy for 2022 - 2025 - Appendix A;
- 2) the three-year capital programme for 2022 - 2025 – Appendix B;
- 3) the draft vision for capital investment over the next five years - Appendix C;
- 4) the use of developer contribution funding (s106 and CIL) for capital projects as set out in Appendix D. Approval is sought up to the project budget.

EXECUTIVE SUMMARY

The Chartered Institute of Public Finance & Accountancy (CIPFA) 2018 Prudential Code sets out the requirements in relation to the setting of a Capital Strategy within Local Authorities. The key objectives of the Code are to ensure, within a clear framework, that local authorities' capital investment plans are affordable, prudent, and sustainable.

Under the prudential system, individual local authorities are responsible for deciding the level of their affordable borrowing, having regard to CIPFA's Prudential Code, which has been given legislative backing. Prudential limits apply to all borrowing, qualifying credit arrangements and other long-term liabilities – whether supported by government or entirely self-financed. The system is designed to encourage authorities that need and can afford to undertake capital investment to do so within a robust framework.

Using the guidance from the Prudential Code, every year the Council produce a **Treasury Management Strategy** and a **Capital Strategy**. Both strategies are closely linked and also support the Medium Term Financial Plan. The Treasury Management Strategy is considered in a separate report.

The Capital Strategy for the three financial years from 2022 – 2025 is intended to provide a high-level overview of how capital expenditure, capital financing and treasury

management contribute to the provision of services along with an overview of how associated risk is managed and the implications for future financial sustainability.

The Capital Strategy is set out in **Appendix A**.

This shows investment of c£265m over the next three years across (excluding carry forwards):

- Housing, Local Economy and Regeneration - c£99m
- Roads and Transport - c£63m
- Children Services and Schools - c£31m
- Climate Emergency - c£30m
- Internal Services - c£20m
- Environment - c£13m
- Adult Social Care - c£9m

BACKGROUND

Key aims of the Capital Strategy (Appendix A)

The key aims of the capital strategy are to:

- Provide a clear context within which proposals for capital expenditure are evaluated to ensure all capital investment is targeted to deliver the Council's priorities.
- Give clarity about how the Council identifies and prioritises capital requirements and proposals arising from various strategies, and how they will be managed within the limited capital resources available.
- Identify and consider options available to fund capital expenditure that minimises the ongoing revenue implications of historic capital expenditure and of any new investments.
- Establish effective arrangements for managing capital schemes including assessment of outcomes and achievement of value for money.

Capital Expenditure

Wokingham Borough Council has an ambitious capital programme which builds upon recent years of historic capital investment in the borough including regeneration of Wokingham town, new strategic roads, schools, and leisure facilities. The Council will continue to provide services and assets for residents to enjoy and to meet their needs.

The Capital Strategy is fundamental to the effective delivery of these key activities. The table below shows the planned capital expenditure for the next three years across the key activities. Note, these figures exclude any carry forwards from the current financial year.

	2022/23 £'000	2023/24 £'000	2024/25 £'000	Total £'000
Housing, Local Economy and Regeneration Delivering sustainability, a strong, robust and successful economy that stimulates opportunities for all who work and live in	39,939	43,619	15,285	98,843
Roads and Transport Continuous investment in highways infrastructure to meet the needs of current and future users of the network	46,013	9,735	6,916	62,664
Children Services and Schools Dedicated in providing services and schools which ensure all children have the opportunity to achieve their goals potential	4,243	11,116	15,930	31,289
Climate Emergency Commitment to reduce carbon emissions and working towards becoming a carbon neutral Council	16,672	7,763	5,826	30,261
Internal Services Investment in Council assets and technology to continue to support all Council services and priorities	10,104	6,113	3,640	19,857

Environment Investment and enhancement of facilities across the borough benefiting communities and resident's wellbeing	5,222	1,283	6,100	12,605
Adult Social Care An effective, high-quality care and support service to providing a better quality of life for residents	1,959	6,320	781	9,060
Total Capital Programme 2022/23 to 2024/25	124,152	85,949	54,478	264,579

A full breakdown of the areas above by individual scheme can be found in **Appendix B**

The draft vision for capital investment over the next five years can be found in **Appendix C**.

Capital Resources (Funding of Capital Expenditure)

Like most Local Authorities, the Council has limited capital resources available, and these are allocated to each scheme to ensure best value for money by maximising the use of grants, developer funding and capital receipts in order to minimise the need for revenue contributions and borrowing. Although borrowing does make a large portion of the capital resources, this has been calculated on a prudent, sustainable, and affordable basis. Each individual scheme is evaluated before being added to the capital programme.

The table below shows the estimated capital resources required to fund the three-year capital programme from April 2022 to March 2025.

	2022/23	2023/24	2024/25	Total
	£m	£m	£m	£m
Supported borrowing	(64.0)	(40.2)	(17.1)	(121.3)
Developer contributions (S106 / CIL)	(27.6)	(4.9)	(12.3)	(44.8)
Capital grants	(18.7)	(10.7)	(7.5)	(36.9)
Other contributions	(6.4)	(6.9)	(5.5)	(18.8)
Capital receipts	(0.1)	(6.8)	(7.5)	(14.4)
General fund borrowing	(7.3)	(2.2)	(4.6)	(14.1)
Total	(124.1)	(71.7)	(54.5)	(250.3)

The capital programme currently has a budget shortfall of c£14m over three years which includes a fully funded year 1 programme. This shortfall over three years will be balanced through a combination of reducing or reprofiling capital expenditure and maximising capital funding opportunities such as bidding for capital grants.

Developer Contributions

With regards to developer contributions funding. The Councils Finance Regulations require allocation of this funding to be approved. As set out in **Appendix D**, approval is sought up to the project budget for the capital scheme to allow flexibility if more funding becomes available during the year and can reduce borrowing costs. The Executive are

asked to approve and recommend that Council approve the use of developer contribution funding (s106 and CIL) for capital projects as set out in Appendix D.

The capital programme drives the Treasury Management Strategy (see separate Executive and Council paper for the 17 February 2022), in terms of identifying and undertaking necessary borrowing. The graph below shows the estimated debt and debt repayment profile for the borrowing used to support the capital programme.

Supported Borrowing

A significant part of the Council's capital programme is either self-financing or makes a surplus where the income generated is greater than the cost of financing and therefore is available to fund other council services. These are referred to as "supported borrowing" in the table above.

Supported borrowing activities can be broken down as follows:

Investment in Wokingham Borough

- Regeneration. There is an ambitious programme of regeneration with the town centres of the borough. With the Council's low cost of capital and return on investment requirement compared to the private sector this allows the Council to take on and complete projects for the benefit of the local community that would otherwise not be delivered by the private sector.
- Economic Development. Likewise, the Council is able to use its resources to secure properties within town centres to ensure continued delivery of services to the community, whilst encouraging local businesses with security of tenure.
- Enabling infrastructure. The Council has always been positively proactive in delivering infrastructure in advance of developments.
- Local Employment Protection. The Council will invest to ensure local employers remain in premises and not lose economic business sites to alternative development.
- Housing. The Council has an ambitious affordable and social housing plan for the borough, delivered through its wholly owned subsidiary companies.

Invest to Save

The Council is also investing in activities which not only cover the financing costs and debt repayment for the scheme but make income each year to contribute to the costs of running the Council, reducing the burden on the local taxpayer whilst maintaining services. These are referred to as 'invest to save' funded projects, and examples are listed below:

- Leisure and sport facilities

- Energy reduction / efficiency
- Social care placements provision

Repayment of Borrowing

As highlighted previously, the Council continue to invest significant amounts into the capital programme generating assets such as roads, schools, housing, regeneration properties and many more. The graph below sets out the expected repayment of this debt as well as the asset value generated.

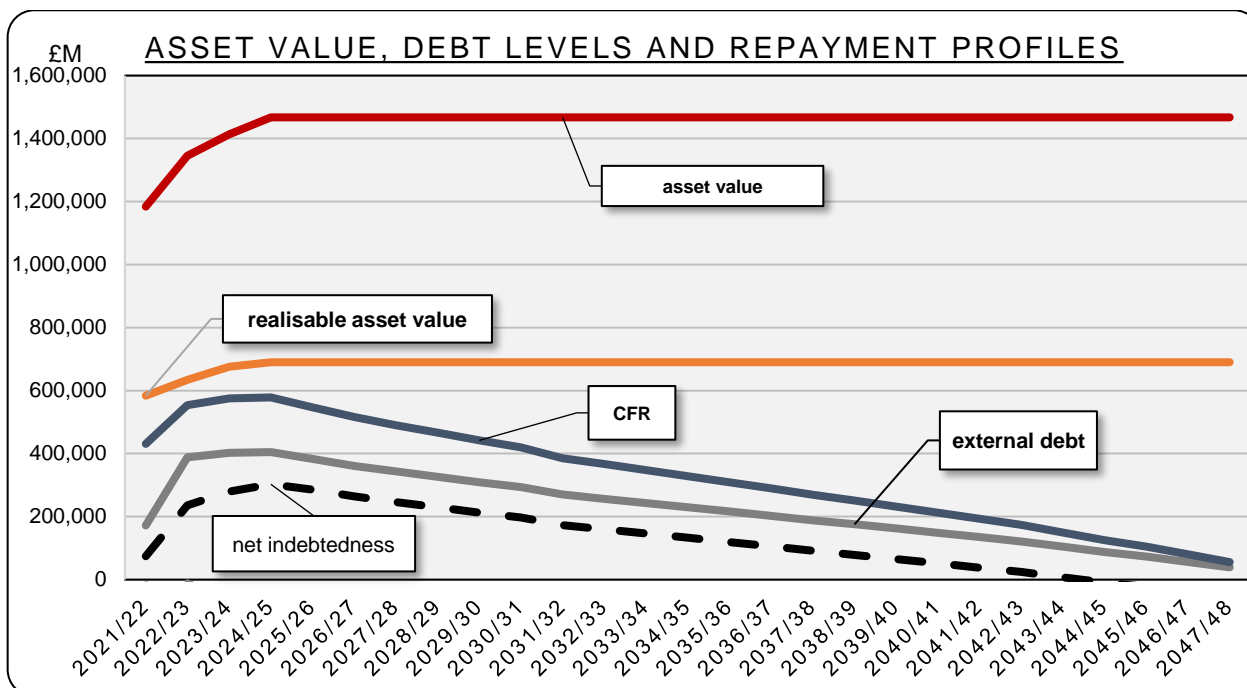
The graph includes four key lines in reference to debt:

- Capital financing requirement (CFR) - a technical calculation of historic capital expenditure less that already paid for, required to arrive at the annual level of debt repayment.
- External debt – this is the actual amount borrowed with third parties. The difference between CFR and external debt is referred to as internal borrowing.
- Net indebtedness – this is external debt less treasury (i.e. liquid) investment balances. It is important that these are considered together as treasury investments could be used to repay external debt.
- Realisable asset value – this is the potential income that could be raised through the sale of assets. The values are based on the asset values line excluding highways, education, housing revenue account assets and other assets such as IT infrastructure and equipment.

The Council are expecting debt to rise over the next three years in line with the capital programme. A majority of this additional debt is supported borrowing where direct repayment streams have been identified, for example, developer contributions. In addition, debt is expected to reduce over time as income is generated from these projects and cost savings are realised.

CFR and external debt will reduce as borrowings are repaid through income and will reach a point in time when debt is fully repaid, and the ongoing income will be transferred to benefit the general fund.

The graph is based on general fund only and excludes HRA as this is ringfenced. The original CFR levels before commercialisation, forward funding and regeneration projects were approximately £100m.



The asset values used in the graph above are calculated using the total asset value from the Council's balance sheet, and an estimate of capital expenditure over the next three years. This methodology reflects all asset values that either have been or will be funded from an element of borrowing. A prudent approach to asset value has been taken with no capital appreciation estimated however over a long period of time it wouldn't be unreasonable to see asset values increase.

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)	£124m	Yes	Capital
Next Financial Year (Year 2)	£86m	No	Capital
Following Financial Year (Year 3)	£54m	No	Capital

Other Financial Information

The capital programme currently has a budget shortfall in year 2 totalling c£14m. This will be balanced through a combination of reducing or reprofiling capital expenditure and maximising capital funding opportunities such as bidding for capital grants.

The year 1 budget of £124m does not include any carry forwards from the 2021/22 capital programme. These are approved by Executive as part of the Capital monitoring outturn reports.

Please see the attached appendices for full details of the capital strategy.

Stakeholder Considerations and Consultation

N/A

Public Sector Equality Duty

The specific projects and programmes of work will be assessed individually prior to implementation.

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

As highlighted in the Capital Strategy and appendices, the Council continues to invest in Climate Emergency across a range of capital schemes.

List of Background Papers

Appendix A - WBC capital strategy
Appendix B - WBC capital programme detail
Appendix C - WBC five-year capital vision
Appendix D - WBC Capital Programme to be part/fully funded by developer contributions.

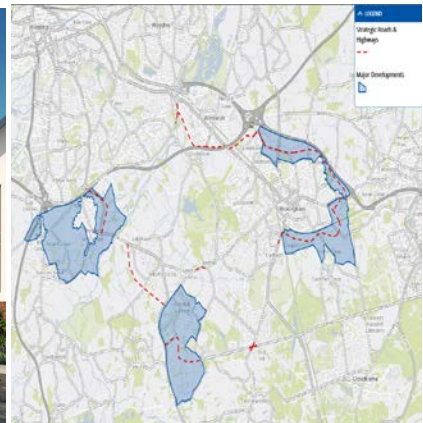
Contact Mark Thompson

Service Business Services

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Email
mark.thompson@wokingham.gov.uk

Capital Strategy 2022-25



**WOKINGHAM
BOROUGH COUNCIL**

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Appendices

Appendix B - Three year capital programme by key areas

Appendix C - Five year capital vision by asset type

Appendix D - Developer contribution funded schemes

1. Introduction

The Chartered Institute of Public Finance & Accountancy (CIPFA) 2018 Prudential Code sets out the requirements in relation to the setting of a Capital Strategy within Local Authorities. The key objectives of the Code are to ensure, within a clear framework, that local authorities' capital investment plans are affordable, prudent and sustainable.

Under the prudential system, individual local authorities are responsible for deciding the level of their affordable borrowing, having regard to CIPFA's Prudential Code, which has been given legislative backing. Prudential limits apply to all borrowing, qualifying credit arrangements and other long-term liabilities – whether supported by government or entirely self-financed. The system is designed to encourage authorities that need and can afford to undertake capital investment to do so within a robust framework.

The Capital Strategy for the three financial years from 2022 – 2025 is intended to provide a high level overview of how capital expenditure, capital financing and treasury management contribute to the provision of services along with an overview of how associated risk is managed and the implications for future financial sustainability.

2. The Aims Of The Capital Strategy

The capital strategy aligns with the Council's priorities and key council strategies. The strategy is integrated with the Medium Term Financial Strategy and Treasury Management Strategy.

The Capital Strategy is the document that sets out the following principles:

- To drive the authority's ambitious capital programme and identifying the optimum level of investment
- Giving an outline of future commitments so that the affordability of both the long term plan and any new proposals can be properly understood.

3. Governance Framework & Core Principles

As part of the annual budget process, the capital vision including any new capital scheme bids is reviewed. The Council develops a three year capital programme, of which year 1 is fully funded, and years 2 and 3 have indicative funding. This forms part of the Council's Medium Term Financial Plan (MTFP) and is approved at Council in February having previously been reviewed by CCOSC.

Throughout the budget setting process, assistant directors and the corporate leadership team review and scrutinise new and existing capital bids to ensure they still meet the Council's priorities. This is supported by the Financial Specialist team.

Based on these evaluations the attached Capital Programme has been prepared. Members are presented with the proposed capital budget submission 2022/23 for recommendation to Council (Appendix B).

Democratic decision-making and scrutiny processes provide overall political direction and ensure accountability for investment in the Capital Programme. These processes include:

- The Council approves the vision and priorities.
- The Council is ultimately responsible for approving the Treasury Management Strategy, Capital Strategy and Capital Programme
- The Executive receives regular capital monitoring reports (on a quarterly basis), approves variations to the programme and considers new bids for inclusion in the capital programme
- Portfolio holders are assigned projects in line with their responsibilities
- Scrutiny committees can call in Cabinet reports, receive and scrutinise reports
- All projects progressing to the capital programme follow the constitution, and financial regulations
- The capital programme is subject to internal and external audit.

4. Capital Vision Planning

Wokingham Borough Council's Capital Vision is created alongside its vision for providing the majority of the needed housing in the borough, through its four strategic development locations.

The major development projects ongoing in the Capital Programme are:-

Arborfield Garrison major development - This development includes 3500 new homes, 2 new primary schools, a secondary school, community and local shopping facilities, sports hub and gym, open spaces and roads including the Arborfield Relief Road project, an extension of Nine Mile Ride and improvements to the California Crossroads junction and Barkham Bridge

Shinfield Parish major development – Based around the villages of Shinfield, Spencers Wood and Three Mile Cross, this development initially included 2500 new homes, 2 new primary schools, school expansion, community and local shopping facilities, sports hub, open spaces and roads including the Shinfield Eastern Relief Road project

North Wokingham major development – This development initially includes 1500 new homes, a new primary school, local community and shopping facilities in a new neighbourhood centre, enhancements to the sports hub at Cantley Park, open spaces and roads including the North Wokingham Distributor Road project

South Wokingham major development – This development includes 2500 new homes, 2 new primary schools, local shopping and community facilities, new open spaces and roads including the South Wokingham Distributor Road project

These major developments will accommodate a total of about 10,000 homes in carefully planned new or extended communities, by 2026.

Other ongoing major regeneration and development projects in the borough include:-

Gorse Ride Estate redevelopment - Working to regenerate the Gorse Ride Estate in order to provide high-quality homes in a great community

Wokingham Town Centre Regeneration – This redevelopment provides residential housing alongside Elms Field to complement the retail, food store, cinema, hotel and play area which have been successfully completed. In addition the provision of a new Leisure facility to replace the Carnival Pool facility, which includes a new pool and leisure facility, provision of 4 court sports hall, a new library and food/beverage offering and 55 residential apartments.

Climate Emergency – Develop solar farms to create a renewable energy infrastructure. Energy reduction projects at existing properties to make them energy efficient (e.g., LED lighting, cavity walls). Managing congestion, improving traffic flow and reducing incidents which cause delays (including using CCTV cameras)

Work is currently underway on an updated local plan which will shape the future of Wokingham Borough. See the Council's Local Plan Update page on the Council's Web site.

<https://www.wokingham.gov.uk/planning-policy/planning-policy-information/local-plan-update/>

5. Asset Management

The overriding objective of asset management within the council is to achieve a corporate portfolio of property assets that is appropriate, fit for purpose and affordable. The council's property portfolio consists of operational property, properties held for economic development, and property held for specific community or regeneration purposes. The council has specific reasons for owning and retaining property:

- Operational purposes e.g. assets that support core business and service delivery e.g. Schools, office buildings.
- Parks, playgrounds and open spaces.
- Economic development and Regeneration, enabling strategic place shaping and economic growth.

Asset management is an important part of the council's business management arrangements and is crucial to the delivery of efficient and effective services, the ongoing management and maintenance of capital assets will be considered as part of the strategy. The asset management planning includes an objective to optimise the council's land and property portfolio through proactive estate management and effective corporate arrangements for the acquisition and disposal of land and property assets. The council will continue to realise the value of any properties that have been declared surplus to requirements in a timely manner, having regard to the prevailing market conditions.

6. Acquisition Of Land And Buildings For Economic Development And Regeneration

The council will acquire land and buildings within the borough boundaries for the primary reason of economic development, regeneration or to protect local employment for residents.

The reasons for acquisition of property are primarily;

- Market and economic opportunity
- Economic development and regeneration activity in the borough
- To maintain and safeguard local employment within the borough

Any acquisition is supported by strong, robust and prudent financial business case, and signed off by the councils S151 officer in accordance with delegations approved by Council.

7. Loans

The Council has discretion to make loans for a number of reasons, primarily for economic development. These loans are treated as capital expenditure. In making loans the council is exposing itself to the risk that the borrower defaults on repayments. The council, in making these loans, must therefore ensure they are prudent and has fully considered the risk implications, with regard to both the individual loan and that the cumulative exposure of the council is proportionate and prudent. The council will ensure that a full due diligence exercise is undertaken and adequate security is in place. The business case will balance the benefits and risks. All loans are agreed by Executive. All loans will be subject to close, regular monitoring.

8. Capital Expenditure 2022-2025

The following table shows a breakdown of expenditure over the next three years broken down into expenditure categories:

Table 1 Capital Programme 2022-2025

	2022/23 £'000	2023/24 £'000	2024/25 £'000	Total £'000
Housing, Local Economy and Regeneration Delivering sustainability, a strong, robust and successful economy that stimulates opportunities for all who work and live in	39,939	43,619	15,285	98,843
Roads and Transport Continuous investment in highways infrastructure to meet the needs of current and future users of the network	46,013	9,735	6,916	62,664
Children Services and Schools Dedicated in providing services and schools which ensure all children have the opportunity to achieve their goals potential	4,243	11,116	15,930	31,289
Climate Emergency Commitment to reduce carbon emissions and working towards becoming a carbon neutral Council	16,672	7,763	5,826	30,261
Internal Services Investment in Council assets and technology to continue to support all Council services and priorities	10,104	6,113	3,640	19,857
Environment Investment and enhancement of facilities across the borough benefiting communities and resident's wellbeing	5,222	1,283	6,100	12,605
Adult Social Care An effective, high-quality care and support service to providing a better quality of life for residents	1,959	6,320	781	9,060
Total Capital Programme 2022/23 to 2024/25	124,152	85,949	54,478	264,579

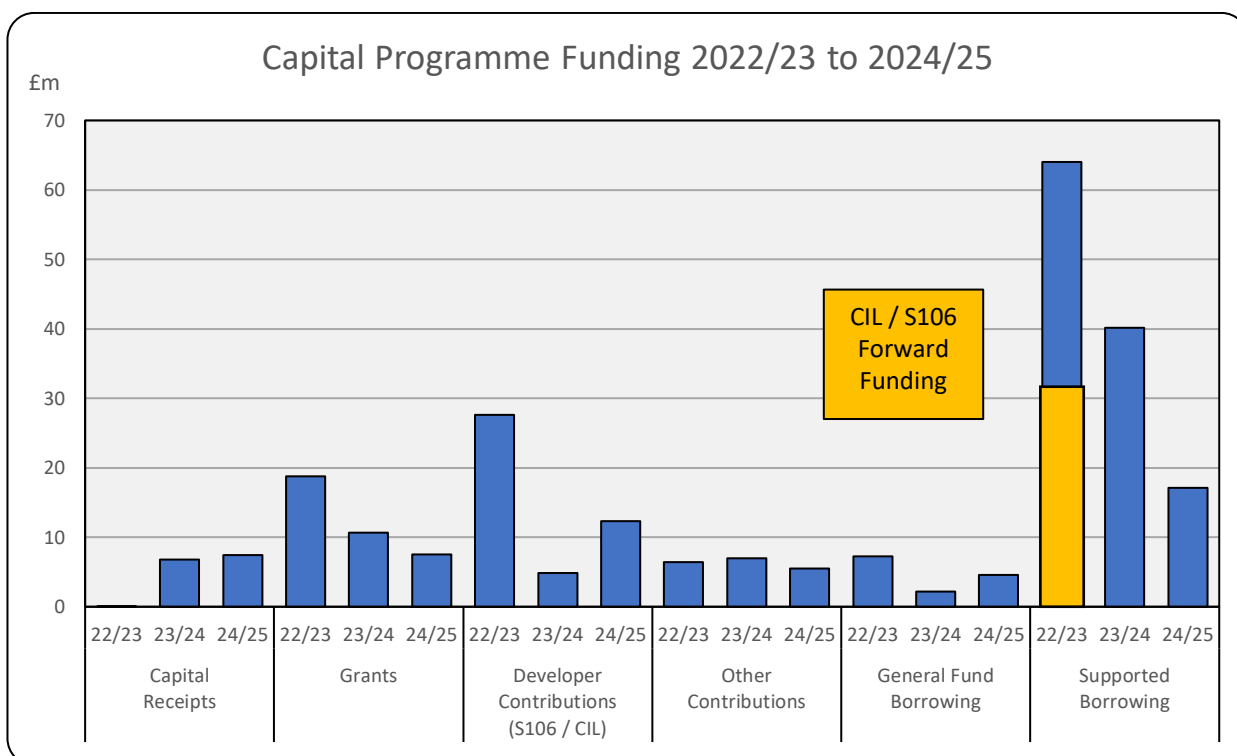
9. Capital Funding and Capital Reserves

Like most Local Authorities, the Council has limited capital resources available and these are allocated to each scheme to ensure best value for money by maximising the use of grants, developer funding and capital receipts in order to minimise the need for revenue contributions and borrowing. Although borrowing does make a large portion of the capital resources, this has been calculated on a prudent, sustainable and affordable basis. Each individual scheme is evaluated before being added to the capital programme.

The table and graph below set out the capital funding for the next three years.

	2022/23	2023/24	2024/25	Total
	£m	£m	£m	£m
Supported borrowing	(64.0)	(40.2)	(17.1)	(121.3)
Developer contributions (S106 / CIL)	(27.6)	(4.9)	(12.3)	(44.8)
Capital grants	(18.7)	(10.7)	(7.5)	(36.9)
Other contributions	(6.4)	(6.9)	(5.5)	(18.8)
Capital receipts	(0.1)	(6.8)	(7.5)	(14.4)
General fund borrowing	(7.3)	(2.2)	(4.6)	(14.1)
Total	(124.1)	(71.7)	(54.5)	(250.3)

The capital programme currently has a budget shortfall of c£14m over three years which includes a fully funded year 1 programme. This shortfall over three years will be balanced through a combination of reducing or reprofiling capital expenditure and maximising capital funding opportunities such as bidding for capital grants.



10. Financing Need (Borrowing)

A major source of funding for the Council's capital programme is borrowing. This is described in two forms, supported borrowing and general fund borrowing. A significant part of the Council's capital programme is either self financing or makes a surplus where the income generated is greater than the cost of financing and therefore is available to fund other council services. These are referred to as "supported borrowing". General fund borrowing is funded through existing base budget and supports general investment to maintain Council assets and continue to provide services to customers and residents

The table below sets out the total borrowing need for the Council. This is known as the capital financing requirement (CFR) and is an accounting concept which monitors how much capital expenditure has been incurred but not yet paid for.

It is important to note that the CFR balance does not reflect the level of debt the Council holds. Where the Council hold surplus balances such as reserves, unspent grants and working capital, this avoids the need to borrow externally, saving on interest costs. This is known as internal borrowing. Furthermore, it is important to take into account any treasury investment balances when looking at external debt to understand a more accurate debt figure.

The following tables shows the CFR balance for supported borrowing and general fund borrowing.

Table 3 Capital Finance Requirement (CFR)

	Supported Borrowing			General Fund Borrowing		
	22/23	23/24	24/25	22/23	23/24	24/25
	£m	£m	£m	£m	£m	£m
Opening balance	307	428	450	125	126	124
Expenditure in year	156	42	18	5	2	5
Repayments in year	(35)	(20)	(16)	(4)	(4)	(4)
Closing balance	428	450	452	126	124	125

In the table above, the £156m supported borrowing expenditure assumes expenditure in relation to the remaining c£113m of the borrowing approved for community investment in utilised however the likelihood that this will only be used in 2022/23 if further renewable energy schemes are enacted.

In the table above, it is important to note, the "expenditure in year" row is an estimate of actual capital expenditure to be incurred in the financial year and includes the impact of carry forwards from the previous year and carry forwards into future years based on historic trends. This ensures a more accurate CFR position which is important when considering investment and borrowing decisions. It will therefore be different to the amount identified as funding earlier in the report in the capital funding tables.

The following table shows the CFR balance for the housing revenue account.

	Housing Revenue Account		
	22/23	23/24	24/25
	£m	£m	£m
Opening balance	80	79	78
Expenditure in year	1	1	1
Repayments in year	(2)	(2)	(2)
Closing balance	79	78	77

In approving the inclusion of projects within the capital programme the Council ensures all the capital and investment plans are affordable, prudent and sustainable. In doing so the Council will take into account the arrangements for the repayment of debt, through a prudent Minimum Revenue Provision (MRP) policy in line with MRP guidance produced by the Department for Levelling Up, Housing and Communities. The capital financing charges and any additional running costs arising from capital investment decisions are incorporated within the annual budget and medium term financial plans. This enables members to consider the consequences of capital investment alongside other competing priorities for revenue funding.

Existing Council debt is therefore the consequence of historical capital expenditure. The council can temporarily utilise other resources in lieu of external borrowing to fund capital expenditure. This is referred to as internal borrowing.

A summary of our external and internal debt over the medium term financial plan time period, can be found in the Treasury Management Strategy approved by executive on 17 February 2022.

11. Long Term Revenue Implications of Capital Investment Decisions

Capital investment decision making is not only about ensuring the initial allocation of capital funds meets the corporate and service priorities but ensuring the asset is fully utilised, sustainable, and affordable throughout its whole life. This overarching commitment to long term affordability is a key principle in any capital investment appraisal decision. In making its capital investment decisions the council must have explicit regard to consider all reasonable options available. These are captured in the Medium Term Financial Plan (MTFP) process.

12. Risk Appetite

This section considers the council's risk appetite with regard to its capital investments, i.e., the amount of risk that the council is prepared to accept, tolerate, or be exposed to at any point in time. It is important to note that risk will always exist in some measure and cannot be removed in its entirety. A risk review is an important aspect of the consideration of any proposed capital or investment proposal. The risks will be considered in line with the risk management strategies we have in place and commensurate with the council's low risk appetite. Subject to careful due diligence, the council may consider a moderately higher level of risk for strategic initiatives, where there is a direct gain to the council's revenues or the ability to deliver its statutory duties more effectively and efficiently.

13. Knowledge and Skills

The Council has professionally qualified staff across a range of disciplines including Finance, Legal and Property and follow Continuous Professional Development (CPD) and attend courses on an ongoing basis to keep abreast of new developments and skills.

External professional advice is taken where required.

14. Training

Internal and external training is offered to members to ensure they have up to date knowledge and expertise to understand and challenge the capital and treasury decisions taken.

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CAPITAL PROGRAMME 2022/23 to 2024/25 - DETAIL

The following table sets out by the key areas, the Councils detailed Capital Programme by scheme for the next 3 years. The HRA Capital programme is also included under Housing Delivery.

Key Areas - by Sub Categories	Project Name	Project Description	Year 1 2022/23 £,000	Year 2 2023/24 £,000	Year 3 2024/25 £,000	Total
Housing, Local Economy and Regeneration						
Housing delivery 75	WBC (Holdings) Ltd Loan	Wokingham Borough Council owned houses funding. (1-4-5 housing objective)	10,000	6,000	6,000	22,000
	Housing (Tenants Services)	Investment in the Council's housing stock (Inc. adaptations/estate improvements)	5,627	5,917	5,375	16,919
	Gorse Ride Regeneration Project	To part fund phase 2 of the Gorse Ride regeneration project	9,568	60	60	9,688
	Purchase of council houses HRA	To replace HRA housing stock using the 1 for 1 Right to Buy receipts	0	2,500	2,500	5,000
	Mandatory disabled facility grants	Mandatory means tested grants for adapting the homes of people with disabilities to enable them to live independently at home	1,070	1,100	1,100	3,270
	HRA Homeless Payments for Gorse Ride South	Redevelopment of Gorse Ride Housing Estate to provide new affordable housing	100	220	150	470
		Housing delivery total	26,365	15,797	15,185	57,347
Income generation	Community Investment	To build on the commercial property portfolio in line with the Council's socio-economic and sustainability agendas	6,833	26,500	0	33,333
	Work place re-imagined	Redesigning use of WBC assets to generate future income	1,400	1,222	100	2,722
		Income generation total	8,233	27,722	100	36,055

CAPITAL PROGRAMME 2022/23 to 2024/25 - DETAIL

The following table sets out by the key areas, the Councils detailed Capital Programme by scheme for the next 3 years. The HRA Capital programme is also included under Housing Delivery.

Key Areas - by Sub Categories	Project Name	Project Description	Year 1 2022/23 £,000	Year 2 2023/24 £,000	Year 3 2024/25 £,000	Total
Service improvements	Infrastructure to enable Toutley East development	Infrastructure (including roads) to enable Toutley East development	3,500	0	0	3,500
	Improvements to WBC commercial properties	To ensure commercial properties are suitable for letting	0	100	0	100
		Service improvements total	3,500	100	0	3,600
Regeneration of towns	Carnival Pool Area Redevelopment (including library & leisure fit out)	Part of town centre regeneration scheme	1,841	0	0	1,841
		Regeneration of towns total	1,841	0	0	1,841
Housing, Local Economy and Regeneration			39,939	43,619	15,285	98,843
Roads and Transport						
New roads	SCAPE - Road infrastructure (distribution roads etc) initial costs	Investment in future road building / enhancement across WBC road network (including new relief roads)	33,000	0	0	33,000
	Nine Mile Ride Extension		3,310	0	0	3,310
	Completed Road Schemes Retention	Retention costs after scheme completion	62	64	66	192
		New roads total	36,372	64	66	36,502

CAPITAL PROGRAMME 2022/23 to 2024/25 - DETAIL

The following table sets out by the key areas, the Councils detailed Capital Programme by scheme for the next 3 years. The HRA Capital programme is also included under Housing Delivery.

Key Areas - by Sub Categories		Project Name	Project Description	Year 1 2022/23 £,000	Year 2 2023/24 £,000	Year 3 2024/25 £,000	Total
77 Improvement to existing facilities	Highways Carriageways Structural Maintenance	Rolling programme to resurfacing carriageways (roads) to repair damage and extends the life of the asset	2,280	2,280	2,280	6,840	
	Bridge Strengthening - Earley Station Footbridge	New footbridge over railway	0	3,800	0	3,800	
	Warren House Road Embankment Stablisation	Stabilise highways structure	3,000	0	0	3,000	
	Safety / Crash Barriers	Improving safety / crash barriers on the highways in the borough	250	500	750	1,500	
	The Ridges	Repair and stabalise closed road	1,000	0		1,000	
	Bridge Strengthening	Continued enhancement to highway structures	225	225	225	675	
	Highway Drainage Schemes (road subsidised)	To reduce the overall degradation of the highway drainage network	200	200	200	600	
	Highways Footway Structural Maintenance Programme	Enhancement to footways within the borough	100	100	100	300	
	VRS Priority Sites		190	0	0	190	
	Strengthening Approach Embankments to Bridges	Continued enhancement to highway structures	20	20	20	60	
Street Lighting Column Structural Testing	Structural testing of lighting assets	0	20	0	20		
Improvement to existing facilities total			7,265	7,145	3,575	17,985	

CAPITAL PROGRAMME 2022/23 to 2024/25 - DETAIL

The following table sets out by the key areas, the Councils detailed Capital Programme by scheme for the next 3 years. The HRA Capital programme is also included under Housing Delivery.

Key Areas - by Sub Categories		Project Name	Project Description	Year 1 2022/23 £,000	Year 2 2023/24 £,000	Year 3 2024/25 £,000	Total
Service improvements	Wokingham Highways Investment Strategy (WHIS)	A "Needs Based" approach to maintaining Wokingham's highways network, aligned to the Council's and stakeholder priorities	2,126	2,126	2,126	6,378	
	Integrated Transport Schemes	Enhancement the integrated transport schemes	250	400	400	1,050	
	Highway Infrastructure Flood Alleviation Schemes	To deliver flood risk management schemes and sustainable drainage systems to reduce the risk of flooding to major highways across the borough	0	0	500	500	
	Traffic Signal Upgrade Programme	Investment in highways signals	0	0	250	250	
Service improvements total			2,376	2,526	3,276	8,178	
Roads and Transport total				46,013	9,735	6,916	62,664

CAPITAL PROGRAMME 2022/23 to 2024/25 - DETAIL

The following table sets out by the key areas, the Councils detailed Capital Programme by scheme for the next 3 years. The HRA Capital programme is also included under Housing Delivery.

Key Areas - by Sub Categories		Project Name	Project Description	Year 1 2022/23 £,000	Year 2 2023/24 £,000	Year 3 2024/25 £,000	Total
Children Services and Schools							
79 New facilities	Basic needs secondary - additional places	Extension / new build projects to provide additional places throughout the Borough to meet need		2,100	4,500	6,500	13,100
	Sixth form expansion	Provide additional places throughout the borough to meet need for additional sixth form places		0	3,500	1,900	5,400
	Spencer's Wood primary school	New build project to provide additional places throughout the borough to meet needs		0	0	5,138	5,138
	Care leaver accommodation	To provide a setting to meet the needs of vulnerable children		0	1,200	0	1,200
	Basic needs primary - additional places	Extension / new build projects to provide additional places throughout the Borough to meet need		0	0	500	500
	Arborfield / Barkham primary schools	Furniture, fittings & Equipment to meet need of additional places throughout the Borough		50	30	30	110
	Shinfield West primary school			30	30	30	90
	Matthewsgreen primary school			0	38	25	63
	Montegue Park primary school			34	11	0	45
New facilities total			2,214	9,309	14,123	25,646	

CAPITAL PROGRAMME 2022/23 to 2024/25 - DETAIL

The following table sets out by the key areas, the Councils detailed Capital Programme by scheme for the next 3 years. The HRA Capital programme is also included under Housing Delivery.

Key Areas - by Sub Categories		Project Name	Project Description	Year 1 2022/23 £,000	Year 2 2023/24 £,000	Year 3 2024/25 £,000	Total
08	Improvement to existing facilities	Schools maintenance	Urgent capital planned improvements and suitability issues	630	630	630	1,890
		Schools devolved formula	Specific government grant to carry out capital works, controlled by schools	389	375	375	1,139
		Children in Care Equipment	Purchase / replace equipment that is provided to children in care in line with our children in care pledge	200	200	200	600
		Schools condition maintenance	Capital planned improvements and suitability issues	400	0	0	400
		School kitchens	Improve various school meals kitchens including delivery of the universal free school meal programme	100	100	100	300
		ICT equipment for children in care	Purchase / replace equipment that is provided to children in care in line with our children in care pledge	22	22	22	66
		Improvement to existing facilities total		1,741	1,327	1,327	4,395
Service improvements	Safer Routes to Schools	Infrastructure changes to make school journey's by most sustainable mode	150	150	150	450	
	Capitalisation of analysts and report developers	Investment in Business Analysts part of continued change programme	138	138	138	414	
	Systems Contract (Capita)	Re-tender of Children's services IT systems	0	192	192	384	
		Service improvements total		288	480	480	1,248
Children Services and Schools total				4,243	11,116	15,930	31,288

CAPITAL PROGRAMME 2022/23 to 2024/25 - DETAIL

The following table sets out by the key areas, the Councils detailed Capital Programme by scheme for the next 3 years. The HRA Capital programme is also included under Housing Delivery.

Key Areas - by Sub Categories	Project Name	Project Description	Year 1 2022/23 £,000	Year 2 2023/24 £,000	Year 3 2024/25 £,000	Total
Climate Emergency Alternative transport 81	Wokingham Borough Cycle Network	Investment in cycle networks in the borough	1,000	1,000	1,000	3,000
	Greenways	A network of quiet commuting and leisure routes for pedestrians and cyclists	742	1,000	1,000	2,742
	Local Cycling and Walking Infrastructure Plans	Improvements for walking and cycling in borough	1,200	1,200	0	2,400
	Public Rights of Way Network	Investment in all public rights of way and other non-motorised routes to support the needs of all types of users	0	1,474	737	2,210
	A327 Cycleway	Investment in cycle networks in the borough	750	0	0	750
	Bus Stop Infrastructure Works to Support North Arborfield SDL Bus Strategy	Transport infrastructure enhancement	0	30	30	60
		Alternative transport total	3,692	4,704	2,767	11,162
Clean energy generation	Renewable Energy Infrastructure projects (e.g. solar farms)	Renewable energy generation infrastructure. i.e. solar farms (fields of solar panels) feeding into a battery or grid arrangement and either us selling off the energy or using against our own consumption	8,000	0	0	8,000
	Solar Farms (Barkham)		2,000	0	0	2,000
		Clean energy generation total	10,000	0	0	10,000

CAPITAL PROGRAMME 2022/23 to 2024/25 - DETAIL

The following table sets out by the key areas, the Councils detailed Capital Programme by scheme for the next 3 years. The HRA Capital programme is also included under Housing Delivery.

Key Areas - by Sub Categories	Project Name	Project Description	Year 1 2022/23 £,000	Year 2 2023/24 £,000	Year 3 2024/25 £,000	Total
Co2 reduction	Energy Reduction Projects	Energy efficiency projects at existing properties including, installing LED lighting, cavity wall & loft insulation, boiler controls,	2,000	1,750	1,750	5,500
	Electric Vehicle Charge Points	Installation of electric vehicle charge points	600	1,200	1,200	3,000
	Supplementary Estimate - Carbon Capture Planting Trees	To plant 250,000 trees in the borough to assist with the reduction of carbon emissions as well as the enhancement of biodiversity	271	0	0	271
	Waste Schemes - Recycling	Purchase of waste receptacles to enable the borough to enhance their waste / recycling	89	89	89	267
	Food Waste Collection	To provide food waste containers	20	20	20	60
82		Co2 reduction total	2,980	3,059	3,059	9,098
Climate Emergency total			16,672	7,763	5,826	30,260
Internal Services						
	Central Contingency	For allocation to schemes if required	1,500	1,500	1,500	4,500
	Microsoft E5		553	648	890	2,091
	IMT Infrastructure, Networks & Security	Continued enhancement in IT network	420	330	250	1,000
	IMT Devices	Devices (Hardware) refreshed on an ongoing basis e.g. laptops	200	200	200	600
	Laptop Refresh	This project refreshes the Council's Laptop estate on a 4 year life cycle	50	350	0	400
	Berkshire Records Office	Extension to the Berkshire Record Office building	303	0	0	303

CAPITAL PROGRAMME 2022/23 to 2024/25 - DETAIL

The following table sets out by the key areas, the Councils detailed Capital Programme by scheme for the next 3 years. The HRA Capital programme is also included under Housing Delivery.

Key Areas - by Sub Categories	Project Name	Project Description	Year 1 2022/23 £,000	Year 2 2023/24 £,000	Year 3 2024/25 £,000	Total
New facilities	Capital Construction Inflation Costs	To meet increasing labour and material costs of construction across the programme where required	5,000	2,000	0	7,000
		New facilities total	5,000	2,000	0	7,000
Improvement to existing facilities	Property Maintenance and Compliance	The continued development and upkeep of the Councils customer digital assets and infrastructure	350	350	350	1,050
	Maintaining an enhanced level of IT infrastructure		300	300	300	900
		Improvement to existing facilities total	650	650	650	1,950
Internal Services			10,104	6,113	3,640	19,857
84 Environment						
New facilities	New pool at Arborfield	A development of a new swimming pool	0	1,000	6,000	7,000
	Sports Provision to Serve North & South SDL's (Grays Farm)	Delivery of an outdoor sports hub at Grays Farm, to facilitate the delivery of North and South Wokingham SDLs	4,080	0	0	4,080
	3G Pitch at Laurel Park	New 3G Pitch	600	0	0	600
	Outdoor gyms x 3 locations	New outdoor fitness gyms	75	0	0	75
		New facilities total	4,755	1,000	6,000	11,755
Service improvements	Planning & Public Protection Partnership (PPP) - system replacement	New software system with mobile functionality required to support PPP service Planning service	367	183	0	550
		Service improvements total	367	183	0	550

CAPITAL PROGRAMME 2022/23 to 2024/25 - DETAIL

The following table sets out by the key areas, the Councils detailed Capital Programme by scheme for the next 3 years. The HRA Capital programme is also included under Housing Delivery.

Key Areas - by Sub Categories		Project Name	Project Description	Year 1 2022/23 £,000	Year 2 2023/24 £,000	Year 3 2024/25 £,000	Total
Improvement to existing facilities	Leisure Centre Refurbishments & upgrades	The enhancement of existing leisure facilities		100	100	100	300
		Improvement to existing facilities total		100	100	100	300
Environment total				5,222	1,283	6,100	12,605

CAPITAL PROGRAMME 2022/23 to 2024/25 - DETAIL

The following table sets out by the key areas, the Councils detailed Capital Programme by scheme for the next 3 years. The HRA Capital programme is also included under Housing Delivery.

Key Areas - by Sub Categories	Project Name	Project Description	Year 1 2022/23 £,000	Year 2 2023/24 £,000	Year 3 2024/25 £,000	Total
Adult Social Care						
New facilities	Older people's dementia care home	Manage the future demand by investing in additional supported living accommodation	0	5,541	0	5,541
	Adult social care accommodation transformation	Additional supported living accommodation to support our learning disability strategy	1,200	0	0	1,200
		New facilities total	1,200	5,541	0	6,741
Service improvements	Adult social care community equipment	Support statutory duty to provide prevention, reduction and delay of long term care and support through the provision of equipment.	709	729	731	2,169
		Service improvements total	709	729	731	2,169
Improvement to existing facilities	Adult social care maintenance & refurbishment	Urgent maintenance / refurbishment of the Health and Wellbeing estate to retain the function and value of the assets and to meet health and safety issues	50	50	50	150
		Improvement to existing facilities total	50	50	50	150
Adult Social Care total			1,959	6,320	781	9,060

FIVE YEAR CAPITAL VISION 2022/23 to 2026/27

The following table sets out by key area, the Councils Capital Vision for the next five years.

	2022/23 £,000	2023/24 £,000	2024/25 £,000	2025/26 £,000	2026/27 £,000	Total £,000
Housing, Local Economy and Regeneration Delivering sustainability, a strong, robust and successful economy that stimulates opportunities for all who work and live in	39,939	43,619	15,285	16,981	15,330	131,154
Roads and Transport Continuous investment in highways infrastructure to meet the needs of current and future users of the network	46,013	9,735	6,916	13,488	4,645	80,797
Children Services and Schools Dedicated in providing services and schools which ensure all children have the opportunity to achieve their goals potential	4,243	11,116	15,930	11,234	6,667	49,189
Climate Emergency Commitment to reduce carbon emissions and working towards becoming a carbon neutral Council	16,672	7,763	5,826	12,676	14,696	57,632
Internal Services Investment in Council assets and technology to continue to support all Council services and priorities	10,104	6,113	3,640	3,440	3,690	26,987
Environment Investment and enhancement of facilities across the borough benefiting communities and residents wellbeing	5,222	1,283	6,100	100	100	12,805
Adult Social Care An effective, high-quality care and support service to providing a better quality of life for residents	1,959	6,320	781	787	1,295	11,142
Total Capital Programme 2022/23 to 2026/27	124,152	85,949	54,478	58,706	46,423	369,707

FIVE YEAR CAPITAL VISION 2022/23 to 2026/27 BY SUB CATEGORY

Appendix C

The following table sets out in further detail by key area, the Councils Capital Programme for the next five years.

	2022/23 £'000	2023/24 £'000	2024/25 £'000	2025/26 £,000	2026/27 £,000	Total £'000
Housing, Local Economy and Regeneration						
Housing delivery	26,365	15,797	15,185	14,910	14,660	86,917
Incoome Generation	8,233	27,722	100	0	0	36,055
Service Improvements	3,500	100	0	100	0	3,700
Regeneration of towns	1,841	0	0	1,971	670	4,482
Housing, Local Economy and Regeneration Total	39,939	43,619	15,285	16,981	15,330	131,154
Roads and Transport						
New roads	36,372	64	66	9,493	420	46,415
Improvement to existing facilities	7,265	7,145	3,575	3,345	3,575	24,905
Service improvements	2,376	2,526	3,276	650	650	9,478
Roads and Transport Total	46,013	9,735	6,916	13,488	4,645	80,797
Children Services and Schools						
New facilities	2,214	9,309	14,123	9,627	5,060	40,333
Improvement to existing facilities	1,741	1,327	1,327	1,127	1,127	6,649
Service improvements	288	480	480	480	480	2,208
Children Services and Schools Total	4,243	11,116	15,930	11,234	6,667	49,189
Climate Emergency						
Alternative transport	3,692	4,704	2,767	4,617	4,237	20,016
Clean energy generation	10,000	0	0	0	0	10,000
Co2 reduction	2,980	3,059	3,059	8,059	10,459	27,616
Climate Emergency Total	16,672	7,763	5,826	12,676	14,696	57,632

FIVE YEAR CAPITAL VISION 2022/23 to 2026/27 BY SUB CATEGORY CONT..

	2022/23 £'000	2023/24 £'000	2024/25 £'000	2025/26 £,000	2026/27 £,000	Total £'000
Internal Services						
Service improvements	4,454	3,463	2,990	2,790	3,040	16,737
New facilities	5,000	2,000	0	0	0	7,000
Improvement to existing facilities	650	650	650	650	650	3,250
Internal Services Total	10,104	6,113	3,640	3,440	3,690	26,987
Environment						
New facilities	4,755	1,000	6,000	0	0	11,755
Service improvements	367	183	0	0	0	550
Improvement to existing facilities	100	100	100	100	100	500
Environment Total	5,222	1,283	6,100	100	100	12,805
Adult Social Care						
New facilities	1,200	5,541	0	0	0	6,741
Service improvements	709	729	731	737	745	3,651
Improvement to existing facilities	50	50	50	50	550	750
Adult Social Care Total	1,959	6,320	781	787	1,295	11,142
Total Capital Programme 2022/23 to 2026/27	124,152	85,949	54,478	58,706	46,423	369,707

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Approval of S106 & CIL Funding 2022/25

The table shows the capital programme schemes which have been identified to be part/fully funded by developers contributions.

As per the finance regulations, the Executive are asked to approve the allocation of Section 106 and CIL funding up to the value of the total budget of each scheme.

Project Description	Total Budget 2022/23 - 2024/25	2022/23 Budget	2023/24 Budget	2024/25 Budget	Total Estimated Developer Contributions Funding	Total Estimated Other Funding
	£,000	£,000	£,000	£,000		
SCAPE - Road infrastructure (distributor & strategic roads)	33,000	33,000	0	0	100%	0%
Gorse Ride Regeneration Project	9,508	9,508	0	0	100%	0%
Basic Needs Secondary - Additional Places	6,500	0	0	6,500	81%	19%
Primary strategy - Spencer's Wood Primary School	5,138	0	0	5,138	84%	16%
Sports Provision to Serve North & South SDL's	4,080	4,080	0	0	100%	0%
Bridge Strengthening (Earley Station Footbridge)	3,800	0	3,800	0	57%	43%
Sixth Form Expansion	3,500	0	3,500	0	6%	94%
Toutley Care Home Infrastructure	3,500	3,500	0	0	100%	0%
Nine Mile Ride Extension	3,310	3,310	0	0	100%	0%
Wokingham Borough Cycle Network	3,000	1,000	1,000	1,000	100%	0%
Greenways	2,742	742	1,000	1,000	100%	0%
Public Rights of Way Network	2,210	0	1,474	737	66%	34%
Learning Disability Demand Management	1,200	1,200	0	0	100%	0%
Capital Construction Inflation Costs	3,500	3,500	0	0	27%	73%
A327 Cycleway	750	750	0	0	100%	0%
Gorse Ride Regeneration Project Management	180	60	60	60	100%	0%
Completed Road Schemes Retention	62	62	0	0	100%	0%
Bus Stop Infrastructure Works to Support North Arborfield SDL Bus Strategy	60	0	30	30	100%	0%
Furniture, fittings & Equipment for Additional places - Shinfield West FFE	41	0	41	0	100%	0%
Total	86,081	60,712	10,904	14,464	85%	15%

Note 1 - Any changes agreed by Executive to the Gorse Ride Regeneration project will need to be updated in the table above.

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TITLE	Treasury Management Strategy 2022-2025
FOR CONSIDERATION BY	Council on Thursday, 17 February 2022
WARD	None Specific;
LEAD OFFICER	Deputy Chief Executive - Graham Ebers
LEAD MEMBER	Executive Member for Finance and Housing - John Kaiser

PURPOSE OF REPORT (INC STRATEGIC OUTCOMES)

Note the treasury management procedures, limits, and objectives for 2022/23.

Effective and safe use of our resources to deliver service improvements and service continuity through the management of the council’s cash flow and investments while funding the capital programme.

RECOMMENDATION

The Executive recommend to Council to;

- 1) note the Treasury Management Strategy as set out in Appendix A including the following additional appendices;
 - Prudential Indicators (Appendix B)
 - Annual Investment Strategy 2022/23 (Appendix C)
 - Minimum Revenue Provision (MRP) policy (Appendix D)
- 2) note that the Audit Committee agreed the Treasury Management Strategy on 2 February 2022 and have recommended the report to Council for approval;
- 3) note the cumulative financial impact on the Council of its borrowing activities equates to a net credit to the general fund for the taxpayer of £42.70 per band D equivalent at end of 2022/23 and noting this credit increases to £62.47 at the end of 2024/25.

EXECUTIVE SUMMARY

The Chartered Institute of Public Finance & Accountancy (CIPFA) 2017 Prudential Code sets out the requirements in relation to the setting of a Treasury Management Strategy within Local Authorities. The key objectives of the Code are to ensure, within a clear framework, that local authorities’ capital investment plans are affordable, prudent and sustainable.

Under the prudential system, individual local authorities are responsible for deciding the level of their affordable borrowing, having regard to CIPFA’s Prudential Code, which has been given legislative backing. Prudential limits apply to all borrowing, qualifying credit arrangements and other long-term liabilities – whether supported by government or

entirely self-financed. The system is designed to encourage authorities that need and can afford to undertake capital investment to do so within a robust framework.

Using the guidance from the Prudential Code, every year the Council produce a **Treasury Management Strategy** and a **Capital Strategy**. Both strategies are closely linked and also support the Medium Term Financial Plan. The Capital Strategy is considered in a separate report.

This report outlines the expected treasury activity for the forthcoming year and includes prudential indicators relating specifically to Treasury Management for the next three years.

Further reports are produced during the year: a mid-year monitoring and a year-end outturn.

A key requirement of this report is to explain both the risks and the management of the risks associated with the treasury management activity.

Treasury Management Strategy

The Executive are asked to note the Treasury Management Strategy as set out in Appendix A including the following appendices;

- Prudential Indicators (Appendix B)

These are primary indicators designed to ensure the key objectives of the Prudential Code are met and that local authorities' capital investment plans are affordable, prudent and sustainable; that treasury management decisions are taken in accordance with good professional practice.

These are summarised below and consist of limits and performance indicators for categories of Affordability and Prudence.

Prudential Indicators	2022/23 £m	2023/24 £m	2024/25 £m
<u>Affordability</u>			
<u>Limits</u>			
Authorised Limit (Note: CFR*120%)	760	783	785
Operational Boundary (Note: CFR*110%)	696	718	719
<u>Performance Indicators</u>			
Gross external borrowing – General Fund (GF)	388	403	405
Gross external borrowing - HRA	69	68	66
% of internal borrowing to CFR	28%	28%	28%
Ratio of financing costs to net revenue stream - GF	-0.6%	-0.6%	-0.6%
Ratio of financing costs to net revenue stream - HRA	29.9%	29.2%	28.5%
<u>Prudence</u>			
Maturity structure of borrowing	See Appendix C		

In relation to % of internal borrowing to CFR, although no set % is advised in the Prudential Code, the guideline across the industry is between 25% and 35% and depends very much on each local authorities circumstances and approach. Wokingham will aim to work within the guidelines of 25% and 35%.

The ratio of financing costs to net revenue stream calculation does not include any surplus income generated from assets which the Council have borrowed for. Although a statutory indicator, it is important to consider all the income as highlighted in the table below on the net credit to the general fund.

- Annual Investment Strategy 2022/23 (Appendix C)

This sets out the investment parameters that the Council treasury service will work within when making decisions. The CIPFA Code and DLUHC Guidance require the Council to invest its funds prudently, and to have regard to the security and liquidity of its investments before seeking the highest rate of return, or yield. The Council's investment priorities will be security first, liquidity second, then return.

- Minimum Revenue Provision (MRP) policy (Appendix D)

The policy in which the Council set aside a prudent revenue provision each year to repay historic capital spend also known as the capital financing requirement. The current approach which is in line with the Statutory Guidance on Minimum Revenue Provision requires a local authority to calculate in each financial year an amount of MRP that it considers to be prudent (set out in Appendix D). However, this does not rule out or otherwise preclude a local authority from using an alternative method should it decide that is more appropriate.

There is currently a consultation on changes to capital framework - MRP which DLUHC published on the 30th November 2021 running until the 8th February 2022. Any impact from this would need to be incorporated in future strategies and the Medium Term Financial Plan (MTFP).

Net credit to general fund

The executive are asked to note the cumulative financial impact on the Council of its borrowing activities equates to a net credit to the general fund for the taxpayer of £42.70 per band D equivalent at end of 2022/23 as shown in the table below. Over the medium term, these credits will increase as the housing, local economy and regeneration projects deliver more surplus income over and above financing costs. This includes c£0.8m in 2024/25 from town centre regeneration, c£3.1m from community investments (including solar farms).

Net Annual Benefit £m	£3.2m	£4.2m	£4.8m	
Divide by Council Tax Base (no. of band D equivalent properties)	74,946.3	76,070.5	76,831.2	
Benefit per band D property - £	£42.70	£55.21	£62.47	

BACKGROUND

The Council operates a balanced budget, which broadly means cash raised during the year will meet its cash expenditure. Part of the treasury management operations is to ensure that the Council has sufficient available cash to manage its day-to-day operations. By planning this daily cashflow the treasury service is able to invest short term surplus balances in suitable low-risk counterparties, which provide security of the investment and the appropriate liquidity before considering investment return.

The second main function of the treasury management service is the funding of the Council's capital plans. These capital plans provide a guide to the borrowing requirement of the Council, essentially the longer-term cash flow planning to ensure the Council can meet its capital spending operations. This management of longer-term cash may involve arranging long or short-term loans or using core balances. On occasion, debt previously drawn may be restructured to achieve a better financial position.

Details of the Council's capital spend plans are set out in the **Capital Strategy** document. As capital spend impacts on treasury management, key highlights from the capital strategy are included in the treasury management strategy (Appendix A) and summarised below;

	2022/23 £m	2023/24 £m	2024/25 £m	Total £m
Housing, Local Economy & Regeneration	39.9	43.6	15.3	98.8
Roads and Transport	46.0	9.7	6.9	62.6
Children Services and Schools	4.2	11.1	15.9	31.2
Climate Emergency	16.7	7.8	5.8	30.3
Internal Services	10.1	6.1	3.6	19.8
Environment	5.2	1.3	6.1	12.6
Adult Social Care	2.0	6.3	0.8	9.1
Total Capital Programme 2022/23 to 2024/25	124.1	85.9	54.4	264.4

Note – the figures above do not include any carry forward budgets from the current approved 2021/22 capital programme.

The capital programme proposed for the next year is prudent and affordable as per the principles of the treasury management code of practice. The proposed funding of the three year programme is summarised below;

	2022/23 £m	2023/24 £m	2024/25 £m	Total £m
Supported borrowing	(64.0)	(40.2)	(17.1)	(121.3)
Developer contributions (S106 / CIL)	(27.6)	(4.9)	(12.3)	(44.8)
Capital grants	(18.7)	(10.7)	(7.5)	(36.9)
Other contributions	(6.4)	(6.9)	(5.5)	(18.8)
Capital receipts	(0.1)	(6.8)	(7.5)	(14.4)
General fund borrowing	(7.3)	(2.2)	(4.6)	(14.1)
Total	(124.1)	(71.7)	(54.5)	(250.3)

The capital programme currently has a budget shortfall of c£14m over three years which includes a fully funded year 1 programme. This shortfall over three years will be balanced through a combination of reducing or reprofiling capital expenditure and maximising capital funding opportunities such as bidding for capital grants.

Borrowing Position

An important part of the treasury management strategy is to highlight the level of borrowing need. This is known as the capital financing requirement (CFR) and is an accounting concept which monitors how much capital expenditure has been incurred but not yet paid for.

The housing revenue account also has a CFR which is shown in Appendix A. This CFR is ringfenced and repaid through tenants rental income. This is estimated to be £79m for 2022/23.

A major source of funding for the Council’s capital programme is borrowing. This is described in two forms, supported borrowing and general fund borrowing. A significant part of the Council’s capital programme is either self-financing or makes a surplus where the income generated is greater than the cost of financing and therefore is available to fund other council services. These are referred to as “supported borrowing”. General fund borrowing is funded through existing base budget and supports general investment to maintain Council assets and continue to provide services to customers and residents.

A summary of the general fund CFR for the next three financial years is estimated below.

	Supported Borrowing			General Fund Borrowing		
	22/23	23/24	24/25	22/23	23/24	24/25
	£m	£m	£m	£m	£m	£m
Opening balance	307	428	450	125	126	124
Expenditure in year	156	42	18	5	2	5
Repayments in year	(35)	(20)	(16)	(4)	(4)	(4)
Closing balance	428	450	452	126	124	125

In the table above, the £156m supported borrowing expenditure assumes expenditure in relation to the remaining c£113m of the borrowing approved for community investment in utilised however the likelihood that this will only be used in 2022/23 if further renewable energy schemes are enacted.

It is important to note, the “expenditure in year” row is an estimate of actual capital expenditure to be incurred in the financial year and includes the impact of carry forwards from the previous year and carry forwards into future years based on historic trends. This ensures a more accurate CFR position which is important when considering investment and borrowing decisions. It will therefore be different to the amount identified as funding earlier in the report in the capital funding tables.

Also, worth noting, is the CFR balance does not reflect the level of debt the Council holds. Where the Council hold surplus balances such as reserves, unspent grants and working capital, this avoids the need to borrow externally saving on interest costs. This is known as internal borrowing. Furthermore, it is important to take into account any treasury investment balances when looking at external debt to understand a more accurate debt figure.

The table below sets out the annual cost of serving this borrowing and the income generated through the assets which have been borrowed for. Over the next three years, the income generated from these assets will give **an increasing net credit to the general fund.**

	2022/23	2023/24	2024/25
	£m	£m	£m
General Fund – Financing Cost (Interest and MRP debt repayment)	9.3	10.8	16.1
<u>Less</u> contributions towards financing costs from following areas:			
- Invest to save schemes	(1.2)	(2.2)	(7.4)
- Treasury investments	(1.6)	(1.6)	(1.6)
- Housing, Local Economy and Regeneration	(7.4)	(7.9)	(8.0)
	(10.2)	(11.7)	(17.0)
Net Annual Financing Cost / (Benefit)	(0.9)	(0.9)	(0.9)
<u>Include</u> additional income over and above the contributions shown above:			
- Community investments (inc. Solar Farms)	(2.3)	(2.6)	(3.1)
- Town centre regeneration*	0.0	(0.7)	(0.8)
Net Annual <u>Benefit</u> to the taxpayer	(3.2)	(4.2)	(4.8)

Net Annual Benefit £m	£3.2m	£4.2m	£4.8m
Divide by Council Tax Base (no. of band D equivalent properties)	74,946.3	76,070.5	76,831.2
Benefit per band D property - £	£42.70	£55.21	£62.47

*Income from this investment goes to repay its costs. When the scheme is fully operational, the surplus income is expected to be c£2m per annum. Over the fullness of time when debt is fully repaid, the surplus will be in the region of £5m - £6m per year.

Repayment Of Borrowing

As highlighted previously, the Council continue to invest significant amounts into the capital programme generating assets such as roads, schools, housing, regeneration properties and many more. The graph below sets out the expected repayment of this debt as well as the asset value generated.

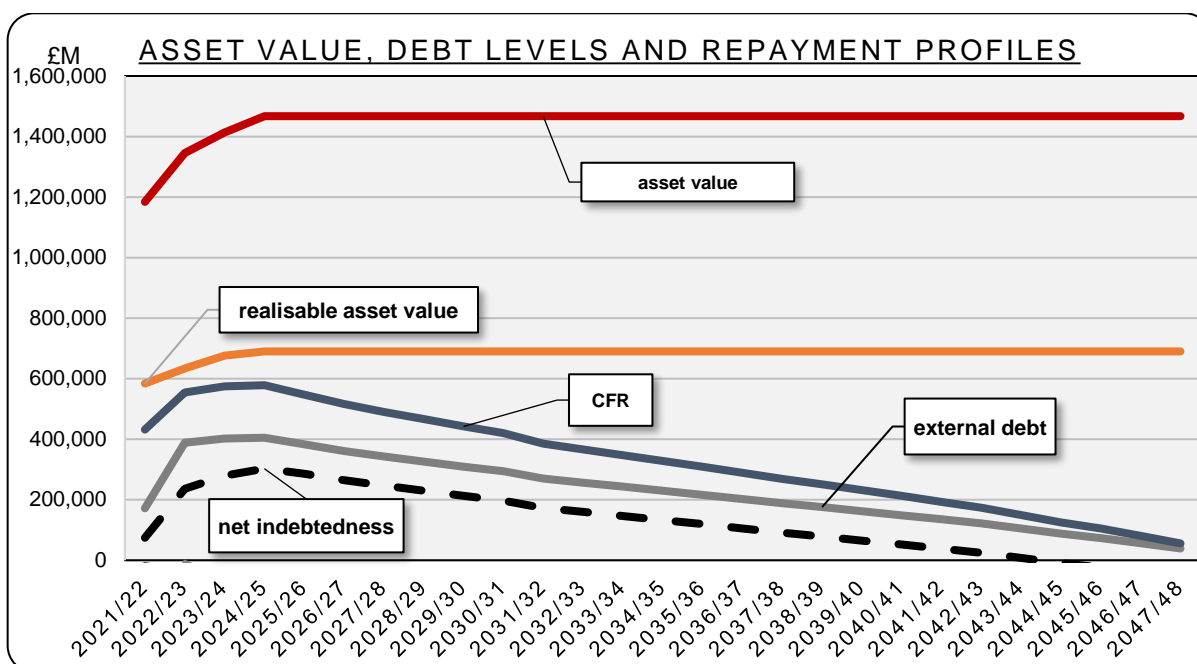
The graph includes four key lines in reference to debt;

- Capital financing requirement (CFR) - A technical calculation of historic capital expenditure less that already paid for, required to arrive at the annual level of debt repayment.
- External debt – this is the actual amount borrowed with third parties. The difference between CFR and external debt is referred to as internal borrowing.
- Net indebtedness – this is external debt less treasury (i.e. liquid) investment balances. It is important that these are considered together as treasury investments could be used to repay external debt.
- Realisable asset values – this is the value that could be realised through the disposal of assets. They are based on the asset values line excluding highways, education, housing revenue account assets and other assets such as IT infrastructure and equipment.

The Council are expecting debt to rise over the next three years in line with the capital programme and then it is expected to reduce over time as income is generated from these projects and cost savings are realised.

CFR and external debt will reduce as borrowings are repaid through income and will reach a point in time when debt is fully repaid and the ongoing income will be transferred to benefit the general fund.

The graph is based on general fund only and excludes HRA as this is ringfenced. The original CFR levels before commercialisation, forward funding and regeneration projects were approximately £100m.



As shown in the graph above, from 2022/23 external debt is based on 70% of the CFR in line with the guideline across the industry of 65% - 75% external debt to CFR ratio. A significant part of the CFR is supported borrowing expenditure and assumes expenditure in relation to the remaining c£113m of the borrowing approved for community investment is utilised however the likelihood that this will only be used in 2022/23 if further renewable energy schemes are enacted. External borrowing will therefore only be undertaken when needed.

The asset values used in the graph above are calculated using the total asset value from the Council's balance sheet, and an estimate of capital expenditure over the next three years. This methodology reflects all asset values that either have been or will be funded from an element of borrowing. A prudent approach to asset value has been taken with no capital appreciation estimated however over a long period of time it wouldn't be unreasonable to see asset values increase.

The above graph is summarised in the table below. After the first three years, the expectation is that the CFR, external debt and net indebtedness will start to reduce as repayments of borrowing start to increase, capital receipts and developer funding are received.

	2022/23	2023/24	2024/25
	£m	£m	£m
CFR (a)	554	575	578
Less internally Funded (b)	166	173	174
External debt - general fund only (c = a+b)	388	403	405
Less treasury investments (d)	152	122	102
Net indebtedness (e = c -d)	236	281	303

Key Changes to the Strategy

CIPFA published a revised Prudential Code and Treasury Management Code Practice on the 20th December 2021 following two consultation periods during 2021. Given local authority reporting timetables, CIPFA have stated that while the 2021 publications apply with immediate effect, authorities may defer introducing the revised reporting requirements until 2023/24 and following discussions with our external treasury advisors, WBC will work towards 2023/24. At the time this report was being produced CIPFA have yet to publish the accompanying guidance notes for each of the new publications.

The Authority will work throughout 2022/23 to integrate the revised reporting requirements and ensure continued compliance with the CIPFA Prudential Code and Treasury Management Code of Practice. This will be reflected in changes to the capital strategy, prudential indicators and investment reporting, recognising the differentiation between treasury, service and commercial investments. It will also be supported by incorporating the Councils Environmental, Social and Governance policies with the Capital Strategy and Treasury Management Practices, which will also be further updated and complimented by the introduction of Investment Management Practices to recognise service and commercial investments. A knowledge and skills framework will also be developed for the Authority in respect of Treasury Management activity.

The current prudential indicators used within this Treasury Strategy were developed by CIPFA to illustrate collectively that the Authority's capital expenditure plans are prudent, affordable and sustainable, and that the Authority's investment strategy is consistent with the principles of security and liquidity before yield.

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)	N/A	N/A	Revenue
Next Financial Year (Year 2)	Credit to general fund equal to band D property - £42.70	Yes	Revenue
Following Financial Year (Year 3)	Credit to general fund equal to band D property - £55.21	Yes	Revenue

Other Financial Information	
Capital spend plans are outlined in further detail in the Capital Strategy which is available within the agenda pack for the 17 February 2022 Executive meeting and will be available on the Council's website once approved.	
Stakeholder Considerations and Consultation	
None	
Public Sector Equality Duty	
An Equality Impact Assessment is not required for this report	
Climate Emergency – <i>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</i>	
None	
List of Background Papers	
Appendix A - Treasury Management Strategy Appendix B - Prudential & Treasury Management Indicators 2022/23 to 2024/25 Appendix C - Annual Investment Strategy Appendix D - MRP policy	
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Treasury Management Strategy 2022-23



WOKINGHAM
BOROUGH COUNCIL

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1. Introduction

The Chartered Institute of Public Finance & Accountancy (CIPFA) 2018 Prudential Code sets out the requirements for all local authorities to set an annual Treasury Management Strategy. The key objectives is to ensure, within a clear framework, that local authorities' capital investment plans are affordable, prudent and sustainable.

Under the prudential system, individual local authorities are responsible for deciding the level of their affordable borrowing, having regard to the Code. Prudential limits apply to all borrowing, qualifying credit arrangements and other long-term liabilities – whether supported by government or entirely self-financed. The system is designed to encourage authorities that need and can afford to undertake capital investment to do so within a robust framework.

This report has been written using guidance from the Prudential Code, and has the Council's **Capital Strategy report**. Both strategies are closely linked and also support the Medium Term Financial Plan.

This report outlines the expected treasury activity for the forthcoming year and includes prudential indicators relating specifically to Treasury Management for the next three years. A key requirement of this report is to explain both the risks and the management of the risks associated with the treasury service.

The Strategy for 2022/23 covers two main areas:

Treasury Management activities

- treasury management policy statement
- the current treasury position;
- treasury indicators which limit the treasury risk and activities of the Council;
- prospects for interest rates;
- the investment strategy;
- the borrowing strategy;
- policy on use of external service providers;
- reporting arrangements and management evaluation

Capital activities

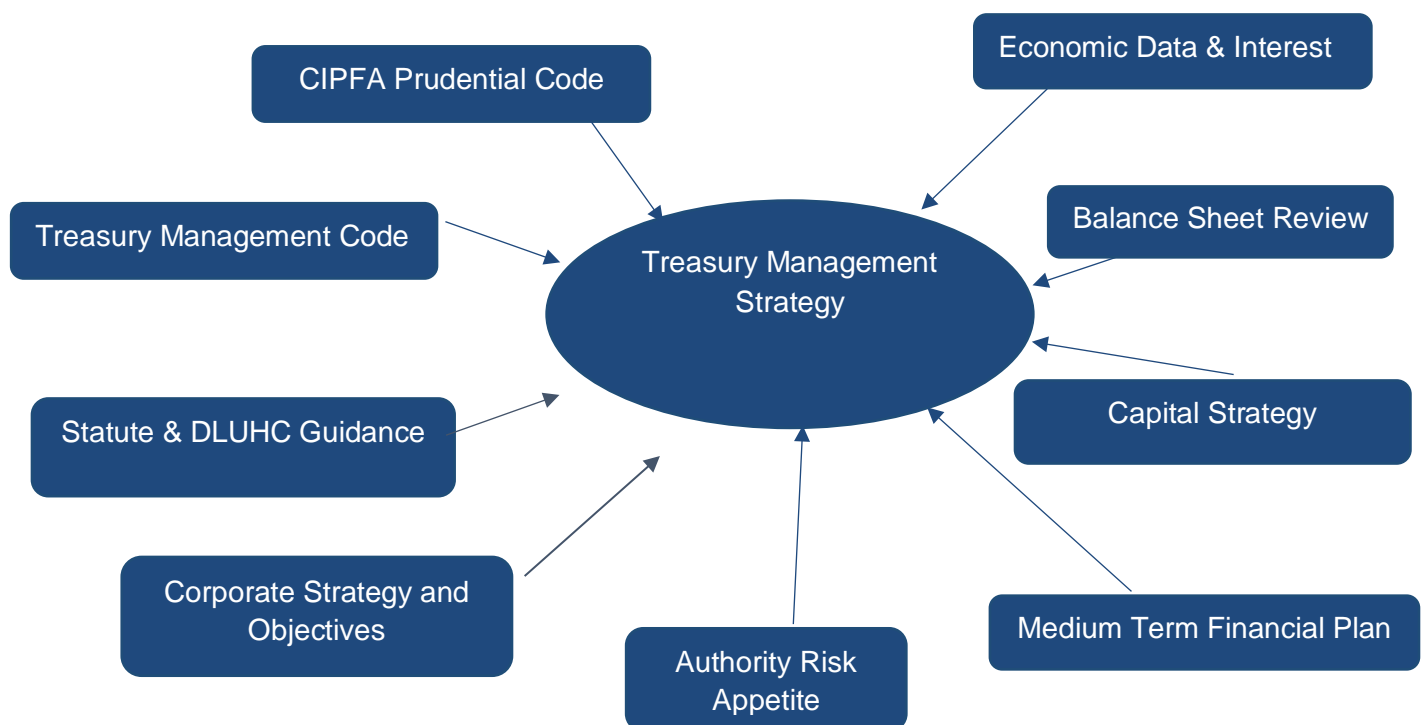
- the capital plans and the prudential indicators;
- the minimum revenue provision (MRP) policy.

2. Treasury Management Policy Statement

Wokingham Borough Council Treasury Management Policy Statement for 2022/23 is:

- The Council defines our treasury management activities as:
The management of the Council's investments and cash flows, banking, money market and capital market transactions, the effective control of the risks associated with above mentioned activities and the pursuit of optimum performance consistent with those risks.
- The Council regards the successful identification, monitoring and control of risk to be the prime criteria by which the effectiveness of its treasury management activities will be measured. Accordingly, the analysis and reporting of treasury management activities will focus on their risk implications for the Council.
- The Council acknowledges that effective treasury management will provide support towards the achievement of its business and service objectives. It is therefore committed to the principles of achieving best value in treasury management, and to employing suitable comprehensive performance measurement techniques, within the context of effective risk management.

Factors that shape the Treasury Strategy



Policy on use of external service providers

The Council use financial advisers Link Asset Services, to advise and support our treasury management practices, policies, investment and borrowing strategy.

When making investment or borrowing decisions, the Council have access to treasury brokers to ensure we achieve best value for money in our treasury deals.

3. Governance and Monitoring

The Deputy Chief Executive confirms that the treasury service will comply with the strategy set out within this document and any breaches to limits and prudential indicators will be reported to the Audit Committee as part of the two further statutory reports that are produced during the year: a mid-year monitoring report and a year-end outturn report.

During the year, the finance team engages in the following governance activities:-

- capital monitoring (forecast expenditure) is reported to Executive on a quarterly basis
- analysis of income projections for all funding assumptions
- cashflow review and forecasting
- treasury training including staff CPD
- financial modelling to support investment / borrowing strategy
- regular meetings with treasury advisors

4. Updates to Treasury Management Strategy

There are no changes proposed to the Treasury Management Strategy for 2022/23.

CIPFA published a revised Prudential Code and Treasury Management Code Practice on the 20th December 2021 following two consultation periods during 2021. Given local authority reporting timetables, CIPFA have stated that while the 2021 publications apply with immediate effect, authorities may defer introducing the revised reporting requirements until 2023/24. At the time this report was being produced CIPFA have yet to publish the accompanying guidance notes for each of the new publications.

The Authority will work throughout 2022/23 to integrate the revised reporting requirements and ensure continued compliance with the CIPFA Prudential Code and Treasury Management Code of Practice. This will be reflected in changes to the capital strategy, prudential indicators and investment reporting, recognising the differentiation between treasury, service and commercial investments. It will also be supported by incorporating the Councils Environmental, Social and Governance policies with the Capital Strategy and Treasury Management Practices, which will also be further updated and complimented by the introduction of Investment Management Practices to

recognise service and commercial investments. A knowledge and skills framework will also be developed for the Authority in respect of Treasury Management activity.

The current prudential indicators used within this Treasury Strategy were developed by CIPFA to illustrate collectively that the Authority’s capital expenditure plans are prudent, affordable and sustainable, and that the Authority’s investment strategy is consistent with the principles of security and liquidity before yield.

5. The Council’s Capital Expenditure and Financing 2022/23

The Council undertakes capital expenditure on long term assets. These activities may either be:

- financed in year, immediately through the application of capital or revenue resources (capital receipts, capital grants, capital contributions and revenue contributions etc.), which has no resulting impact on the Council’s borrowing need or;
- funded by borrowing (internal or external);
 - internal borrowing - is the use of the internal cash reserves of the Council to fund the cashflow requirement for its capital expenditure.
 - external borrowing - is the use of loans from outside organisations to fund the cashflow requirements for its capital expenditure. For example, borrowing from other local authorities or the Public Works Loans Board.

The capital expenditure plan is a key driver of the treasury management activity. The output of the capital expenditure plans is reflected in the prudential indicators, which are designed to assist members’ overview and confirmation of the Capital Programme.

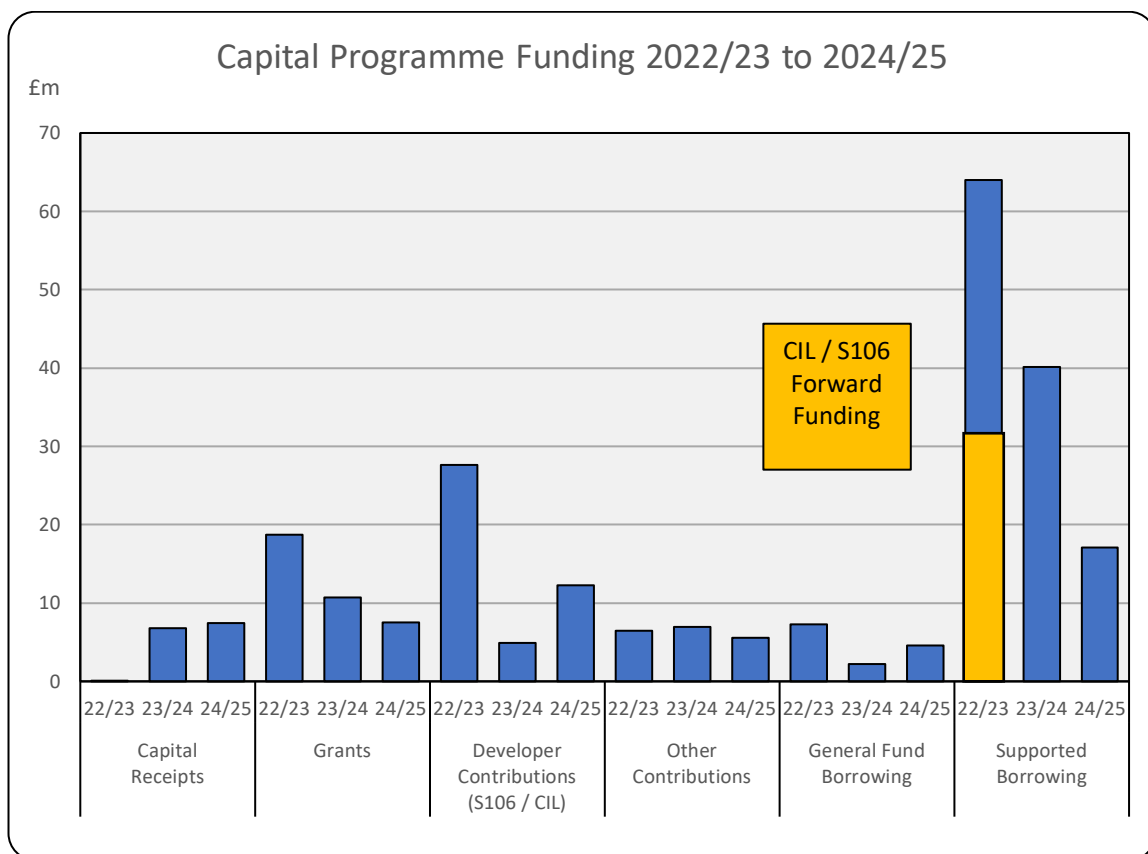
The table below sets out the capital programme for the next three years by key area. Full details of the Capital Programme can be found in the Capital Strategy and the Medium Term Financial Plan.

	2022/23 £m	2023/24 £m	2024/25 £m	Total £m
Housing, Local Economy & Regeneration	39.9	43.6	15.3	98.8
Roads and Transport	46.0	9.7	6.9	62.6
Children Services and Schools	4.2	11.1	15.9	31.2
Climate Emergency	16.7	7.8	5.8	30.3
Internal Services	10.1	6.1	3.6	19.8
Environment	5.2	1.3	6.1	12.6
Adult Social Care	2.0	6.3	0.8	9.1
Total Capital Programme 2022/23 to 2024/25	124.1	85.9	54.4	264.4

The capital programme proposed for the next three years is prudent and affordable as per the principles of the treasury management code of practice. The proposed funding of the programme is summarised below;

	2022/23 £m	2023/24 £m	2024/25 £m	Total £m
Supported borrowing	(64.0)	(40.2)	(17.1)	(121.3)
Developer contributions (S106 / CIL)	(27.6)	(4.9)	(12.3)	(44.8)
Capital grants	(18.7)	(10.7)	(7.5)	(36.9)
Other contributions	(6.4)	(6.9)	(5.5)	(18.8)
Capital receipts	(0.1)	(6.8)	(7.5)	(14.4)
General fund borrowing	(7.3)	(2.2)	(4.6)	(14.1)
Total	(124.1)	(71.7)	(54.5)	(250.3)

The capital programme currently has a budget shortfall of c£14m over three years which includes a fully funded year 1 programme. This shortfall over three years will be balanced through a combination of reducing or reprofiling capital expenditure and maximising capital funding opportunities such as bidding for capital grants.



Supported borrowing is where a direct repayment source has been identified to cover the cost of borrowing, for example invest to save schemes (covered from the future income generation or cost reductions), and many projects under Housing, Local Economy and Regeneration classification. Another example is forward funding developer contributions, where borrowing will be repaid from future developer contributions to be received (highlighted orange in the chart above).

The Capital Financing Requirement (CFR)

The Capital Financing Requirement (CFR) is the total historic outstanding capital expenditure which has not yet been paid for from resources (e.g. Capital receipts or grants). Any capital expenditure above, which has not immediately been paid for, will increase the CFR.

A major source of funding for the Council's capital programme is borrowing. This is described in two forms, supported borrowing and general fund borrowing. A significant part of the Council's capital programme is either self-financing or makes a surplus where the income generated is greater than the cost of financing and therefore is available to fund other council services. These are referred to as "supported borrowing". General fund borrowing is funded through existing base budget and supports general investment to maintain Council assets and continue to provide services to customers and residents.

The table below shows the estimated CFR for supported borrowing and general fund borrowing over the next three years.

	Supported Borrowing			General Fund Borrowing		
	22/23	23/24	24/25	22/23	23/24	24/25
	£m	£m	£m	£m	£m	£m
Opening balance	307	428	450	125	126	124
Expenditure in year	156	42	18	5	2	5
Repayments in year	(35)	(20)	(16)	(4)	(4)	(4)
Closing balance	428	450	452	126	124	125

In the table above, the £156m supported borrowing expenditure assumes expenditure in relation to the remaining c£113m of the borrowing approved for community investment in utilised however the likelihood that this will only be used in 2022/23 if further renewable energy schemes are enacted.

It is important to note, the "expenditure in year" row is an estimate of actual capital expenditure to be incurred in the financial year and includes the impact of carry forwards from the previous year and carry forwards into future years based on historic trends. This ensures a more accurate CFR position which is important when considering investment and borrowing decisions. It will therefore be different to the amount identified as funding earlier in the report in the capital funding tables.

As mentioned above, supported borrowing are related to capital projects which are self-financing and / or income generating. For the types of supported borrowing, a breakdown of the CFR is shown below.

	Supported Borrowing		
	22/23	23/24	24/25
	£m	£m	£m
Invest to save	183	215	219
Town centre regeneration	85	83	79
Wokingham housing companies	49	55	61
Developer contributions forward funded	111	97	93
Closing balance	428	450	452

The tables on the previous page are referred to as the “general fund” position and exclude the Housing Revenue Account (HRA) CFR because this is ringfenced and funded entirely from tenants rental income.

The HRA CFR for the next three years is estimated below.

	Housing Revenue Account		
	22/23	23/24	24/25
	£m	£m	£m
Opening balance	80	79	78
Expenditure in year	1	1	1
Repayments in year	(2)	(2)	(2)
Closing balance	79	78	77

The in-year increase in the borrowing requirement is due to the Council’s ambitious Capital Programme which includes invest to schemes (these schemes will be able to create a saving and pay for the financing costs), many are Housing, Local Economy and Regeneration schemes, which will reduce over time when capital receipts are recovered or loans repaid. To be able to provide the infrastructure such as roads and facilities that the borough needs the council is continuing to forward fund schemes. These will decrease again as developer contributions are received. The CFR is also reduced each year by the minimum revenue provision (MRP) (see section 6). Part of the Councils financial strategy is based on diversifying income streams, by growing revenue generating assets through its housing companies and other strategic investments.

Part of the Council’s treasury activities is to address the funding requirements for this borrowing need. Depending on the Capital Programme, the treasury service organises the Council’s cash position to ensure that sufficient cash is available to meet the Capital Programme and cash flow requirements. The Council does not borrow all of this money externally but uses some of its internal cash reserves to fund this expenditure (this approach saves the council on interest costs). This is referred to as “internal borrowing”. This means that the Council’s capital financing requirement is higher than its external borrowing figures. External borrowing may be sourced from bodies such as

the Public Works Loan Board [PWLB], the money markets and other types of funding (local authorities, bonds etc.).

The CFR is estimated to reduce over the next 25 to 30 years to the pre 2011/12 level of £100m. 2011/12 is used as a benchmark because this was the level of balance before the housing, regeneration and forward funded projects.

This reduction is shown on the graph on the next page.

As highlighted previously, the Council continue to invest significant amounts into the capital programme generating assets such as roads, schools, housing, regeneration properties and many more. The graph below sets out the expected repayment of this debt as well as the asset value generated.

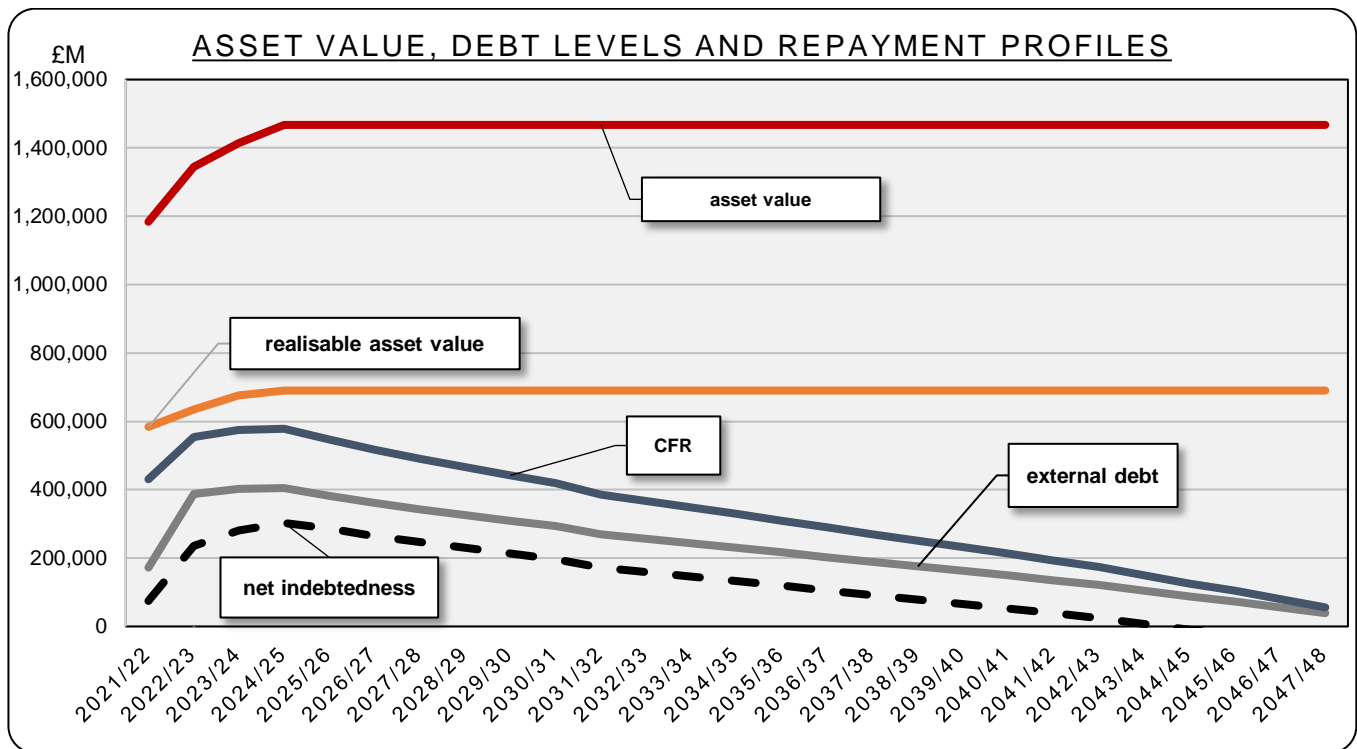
The graph includes three key lines in reference to debt;

- Capital financing requirement (CFR) - A technical calculation of historic capital expenditure less that already paid for, required to arrive at the annual level of debt repayment.
- External debt – this is the actual amount borrowed with third parties. The difference between CFR and external debt is referred to as internal borrowing.
- Net indebtedness – this is external debt less treasury (i.e. liquid) investment balances. It is important that these are considered together as treasury investments could be used to repay external debt.

The Council are expecting debt to rise over the next three years in line with the capital programme and then it is expected to reduce over time as income is generated from these projects and cost savings are realised.

CFR and external debt will reduce as borrowings are repaid through income and will reach a point in time when debt is fully repaid and the ongoing income will be transferred to benefit the general fund.

The graph is based on general fund only and excludes HRA as this is ringfenced.



As shown in the graph above, from 2022/23 external debt is based on 70% of the CFR inline with the guideline across the industry of 65% - 75% external debt to CFR ratio. A significant part of the CFR is supported borrowing expenditure and assumes expenditure in relation to the remaining c£113m of the borrowing approved for community investment in utilised however the likelihood that this will only be used in 2022/23 if further renewable energy schemes are enacted. External borrowing will therefore only be undertaken when needed.

The asset values used in the graph above are calculated using the total asset value from the Council’s balance sheet, and an estimate of capital expenditure over the next three years. This methodology reflects all asset values that either have been or will be funded from an element of borrowing. A prudent approach to asset value has been taken with no capital appreciation estimated however over a long period of time it wouldn’t be unreasonable to see asset values increase.

The realisable asset values in the graph above are based on the asset values line excluding highways, education, housing revenue account assets and other assets such as IT infrastructure and equipment.

The original CFR levels before commercialisation, forward funding and regeneration projects were approximately £100m.

6. Minimum Revenue Provision (MRP) Policy Statement

The Council is required to pay off an element of the accumulated General Fund underlying borrowing each year (the 'CFR') through a revenue charge known as the Minimum Revenue Provision (MRP). The Council is also permitted to undertake additional voluntary payments known as Voluntary Revenue Provision (VRP).

The Department for Levelling Up, Housing and Communities, DLUHC (previously MHCLG) regulations have been issued which require the full Council to approve a MRP Statement in advance of each financial year. The decision on the amount of MRP lies with the Council although a prudent provision must be made. **The Council is recommended to approve the MRP Statement which can be found in Appendix D.**

Principles of the guidance have been reflected in the Council's strategy now the guidance has been finalised. However where we identify an alternative prudent and more pertinent MRP policy, we are permitted to follow that instead.

For 2022/23 Wokingham Borough Council's MRP policy will follow the main DLUHC principles, except in some instances. The table below summarises areas where WBC are planning to treat MRP different from the guidance however the approach remains prudent and affordable which are consistent with the principles of the code.

Expenditure type	WBC MRP charging policy
Freehold land	maximum 60 years using asset life as a guide
Bridges	maximum 60 years using asset life as a guide
Housing, Local Economy and Regeneration a) assets that can be disposed of for appreciation	10% of maximum 15 years asset life
Housing, Local Economy and Regeneration b) all other assets	range of 5 to 40 years (depending on life of asset type)
Loan Capital in WBC holdings	no charge - loan secured by company assets
Forward Funding Schemes	no charge – developer contributions are used to repay principle

Housing, Local Economy and Regeneration - a) assets that can be disposed of for appreciation – 10% for a maximum of 15 years asset life. This is a prudent contingency for assets which can be disposed of for appreciation, if they reduce in value when sold, to cover any loss on disposal.

7. Balance Sheet Projections

The balance sheet projection is a financial model used to help understand the current and future levels of external and internal borrowing in relation to the CFR estimates and the underlying cash balances. It is not required in the Prudential Code however is considered best practice to do and helps to ensure our borrowing is prudent, affordable and sustainable.

With support from our financial advisors Link Asset Services, we produce a balance sheet review on a quarterly basis. One of the key performance indicators identified in the strategy is the ratio of internal borrowing to CFR. The industry benchmark is a ratio of 25% - 35%. This ratio is important as it indicates if the Council can take on capital expenditure without the need to secure borrowing at the point of expenditure. This helps ensure borrowing costs are minimised. The balance sheet review will calculate the ratio for the current year and future years.

The balance sheet review looks at;

- CFR position
- Level of investment balance
- External debt requirement
- Working capital position
- Level of reserves

8. External Borrowing and Compliance with Treasury Limits and Prudential Indicators for Debt

We have looked at the overall Capital Programme (above) but within this framework prudential indicators are required to assess the affordability of the capital investment plans. These provide an indication of the impact of the capital investment plans on the Council's overall finances.

Further detail on each of these indicators is included in Appendix B.

Authorised limit – Limit beyond which borrowing is prohibited, and needs to be set and revised by Council and should reflect a level of borrowing which, while not desired, could be afforded but may not be sustainable.

Operational boundaries limit – Limit of borrowing which is deemed prudent and affordable whilst allowing the Council to fund its capital programme plan.

Gross external borrowing – borrowing with external parties which attract an interest charge (e.g. PWLB).

% of internal borrowing to CFR – percentage of the use of the internal cash reserves of the Council to fund the cashflow of its capital expenditure (internal borrowing) over the 'total historic outstanding capital expenditure which has not yet been paid for from capital resources' (capital financing requirement).

Maturity structure of borrowing – time period when loans borrowed will be required to be repaid.

Ratio of financing costs to net revenue stream - The ratio of the financing costs against the net revenue expenditure.

The Council is asked to approve the following prudential indicators in the table below:

Prudential Indicators	2022/23 £m	2023/24 £m	2024/25 £m
<u>Affordability</u>			
<u>Limits</u>			
Authorised Limit (Note: CFR*120%)	760	783	785
Operational Boundary (Note: CFR*110%)	696	718	719
<u>Performance Indicators</u>			
Gross external borrowing – General Fund (GF)	388	403	405
Gross external borrowing - HRA	69	68	66
% of internal borrowing to CFR	28%	28%	28%
Ratio of financing costs to net revenue stream - GF	-0.6%	-0.6%	-0.6%
Ratio of financing costs to net revenue stream - HRA	29.9%	29.2%	28.5%
<u>Prudence</u>			
Maturity structure of borrowing	See Appendix C		

9. Investment Strategy

The treasury management team ensure the cash flow is adequately planned, with surplus monies being invested in suitable low risk counterparties, providing adequate liquidity initially before considering maximising investment return. The return on investments contributes to the Council's budget for both the general fund and housing revenue account.

Annual investment strategy

CIPFA Code and the MHCLG Guidance require the Council to invest its funds prudently, and to have regard to the security and liquidity of its investments before seeking a rate of return, or yield. The Council's investment priorities are security first, liquidity second, then return.

The Council will only invest its surplus funds in accordance with its time and monetary limits for institutions on the Council's counterparty list.

Time and monetary limits for institutions on the Council's counterparty list

	* Minimum credit criteria / colour band*	Money Limit	Max. maturity period
DMADF – UK Government	UK sovereign rating	£20M	3 months
UK Government gilts	UK sovereign rating	£5m	1 year
UK Government Treasury bills	UK sovereign rating	£5m	1 year
Money market funds	AAA	£10m	Liquid
Local authorities	N/A	£10m	5 year
Term deposits with banks and building societies**	AA	£5m	Liquid
Term deposits with building societies	A-	£5m	Liquid
CDs or corporate bonds with banks and building societies	AA	£5m	Liquid

Note*: The credit criteria shown here is Fitch credit ratings agencies long term ratings. When using the credit rating the Council will use the lower of the three credit rating agencies. (See appendix C)

Note **for each banking group the following limits will apply, dependent on the rating of the Parent Bank (i.e. Lloyds group)

- AAA : £7m with a maximum average duration of 1 year
- AA- : £5m with a maximum average duration of 6 months

The annual investment strategy can be found in Appendix C.

Changes to investment strategy for 2022/23

There are no changes proposed the investment strategy for 2022/23.

Treasury investment projections

The Council assesses future investment projections, so as to maintain an operational cash balance so that it is able to manage its planned future day-to-day cashflow, without the requirement of short-term borrowing. Once planned short term expenditures are covered, the treasury team will look to invest in the longer term (plus 1 year).

The table below shows the Councils treasury investment projections for the next three years.

	2022/23 £m	2023/24 £m	2024/25 £m
Loans to Council owned companies	44	46	48
Loans to Local Authorities / fund managers	152	122	102
Total	196	168	150

Estimated investment return rates for treasury investments

Investment returns are likely to remain low during 2022/23 but are expected to rise gradually over the next few years'. There remains a lot of uncertainty in terms of the global and national economy and the longer terms impact from Covid-19.

	Interest forecasts							
	Mar 2022	Jun 2022	Sep 2022	Dec 2022	Mar 2023	Jun 2023	Sep 2023	Dec 2023
Bank rate	0.25%	0.50%	0.50%	0.50%	0.75%	0.75%	0.75%	0.75%

Cash flow management

The Council's officers maintain a detailed cash flow forecast for each coming year revising it as more information is available. This informs the short-term investments. The forecast is compiled on a prudent basis to minimise the risk of the Council being forced to borrow on unfavourable terms to meet its financial commitments. Long term investment strategy is based on the Council's Medium Term Financial Strategy.

Non-Treasury Investments

Although not classed as treasury management activities and therefore not covered by the CIPFA Code or the DLUHC Guidance, the Council may also make loans and investments for service purposes or where the local authority is setting up local authority owned companies. Such loans and investments will be subject to the Council's normal approval processes for revenue and capital expenditure and need not comply with this Treasury Management Strategy.

The council will acquire land and buildings within the borough boundaries for the primary reason of economic development, regeneration or to protect local employment for residents and has to take on external debt to pay for these, the minimum revenue provision and the cost of debt financing is expected to be covered from any income streams generated by the acquisition.

THE COUNCIL WILL NOT BORROW TO ACQUIRE ASSETS PRIMARILY FOR FINANCIAL RETURN.

The previous commercial properties investment made before changes to the PWLB borrowing regulations will be retained until the optimum point for disposal in accordance with the strategy agreed by Council on 23 November 2017. Where these investments have treasury or MRP implications this strategy will be followed.

Investment Performance Benchmarking

Prior to investing funds the Council is required to ensure that it follows the following indicators to achieve security, liquidity and return (in this order).

Performance Benchmark	2022/23	2023/24	2024/25
Review of investment strategy to be undertaken during year	Yes	Yes	Yes
Bank overdraft limit	£0m	£0m	£0m
Liquid short term deposits available with a week's notice of at least	£5m	£5m	£5m
Weighted average life benchmark is expected to be 0.25 years, with a maximum of 0.5 years.	0.5 Years	0.5 Years	0.5 Years

10. Borrowing Strategy

In order to fund the capital programme highlighted earlier in the strategy, the Council will be required to borrow. Depending on the cashflow position of the Council at the time, borrowing will vary from short term (due to a requirement for liquidity), or over a longer period so as to fund a major project.

The following factors are to considered when making borrowing decisions;

- Need for short term or long term borrowing.
- Forecast ratio of Internal / External borrowing.
 - i) Internal borrowing - is the use of the internal cash reserves of the Council to fund its capital expenditure
 - ii) External borrowing - is the use of loans from outside the organisations to fund its capital expenditure
- Maturity Structure - link maturity payments dates to when other income receipts due to be received to match against the repayment of debt (part of the long- term cash-flow).
- View of the interest rate market.

Once a decision is made on the type of borrowing required, the Council will look to borrow from the following places (in no particular order);

- PWLB (Public Works Loans Board)
- Local Authorities.
- Financial Institutions (e.g. banks, pensions funds)
- Municipal Bonds Agency (MBA) borrowing – Local Government Funded Agency, raises funds from selling municipal bonds to lend to local authorities
- Issuance of Local Authority Bonds (from Wokingham Borough Council) – Council issue bonds on bond market

Changes to the borrowing strategy for 2022/23

There are no changes to the borrowing strategy for 2022/23.

11. Appendices

- Appendix B – Prudential & Treasury Management Indicators 2022/23 to 2024/25
- Appendix C - Annual Investment Strategy
- Appendix D - MRP Policy

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Prudential & Treasury Management Indicators 2022/23 to 2024/25

These are primary indicators designed to ensure the key objectives of the Prudential Code are met and that local authorities' capital investment plans are affordable, prudent and sustainable; that treasury management decisions are taken in accordance with good professional practice.

Capital Expenditure

The Council's capital expenditure plans are the key driver of treasury management activity. The output of the capital expenditure plans is reflected in the prudential indicators, which are designed to assist Members' overview and confirm capital programme.

The Council's Capital programme is summarised below as the required prudential indicators for capital expenditure.

	2022/23 £m	2023/24 £m	2024/25 £m	Total £m
Housing, Local Economy & Regeneration	39.9	43.6	15.3	98.8
Roads and Transport	46.0	9.7	6.9	62.6
Children Services and Schools	4.2	11.1	15.9	31.2
Climate Emergency	16.7	7.8	5.8	30.3
Internal Services	10.1	6.1	3.6	19.8
Environment	5.2	1.3	6.1	12.6
Adult Social Care	2.0	6.3	0.8	9.1
Total Capital Programme 2022/23 to 2024/25	124.1	85.9	54.4	264.4

The table below summarises the above capital expenditure plans and how these plans are being financed by capital or revenue resources. Any shortfall of funding resources results in a borrowing need.

	2022/23 £m	2023/24 £m	2024/25 £m	Total £m
Supported borrowing	(64.0)	(40.2)	(17.1)	(121.3)
Developer contributions (S106 / CIL)	(27.6)	(4.9)	(12.3)	(44.8)
Capital grants	(18.7)	(10.7)	(7.5)	(36.9)
Other contributions	(6.4)	(6.9)	(5.5)	(18.8)
Capital receipts	(0.1)	(6.8)	(7.5)	(14.4)
General fund borrowing	(7.3)	(2.2)	(4.6)	(14.1)
Total	(124.1)	(71.7)	(54.5)	(250.3)

A major source of funding for the Council's capital programme is borrowing. This is described in two forms, supported borrowing and general fund borrowing. A significant part of the Council's capital programme is either self financing or makes a surplus where the income generated is greater than the cost of financing and therefore is available to fund other council services. These are referred to as "supported borrowing". General fund borrowing is funded through existing base budget and supports general investment to maintain Council assets and continue to provide services to customers and residents.

Capital Financing Requirement

The Capital Financing Requirement (CFR) is any capital expenditure above, which has not been funded (resulting in a borrowing need). The CFR does not increase indefinitely, as the minimum revenue provision (MRP) is a statutory annual revenue charge which reduces the borrowing need in line with our MRP policy. The CFR includes any other long- term liabilities (e.g. PFI schemes, finance leases). Whilst these increase the CFR, and therefore the Council's borrowing requirement, these types of scheme include the financing of the asset and so the Council is not required to separately borrow for these schemes.

The following table shows the total CFR for the general fund and therefore excludes the HRA which is shown separately further below.

CFR : General fund Total	Total		
	22/23	23/24	24/25
	£m	£m	£m
Opening balance	432	554	574
Expenditure in year	161	44	23
Repayments in year	(39)	(24)	(20)
Closing balance	554	574	577

This can be broken down further into supported and general fund borrowing.

CFR : General fund	Supported Borrowing			General Fund Borrowing		
	22/23	23/24	24/25	22/23	23/24	24/25
	£m	£m	£m	£m	£m	£m
Opening balance	307	428	450	125	126	124
Expenditure in year	156	42	18	5	2	2
Repayments in year	(35)	(20)	(16)	(4)	(4)	(4)
Closing balance	428	450	452	126	124	125

Supported borrowing consists of different types of supported borrowing which are broken down further below. As described earlier, these are either self-financing or makes a surplus where the income generated is greater than the cost of financing and therefore is available to fund other council services.

CFR : General fund	Total		
	22/23	23/24	24/25
	£m	£m	£m
Invest to Save	183	215	219
Town Centre Regeneration	85	83	79
Wokingham Housing Ltd	49	55	61
Developer contribution forward funded	111	97	93
Closing balance	428	450	452

The following table shows the CFR balance for the HRA. Due to the ringfenced nature of the HRA, the CFR is considered separately to the general fund.

CFR : HRA	Total		
	22/23	23/24	24/25
	£m	£m	£m
Opening balance	80	79	78
Expenditure in year	1	1	1
Repayments in year	(2)	(2)	(2)
Closing balance	79	78	77

External Debt

The Operational Boundary

This is the limit beyond which external borrowing and long-term liabilities are not normally expected to exceed. In most cases, this would be linked to the CFR, but may be lower or higher depending on the levels of actual borrowing and the ability to fund under-borrowing by other cash resources.

	2022/23	2023/24	2024/25
	£m	£m	£m
Operational boundary for total debt	696	718	719

Note: calculation CFR *110%

A 10% adjustment is added to the CFR balance in order to calculate the operational boundary. This is deemed prudent enough to cover any fluctuations in borrowing levels throughout the year.

Authorised limit

This is the maximum level of borrowing. It represents a limit beyond which external borrowing is prohibited.

	2022/23	2023/24	2024/25
	£m	£m	£m
Authorised limit for total debt	760	783	785

Note: calculation CFR *120%

A 20% adjustment is added to the CFR balance in order to calculate the authorised limit. This is deemed prudent enough to cover any fluctuations in borrowing levels throughout the year.

Affordability

To assess the affordability of a council's capital programme, the following indicators provide an indication of the impact of the capital investment plans on the Council's overall finances.

Ratio of financing costs to net revenue stream

This indicator identifies the trend in the cost of capital, (borrowing and other long term obligation costs net of investment income), against the net revenue stream;

General Fund

2022/23 2023/24 2024/25

	2022/23	2023/24	2024/25
Percentage of Financing Costs to Net Revenue Stream	-0.6%	-0.6%	-0.6%

This indicator is estimated to remain stable in line with the CFR for general fund borrowing highlighted in the earlier table. Increases in the CFR are related to supported borrowing which have an identified repayment stream to offset the financing costs and therefore has no impact on the ratio percentage above.

Housing Revenue Account (HRA)

2022/23 2023/24 2024/25

Percentage of Financing Costs to Net Revenue Stream	29.9%	29.2%	28.5%
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The decrease is due to reduction in financing costs as loan repayments are made.

Maturity structure of borrowing

The table below shows the current maturity structure of borrowing forecast as at 31 March 2022. The Council will aim to match the maturity structure of borrowing with the expected profile of when income will come in to repay borrowing.

Long Term Borrowing	31st March 2022
	£m
Less than 1 year	96.5
Between 1 and 2 years	19.2
Between 2 and 5 years	13.1
Between 5 and 10 years	26.4
Between 10 and 15 years	39.2
Between 15 and 20 years	0.0
Between 20 and 25 years	1.5
Between 25 and 30 years	3.0
More than 30 years	39.7
Total	238.6

Note: Less than a year borrowing will be replaced with a mixture of new external debt and internal borrowing. The treasury service through the use of its cashflow constantly review its debt and will endeavour to get the best rates available while looking at the long and short term picture of anticipated receipts and payments.

Investment treasury indicator and limit

Total principal funds invested for greater than 365 days. These limits are set with regard to the Council's liquidity requirements and to reduce the need for early sale of an investment, and are based on the availability of funds after each year-end.

Upper limit for principal sums invested for longer than 365 days	2022/23	2023/24	2024/25
	£m	£m	£m
Principal sums invested for longer than 365 days	60	60	60

ANNUAL INVESTMENT STRATEGY

The CIPFA Code and DLUHC (previously MHCLG) Guidance require the Council to invest its funds prudently, and to have regard to the security and liquidity of its investments before seeking the highest rate of return, or yield. The Council's investment priorities will be security first, liquidity second, then return.

The council may invest its surplus funds in accordance with its time and monetary limits for institutions on the Council's counterparty list, as shown below.

	Fitch Long term Rating	Moody's	Standard & Poors	Money Limit	Time Limit
Banks 1 higher quality	F1+/AAA	P-1Aaa	A-1+/AA-	£5m	365 days
Banks 1 medium quality	F1+/AA-	P-1Aa3	A-1+/AA-	£3m	365 days
Building Societies				£2m	6 Months
Debt Management Office Account (DMADF)	-	-	-	£20m	3 Months
Guaranteed Organisations	-	-	-	£2m	3 Months
Other local authorities	-	-	-	£10m	5 years / 1825 days
Other Institution Limits (Money Market Funds, Gilts and Supranational investments)	-	-	-	£10m	365 days

Creditworthiness policy

The primary principle governing the Council's investment criteria is the security of its investments, although the yield or return on the investment is also a key consideration. After this main principle, the Council will ensure that:

- It maintains a policy covering both the categories of investment types it will invest in, criteria for choosing investment counterparties with adequate security, and monitoring their security. This is set out in the specified and non-specified investment sections; and
- It has sufficient liquidity in its investments. For this purpose it will set out procedures for determining the maximum periods for which funds may prudently be committed. These procedures also apply to the Council's prudential indicators covering the maximum principal sums invested.

The Deputy Chief Executive (S151 Officer) will maintain a counterparty list in compliance with the following criteria and will revise the criteria and submit them to Council for approval as necessary.

Credit Rating criteria:

Credit rating information is supplied by Link Asset Services, our treasury advisors, on all active counterparties that comply with the criteria below. Any counterparty failing to meet the criteria would be omitted from the counterparty (dealing) list.

- Banks a minimum, the following Fitch, Moody's and Standard and Poors credit ratings (where rated):
 - i. Short term – F1+ (Fitch), P-1 (Moody's), A-1+ (Standard and Poor's)
 - ii. Long term – AA (Fitch), Aa2 (Moody's) , AA (Standard and Poor's)
- Building societies. Subject to a minimum asset size of £5bn and meeting a minimum credit rating of A-.
- UK Government: including Money market funds – the Council and its Fund Managers will use AAA rated funds.

Bank criteria

The Council will only use good credit quality banks which:

- are UK banks; and/or
 - are non-UK and domiciled in a country which has a minimum sovereign long- term rating of AAA (in house team only)
- Group Limits – For each banking group the following limits will apply, dependent on the rating of the Parent Bank
 - AAA : £7m with a maximum average duration of 1 year
 - AA- :£5m with a maximum average duration of 6 months

Other institutions

Gilts and the Debt Management Account Deposit Facility (DMADF)

- Local authorities, parish councils etc.
- Supranational institutions – multilateral investment organisations such as the World Bank or European Investment Bank (sometimes used by the Fund Managers)

Note: investment decisions are never made solely based on credit ratings, and all other relevant factors including external advice will be taken into account.

TREASURY MANAGEMENT PRACTICE (TMP1) – CREDIT AND COUNTERPARTY RISK MANAGEMENT

DLUHC (CLG at the time) issued Investment Guidance in 2010, and this forms the structure of the Council's policy below. These guidelines do not apply to either trust funds or pension funds which operate under a different regulatory regime.

The key intention of the Guidance is to maintain the current requirement for councils to invest prudently, and that priority is given to security and liquidity before yield. In order to facilitate this objective the guidance requires this Council to have regard to the CIPFA publication Treasury Management in the Public Services: Code of Practice and Cross-Sectoral Guidance Notes. This Council applies its principles to all investment activity. In accordance with the Code, the Director of Resources and Assets has produced its treasury management practices (TMPs). This part, TMP 1(1), covering investment counterparty policy requires approval each year.

Annual investment strategy - The key requirements of both the Code and the investment guidance are to set an annual investment strategy, as part of its annual treasury strategy for the following year, covering the identification and approval of the following:

- The strategy guidelines for choosing and placing investments, particularly non-specified investments.
- The principles to be used to determine the maximum periods for which funds can be committed.
- Specified investments that the Council will use. These are high security (i.e. high credit rating, although this is defined by the Council, and no guidelines are given), and high liquidity investments in sterling and with a maturity of no more than a year.
- Non-specified investments, clarifying the greater risk implications, identifying the general types of investment that may be used and a limit to the overall amount of various categories that can be held at any time.

The investment policy proposed for the Council is:

Strategy guidelines – The main strategy guidelines are contained above in this Appendix and in the body of the treasury strategy statement found in Appendix A.

SPECIFIED INVESTMENTS:

These investments are sterling investments of not more than one-year maturity, or those which could be for a longer period but where the Council has the right to be repaid within 12 months if it wishes. These are low risk assets where the possibility of loss of principal or investment income is very low. These would include sterling investments with:

- The UK Government (such as the Debt Management Office, UK Treasury Bills or a gilt with less than one year to maturity).
- Supranational bonds with less than one year to maturity.
- A local authority, parish council or community council.
- Pooled investment vehicles (such as money market funds) that have been awarded a high credit rating by a credit rating agency. This covers a money market fund rated AAA by Standard and Poor's, Moody's or Fitch rating agencies
- A body that has been awarded a high credit rating by a credit rating agency (such as a bank or building society) this covers bodies with a minimum short term rating of F1+ (or equivalent) as rated by Standard and Poor's, Moody's or Fitch rating agencies.

NON-SPECIFIED INVESTMENTS:

Non-specified investments are any other type of investment (i.e. not defined as specified above). The identification and rationale supporting the selection of these other investments and the maximum limits to be applied are set out below. Non specified investments would include any sterling investments with:

a.	Supranational Bonds greater than 1 year to maturity (a) Multilateral development bank bonds - These are bonds defined as an international financial institution having as one of its objects economic development, either generally or in any region of the world (e.g. European Investment Bank etc.). (b) A financial institution that is guaranteed by the United Kingdom Government (e.g. The Guaranteed Export Finance Company {GEFCO}) The security of interest and principal on maturity is on a par with the Government and so very secure, and these bonds usually provide returns above equivalent gilt edged securities. However the value of the bond may rise or fall before maturity and losses may accrue if the bond is sold before maturity.
b.	Gilt edged securities with a maturity of greater than one year. These are Government bonds and so provide the highest security of interest and the repayment of principal on maturity. Similar to category (a) above, the value of the bond may rise or fall before maturity and losses may accrue if the bond is sold before maturity.
c.	Building societies which are subject to a minimum asset size of £5billion and meeting a minimum credit rating of A-. These investments will be restricted to a maximum period of 6 months and £2m per institution.
d.	NatWest Bank for the provision of Banking Services. The Council is limited to daylight exposure only (i.e. the flow of funds in and out during the day), with a maximum limit of 1 working day.

e.	A body which has been provided with a government issued guarantee for wholesale deposits within specific timeframes. Where these guarantees are in place and the government has a AAA sovereign long term rating these institutions will be included within the Council's criteria, temporarily until such time as the ratings improve or the guarantees are withdrawn. Monies will only be deposited within the timeframe of the guarantee. In addition to this, a maximum limit of £2m with a maximum duration of 3 months is also set.
f.	Eligible Institutions for the HM Treasury Credit Guarantee Scheme initially announced on 13 October 2008, with the necessary ratings required. These institutions have been subject to suitability checks before inclusion and have access to HM Treasury liquidity if needed.

A variety of investment instruments will be used, subject to the credit quality of the institution, and depending on the type of investment made it will fall into one of the above categories.

The criteria, time limits and monetary limits applying to institutions or investment vehicles are:

	* Minimum credit criteria / colour band	Money Limit	Max. maturity period
DMADF – UK Government	UK sovereign rating	£20M	3 months
UK Government gilts	UK sovereign rating	£5m	1 year
UK Government Treasury bills	UK sovereign rating	£5m	1 year
Money market funds	AAA	£10m	Liquid
Local authorities	N/A	£10m	5 years
Term deposits with banks and building societies	AA	£5m	Liquid
CDs or corporate bonds with banks and building societies	A-	£5m	Liquid
Corporate bond funds	AA	£5m	Liquid

Other investment categories:

a.	Share capital in a corporate body – The use of these instruments will be deemed to be capital expenditure, and as such will be an application (spending) of capital resources. Revenue resources will not be invested in corporate bodies.
b.	Loan capital in a corporate body.
c.	Property funds – The use of these instruments can be deemed to be capital expenditure, and as such will be an application (spending) of capital resources. This Authority will seek guidance on the status of any fund it may consider using.

Accounting treatment of investments

The accounting treatment may differ from the underlying cash transactions arising from investment decisions made by this Council. To ensure that the Council is protected from any adverse revenue impact which may arise from these differences, we will review the accounting implications of new transactions before they are undertaken.

The monitoring of investment counterparties

The credit rating of counterparties will be monitored regularly. The Council receives credit rating information (changes, rating watches and rating outlooks) from Link Asset Services as and when ratings change, and counterparties are checked promptly. On occasion ratings may be downgraded after an investment has already been made. The criteria used are such that a minor downgrading should not affect the full receipt of the principal and interest. Any counterparty failing to meet the criteria will be removed from the list immediately by the Director of Resources and Assets, and if required new counterparties which meet the criteria will be added to the list.

Use of external fund managers

It is the Council's policy to use external fund managers for part of its investment portfolio. The fund managers will use both specified and non-specified investment categories and are contractually committed to keep to the Council's investment strategy, which will be defined in an updated Treasury Management Strategy post fund manager's appointment. The performance of each manager is reviewed at least quarterly by the Director of Resources and Assets.

2022/23 Wokingham Borough Council MRP Policy

The Council is required to pay off an element of the accumulated General Fund capital spend each year (the Capital Financing Requirement (CFR) through a revenue charge (the minimum revenue provision - MRP), and it is also allowed to undertake additional voluntary payments (voluntary revenue provision - VRP).

DLUHC (previously MHCLG) regulations have been issued which require the full Council to approve a MRP Statement in advance of each financial year. The decision on the level of MRP lies with the Council although a prudent provision must be made. The Council is recommended to approve the following MRP Statement:

For capital expenditure incurred before 1 April 2008, the MRP policy will be:

- an approximate 4% reduction in the borrowing need (CFR) each year.

From 1 April 2008 for all borrowing (including PFI and finance leases) the MRP policy will be based on the estimated life of the assets, in accordance with the regulations (this option must be applied for any expenditure capitalised under a Capitalisation Direction).

This option provides for a reduction in the borrowing need over approximately the asset's life. There is no requirement on the HRA to make a minimum revenue provision but there is a requirement for a charge for depreciation to be made.

Repayments included in annual PFI or finance leases are applied as MRP.

Wokingham continues to ensure it is fully consistent with the statutory duty to make prudent revenue provision. It also follows the statutory guidance, except in some instances, as disclosed below. Final guidance was issued by the Secretary of State under section 21(1A) of the Local Government Act 2003. Under that section local authorities are required to "have regard" to this guidance.

For some investment assets WBC believes it would be overly prudent to charge MRP in line with the draft guidance, as it would stop the Council making an investment which could otherwise strengthen its financial position, due to an artificial self-implemented restriction.

For assets which WBC or one of its subsidiary companies own that can be disposed of for appreciation, we will make a 10% charge for MRP over 15 years.

Alternative prudent assumptions will be used in the following circumstances.

Expenditure type	WBC MRP charging policy
Freehold land	maximum 60 years using asset life as a guide
Bridges	maximum 60 years using asset life as a guide
Housing, Local Economy and Regeneration a) assets that can be disposed of for appreciation	10% of maximum 15 years asset life
Housing, Local Economy and Regeneration b) all other assets	range of 5 to 40 years (depending on life of asset type)
Loan Capital in WBC holdings	no charge – loan secured by company asset
Forward Funding Schemes	no charge – developer contribution are used to repay principle

For freehold land and bridges, we have opted to increase the charge to a maximum of 60 years, as this gives a more realistic useful life of these asset types.

Housing, Local Economy and Regeneration - a) assets that can be disposed of for appreciation – 10% for a maximum of 15 years asset life. This is a prudent contingency for assets which can be disposed of for appreciation, if they reduce in value when sold, to cover any loss on disposal.

Based on the Council' latest estimates of its Capital financing of its CFR on 31st March 2022 the budget for MRP and voluntary overpayments (VRP) has been set as follows:

Estimated MRP/VRP	2022/23	2023/24	2024/25
	£m	£m	£m
MRP (minimum repayment provision)	4	4	4
PFI Principal Charge	1	1	1
Contribution from invest to save schemes	2	3	8
Repayment of forward funded programmes by developer contributions*	3	15	4
Repayment of Loan Principal (e.g. capital receipts)	4	29	1
	14	51	17

Note * this is on receipt of the developer contributions linked to the forward funded schemes.

Impact of IFRS 16 Changes

The MRP Policy above covers the treatment for finance leases. The accounting changes from IFRS 16 – Leases, which apply from 1st April 2022 will not change how the current MRP policy accounts for lease payments. The potential change will be for material operating leases being restated as finance leases which will affect the CFR balance and the estimated MRP payments. Any new leases undertaken from 1st April 2022 may also have an impact on the estimated balances above. The Council are currently reviewing all leases to ensure correct accounting treatment for 2022/23.

MRP Consultation

On 30th November 2021 a consultation was launched (open until 8th February 2022) in respect of potential changes to the current MRP arrangements. The consultation seeks views on a number of potential changes and should those or other changes be taken forward the Council will review its approach going forward as required.

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TITLE	Medium Term Financial Plan 2022-2025 Including Revenue Budget Submission 2022/23
FOR CONSIDERATION BY	Council on Thursday, 17 February 2022
WARD	None Specific;
LEAD OFFICER	Deputy Chief Executive - Graham Ebers
LEAD MEMBER	Executive Member for Finance and Housing - John Kaiser

PURPOSE OF REPORT (INC STRATEGIC OUTCOMES)

To provide the Executive with the key revenue budget extract for 2022/23 of the Medium Term Financial Plan (MTFP) 2022-2025 for submission to Council.

RECOMMENDATION

That Council is recommended to approve:

- 1) the Medium Term Financial Plan (MTFP) 2022/25, including the budget submission for 2022/23 and the Summary of Budget Movements (SOBM);
- 2) the statutory resolution that sets out the 2022/23 council tax levels (as set out in Appendix A to the report) (*to be provided on the day once all provisional figures are confirmed*);
- 3) that in the event that there are any changes to the provisional precept of the Fire Authority or parishes, arising from their precept setting meetings being held before the end of February, the Deputy Chief Executive (S151 Officer) is delegated authority to enact all relevant changes to the MTFP, Statutory Resolution and council tax levels.

EXECUTIVE SUMMARY

Members are presented with the Medium Term Financial Plan for 2022-2025 including the proposed revenue budget submission for 2022/23 for recommendation to Council. (*Due to the size of this document a copy has been circulated separately to all Members. A copy can also be obtained from the Council's website or on request from Democratic Services*).

BACKGROUND

In considering the Council's revenue budget submission, members should be aware of the chief finance officer (CFO) report. The Local Government Act 2003 requires the Chief Finance Officer (Deputy Chief Executive) to report to Members as part of the budget setting process. The report highlights the key financial and service risks contained in the 2022/23 budget proposals.

The Chief Financial Officer's report contains issues, risks and strategic considerations in respect of Revenue and Capital.

The Medium Term Financial Plan covers both the revenue and capital budgets required to deliver the priorities of the Council over the next three years.

The net revenue budget for 2022/23 is approximately £145m excluding capital and internal recharges. The Council needs to set a balanced budget in the context of this.

The budget requirements for 2023/24 and 2024/25 will be shown in the MTFP as indicative figures only.

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)	See MTFP	Yes	Revenue
Next Financial Year (Year 2)	See MTFP (Indicative only)	Yes	Revenue
Following Financial Year (Year 3)	See MTFP (Indicative only)	Yes	Revenue

Other Financial Information

None

Stakeholder Considerations and Consultation

The revenue budget submission represents the budget needed to deliver the strategic objectives and priorities of the Council.

Public Sector Equality Duty

The specific projects and programmes of work will be assessed individually prior to implementation.

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

The MTFP includes budget allocation to deliver improvements in climate change.

List of Background Papers
- Appendix A – Statutory Resolution - Medium Term Financial Plan 2022-2025

Contact Mark Thompson	Service Business Services
Telephone Tel: 0118 974 6555	Email mark.thompson@wokingham.gov.uk

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TITLE	Interim Review of Polling Districts and Places
FOR CONSIDERATION BY	Council on 17 February 2022
WARD	Hillside; Maiden Erlegh;
LEAD OFFICER	Andrew Moulton - Returning Officer

OUTCOME / BENEFITS TO THE COMMUNITY

To ensure suitable permanent polling places are designated for electors in Hillside and Maiden Erlegh wards and to alleviate the impact of polling on schools in the relevant wards.

RECOMMENDATION

The Returning Officer for Wokingham has reviewed the polling districts and polling places and recommends that Council agree the following permanent re-designations:

- 1) Hillside Ward: Lower Earley Library to be designated as the polling place for all elections for polling district EDW.
- 2) Maiden Erlegh Ward: Earley St Peters Church Hall to be designated as the polling place for all elections for polling districts EFW & EGW.

SUMMARY OF REPORT

Following the May 2021 elections the Council has carried out an interim review of polling districts and places for Hillside and Maiden Erlegh wards. The Returning Officer recommends that:

- Hillside Ward: Lower Earley Library to be designated as the polling place for all elections for polling district EDW.
- Maiden Erlegh Ward: Earley St Peters Church Hall to be designated as the polling place for all elections for polling districts EFW & EGW.

Background

The Electoral Administration Act 2006 introduced a statutory requirement for councils to conduct a review of polling places every four years but also at any other time if a building becomes unavailable or if any changes are identified following an election.

The current buildings used as polling stations in polling districts EDW (Hillside Ward) and EFW & EGW (Maiden Erlegh Ward) are Hillside School and Aldryngton School respectively.

Following the recommendation and encouragement from the Government to not use schools as a polling station in May 2021 this review seeks to confirm those alternative venues that were found and used instead of the schools. Both of the proposed polling places have good parking and access, are in good locations and well known to electors. They were successfully used as polling places during elections held in May 2021 and deemed to be suitable venues for polling.

The Council began this interim review on 29 November 2021 and the opportunity was provided for interested parties to make a representation until 10 January 2022.

A notice of the review was published on the Council's website. A copy was also sent to all relevant ward members, relevant polling places and other interested individuals and organisations.

Other than the Returning Officer's recommendations, no further representations were received.

Analysis of Issues

In designating Polling Places, certain rules have to be followed by the Council under the 1983 Act. These include that:

- (i) all electors must be given 'such reasonable facilities for voting as are practicable in the circumstances'
- (ii) so far as is reasonable and practicable, only places which are accessible to electors who are disabled should be designated, and ...
- (iii) the Polling Place should be within the Polling District except where special circumstances make it desirable to designate an area wholly or partly outside the Polling District.

Consideration of the above rules have been taken into account when considering alternative venues.

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

A completed Equality Impact Assessment is attached as Appendix A.

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 will be no impact on the Council's carbon neutral objective.

List of Background Papers

Notice of Interim Review of Polling Districts and Polling Places 2021
Acting Returning Officer's Representation

Contact Andrew Moulton	Service Governance
Telephone No 07747777298	Email andrew.moulton@wokingham.gov.uk

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INTERIM REVIEW OF POLLING DISTRICTS AND POLLING PLACES 2021

Notice is hereby given that Wokingham Borough Council is to conduct an interim review of the polling districts and polling places within the following wards only:

- Hillside
- Maiden Erlegh

The Returning Officer for Wokingham has reviewed the polling districts and polling places and intends to recommend the following:

- Hillside Ward: Lower Earley Library to be designated as the polling place for all elections for polling district EDW.
- Maiden Erlegh Ward: Earley St Peters Church Hall to be designated as the polling place for all elections for polling districts EFW & EGW.

The Council welcomes comments from any resident in Wokingham as well as the MP for Wokingham, any Councillor representing electors within the above wards, election agents, local political parties, past or potential candidates, any person or organisation with expertise in access for persons with any type of disability and organisations or individuals who are responsible for buildings used as a polling place or could be used for this purpose.

The consultation period will commence on 29 November 2021 and all representations must be received by 10 January 2022.

Representations should be made in writing by emailing electoralservices@wokingham.gov.uk or post to Electoral Services, Wokingham Borough Council, Shute End, Wokingham, RG40 1BN.

The details of all the representations received will be made available on the Council's website or can be inspected by visiting the Electoral Services office by appointment.

Final proposals will be considered at the Full Council Meeting on 17 February 2022.

Further information can be found on our website: <https://www.wokingham.gov.uk/council-and-meetings/elections-and-voting/>

Andrew Moulton

Returning Officer

Dated: 29 November 2021

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(Acting) Returning Officer's Representation

Ward	Polling District	Current Polling Place	(Acting) Returning Officer's Proposed Polling Place	Reasons for change
Hillside	EDW	Hillside Primary School	Lower Earley Library	Use of the school may disrupt the education of the pupils. Lower Earley Library is a large building with good parking and access. It is also in a good location and well-known to electors. It was temporarily used for elections in May 2021 and was deemed to be a suitable polling place.
	EEW	Radstock Community Centre	No Changes	
Maiden Erlegh	EFW	Aldryngton School	Earley St Peters Church Hall	Use of the school may disrupt the education of the pupils. Earley St Peters Church Hall is a large building with good parking and access. It is also in a good location and well-known to electors. It was temporarily used for elections in May 2021 and was deemed to be a suitable polling place.
	EGW	Aldryngton School	Earley St Peters Church Hall	Use of the school may disrupt the education of the pupils. Earley St Peters is a large building with good parking and access. It is also in a good location and well-known to electors. It was temporarily used last year and was deemed to be a suitable polling place.
	EHW	St Nicholas Church Hall	No Changes	

Andrew Moulton

(Acting) Returning Officer

Dated: November 2021

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Equality Impact Assessment (EqIA) form: Initial impact assessment

If an officer is undertaking a project, policy change or service change, then an initial impact assessment must be completed and attached alongside the Project initiation document.

EqIA Titular information:

Date:	19 January 2022
Service:	Democratic and Electoral Services
Project, policy or service EQIA relates to:	Interim Review of Polling District and Places
Completed by:	Samuel Whitcher
Has the EQIA been discussed at services team meeting:	No
Signed off by:	Andrew Moulton
Sign off date:	19/01/2022

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1. Policy, Project or service information:

This section should be used to identify the main purpose of the project, policy or service change, the method of delivery, including who key stakeholders are, main beneficiaries and any associated aims.

What is the purpose of the project, policy change or service change , its expected outcomes and how does it relate to your services corporate plan:
Following the May 2021 elections the Council has carried out an interim review of polling districts and places for Hillside and Maiden Erlegh wards. The Returning Officer recommends that: <ul style="list-style-type: none">• Hillside Ward: Lower Earley Library to be designated as the polling place for all elections for polling district EDW.• Maiden Erlegh Ward: Earley St Peters Church Hall to be designated as the polling place for all elections for polling districts EFW & EGW.

Outline how you are delivering your project, policy change or service change. What governance arrangements are in place, which internal stakeholders (Service managers, Assistant Directors, Members ect) have/will be consulted and informed about the project or changes:

The Electoral Administration Act 2006 introduced a statutory requirement for councils to conduct a review of polling places every four years but also at any other time if a building becomes unavailable or if any changes are identified following an election.

The Council began this interim review on 29 November 2021 and gave all interested parties the opportunity to make a representation until 10 January 2022.

A notice of the review was published on the Council's website. A copy was also sent to all relevant ward members, relevant polling places and other interested individuals and organisations.

Outline who are the main beneficiaries of the Project, policy change or service change?

Electors in the EDW polling district of Hillside ward, the EFW and EGW polling districts of Maiden Erlegh Ward and the school children, their parents and teachers at Hillside and Aldryngton Schools.

Outline any associated aims attached to the project, policy change or service change:

The aim of the project is to ensure that electors in the relevant wards are provided with suitable polling places where they will be able to cast their votes at all future elections.

2. Protected characteristics:

There are 9 protected characteristics as defined by the legislation:

- Race
- Gender
- Disability
- Gender re-assignment

- Age
- Religious belief
- Sexual orientation
- Pregnancy/Maternity
- Marriage and civil partnership:

To find out more about the protected groups, please consult the EQIA guidance.

3. Initial Impact review:

In the table below, please indicate whether your project, Policy change or service change will have a positive or negative impact on one of the protected characteristics. To assess the level of impact, please assign each group a Positive, No, Low or High impact score:

For information on how to define No, low or high impact, please consult the EQIA guidance document.

If your project is to have a positive impact on one of the protected groups, please outline this in the table below.

For details on what constitutes a positive impact, please consult the EQIA guidance.

Protected characteristics	Impact score	Please detail what impact will be felt by the protected group:
Race:	No	None of the proposed alternative venues would affect persons with this protected characteristic specifically.
Gender:	No	None of the proposed alternative venues would affect persons with this protected characteristic specifically.
Disabilities:	Positive	The venues have been viewed to ensure that they are accessible for people with a disability.
Age:	No	None of the proposed alternative venues would affect persons with this protected characteristic specifically.

Sexual orientation:	No	None of the proposed alternative venues would affect persons with this protected characteristic specifically.
Religion/belief:	No	None of the proposed alternative venues would affect persons with this protected characteristic specifically.
Gender re-assignment:	No	None of the proposed alternative venues would affect persons with this protected characteristic specifically.
Pregnancy and Maternity:	Positive	The proposed alternative venues are accessible for people using prams or buggies.
Marriage and civil partnership:	No	None of the proposed alternative venues would affect persons with this protected characteristic specifically.

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Based on your findings from your initial impact assessment, you must complete a full impact assessment for any groups you have identified as having a low or high negative impact. If No impact, or a positive impact has been identified, you do not need to complete a full assessment. However, you must report on this initial assessment and it must receive formal approval from the Assistant Director responsible for the project, policy or service change.

Initial impact assessment approved by Andrew Moulton.

Date: 19 January 2021

TITLE Re-Designation of Polling Places

FOR CONSIDERATION BY Council on 17 February 2022

WARD Coronation;

LEAD OFFICER Andrew Moulton – Returning Officer

OUTCOME / BENEFITS TO THE COMMUNITY

To ensure that polling places are available to enable residents to cast their votes at elections to be held during 2022.

RECOMMENDATION

That Council agree for any elections held in 2022 that:

- 1) St John's Church, Woodley be designated as the polling place for polling district KCM in Coronation Ward instead of St John's Ambulance, HQ, Woodley;
- 2) The Assistant Director Governance be delegated authority, in consultation with the relevant Ward Member(s), to re-designate any polling place in the Borough which becomes unavailable.

SUMMARY OF REPORT

For the following reason an alternative venue is required to be designated as the polling place in order that residents in that area can cast their votes at the forthcoming election:

All St John's Ambulance buildings are still unavailable for third party bookings; therefore the St John's Ambulance HQ in Woodley is unlikely to be available for the May elections as a polling place for polling district KCM.

Background

Section 18 of the Representation of the People Act 1983 places a duty on each Borough Council to divide its area into 'Polling Districts' and to designate a 'Polling Place' for each Polling District.

All the polling places in areas up for election, which were previously designated by Council, have been contacted to ascertain their availability for elections in May 2022. Only one polling place has stated that they will be unavailable and the reasons why are set out below. It is therefore necessary for an alternative venue to be designated as the polling place in order that residents in the relevant area can cast their votes.

St John's Ambulance HQ, Woodley

St John's Ambulance HQ has been the polling place for the KCM polling district of Coronation Ward for several years. Due to all St John's Ambulance buildings being closed nationally because of the Covid-19 pandemic it is unlikely to be available for the forthcoming elections. In order to provide electors with certainty and as much advance warning as possible of where they will be able to vote, there is a need to identify an alternative venue for the elections.

St John's Church, which is situated next door to St John's Ambulance HQ, is proposed as the alternative venue. It has good facilities, ample parking and has provision for disabled access.

The Ward Members have been consulted on the change of venue and have not raised any objections to the alternative proposed.

Re-Designation of Polling Places

Due to the elections continuing to be delivered against the backdrop of the ongoing COVID-19 pandemic, it is possible that there may be a need to re-designate other polling places at short notice. Currently, either a Council or a Special Council Executive Committee meeting would need to be convened to make such a decision, however, the delay caused in setting up such a meeting could cause uncertainty for the affected electors. It is therefore proposed that for any elections held in 2022 the Assistant Director Governance, Andrew Moulton, be given authority, in consultation with the relevant Ward Member(s), to re-designate a polling place if it becomes unavailable. This would also cover any by-elections that may need to be held during 2022.

This would enable the Elections Team to notify affected residents about the change of polling place as quickly as possible.

Analysis of Issues

In designating Polling Places, certain rules have to be followed by the Council under the 1983 Act. These include that:

(i) all electors must be given 'such reasonable facilities for voting as are practicable in the circumstances'

(ii) so far as is reasonable and practicable, only places which are accessible to electors who are disabled should be designated, and ...

(iii) the Polling Place should be within the Polling District except where special circumstances make it desirable to designate an area wholly or partly outside the Polling District.

Consideration of the above rules have been taken into account when considering the alternative venue.

There is a risk to the Council if it chooses not to designate the best venue as a polling place.

These changes will be advertised as required by legislation.

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

A completed Equality Impact Assessment is attached as Appendix A.

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 will be no impact on the Council's carbon neutral objective.

List of Background Papers

Representation of the People Act 1983

Contact Andrew Moulton	Service Governance
Telephone No 07747777298	Email Andrew.moulton@wokingham.gov.uk

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Equality Impact Assessment (EqIA) form: Initial impact assessment

If an officer is undertaking a project, policy change or service change, then an initial impact assessment must be completed and attached alongside the Project initiation document.

EqIA Titular information:

Date:	2 February 2022
Service:	Democratic and Electoral Services
Project, policy or service EQIA relates to:	Re-designation of Polling Places
Completed by:	Sam Witcher
Has the EQIA been discussed at services team meeting:	No
Signed off by:	Andrew Moulton
Sign off date:	2 February 2022

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1. Policy, Project or service information:

This section should be used to identify the main purpose of the project, policy or service change, the method of delivery, including who key stakeholders are, main beneficiaries and any associated aims.

What is the purpose of the project, policy change or service change , its expected outcomes and how does it relate to your services corporate plan:

St John’s Ambulance HQ is currently designated as the polling place for polling district KCM in Coronation Ward. Unfortunately this venue will not be available for the forthcoming elections therefore there is a need to re-designate an alternative polling place.

Outline how you are delivering your project, policy change or service change. What governance arrangements are in place, which internal stakeholders (Service managers, Assistant Directors, Members ect) have/will be consulted and informed about the project or changes:

Local Ward Members have been consulted on possible alternative venues and any proposed venues have been reviewed to ensure that they meet the criteria as set out in the Representation of the People Act 1983.

Outline who are the main beneficiaries of the Project, policy change or service change?

Electors in the KCM polling district of Coronation Ward.

Outline any associated aims attached to the project, policy change or service change:

The aim of the project is to ensure that electors in the KCM polling district of Coronation Ward are provided with an alternative polling place where they will be able to cast their votes on any elections held during 2022.

2. Protected characteristics:

There are 9 protected characteristics as defined by the legislation:

- Race
- Gender
- Disability
- Gender re-assignment
- Age
- Religious belief
- Sexual orientation
- Pregnancy/Maternity
- Marriage and civil partnership:

To find out more about the protected groups, please consult the EQIA guidance.

3. Initial Impact review:

In the table below, please indicate whether your project, Policy change or service change will have a positive or negative impact on one of the protected characteristics. To assess the level of impact, please assign each group a Positive, No, Low or High impact score:

For information on how to define No, low or high impact, please consult the EQIA guidance document.

If your project is to have a positive impact on one of the protected groups, please outline this in the table below.

For details on what constitutes a positive impact, please consult the EQIA guidance.

Protected characteristics	Impact score	Please detail what impact will be felt by the protected group:
Race:	No	None of the proposed alternative venues would affect persons with this protected characteristic specifically.
Gender:	No	None of the proposed alternative venues would affect persons with this protected characteristic specifically.
Disabilities:	Positive	The venue has been viewed to ensure that the entrance is accessible to all.
Age:	No	None of the proposed alternative venues would affect persons with this protected characteristic specifically.
Sexual orientation:	No	None of the proposed alternative venues would affect persons with this protected characteristic specifically.
Religion/belief:	No	None of the proposed alternative venues would affect persons with this protected characteristic specifically.
Gender re-assignment:	No	None of the proposed alternative venues would affect persons with this protected characteristic specifically.

Pregnancy and Maternity:	Positive	The proposed alternative venues are accessible for people using prams or buggies.
Marriage and civil partnership:	No	None of the proposed alternative venues would affect persons with this protected characteristic specifically.

Based on your findings from your initial impact assessment, you must complete a full impact assessment for any groups you have identified as having a low or high negative impact. If No impact, or a positive impact has been identified, you do not need to complete a full assessment. However, you must report on this initial assessment and it must receive formal approval from the Assistant Director responsible for the project, policy or service change.

Initial impact assessment approved by...Andrew Moulton.

Date: 2 February 2022.

TITLE	Electoral Review Arrangements
FOR CONSIDERATION BY	Council on 17 February 2022
WARD	None Specific
LEAD OFFICER	Andrew Moulton, Assistant Director Governance

OUTCOME / BENEFITS TO THE COMMUNITY

To inform Council of the process for the Boundary Commission for England's Electoral Review.

RECOMMENDATION

Council is recommended to:

- 1) note the arrangements for a review of electoral arrangements by the Local Government Boundary Review for England;
- 2) agree to setting up a cross-party, Member level Working Group on the basis set out in paragraphs 4.3-4.5 of the report; and
- 3) agree the Terms of Reference of the Electoral Review Working Group as set out in Appendix 1 to the report.

SUMMARY OF REPORT

This report sets out the arrangements for a review to be undertaken by the Local Government Boundary Commission for England (LGBCE) of the electoral arrangements in Wokingham Borough. Changes to electoral arrangements will come into effect from May 2024. It also sets out proposals for the establishment of a Working Group to compile the necessary submissions to the LGBCE and develop and recommend proposals to Full Council.

Council is asked to note the separate report on this meeting's agenda on Whole Council Elections.

Background

1. Introduction

- 1.1 Council is being advised of the arrangements for the review to be undertaken by the LGBCE and the information it will be required to submit, as well as being asked to establish a cross-party Working Group to develop and recommend proposals to Council.

2. Background

- 2.1 The Local Democracy, Economic Development and Construction Act 2009 established the Local Government Boundary Commission for England and it has a responsibility to undertake reviews of the electoral arrangements of local authorities: the number of councillors, the names, number and boundaries of wards, and the number of councillors to be elected to each. The Commission is responsible for putting any changes to electoral arrangements into effect by submitting a Statutory Instrument for consideration by Parliament.
- 2.2 The LGBCE may make recommendations on:
- The total number of councillors to be elected to the Council;
 - The number of wards within an authority;
 - The number of councillors to be elected for each ward;
 - The name of the wards.
- 2.3 In carrying out a review, the LGBCE is required to have regard to:
- The need to secure equality of representation (i.e. the ratio of electors to councillors in each ward is as nearly as possible, the same);
 - The need to reflect the identities and interests of local communities; and
 - The need to secure effective and convenient local government.
- 2.4 The electoral arrangements of each principal authority must be reviewed from time to time, and the LGBCE has a rolling programme of reviews undertaken for a variety of reasons. They have notified Wokingham Borough Council that they will undertake a review starting in 2022.
- 2.5 Whilst the LGBCE have limited powers in relation to Parish Councils, when making recommendations about the electoral arrangements of a principal authority such as Wokingham Borough, they can make recommendations about the electoral arrangements of any Parish Councils that are directly affected by new boundaries in the principal authority. In an area comprising Parishes, the LGBCE will use the Parishes as the building blocks for new wards.

3. The review timetable

- 3.1 The indicative timetable is shown below:-

Stage/Action	Timescale
Preliminary Period Informal dialogue with local authority. Focus on gathering preliminary information including electorate forecasts and other electoral data.	June 2021 to February 2022

Commissioner-level involvement in briefing group leaders on issue of Council size. Meetings also held with officers, group leaders, and members.	
Council size submission Deadline for submission by Council of proposals on Council size for the Commission to consider	25 March 2022
Council size decision Commission analyses submissions from local authority and/or political groups on Council size and takes a “minded to” decision on Council size.	25 March to July 2022
<u>Formal start of Review</u> Consultation on future warding arrangements Commission publishes its initial conclusions on Council size. General invitation to submit warding proposals based on Commission’s conclusions on Council size	July to October 2022
Development of draft recommendations Analysis of all representations received. Commission reaches conclusions on its draft recommendations	November to December 2022
Consultation on draft recommendations Publication of draft recommendations and public consultation on them	January to March 2023
Final recommendations Analysis of all representations received. Commission reaches conclusions on its final recommendations and publishes	June 2023
Order made Statutory Instrument approved	Average seems to be 4 months from being laid <i>November 2023</i>
New arrangements come into place for elections on	2 May 2024

4. Implications for Wokingham Borough

- 4.1 The Commission have stated that they aim to build a strong relationship with the Council under review as this helps to facilitate a robust, timely and efficient review. They will also require various bits of information from us and we are

obliged to provide it. This will range from the current electorate, a forecast of the local government electorate in 2028, a copy of the electoral register, and various maps.

- 4.2 Various meetings have already taken place between LGBCE Commissioners and staff and the Leaders of political Groups and Council officers to have the informal dialogue referred to above in the preliminary period. A presentation by the LGBCE to which all Councillors were invited took place on 27 October 2021.
- 4.3 It is clear that if the Council can demonstrate that it has conducted a detailed study of the issues and drawn up a submission on Council size and warding proposals impartially, it is possible that those proposals will be adopted by the Commission in making its recommendations. In view of this and the timing of the review the Council may wish to consider setting up a Working Party supported by the relevant officers, to undertake the gathering and analysis of information, liaison with Parish Councils, developing options and to submit recommended proposals to Full Council on Council size and the future warding arrangements.
- 4.4 The group needs to be a size conducive to formulating recommendations. Officers recommend a group of no more than 9 Councillors which is cross-party; the proportionality rules do not automatically apply to Working Groups, but based on the current proportionality rules this would result in a breakdown of membership across the two main political groups of 5:3 and this is recommended. It is also proposed that one Member from the Labour Group and one Member from the Independent Group are also included on the Working Group, one of whom will have voting rights and the other rights of attendance and speaking. The Group Leaders will provide the names of those Members that they wish to take up their Group's places on the Working Group.
- 4.5 The proposed terms of reference for the review are attached as Appendix 1 and Members are asked to approve these.

FINANCIAL IMPLICATIONS OF THE RECOMMENDATION

	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 other financial implications associated with this report.

List of Background Papers

None

Contact Andrew Moulton	Service Governance Services
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Date 8 February 2022	Version No. 3

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ELECTORAL REVIEW WORKING GROUP

TERMS OF REFERENCE

Composition

The Working Group will comprise 9 Councillors with membership split across the two main political groups of 5:3. In addition, the Leaders of the minority Groups will be included on the Group – one in a voting capacity and the other with rights of attendance and speaking.

Officer support

Officers providing support to the Working Group and the Review overall include the Assistant Director Governance, the Head of Democratic & Electoral Services, the Planning Manager (Policy), and relevant officers from the Democratic Services, Communications, Finance and Legal Services teams.

Scope

The Working Group has been established to progress the review of Council size and warding arrangements being undertaken by the Local Government Boundary Commission for England (LGBCE) from 2021 onwards.

Procedures

The Panel will appoint a Chairman from amongst its membership. The Panel has no substantive decision-making powers but will make recommendations to Council. The quorum shall be 5 councillors.

Functions

1. To gather and analyse information that will be required for the review in accordance with the requirements of the LGBCE and submit it to the LGBCE;
2. To review any representations made, develop options and make a recommendation to Council using the guidance issued by the Local Government Boundary Commission for England, relating to
 - the optimum number of councillors for Wokingham Borough Council, and other factors such as:
 - How the size of Wokingham Borough Council compares to our “Nearest Neighbours”
 - Governance arrangements and how the Council makes decisions across the broad range of its responsibilities

- The Council's scrutiny functions relating to our own decision-making and our responsibilities to other bodies
- The representational role of councillors and how they engage with people, conduct casework and represent the Council on outside and partner bodies
- proposals for the warding of Wokingham Borough, including the names, number and boundaries of wards, and the number of Members to each, and which attempt to achieve equality of representation in each ward.

TITLE	Whole Council Elections
FOR CONSIDERATION BY	Council on Thursday, 17 February 2022
WARD	None Specific;
LEAD OFFICER	Deputy Chief Executive - Graham Ebers
LEAD MEMBER	Leader of the Council - John Halsall

PURPOSE OF REPORT (INC STRATEGIC OUTCOMES)

The purpose of the report is to consider the launch of a consultation on moving to whole council elections.

RECOMMENDATION

That Council be recommended to launch a consultation with stakeholders on moving to a whole council (all-out) electoral cycle.

EXECUTIVE SUMMARY

The Council currently elects by thirds which means that borough elections are held in three out of every four years.

Of the 52 English unitary authorities, Wokingham BC is one of only 16 remaining councils that elect by thirds. The recent Local Government Association Corporate Peer Challenge recommended that the Council consider the case for moving to whole Council elections. In addition, the Local Government Boundary Commission for England who are undertaking an electoral review in 2022 of warding arrangements so it is timely for the Council to consider in the first part of 2022 whether to change its electoral arrangements.

There are significant tangible financial benefits of £316,000 in moving to whole Council elections compared to the current arrangements. The Chief Financial Officer (CFO) has quantified additional, less tangible, benefits in excess of £4m over the 4-year period, arrived at following consultation with the Council's senior leadership team. This is not intended to be a calculation of precision but is intended to provide an indication of the hidden costs of disruption associated with an annual elections cycle. There is also evidence to indicate that whole Council elections provide for better longer-term decision making.

The Executive agreed at its meeting on 27 January 2022 to recommend to Council to commence a consultation on changing electoral arrangements, the consultation would be held in February/March with the results to be considered and a decision taken by a special meeting of Council in late June/early July 2022. Council's decision in February to undertake a consultation requires a simple majority. Council's decision in late June/early July requires a two thirds majority to change the current arrangements.

It should be noted that, regardless of the Council's decision on all-out elections, there will be whole Council elections in 2024 following the Boundary Commission's review of electoral arrangements.

BACKGROUND

- 1.1 The legislation governing the move to whole council (all out) elections is contained within the Local Government and Public Involvement in Health Act 2007 and the Localism Act 2011. The Acts give councils the power to decide whether to move to whole council elections, or back to elections by halves or elections by thirds (if they have elected this way at some point since 1 April 1974). The Council cannot move to a 'halves' electoral cycle as it has not elected this way in the past.
- 1.2 The most recent Local Government Boundary Commission for England (LGBCE) data shows that, amongst the 52 unitary English authorities, 36 elect on a whole-council basis, and 16 elect by thirds.
- 1.3 Within Berkshire, Wokingham BC, Reading BC, and Slough BC elect by thirds although Slough BC is currently consulting with stakeholders on a proposed move to whole-council elections.
- 1.4 The Council is about to embark on a LGBCE review of warding arrangements in the Borough. This will assess both the numbers of Councillors and the warding arrangements. While the decision on the electoral cycle is the Council's alone there will clearly be an impact on the LGBCE review.
- 1.5 If the Council decides to move to whole council elections the LGBCE will be able to maintain one-, two- and three-member warding arrangement as at present. If the Council retains election by thirds the LGBCE will need to create wards that all comprise three members. Regardless of the decision in this paper about whole Council elections, the work of the LGBCE will result in all-out elections in 2024.

BENEFITS OF WHOLE COUNCIL ELECTIONS

- 2.1 There is a limited amount of research on the subject of different electoral cycles and their benefits, however the Electoral Commission conducted research in 2003 on the subject of local government electoral cycles, which is attached at Appendix A, and which concluded that whole council elections would provide a clearer and more equitable system of voting for electors in the area.
- 2.2 The research focusses primarily on promoting a consistent national pattern of local elections, which it claimed would help to focus national attention on local government issues.
- 2.3 The report goes on to discuss issues around clarity and understanding for electors, which it claims is reduced by a system that elects by thirds. Research conducted by MORI that forms part of the report highlights the level of misunderstanding amongst electors regarding who they are voting for, or how often they are expected to vote. This confusion increases amongst younger voters or those from black or minority ethnic groups which suggests there are equalities issues to consider when considering an appropriate electoral system.
- 2.4 Since 2003, there has been a notable shift by unitary councils from electing in thirds to whole council elections. The mostly frequently cited reasons for doing so

are the financial benefits and the argument that whole council elections aid better longer term decision making.

- 2.5 More recently in April 2021, a Best Value Report on Liverpool City Council by the Government Appointed Lead Inspector, Max Caller CBE, recommended that the City Council move from a thirds electoral system to a whole-council electoral system, noting that “LCC being in election mode every year provides less opportunity to scrutinise the Mayor’s actions...” and that a whole-council electoral system would provide LCC a better ability to have a “longer-term focus”.
- 2.6 It is also notable that Slough BC commenced a public consultation in December 2021 with a view to moving to whole council elections as part of its response to addressing its governance and financial difficulties.
- 2.7 Finally, Executive should note the recommendation reported in the Local Government Association’s Corporate Peer Challenge that took place in Wokingham BC in November 2021 that the Council should formally consider the benefits of moving to whole council elections.

CURRENT SYSTEM OF ELECTIONS BY THIRDS

- 3.1 The current system of electing by thirds means that 18 seats are elected every year in three out of four years.
- 3.2 The benefits of this system have in past been stated as providing greater stability for the Council in terms of its membership. Electing by thirds reduces the risk of wholesale change within the Council (although for some this may be desirable and so not a risk but an opportunity) and allows for succession planning because there is always a mixture of new and experienced councillors on the Council.
- 3.3 Additionally, electing by thirds provides the electorate a greater opportunity to be involved in decision-making at the Council, and arguments have been put forward that this makes councillors more democratically accountable.
- 3.4 Lastly, it has been stated that some smaller political parties would find it difficult to field enough candidates to contest all seats at an all-out election. However, electing by thirds does not, in and of itself, create a greater availability of candidates for any party, but those candidates who are willing to stand have more frequent opportunities to do so.
- 3.5 It has been suggested that electing by thirds ensures that knowledge on delivering elections is retained and maintained within the Electoral Services team. However, as there are a wide variety of electoral events that take place across the cycle (which use similar procedures and legislation) this would not have a significant impact on the training and/or expertise of the team.
- 3.6 Retaining election-by-thirds will require all wards to be three member wards. This will have a significant impact on the size of wards that are currently one and two Member wards and result in larger wards that will include communities that have previously had separate representation.

COSTS AND SAVINGS

- 4.1 As a Best Value authority, Members are required to consider the costs of services, and from time to time review those costs to ensure that the taxpayer is receiving best value for money.
- 4.2 It is the case that whole Council elections cost less to run than electing by thirds, in particular where those whole Council elections can be combined with other significant elections such as the Police and Crime Commissioner elections (as the costs for fixed entities such as polling stations, staff on polling stations, and sundries, are shared).
- 4.3 An example of the savings that could be achieved over a four-year period is set out at Appendix B. This shows that over the four-year cycle from 2024 to 2027 the authority would save over £316,000 by not holding Borough elections in 2026 or 2027.
- 4.4 The Chief Financial Officer has quantified additional, less tangible benefits in excess of £4m over the 4-year period, arrived at following consultation with the Council's senior leadership team. This is not intended to be a calculation of precision but is intended to provide an indication of the hidden costs of disruption associated with an annual elections cycle.

PROCESS FOR WHOLE COUNCIL ELECTIONS

- 5.1 As the Executive wishes consideration to be given to moving to whole-Council elections there are certain steps that must be taken, which are required by the legislation.
- 5.2 The decision itself to commence a consultation would need to be taken by full Council under section 33(2) of Local Government and Public Involvement in Health Act 2007.
- 5.3 The Council must take reasonable steps to consult with those it thinks appropriate on the proposed change. For Wokingham BC, this would certainly mean with members themselves, political parties, town and parish councils who would be consequentially affected by the change, the Members of Parliament for the area, the public, and potentially nearby authorities.
- 5.4 There may be other stakeholders the Council feels it is appropriate to consult with. Whilst the consultation period is not prescribed, it would need to be of a reasonable period, which has commonly been deemed as at least six weeks by this Council.
- 5.5 A draft consultation document is set out at Appendix C.

Decision-Making Process

- 5.6 Following the consultation, the results would need to be reported back to the Council for consideration, and should the Council be minded at that stage to

proceed with whole Council elections, a formal recommendation would need to be made to Full Council.

- 5.7 Under section 33(3) of the LGPIH Act 2007, the Full Council must then vote with a two thirds majority, to resolve to move the whole-Council elections. Should this happen, the resolution would establish whole Council elections from 2024. This would mean that those members who are elected in 2022 would hold a two-year term of office, and those members who are elected in 2023 would hold a one-year term of office. It should be noted that as a consequence of the electoral review, currently being carried out by the Boundary Commission, whole council elections will take place in 2024 anyway.
- 5.8 The resolution must be made at a special meeting of Full Council and state the year in which the first ordinary elections at which all councillors are elected will be held.
- 5.9 The benefit of starting the new whole council elections in May 2024 is that it synchronises the Council elections going forwards with PCC elections, thus always combining and sharing the cost of running the election with the PCC. This will increase the savings that can be achieved through running the elections combined with another election.

TOWN AND PARISH COUNCILS

- 6.1 The Council has the power to determine the electoral cycle for Town and Parish Councils in its area, and any move to whole council elections for the Borough would have an impact on town and parish councils, as in some years the Borough would not hold elections where town and parish elections were taking place. This would increase the costs for these councils as they would not be able to share the cost with the Borough.
- 6.2 Any changes to Town and Parish electoral areas or election cycles must take place through a Community Governance Review. However, as the Local Government Boundary Commission for England is currently undertaking an Electoral Review of the Borough, Community Governance Reviews for parish and town Councils cannot take place until this has been completed.
- 6.3 The Electoral Review is expected to take until the end of 2022, so any Community Governance Reviews would need to be scheduled to take place in 2023.

NEXT STEPS

- 7.1 As the Executive is minded to proceed with investigating the potential for whole-Council elections, the next step is for Council to approve a public consultation on the terms set out at Appendix C with stakeholders as identified within this report, plus any other stakeholders the Executive or Council feels are appropriate through discussion.

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

The longer term financial benefits of moving to Whole Council Elections are set out in the paper.

Stakeholder Considerations and Consultation

The next step would be for Council to agree to a public consultation on the terms set out at Appendix C with stakeholders as identified within this report, plus any other stakeholders the Executive/Council feels are appropriate through discussion.

Public Sector Equality Duty

The Electoral Commission report from 2002 references research which suggests that both younger age groups and those with an ethnicity other than white were less likely to know when local elections were taking place, and that moving to a nationwide pattern of all out elections would improve enfranchisement for these groups compared with those who do not share their characteristics. The Council is under a duty to advance equality of opportunity between persons who share a relevant protected characteristic (in this case age and ethnicity) and persons who do not share it. Moving to all out elections may provide an opportunity for the Council to positively impact on the opportunities of these groups to participate and vote in elections.

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 climate emergency issues to consider as part of this report.

List of Background Papers

Appendix A – Electoral Commission research 2003
Appendix B – Direct savings analysis
Appendix C – Draft Public Consultation document

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January 2004

The
Electoral
Commission

A photograph of a woman with blonde hair, wearing a red shirt, looking down at a white envelope she is holding. The background is a blurred indoor setting with a ceiling light fixture. In the foreground, a dark surface with the word 'BALLOT' printed on it is visible.

The cycle of local government elections in England

Report and recommendations

The Electoral Commission

We are an independent body that was set up by the UK Parliament. We aim to gain public confidence and encourage people to take part in the democratic process within the UK by modernising the electoral process, promoting public awareness of electoral matters, and regulating political parties.

On 1 April 2002, The Boundary Committee for England (formerly the Local Government Commission for England) became a statutory committee of The Electoral Commission. Its duties include reviewing local electoral boundaries.

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Executive summary

Following a request made under the Political Parties, Elections and Referendums Act 2000 (PPERA) in January 2003, this report to the Deputy Prime Minister contains the findings of The Electoral Commission's review of the cycle of local government elections in England, and its recommendations for change to simplify the current cycle.

On 28 January 2003, The Electoral Commission received a formal request from the Deputy Prime Minister to 'review and submit a report to him on the cycle of local government elections in England, identifying options for change that would simplify the current cycle'. The Commission was also required to assess the desirability and practicality of any options for change, and make recommendations for the implementation of those options.

We published an evidence and consultation paper in July 2003, summarising the findings of research on public attitudes and awareness, electoral turnout and local authority performance, and seeking views on a range of questions. We received a total of 269 submissions to our consultation paper and attended a number of meetings to discuss issues in more detail.

Simplification and change

The current pattern of local electoral cycles in England is unclear and inconsistent, both between and within local authority types. There are wide variations in the opportunities available to electors to participate in local elections, depending on the area in which they live. This disjointed and inconsistent pattern of local electoral cycles has come about as a result of historical accident, and the piecemeal approach to structural change in local government during the past 30 years.

The apparent disparities and contradictions of the current pattern of electoral cycles are not, in themselves, of particular concern to us. However, our research has found significant evidence of confusion and misunderstanding which suggests that many electors simply do not know when or why local elections are held in their area. We are concerned that the complex current pattern of different local electoral cycles across England does not help electors to understand the opportunities open to them for participation in the democratic process.

We are also concerned that opportunities for access to the local democratic process should be equitable. It is fundamentally unfair and, in our view, unacceptable that within an individual local authority some electors may

have fewer opportunities to vote and influence the political composition of the authority than their neighbours in a different ward. It is clear that the current pattern of local government elections in England does not provide equal access to the democratic process for all electors, particularly in areas with partial council elections.

We consider that the pattern of local electoral cycles in England is unnecessarily complex and confusing, and that there is a strong case for simplification of the current arrangements. We note the important debate on the merits of diversity of practice in local government. However, we can see no good reason why one of the fundamental elements of local democracy should vary from area to area.

The Commission recommends that the cycle of local and sub-national government elections in England should follow a clear and consistent pattern, within and across local authorities. Individual authorities should not be permitted to 'opt out' of this pattern, and any newly created authorities should also follow the same pattern.

Recommendations for the local electoral cycle in England

Responses to our consultation underlined many of the arguments surrounding the debate for and against either whole council or partial elections. However, we received little new information or evidence to support respondents' positions. While we have sympathy with many of these arguments, the balance of evidence that we have considered suggests that whole council elections are more likely to provide clarity for electors and a degree of stability for local authorities.

We also consider that a key principle for the electoral cycle of local authorities should be to ensure that all electors are given the same opportunities for participation in the local democratic process. A more equitable pattern of electoral arrangements under elections by thirds would require a uniform pattern of three-member wards across authorities, or a uniform pattern of two-member wards with biennial elections.

Whole council elections would require no change to local authorities' current electoral arrangements.

However, The Boundary Committee for England has noted that the requirement to recommend a uniform pattern of three-member wards in metropolitan borough areas has caused specific difficulties when attempting to reflect community identities in some authorities. The Committee notes that the flexibility to recommend single-, two- or three-member wards enables it to more easily reflect local communities while continuing to provide good levels of electoral equality. Under a pattern of whole council elections, authorities would not be restricted to any particular ward size, since the entire electorate would be eligible to vote together once every four years.

Having taken into account the evidence and arguments presented during our consultation process, we have concluded that a pattern of whole council elections for all local authorities in England would provide a clear, equitable and easy to understand electoral process that would best serve the interests of local government electors.

The Commission recommends that each local authority in England should hold whole council elections, with all councillors elected simultaneously, once every four years.

Implementation

Our proposals for the implementation of our recommendations attempt to balance the need for a pragmatic approach to change with our desire to see timely reform of the local electoral cycle in England.

We considered several options for the implementation of our recommendations for change, and rejected an option under which all local government elections would take place in the same year. We considered that this proposal would diminish the important distinction between different local government elections taking place in the same area, and between the roles and responsibilities of local and sub-national government where it exists.

Our preferred approach to the implementation of our recommendation would balance simplicity and a

national focus on local government issues, with a clear distinction between different tiers of local or sub-national government. Under our recommendation all local government electors in England would have the opportunity to vote for their district, metropolitan borough, London borough or unitary council in the first year of the electoral cycle. Those electors in areas with other local or sub-national authorities would vote again two years later.

The Commission recommends that all local government electors in England should elect members of their district, metropolitan borough, London borough or unitary council simultaneously once every four years. Two years later, in the mid-point of the electoral cycle, electors in areas with county councils, city-wide authorities or any future sub-national government should elect representatives to those bodies.

If the recommendations of this review are accepted by Government and Parliament, we will work with central and local government partners to identify the most appropriate approach to timely implementation.

1 Introduction

Following a request made under section 6(2) of the Political Parties, Elections and Referendums Act 2000 (PPERA) in January 2003, this report to the Deputy Prime Minister contains the findings of The Electoral Commission's review of the cycle of local government elections in England, and its recommendations for change to simplify the current cycle.

Background

1.1 In its white paper *Strong local leadership – quality public services*,¹ published in December 2001, the Government noted that:

The current cycle of local government elections is confusing. Some councils have elections once every four years while others have elections in three years out of four. It is too easy for electors to lose track of when elections are to be held or how many votes they have on any particular election day. And this arrangement can lessen the immediate impact of voters' behaviour on council control.

1.2 The Government went on to indicate in the white paper that it proposed to invite The Electoral Commission to review and recommend options to simplify the current cycle of local elections.

Request

1.3 Under the Political Parties, Elections and Referendums Act 2000 (PPERA), which established The Electoral Commission, the Secretary of State may request the Commission to review and report on any matter specified by him.² On 28 January 2003, the Commission received a formal request from the Deputy Prime Minister, pursuant to section 6(2) of PERPA, to:

review and submit a report to him on the cycle of local government elections in England, identifying options for change that would simplify the current cycle.

Under the terms of the request, the Commission has also been required to assess the desirability and practicality of any options for change, and make recommendations for the implementation of these options.

1.4 The request specified that the Commission's report must be submitted to the Deputy Prime Minister no later than 12 months after the date of the request. It also outlined the scope and terms of reference to be considered by the Commission in its review. The full text of the request is included in Appendix 1 to this paper.

¹ Cm 5237.

² Section 6(2) Political Parties, Elections and Referendums Act 2000.

Scope and terms of reference

1.5 In undertaking this review, The Electoral Commission has carefully considered the scope and terms of reference that were outlined in the request submitted by the Deputy Prime Minister. Under the terms of the request, the Commission's report on the cycle of local government elections in England must include consideration of the normal elections for:

- principal authorities – districts (including unitary authorities and metropolitan boroughs), London boroughs and counties;
- the Greater London Authority (GLA);
- elected mayors; and
- parish councils.

1.6 While the terms of the request specify elections to the GLA, we have also considered it appropriate to take into account elections to potential future levels of sub-national government as well as any existing bodies.

1.7 In considering any options for change to the current cycle of local government elections, the Commission's recommendations might involve changes to:

- councillors' terms of office; or
- local authorities' electoral arrangements in England, including:
 - the number of councillors for the local authority area;
 - the boundaries of wards or divisions for the area; or
 - the number of wards or divisions for the area.

1.8 The Government's request also specified a range of matters to which the Commission must have regard in carrying out this review. These included, but were not limited to, consideration of the extent to which any options for change would:

- improve the democratic legitimacy and local accountability of councils;
- enable greater understanding of when elections are to be held and their purpose;

- be likely to improve participation in the electoral process;
- help facilitate the effective management of local authorities; and
- be facilitated by new ways of voting, including increased postal voting, electronic counting or multi-channel e-voting.

1.9 The Commission was also required to consider the relationship between different local government elections in related areas, and between local government elections and other elections in England (i.e., elections to the Westminster and European parliaments).

The Electoral Commission

1.10 This review has been carried out under the guidance of a project board including Sam Younger, Chairman of The Electoral Commission, Pamela Gordon, Commissioner and Chair of The Boundary Committee for England, and two Deputy Electoral Commissioners, Joan Jones CBE and Professor Michael Clarke CBE. However, the views presented in this report are those of The Electoral Commission alone, and do not necessarily reflect the opinions of project board members or others who have contributed to the review process.

2 Review process

From the outset of this review we have recognised that it was likely to provoke both interest and controversy, among the local government community in particular. We also acknowledged that there might be no straightforward 'right' answer to the issues involved. We have been especially keen to ensure that our recommendations are based on objective evidence, and that we have consulted widely.

Evidence

2.1 We noted at the outset of this review the importance of gathering objective evidence to complement the valuable views of stakeholders and consultation respondents. In particular, we were eager to gauge the views of the electorate, including both voters and non-voters. We asked MORI to undertake public survey research that would not simply explore electors' views and attitudes on the frequency of local elections in England, but would also explore in some depth their understanding and awareness of opportunities to vote in their local area.

2.2 The initial survey results provided a broad impression of perceptions of local government electoral arrangements. However, at the analysis stage, the answers given by respondents about their perceptions of local government elections were compared with details of the electoral cycle and arrangements in their area, to give a measure of levels of actual understanding and awareness. We summarised the key findings of this public perceptions study in our consultation paper, and the full text of the report from MORI has been made available to download on our website. The results of the study are discussed in more detail in chapter 3 of this report.

2.3 We also asked the Local Government Chronicle Elections Centre, University of Plymouth, to undertake a statistical analysis of the relationship between local government electoral cycles and turnout. Drawing on data from their historical database of local election results from the past 30 years, the Elections Centre was able to provide an assessment of the specific impact of the cycle or frequency of elections on turnout at local government elections. Again, the full text of the Elections Centre's report was made available to download on our website.

2.4 Finally, we undertook our own consideration of the Audit Commission's Comprehensive Performance Assessment (CPA) outcomes, to ascertain whether there were any discernible links between performance and different forms of electoral cycles. Our conclusions were included in the consultation paper published in July 2003.

Consultation

2.5 At the beginning of July 2003, we issued a consultation paper that brought together evidence on a range of issues, as detailed above, and sought views and comments on a number of questions. The paper was sent to the Chief Executives and Leaders of all local authorities in England, and to all local authority electoral services managers. It was also sent to a range of relevant local government stakeholders, including local authority members and officers, political parties and representative organisations including the Local Government Association (LGA), the Society of Local Authority Chief Executives and Senior Managers (SOLACE), the Association of Electoral Administrators (AEA) and the National Association of Local Councils (NALC). The paper was also available to download on our website. We sought comments on the questions and issues raised in the consultation paper by the beginning of October 2003.

2.6 In our consultation paper we also issued an open invitation to individuals or groups to contact us and arrange to meet the project team to discuss issues relating to the review. During the consultation period, we held or attended 17 such meetings, detailed in Appendix 2.

Responses to consultation

2.7 During the consultation period we received a total of 269 responses by post or email, from a wide range of organisations and individuals, primarily within the local government community. A total of 143 local authorities and 16 local parish or town councils responded, and we also received individual responses from 20 local councillors and eight local authority officers. Nine registered political parties submitted responses, and we also received comments from seven MPs, three members of the House of Lords and 34 local political groups. We received further comments from 11 individual respondents, two academics and a total of 16 other organisations or groups. A full list of respondents is included in Appendix 2 of this report. Copies of all non-confidential responses can be viewed at our office.

2.8 Responses ranged in depth from detailed consideration of each of the questions and issues raised in the consultation paper, to a broad outline of respondents' positions. We greatly appreciate the input of those who took part in our consultation exercise, and we value the experience and expertise that respondents have been able to bring to this review. We have also found it particularly useful to meet interested groups in person during the consultation period, to gauge the strength of feeling on the issues involved and discuss them in more detail.

Next steps

2.9 This report sets out The Electoral Commission's recommendations to the Deputy Prime Minister for changes to the local government electoral cycle in England, as required by his request. The Commission recognises that its role in relation to electoral law is advisory, and it is not for the Commission to make the final determination as to how local government electoral cycles might be changed. It is for the Government to initiate, and ultimately for Parliament to decide on any proposals for legislative change.

2.10 Nevertheless, we feel strongly that reform to simplify the local electoral cycle in England is overdue, and we would urge the Government to take forward the recommendations contained in this report at the earliest opportunity. Chapter 5 of this report outlines some suggested options for the implementation of our recommendations, and we will continue to work with the Government to ensure that timely progress towards reform is made.



3 Simplification and change

In looking at the cycle of local government elections in England we have been asked to identify options for change that would simplify the current cycle. Our priority has been to identify a pattern of local elections that best serves the democratic and community interests of electors.

Current arrangements

3.1 In our consultation paper, we examined in detail the current cycle of local government elections in England. We found the current pattern to be unclear and inconsistent, both within and between local authority types, and noted that there are wide variations in the range of opportunities available to electors to participate in local elections, depending on the area in which they live.

3.2 As shown in Table 1 below, a total of 137 authorities currently elect by thirds, with one-third of members retiring each year and their seats up for fresh election. Seven authorities elect by halves, while 243 hold whole council elections once every four years. All metropolitan boroughs currently have a uniform pattern of three-member wards, while district, unitary and London councils may have between one and three members per ward. County councils may have either one or two members per division, but the large majority of divisions are represented by only one councillor.

Table 1: summary of local government electoral cycle in England, by authority type

Authority type	Thirds	Halves	Whole	Total
County council	-	-	34	34
District/borough council	82	7	149	238
Unitary council	19	-	27	46
London borough	-	-	33	33
Metropolitan borough	36	-	-	36
Parish and town councils	-	-	8,700	8,700

3.3 At present there is no clear pattern of electoral cycle for local authorities in England, and the frequency with which authorities elect their members varies considerably from one area to another. In practice, this also means that the frequency with which electors are given the opportunity to vote varies from area to area, depending on the number and type of local authorities in each area. Electors in London may vote twice in each four-year electoral cycle (in borough and Greater London Authority elections), while those living in metropolitan borough areas can vote three times during the same period.

All electors in two-tier areas can vote in county council elections once every four years, but elections to shire districts may take place in each of the three years in-between county elections.

3.4 Moreover, this disparity is also repeated within many local authority areas, where electors may be offered fewer or greater opportunities to vote for the same authority depending on the size of the individual ward in which they live. In unitary authorities that hold whole council elections every four years, all electors will be given the opportunity to vote once in each four-year electoral cycle. However, in those unitary authorities where members are elected by thirds, electors in single-member wards may vote only once in a four-year cycle, those in two-member wards may vote twice, and those in three-member wards may vote three times, with one year fallow.

3.5 In two-tier shire areas, all electors can vote in county council elections once every four years. Electors in districts that hold whole council elections can also vote in the third year of the electoral cycle. However, in districts where members are elected by thirds, electors in single-member wards may vote twice in each four-year cycle (once for their district or borough ward and once for their county division), while their neighbours in two-member wards may vote three times, and those in three-member wards may vote in all four years of the cycle. In the small number of districts that elect by halves, all electors will be able to vote in three out of four years.

3.6 One of the overall effects of these disparities in electoral cycle is that there is no consistent pattern to the scale of local elections from year to year. The number of authorities holding elections, wards or seats to be elected and electors eligible to vote changes each year, and in recent elections, the proportion of the total local government electorate eligible to vote has varied significantly. In 1999 and 2003, when elections were held in all metropolitan boroughs and shire districts, around 80% of the total local government electorate were eligible to vote. In local elections in 1996 and 2000, however, less than half of the total electorate were eligible to vote.

While there were no borough elections in London in 2000, more than five million electors were able to vote in elections to the GLA.

3.7 This disjointed and inconsistent pattern of local electoral cycles has come about as a result of historical accident and the piecemeal approach to structural change in local government during the past 30 years. Where such change has taken place, from the large-scale reorganisation in the early 1970s to more recent structural reviews in the mid 1990s, it appears that little consideration has been given to the overall national impact of decisions on individual local authority electoral cycles. Government has continued to emphasise the importance of local choice of electoral cycle for non-metropolitan districts, and in particular rejected the recommendation of the 1986 Widdicombe Committee report on the conduct of local government for a uniform system of local government elections.³ This emphasis on local choice has led to a patchwork pattern of electoral cycles across England, and each new phase of reorganisation has not only left these discrepancies unaddressed, but in many cases has added to the overall picture of inconsistency.

Issues

3.8 The apparent disparities and contradictions of the current pattern of electoral cycles are not, in themselves, of particular concern to us. This review was not intended to be an exercise in electoral tidiness. Rather, we have considered the problems and difficulties for electors that may be a direct consequence of this complexity and inconsistency. The evidence we have gathered suggests that the majority of electors simply do not know when, why or for which authority local elections are held in their area, and we are concerned that the complex current pattern of local electoral cycles may not encourage understanding of democratic opportunities across England.

³ *Report of the Committee of Inquiry into the Conduct of Local Authority Business (1986) Cmnd 9797.*

3.9 The study of public awareness that MORI carried out for us revealed a mixed picture of levels of understanding of the local electoral cycle among electors. Overall, a total of 77% of respondents knew whether or not there were local elections taking place in their area in May 2003. However, while some 84% of respondents in areas where elections were due to take place knew that they would have the opportunity to vote, one-sixth of the electorate were potentially disenfranchised – whether they wanted to vote or not – simply by being ill-informed or unaware of the elections taking place. In a similar study from 2002, MORI found that nearly a quarter of those in areas with elections were unaware that elections were taking place.⁴ Younger respondents were significantly more likely to say they didn't know whether local elections would be held in their area (34% of respondents aged 15 to 24 compared with only 10% of those aged 25 plus). Respondents from black and minority ethnic communities were three times less likely than white respondents to be able to give an answer (12% compared with 39%).

3.10 Many respondents who thought there were local elections in their area actually had little understanding of which authority the elections were actually for. Nearly one in five respondents overall (19%) did not know which authority they would be voting for in May 2003. Although county council elections were not held in May, 15% of respondents in shire district areas thought elections would be held for the county council. Some 12% of respondents in metropolitan borough areas and 21% in unitary authority areas, where there is no second tier of local government, were under the impression that elections were for county councils, although this may also demonstrate some lack of understanding of local government terminology. More positively, two-thirds of respondents in shire district areas (66%) correctly identified that the forthcoming elections were for their district or borough council.

3.11 There was also widespread confusion and a lack of understanding about exactly how often electors have the

opportunity to vote in different areas of England. Nearly one-third of all respondents (30%) conceded that they did not know how often elections were held in their area, and only 16% overall were able to correctly identify the actual cycle of local elections. When other responses were compared with the actual frequency of elections at a ward level, it appears that the varied pattern of electoral cycle across England may have a particular effect on levels of awareness and understanding. Respondents in wards where elections were held either annually or only once every four years were most likely to answer correctly (34% and 30% respectively). However, only 5% of respondents in areas with elections in three years out of four answered correctly, and they were actually more likely to think that elections are held every year (37%). Respondents in areas with elections in two out of four years were also more likely to think that elections were held only once every four years.

3.12 Attitudes towards change to the electoral cycle were mixed – perhaps unsurprisingly, given the generally poor level of awareness of the local government electoral cycle. Seventy-one per cent of respondents felt that the frequency of local elections in their area was 'about right', although one in five (19%) were unable to express a view. MORI found slightly more support among respondents for proposals to hold all local elections at the same time (53%) than for allowing the frequency of elections to vary locally (45%).

Change and local diversity

3.13 Respondents to our consultation paper were divided in their views as to the merits or desirability of a more uniform pattern of local electoral cycle. While many accepted the potential benefits to voter awareness and understanding of simplifications to the current cycle, others resented perceived interference from the centre in what they view as a matter for local choice.

3.14 Many responses dealt in limited terms with the benefits or disadvantages of individual local electoral cycles, and did not take into account the wider picture of a nationwide pattern of elections. These respondents disagreed that confusion and low public awareness of

⁴ MORI Social Research Institute survey for Green Issues Communications (2002), *Many Councillors 'Divorced' from the Electorate*.

local elections is a particular problem in their own area, if not nationally. While they maintained that local electors did understand when elections were held, the evidence of consistently low electoral turnouts across local government and the results of our opinion research work suggest that this view may be somewhat optimistic. Other respondents saw benefit in a more consistent pattern of local electoral cycles, but felt that the cycle in their own areas should be retained, and that other authorities should follow their example.

3.15 A majority of respondents, however, accepted that a more uniform pattern of local electoral cycles would be beneficial, even if it would involve change to their own local arrangements. Many agreed that a clearer and more predictable local election cycle would help electors to understand when elections take place. Others noted the importance of consistency, both within and across local authorities, in ensuring that all electors have the same rights and opportunities to vote. Respondents also placed great value on the potential of a consistent local election pattern across England to help develop a 'national voting habit', which would promote local democratic renewal and civic responsibility by highlighting opportunities for democratic input. Certainly, it was noted that a nationally applicable pattern of local elections, whether every year, every other year or every four years, would enable a greater collective national focus on local government issues.

3.16 We recognise that there is some opposition among local government stakeholders to the imposition of change, and in particular the imposition of uniformity, from above. Some respondents to our consultation paper argued that local choice of electoral cycle is both important and useful, and that what works well in some areas may work less well in others. These respondents reject the notion that a single electoral cycle would be suitable for all local authorities, and argue that flexibility of choice at a local level is necessary to respond to diverse local needs and circumstances. They also suggest that local elected representatives are best placed to decide which pattern is most suitable for their area.

3.17 One respondent noted that 'uniformity involves change in at least some local authorities, and the costs of change have to be balanced against any assumed benefits', and argued that change 'should only be undertaken for strong reasons and not because uniformity is seen as inherently desirable.' As we have discussed earlier, we do not see a consistent pattern of local electoral cycles as necessarily desirable in its own right. Rather, we recognise the significant benefits to wider public understanding and awareness of democratic rights that a more consistent pattern would bring.

The need for clarity

3.18 It is of fundamental importance to the future health and relevance of local government, especially in the context of continued low turnout at local elections, that the electoral system is clear and easily understood by the public. Well-informed electors who understand how and when to vote are better placed to hold their local representatives to account, while confusion about when and why elections take place can only serve to further distance electors from local democracy. We would echo the conclusion of the Widdicombe Committee report that 'a system which is as complex and inconsistent as the present one is hardly calculated to encourage electoral participation'.

3.19 The current pattern of local government electoral cycles in England, with considerable diversity between and within local authorities, appears to be well supported by many of those within local government. Locally determined arrangements suit those with established interests who may have worked with particular arrangements for a considerable length of time, and understand how best to work within local political processes. It is clear, however, that these arrangements work less well for voters, who do not understand how and when they are entitled to take part in the democratic process. As we have noted above, there is widespread confusion and misunderstanding among electors about when and why local elections are held in their own immediate area.

The need for consistency

3.20 In its report, the Widdicombe Committee suggested that citizens had a reasonable expectation that when they moved from one area to another electoral arrangements should be the same, unless there was a clear case to the contrary. We would add that a more consistent pattern of local electoral cycles in England would also help to encourage the development of a broader, deeper collective understanding of local elections as an event across the country. It would enable a clearer national focus on the wider roles and responsibilities of local government, while also highlighting the particular issues at stake at a local level. While greater consistency would enable nationwide voter awareness campaigns to the benefit of all electors, it would also provide an opportunity for targeted campaigns to address more effectively particular groups who may be less likely to participate.

3.21 A further strong theme among responses to our consultation has been a recognition of the importance of ensuring fairness and equity in electoral arrangements. In addition to greater national consistency of electoral cycle, opportunities for access to the democratic process locally should be consistent and equitable – that is, all electors within each individual authority should have the same opportunities to influence the outcome of local elections and the policies of the authority. It is clear that the current pattern of local government elections in England does not provide equal access to the democratic process for electors at the local level.

3.22 As we have noted earlier in this chapter, many authorities that elect by thirds, outside the metropolitan borough areas, do not have a uniform pattern of three-member wards. In these areas electors may be offered fewer or greater opportunities to vote for the same authority depending on the size of the individual ward in which they live. Some electors may have three opportunities to vote in elections to their local authority within a four-year period, while others can vote only once in the same period. It is fundamentally unfair and, in our view, unacceptable that within an individual local authority some electors should have fewer opportunities

to vote and influence the political composition of the authority than their neighbours in a different ward.

3.23 A more consistent and clearly understandable pattern of local electoral cycles across England should also seek to ensure greater equity in access to the democratic process at a local level. Equality of opportunity to vote within local authorities under current warding arrangements could be achieved if all electors were to vote at the same time, once every four years. Correspondingly, a consistent pattern of elections by thirds or halves would require a move to a uniform pattern of three- or two-member wards respectively, involving significant changes to local electoral arrangements across England.

Recommendation

3.24 We have outlined above our concern that the current mixed pattern of local electoral cycles in England provides an unclear and inconsistent picture to voters which, at the very least, does not help to encourage participation in the democratic process at a local level. We have also noted that some electors within individual authorities may have fewer opportunities to vote and influence the political composition of the authority than their neighbours in a different ward. We have highlighted the benefits that greater clarity and consistency could bring in both these areas. In our view, this review presents an opportunity to think strategically about a future pattern of local electoral cycles which will better serve the interests and needs of electors across England.

3.25 If we were starting afresh in planning a pattern of electoral cycles for local government in England, we would not wish to replicate existing arrangements. We must, of course, accept that we are not starting from scratch in this instance, and we have considered the most appropriate way forward in light of existing circumstances. Nevertheless, we consider that the current pattern of local electoral cycles in England is unnecessarily complex and confusing, and that there is a strong case for simplification of the current arrangements.

3.26 We note the important debate on the merits of diversity of practice in local government. While we accept that local choice and diversity of practice may be valuable in many areas of local government, we do not believe that the case for local choice has been made in relation to local authorities' electoral cycles. Local authorities may choose to deliver their services or scrutinise decisions in a variety of ways, and electors will pass judgment on their achievements through the democratic process. However, we can see no good reason why one of the fundamental elements of local democracy should vary from area to area. It would not be acceptable, for example, to have a locally determined and varying franchise or terms of office for councillors. Moreover, we note that local government elections in Scotland, Wales, Northern Ireland and in the majority of comparable Western democracies follow nationally consistent patterns in electing their members, and diversity in local practice has not extended to choice of electoral cycle.⁵

3.27 On balance, and most importantly when viewed against the substantial evidence of confusion and misunderstanding among electors, we consider that the democratic needs of electors across England would be better met by a clearer and more consistent pattern of local electoral cycles.

The Commission recommends that the cycle of local and sub-national government elections in England should follow a clear and consistent pattern, within and across local authorities. Individual authorities should not be permitted to 'opt out' of this pattern, and any newly created authorities should also follow the same pattern.

3.28 Our recommendation for the pattern of local electoral cycles in England follows in chapter 4.

⁵ New Zealand, Australia, Canada, the Republic of Ireland, France, Spain, Denmark and the Netherlands, for example, all have consistent patterns of local electoral cycles. For more information, see *The constitutional status of local government in other countries* prepared for the Commission on Local Government and the Scottish Parliament in 1998.

4 Recommendations for the cycle of local authorities in England

We have recommended that the cycle of local government elections in England should follow a clearer and more consistent pattern, within and across local authorities. However, we recognise that there is considerable disagreement about the relative benefits of the various local electoral cycles currently adopted by local authorities.

4.1 In our consultation paper we outlined in some detail the range of arguments surrounding the debate for and against either whole council or partial elections. Responses to our consultation echoed and underlined many of these arguments, but we received little new information or evidence to support respondents' positions. Many responses drew heavily on evidence of local experiences, and often reflected individual preferences for retaining existing local electoral cycles.

4.2 Following our recommendation for a consistent pattern of local electoral cycles in England, we have also considered options for the most appropriate cycle. We have carefully considered the arguments and evidence submitted to us during the consultation period. The range of matters to which we have been required to have regard in making this recommendation are outlined in the introduction of this report and reproduced in full in Appendix 1.

Priorities

4.3 In previous work The Electoral Commission has outlined its priorities in relation to the reform of electoral procedures and law. It aims to place the voter at the centre of its concerns, but also recognises the need to encourage the participation of a wide range of candidates and political parties and to ensure that electoral arrangements can be effectively and efficiently administered.

4.4 These priorities have remained highly relevant in our consideration of the local electoral cycle in England – above all, we have sought to ensure that the democratic needs of electors are addressed appropriately. However, we recognise that other individuals, groups and organisations are essential to the continued health of local democracy, and it is clear that other issues must also be considered. One respondent usefully summarised the need for a balanced view:

It is important to ensure that the frequency of elections does not adversely affect the ability of any local authority to effectively manage and deliver their responsibilities, whilst at the same time maintaining the ability of the electorate to have adequate opportunity to influence the political control of the authority.

4.5 We have sought primarily to identify a pattern of local electoral cycles that is likely to be well understood by the public and encourage their participation in elections. However, our recommendations should also give elected members confidence that they have a legitimate democratic mandate to act on behalf of their communities, and assure these communities that they can effectively hold their representatives to account. Any proposals for change must also recognise the need to support local authorities in the effective and efficient management and delivery of services to local communities.

4.6 As we noted in our consultation paper, we recognise that a single 'correct' solution, which satisfies all of the concerns raised by stakeholders, is unlikely to exist. We have given a balanced consideration to the merits of each pattern of electoral cycles, and have assessed the evidence available to us against the range of criteria specified by the Secretary of State.

Democratic legitimacy and local accountability

4.7 Local authorities in England derive democratic legitimacy from the regular election of their members by the communities that they serve. Once elected, local representatives are held to account for the decisions they have made on behalf of their communities through re-election.

4.8 Supporters of partial elections argue that electing half or a third of an authority's members in rotation can help to ensure that the composition of the council better reflects the political complexion of the electorate, and that more frequent elections can provide sharper accountability by keeping representatives 'on their toes'. Whole council elections, on the other hand, ensure that all eligible electors in the authority area have the opportunity to influence the political composition and control of the authority at the same time.

4.9 Supporters of whole council elections also note that, particularly in the case of elections by thirds, when fewer than half the seats are up for election, overall political control of the authority may not change, even if the ruling party loses all the seats contested at a particular election. Similarly, in areas with partial elections but no uniform pattern of members per ward, electors may be confused or disaffected if control of the council changes as the result of an election in which they were not able to participate.

4.10 Opponents of whole council elections express concern that important but controversial decisions may be postponed for political reasons until after an election, giving electors no opportunity for democratic protest for three years. On the other hand, elections of the whole council can give the ruling group the opportunity of a clear four-year period within which it can fulfil its manifesto promises before being judged on its policies and performance, including the setting of council tax.

4.11 Responses to our consultation paper underlined these arguments. Those who have experience of working with authorities that hold whole council elections value the clear mandate and legitimacy they provide. In contrast, other respondents from areas that elect by thirds placed particular emphasis on the importance of continued close contact and responsiveness to electors. However, respondents were largely unable to supplement their arguments with clear objective evidence of the practical benefits to electors of either system.

4.12 The arguments for and against whole council or partial elections have been well rehearsed by local government stakeholders, and we accept that many of them have some apparent merit. However, as we have discussed previously, there is a clear need for more consistent and equitable opportunities for local democratic accountability within authorities. In particular, the cycle of local elections should allow all electors within each individual authority to vote at the same time. A more equitable pattern of electoral arrangements under elections by thirds would require a uniform pattern of three-member wards across England, or a uniform pattern of two-member wards with biennial elections. Whole council

elections would require no change to local authorities' current electoral arrangements.

4.13 The Boundary Committee for England has noted that the requirement to recommend a number of councillors per ward divisible by three in metropolitan borough areas (in practice meaning three-member wards), has caused specific difficulties when attempting to reflect community identities in authorities such as Liverpool and Wakefield. As one respondent to our consultation also observed, 'enforced three-member wards necessarily involve uncomfortable marriages between unconnected areas and equally unsatisfactory division of communities'.

4.14 The Boundary Committee notes that the flexibility to recommend single-, two- or three-member wards enables it to more easily reflect local communities while continuing to provide good levels of electoral equality.⁶ Under a pattern of whole council elections, authorities would not be restricted to any particular ward size, since the entire electorate would be eligible to vote together once every four years.

Awareness and understanding of elections

4.15 As we have noted in the previous chapter, it is fundamentally important to ensure that electors understand when and why local elections are held. Electors with little understanding of the local electoral process will be less likely to participate in the democratic process, and less able to participate effectively. A clear and straight-forward pattern of local elections that electors understand will also contribute to increased transparency of the democratic process and local accountability.

4.16 We have discussed in detail in chapter 3 the findings of public awareness research conducted by MORI in the weeks leading up to the May 2003 local elections in England. The evidence available to us indicates that electors are generally ill-informed and unaware of the current pattern of local elections, and we

have recommended that the local electoral cycle should follow a clearer and more consistent pattern across England. It is also clear that there is a need for greater consistency within local authorities. Although nearly one in three respondents overall said they didn't know how frequently local elections were held in their area, respondents in wards where elections were held either annually or only once every four years were most likely to answer correctly (34% and 30% respectively). Only 5% of respondents in areas with elections in three years out of four and 19% of those in areas with elections in two out of four years were able to correctly identify how often they were able to vote.

4.17 The evidence available to us from the research carried out by MORI suggests that it is particularly important to ensure consistency not only nationally across England, but also internally within individual authorities. A deeper understanding of the local democratic process would be greatly aided by a more equitable pattern of local elections, as discussed above. Electors would be certain either that they will be able to vote every year or once every four years, and that their neighbours will do likewise.

Participation and turnout

4.18 Good levels of turnout, as well as participation more generally in the democratic process, are essential to the continued relevance and legitimacy of local government. Continued low turnout may undermine the authority of local government to speak and act on behalf of the communities it represents.

4.19 Annual or biennial elections hold the potential for more frequent opportunities for participation by electors. However, there is also concern that more frequent elections may tend to dilute public interest in elections, and that in practice electors may tire of passing judgment on their representatives annually. As we have noted above, it can be difficult – and in certain circumstances impossible – for electors to change overall political control of an authority when fewer than half the seats are up for election, and it is clear that this can act as a major disincentive to vote.

⁶ The Boundary Committee for England is the body charged with reviewing the internal warding arrangements of local authorities in England. It is required by statute to ensure electoral equality between wards within individual local authority areas, and to reflect local community identities and interests.

4.20 Certainly poor awareness and understanding of the local electoral cycle can affect turnout and participation. Electors who do not understand when local elections are held will be less able to participate in the democratic process and less likely to vote. As we noted earlier in chapter 3, one-sixth of the respondents to the public attitudes survey carried out by MORI were potentially disenfranchised – whether they wanted to vote or not – simply by being ill-informed or unaware of the elections taking place.

4.21 In our consultation paper we outlined the findings from a study of the relationship between the local electoral cycle and local election turnout, carried out by the Local Government Chronicle Elections Centre, University of Plymouth. Taking into account social, economic and political characteristics, the research sought to identify the particular contribution to overall local turnout made by the electoral cycle, and consider what effect changing electoral cycles might have on turnout in those authorities that currently have whole council elections or elections by thirds.

4.22 The Elections Centre's evidence gives some weight to the suggestion that more frequent elections can tend to dilute public interest and reduce turnout. Over the last 30 years, they found that the four-yearly elected London boroughs generally have had a higher electoral turnout than the metropolitan boroughs, which elect by thirds. In all years when both types of authority have held elections, with the single exception of 2002, the turnout in London has been between two and ten percentage points higher than in the metropolitan authorities. Similar differences were measured between shire districts that hold either partial or whole council elections. In those years when both types of district hold elections, turnout has been lower in shire districts with elections by thirds.

4.23 Analysing social, economic, structural and political variables, the Elections Centre sought to understand the key determinants of local participation and turnout, and also assessed the theoretical effect of applying the alternative electoral cycle to the authorities included in the study. Its findings suggested that turnout would decline in authorities that normally have whole council elections if

they held elections by thirds, and would rise slightly if authorities that normally have elections by thirds held whole council elections instead.

4.24 Many respondents, particularly those from within local government itself, suggested that the true cause of low levels of turnout and engagement lay in the decreasing powers and relevance of local government, and poor perceptions among electors of local government's ability to effect change. In their view, changes to the electoral cycle were unlikely to help improve turnout or democratic participation. Several respondents from local authority areas that currently elect by thirds also suggested that turnout figures in their own areas did not concur with the overall findings of the Elections Centre. We recognise that many different factors may influence levels of turnout, but do not accept that individual exceptions to the Elections Centre's findings invalidate its conclusions. The balance of evidence suggests that local government electors are less likely to participate in the democratic process in areas that hold elections by thirds.

Management and performance

4.25 In addition to democratic considerations discussed above, the cycle or frequency of elections may also have some impact on the capacity of local authorities to manage effectively and deliver their responsibilities. It is clear from our consultation that local government stakeholders particularly value the role of stability and leadership in enabling effective management of local authorities.

4.26 However, respondents viewed the idea of stability in different ways. For those supporting elections by thirds, stability meant less potential for abrupt changes of political control and switches of policy. Those who favour whole council elections every four years, on the other hand, emphasised the importance of consistency of policies and representatives through a defined period of office, without the interruption and diversion of intervening elections.

4.27 In our consultation and evidence paper, we also examined the results of the Audit Commission's Comprehensive Performance Assessment inspections of community councils, London boroughs, metropolitan

boroughs and unitary councils. It was not clear to us that there was any direct link between the electoral cycle of individual authorities and their CPA inspection rating. Although some inspection reports noted issues such as relatively high levels of turnover of councillors, it is clear that other unrelated factors have far greater bearing on the performance of local authorities, in particular the need for strong political and officer leadership.

4.28 It is clear that strong and otherwise well-managed authorities can perform well and deliver services effectively under either type of electoral cycle, and equally that either system can be problematic when things go wrong. However, such evidence as there is suggests that whole council elections every four years can provide a degree of inherent stability. Whole council elections give a clear mandate to representatives for a programme of policies during the following four years, and allow time for an administration to carry through its policies. At the end of the four-year period the administration is held to account by the electorate and can be judged by its record, its success or failure. We note that many authorities that elect by thirds, particularly metropolitan boroughs, have traditionally had strong single-party political control, a legacy of political stability rather than any inherent structural stability.

Other issues

4.29 We have also been asked to consider the extent to which any option for change to the electoral cycle might be facilitated by possible new ways of voting, including increased postal voting, electronic counting and multi-channel e-voting. We recognise that an option involving a significantly increased number of elections may present some administrative challenges, and that new ways of voting may be helpful for both electors and administrators. However, we do not view this as a significant factor to be taken into account in considering the most appropriate electoral cycle for local authorities in England. We also note that the frequency of opportunities to pilot new voting technologies in England may be affected by the recommendations of this review. Again, while this may be an important factor within the context of the overall electoral pilots programme, we have not considered it significant in this review.

Recommendation

4.30 We have carefully considered the range of arguments advanced by respondents in favour of either whole council or partial elections for local authorities in England. While we have sympathy with many of these arguments, the balance of evidence that we have considered suggests that whole council elections are more likely to provide clarity for electors and a degree of stability for local authorities. In particular, certain key principles have emerged that have guided our conclusions.

4.31 We have recommended that the cycle of local government elections in England should follow a clear and consistent pattern, within and across local authorities. In our view, a key principle in considering the electoral cycle for local authorities should be to ensure that all electors are given the same opportunities for participation in the local democratic process. Having taken into account the evidence and arguments presented during our consultation process, we have concluded that a pattern of whole council elections for all local authorities in England would provide a clear, equitable and easy to understand electoral process that would best serve the interests of local government electors.

4.32 In particular, a pattern of whole council elections would allow community identities to be more easily reflected in ward boundaries when reviewing local authorities' electoral arrangements. We also note that, under a consistent pattern of whole council elections across England, there would be no obvious reason why metropolitan boroughs should continue to be required to have three-member wards. The opportunity of this review might be taken to remove the current requirement that metropolitan borough wards must have a number of members divisible by three, although we recognise that this would require change to primary legislation.

4.33 The Commission recommends that each local authority in England should hold whole council elections, with all councillors elected simultaneously, once every four years.

4.34 Our suggestions for the implementation of the recommendations of this review are outlined in the following chapter.



5 Implementation

We recognise that our recommendations to simplify the current cycle of local government elections in England would, if implemented, involve considerable change to existing arrangements. Our proposals therefore seek to balance the need for a pragmatic approach to change with our desire to see timely reform.

Implementation issues

5.1 Under our recommendations for change to the current local electoral cycle in England, outlined in the previous two chapters, each local authority would elect all of its members simultaneously, once every four years. Voters in London would continue to elect their mayor and members of the London Assembly every four years.

5.2 However, several significant issues for the implementation of our recommendations remain, which we have not fully addressed in the preceding chapters. While we are content to recommend that individual local authorities should hold whole council elections once every four years, we are conscious that a national pattern of electoral cycles will be created by bringing these individual electoral cycles together. We have considered a number of issues relating to the national pattern of local electoral cycles below, and propose some options for implementation for further consideration by the Government and others.

Councillors' terms of office

5.3 As we noted in our consultation paper, four-year terms of office have been the norm in local government in England since the reorganisation of local government in the early 1970s. However, we recognised that certain possible options for change to the local electoral cycle might require some change to the normal term of office for councillors. A three-year term, for example, would allow annual elections by thirds with no fallow year. During consultation, we asked respondents whether the four-year term of office for local councillors should be retained.

5.4 The balance of views on the most appropriate term of office for councillors was strongly in support of retaining the current four-year term, with a significant majority opposing change. Respondents were in broad agreement that four years allow sufficient time for councillors to grow into their role and plan for the medium term, without sacrificing the advantages of regular electoral accountability. One respondent proposed a five-year term of office to allow coordination

with European parliamentary elections, while several others suggested that a three-year term for councillors would mean greater accountability.

5.5 We have seen no significant evidence to suggest that the current four-year term is inappropriate, and there is certainly little support for change among respondents. However, it is likely that some changes to initial terms of office for councillors will be necessary during the transition between current arrangements and any future pattern. Issues relating to this transitional period are discussed in more detail below.

Timing of elections

5.6 Under current arrangements for elections in areas with two tiers of local government, elections to the different authorities are not held at the same time, although parish council elections are normally held in the same year as those of the principal authority. County council elections are held in the fallow fourth year of the electoral cycle for district authorities that elect by thirds, which is also the mid-point for districts that hold whole council elections. In considering the implementation of proposals for change to the local electoral cycle, we asked respondents whether it was appropriate to continue to stagger elections to different tiers of local government.

5.7 There was broad support in response to our consultation paper for continuing to stagger elections in areas with two tiers of local government, with less than a quarter of respondents preferring to hold elections in the same year. Respondents particularly emphasised the importance of highlighting the distinction between the roles and responsibilities of different tiers of local government, in order to reduce confusion and ensure clear lines of accountability. One respondent noted that ‘it is not unusual for a member of a district authority to unfairly take the blame for poor service delivery from a county authority (and vice versa)’.

5.8 Those who preferred not to stagger local elections suggested that combining elections in a single ‘local election day’ would clearly highlight the opportunity for

participation in the democratic process. They also suggested that combining elections could reduce costs, both for political parties and electoral administrators in relation to the running of elections. However, several respondents argued that combined local government elections would be more susceptible to being used as an informal referendum on national government.

5.9 We recognise that respondents would largely prefer that elections continue to be staggered in two-tier areas. We have outlined two alternative patterns. Under the first of these, different types of authorities would hold elections in the same year, while, under the second, elections for district councils and county councils or city-wide authorities would be staggered. It does, however, seem sensible to us that parish councils should continue to be elected at the same time as the district or unitary council. Elected mayors, where they have been put in place under the Local Government Act 2000, should also be elected at the same time as the principal authority.

5.10 A majority of respondents also preferred not to combine local elections with elections to the Westminster or European parliaments. While they acknowledged that local turnout may increase, they also expressed concern that local government issues were likely to be overshadowed by national concerns. Indeed, turnout at local elections in England does tend to increase when held at the same time as Westminster parliamentary general elections, and can also rise when held at the same time as European parliament elections. However, analysis of national and local media in Scotland in May 2003 suggested that the local elections were overshadowed by the Scottish Parliament contest, receiving little coverage or commentary.⁸ We have some sympathy with this concern, and would ordinarily prefer Westminster or European parliament elections to take place in a different year to local government elections in England. However, we recognise that this is an unrealistic expectation at present, given the absence of a fixed term for the Westminster Parliament and the five-year term of the European Parliament.

⁸ Institute of Governance, University of Edinburgh (2003) *Media Coverage of the Council Elections in Scotland, 2003*.

Options for implementation

5.11 We outline below two proposals for the implementation of our recommendations for change to the cycle of local government elections in England. Other options for implementation were considered but dismissed. We have included provisional suggestions for the cycle of elections to any future regional assemblies, in line with our recommendation that any future bodies should remain consistent with the pattern of local government electoral cycles. However, we recognise that the introduction of any regional assemblies is dependent on the result of future referendums in those areas. We have also included details of Westminster and European parliamentary election cycles in the summary tables. While European parliamentary elections take place every five years, Westminster parliamentary elections are not held on a fixed term, and we have assumed a full five-year term for Westminster in the models described below.

5.12 We have not included specific dates for the implementation of the models discussed below. We have indicated the points during the four-year electoral cycle at which elections might take place, but the actual implementation of any model should be the subject of further discussion and debate.

Option one

5.13 Under the first of our suggested options for implementation, every local authority in England, including county councils, district councils, metropolitan borough councils, London borough councils, unitary councils and parish councils, would elect all of their members simultaneously once every four years. The Greater London Authority would also be elected at the same time, together with any future elected regional assemblies.

Table 2: option one

Year	Local authority elections	Other elections
1	Districts, metropolitan boroughs, London boroughs, unitary authorities, parishes Counties, GLA	EP (regional assemblies)
2	<i>No elections</i>	
3	Westminster?	
4	<i>No elections</i>	
1	Districts, metropolitan boroughs, London boroughs, unitary authorities, parishes Counties, GLA	(regional assemblies)
2	EP	
3	<i>No elections</i>	
4	Westminster?	
1	Districts, metropolitan boroughs, London boroughs, unitary authorities, parishes Counties, GLA	(regional assemblies)

5.14 This option would have the advantage of providing a clear nationwide focus on local government elections in England. However, combining all local government elections might diminish the important distinction for electors between different local government elections taking place in the same area. It may also present significant difficulties in making clear distinctions between the roles and responsibilities of local and sub-national government in areas where regional assemblies or other strategic authorities may be established in future. Combination might also make it more likely that local government elections in England be considered as mid-term judgment on national issues when held between Westminster elections, or are entirely influenced and overshadowed by any general election held at the same time.

5.15 From an administrative perspective, some election officials have indicated concerns about the practical difficulties of running multiple local elections simultaneously, although they acknowledge that

combined elections may result in some cost savings. It is also not clear at present how and when the Government intends to take forward our recommendation that all local government elections should be conducted by all-postal ballot.⁹ Using different voting methods for different elections taking place simultaneously in particular areas, shire districts and county councils or London boroughs and the GLA, for example, would raise issues for both administrators and voters.

Option two

5.16 The second option for the implementation of our recommendations would see all local government electors in England electing members of their most immediate local council – district councils, metropolitan boroughs, London boroughs or unitary authorities – simultaneously once every four years. Two years later, in the mid-point of the electoral cycle, those electors in areas with county councils or strategic city-wide authorities (or future sub-national authorities including any regional assemblies) would elect representatives to these bodies.

Table 3: option two

Year	Local authority elections	Other elections
1	Districts, metropolitan boroughs, London boroughs, unitary authorities, parishes	EP
2	<i>No elections</i>	
3	Counties, GLA	Westminster? (regional assemblies)
4	<i>No elections</i>	
1	Districts, metropolitan boroughs, London boroughs, unitary authorities, parishes	EP
2	<i>No elections</i>	
3	Counties, GLA	(regional assemblies)
4	Westminster?	
1	Districts, metropolitan boroughs, London boroughs, unitary authorities, parishes	

5.17 Under this second option for implementation, all local government electors would have the opportunity to vote in the first year of the electoral cycle, with the benefit of simplicity and a national focus on local issues. It would also make clear the important distinction for electors between different tiers of local and strategic city-wide or sub-national government in those areas where such arrangements exist.

Recommendation

5.18 Our preferred option for the implementation of our recommendations is the second of the two described above, which would see all local government electors in England voting at the same time once every four years for their most immediate local authority, whether that be district council, metropolitan or London borough or unitary council. Unitary county councils, such as the Isle of Wight, would also hold elections in the first year of the cycle, alongside other unitary councils. All those electors in areas with further local or city-wide strategic authorities

⁹ The Electoral Commission (2003), *The shape of elections to come*.

(county councils or the Greater London Authority) would vote for those authorities two years later, in the mid-point of the four-year electoral cycle. We would envisage that elections to any future levels of sub-national government, including regional assemblies, would also take place in the third year of the cycle.

5.19 While we recognise that the first option for implementation may have some merits, we consider that the second option would provide the best balance between administrative convenience and the need for clarity from the voter's perspective. In particular, we are concerned that option one would not provide sufficient clarity for electors regarding the timing and purpose of local government elections, and would be likely to diminish the important distinction between different authorities in areas with two tiers of local government. Greater clarity and consistency of the local election cycle should also give national political parties and media the opportunity to focus on local, rather than national, political issues at election time.

The Commission recommends that all local government electors in England should elect members of their district, metropolitan borough, London borough or unitary council simultaneously once every four years. Two years later, in the mid-point of the electoral cycle, electors in areas with county councils, city-wide authorities or any future sub-national government should elect representatives to those bodies.

Transitional arrangements

5.20 We have outlined in this and preceding chapters our recommendations for change to simplify the cycle of local government elections in England. Our findings highlight the need to establish a number of important principles for local electors, particularly the need for consistency and equity in opportunities to vote at local elections. We look forward to the response to this review, and hope that our conclusions will be welcomed. In the event that our recommendations are accepted by Government and Parliament, we would expect reasonably swift movement to ensure timely implementation.

5.21 The move to a consistent pattern of whole council elections across England would have implications for a number of aspects of current electoral arrangements. In particular, there may be changes to the initial terms of office of some councillors during the transitional period before the full implementation of any recommendations. In those areas that currently elect by thirds or by halves, for example, the terms of office of some councillors may be reduced in the years before the first full council elections. Similarly, although all county councils and the Greater London Authority currently hold whole council elections, their elections take place in different years. Changes to the terms of office for some sitting councillors would be required in order to ensure that in future years those elections take place at the same time.

5.22 We note that both five-year terms of office and consecutive election years are generally considered undesirable, and while variations to terms have been used in the past as part of transitional arrangements, there is no precedent for election to a five-year term of office. Arrangements for the implementation of these recommendations should involve as little disruption to current electoral arrangements as possible, without unnecessary delay.

If the recommendations of this review are accepted by Government and Parliament, we will work with central and local government partners to identify the most appropriate approach to timely implementation.

Appendix 1

Secretary of State's request to The Electoral Commission

Request pursuant to Section 6(2) of the Political Parties, Elections and Referendums Act 2000 and Terms of Reference

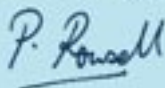
1. Section 6(2) of the Political Parties, Elections and Referendums Act 2000 (PPER Act) states:

"At the request of the Secretary of State, and within such time as the Secretary of State may specify, the Commission shall-

*(a) review, and
(b) submit a report to the Secretary of State on,
such matters or matters (whether or not falling within subsection (1)) as the Secretary of State may specify."*

2. Pursuant to the provisions of section 6(2) of the PPER Act, the Secretary of State hereby requests that the Electoral Commission review and submit a report to him on the cycle of local government elections in England¹, identifying options for change that would simplify the current cycle. Such options may include, if appropriate, options involving changes to councillor's terms of office and to local authorities' electoral arrangements² in England.
3. The Electoral Commission is requested to include in its report an assessment of the desirability and practicality of any options for change it identifies and recommendations as to the implementation of such options.
4. In carrying out the review and making its report, the Commission is requested to have regard to the matters specified in the Annex and of all other matters that they consider relevant.
5. The report shall be prepared by the Commission and presented to the Secretary of State no later than 31 January 2004.

Signed for and on behalf of the Secretary of State



28 January 2003

¹ "local government elections" shall be the elections (other than those caused by vacancies) for principal authorities (including mayoral elections), parish councils and the Greater London Authority.

² the number and boundaries of wards and electoral divisions and the number of councillors (see s14 of the Local Government Act 1992).

Annex

The matters to which the Commission are requested to have regard are:

1. The extent to which an option for change:
 - would improve councils' democratic legitimacy and local accountability;
 - would enable the electorate and public generally to easily understand when elections are to be held and their purpose;
 - would be likely to improve participation of the local electorate in the electoral process, including participation of specific groups – such as young people and ethnic minorities – where participation in the process is particularly low; and
 - would be likely to facilitate the effective management of local authorities and particularly performance improvements in the case of local authorities categorised as “poor performers” in the Comprehensive Performance Assessments.
 - Might be facilitated by possible new ways of polling, including increased postal voting, electronic counting and multi channel e-voting.
2. The relationship between local government elections and other elections in England, namely the elections to the Westminster and European Parliaments, including cases where elections currently fall in close proximity to each other, and the combination of polls at local government elections with such elections, or otherwise.
3. The relationship between different local government elections in related areas, and the combination (or otherwise) of polls at such elections.

Appendix 2

Respondents to the consultation paper and consultation meetings

Total respondents 269

Local authorities

Adur District Council
 Arun District Council
 Ashfield District Council
 Babergh District Council
 Basingstoke and Deane Borough Council
 Bedfordshire County Council
 Bexley Council
 Birmingham City Council
 Blyth Valley Borough Council
 Bracknell Forest Borough Council
 Breckland District Council
 Brentwood Borough Council
 Bristol City Council
 Broadland District Council
 Burnley Borough Council
 Cambridge City Council
 Cannock Chase Council
 Canterbury City Council
 Carlisle City Council
 Chelmsford Borough Council
 Cheshire County Council
 Chester City Council
 Copeland Borough Council
 Coventry City Council
 Darlington Borough Council
 Daventry District Council
 Derby City Council
 Derbyshire Dales District Council
 Derwentside District Council
 Devon County Council
 Dorset County Council
 Durham County Council
 East Dorset District Council
 East Hampshire District Council
 East Hertfordshire District Council
 Eastbourne Borough Council
 Eastleigh Borough Council
 Epping Forest District Council
 Exeter City Council
 Fareham Borough Council
 Gateshead Council

Gedling Borough Council
 Gloucester City Council
 Gloucestershire County Council
 Halton Borough Council
 Hampshire County Council
 Harrogate Borough Council
 Hart District Council
 Hastings Borough Council
 Havant Borough Council
 Kent County Council
 Kerrier District Council
 Kettering Borough Council
 King's Lynn & West Norfolk
 Kirklees Metropolitan Borough Council
 Lancashire County Council
 Lancaster City Council
 Leicestershire County Council
 Lewes District Council
 London Borough of Barnet
 London Borough of Camden
 London Borough of Enfield
 London Borough of Hammersmith & Fulham
 London Borough of Harrow
 London Borough of Havering
 Royal Borough of Kensington and Chelsea
 Royal Borough of Kingston-upon-Thames
 London Borough of Lambeth
 London Borough of Tower Hamlets
 London Borough of Wandsworth
 Luton Borough Council
 Maidstone Borough Council
 Maldon District Council
 Manchester City Council
 Medway Council
 Mid Beds District Council
 Mid Suffolk District Council
 Mid Sussex District Council
 Mole Valley District Council
 New Forest District Council
 Norfolk County Council
 North Cornwall District Council
 North Dorset District Council
 North East Derbyshire District Council
 North Lincolnshire Council

North Shropshire District Council
 Northampton Borough Council
 Northumberland District Council
 Norwich City Council
 Nuneaton & Bedworth
 Borough of Oadby & Wigston
 Oldham Metropolitan Borough Council
 Oxfordshire County Council
 Pendle Borough Council
 Peterborough City Council
 Borough of Poole
 Preston City Council
 Purbeck District Council
 Ribble Valley Borough Council
 Reigate and Banstead Borough Council
 Rochdale Metropolitan Borough Council
 Rochford District Council
 Rotherham Metropolitan Borough Council
 Rugby Borough Council
 Rushcliffe Borough Council
 Rushmoor Borough Council
 Salford City Council
 Shepway District Council
 Slough Borough Council
 South Bedfordshire District Council
 South Bucks District Council
 South Gloucestershire Council
 South Ribble Borough Council
 South Tyneside Metropolitan Borough Council
 Southampton City Council
 Southend-on-sea Borough Council
 St. Edmundsbury District Council
 Stafford Borough Council
 Staffordshire County Council
 Stockport Metropolitan Borough Council
 Stratford on Avon District Council
 Stroud District Council
 Swale Borough Council
 Swindon Borough Council
 Tandridge District Council
 Tauton Deane Electoral Services
 Borough of Telford and Wrekin
 Three Rivers District Council
 Torbay Council

Uttlesford District Council
 Warwick District Council
 Waveney District Council executive
 Waveney District Council cross-party working group
 West Oxfordshire District Council
 West Sussex County Council
 Weymouth & Portland Borough Council
 Wigan Metropolitan Borough Council
 Wirral Metropolitan Borough Council
 Wolverhampton City Council
 City of Worcester
 Worcester County Council
 Wycombe District Council
 Wyre Forest District Council

Local authority representatives

Cllr Ray Auger, South Kesteven District Council
 Cllr David Beechey, Bridgnorth District Council
 Cllr Nick Brown, Portishead Town Council
 Mayor Frank Branston, Bedford Borough Council
 Cllr John Byrne, Bury Metropolitan Borough Council
 Cllr Judith Cluff, Taunton Deane Borough Council
 Cllr Carol Davis, Herne and Broomfield Parish Council
 Cllr David Gardner, London Borough of Greenwich
 Cllr John T Hall, Test Valley District Council
 Cllr Colin Inglis, Kingston-upon-Hull Council
 Cllr Geoff Knight, Lancaster City Council
 Cllr David Nettleton, St. Edmundsbury Borough Council
 Cllr Don Phillips, Chiltern District Council
 Cllr Mary Smith, Gloucester City Council
 Cllr G W Taylor, South Kesteven District Council
 Cllr John Waters, London Borough of Bexley
 Cllr Gavin Webb, Newcastle-under-Lyme Borough Council
 Cllr David White, Stockport Metropolitan Council
 Cllr Janet Whitehouse, Essex County Council
 Cllr John Wilks, South Kesteven District Council

Local government officers

Sue Bonham-Lovett, Electoral Services Manager,
 Weymouth & Portland Borough Council
 Max Caller, Chief Executive, London Borough of Hackney
 Liz Cloke, Senior Electoral Services Officer, Basingstoke

and Deane Borough Council
 Geoff Knowles, Electoral Registration Manager, Newport City Council
 David Holling, Returning Officer, West Berkshire Council
 John Walker, Chief Elections and Electoral Registration Officer, Rotherham Metropolitan Borough Council
 Darren Whitney, Principal Democratic Officer, Stratford on Avon District Council

Local councils

Badsey & Aldington Parish Council
 Combe Hay Parish Council
 Faversham Town Council
 Godalming Town Council
 Hatfield Town Council
 Holbrok Parish Council
 Keynsham Town Council
 Kingston Seymour Parish Council
 Long Ashton Parish Council
 Loughton Town Council
 Southam Town Council
 Stroud Town Council
 Totnes Town Council
 Ubley Parish Council
 Ufton Parish Council
 Upton-upon-Severn Town Council

Members of Parliament and Peers¹

Claire Curtis-Thomas MP (Crosby and Formby)
 Valerie Davey MP (Bristol West)
 David Drew MP (Stroud)
 Lynne Jones MP (Birmingham Selly Oak)
 Khalid Mahmood MP (Birmingham Perry Barr)
 Andrew Turner MP (Isle of Wight)
 Derek Wyatt MP (Sittingbourne and Sheppey)
 The Lord Best OBE
 The Rt Hon the Lord Renton
 Lord Wolfson of Marylebone

Political parties

Citizens Party of Halton
 The Conservative Party
 The Green Party of England and Wales
 Molesey Residents Association
 The Populist Party
 Rainham Residents Association
 Runnymede Independent Resident Group
 Scottish Liberal Democrats
 Upminster & Cranham Residents' Association

Local political groups

Amber Valley Borough Council Labour Group
 Basingstoke & Deane Borough Council Conservative Group
 Basingstoke and Deane Labour Group
 Basingstoke and Deane Liberal Democrat Group
 Birmingham Liberal Democrat Group
 Blackburn Labour Party
 Bristol Conservatives
 Bristol City Council Liberal Democrats
 Parks Branch of Chester Constituency Labour Party
 Ealing Liberal Democrats
 Eccles Constituency Labour Party
 Exeter Conservative Association
 Gillingham & Medway Liberal Democrats
 Herefordshire County Council Conservative Group
 Lancaster City Council – Conservative Group
 Lancaster City Council – Liberal Democrat Group
 Lancaster and Lancashire Councils Green Party Group
 Lichfield, Burntwood and Tamworth Local Lib Dems
 London Borough of Ealing Conservative Group
 Merton Liberal Democrats
 Mole Valley District Council Independent Group
 North Lincolnshire Labour Group
 Penwith District Council Conservative Group
 Penwith District Council Independent Group
 Penwith District Council Labour Group
 Penwith District Council Liberal Democrat Group
 Stockport Metropolitan Borough Council Labour Group
 Suffolk County Council Conservative Group
 Swale Labour Party
 Tunbridge Wells Borough Council – Conservative Group

¹ Including one MP who did not identify him- or herself.

Tunbridge Wells Borough Council – Liberal Democrat Group
 Labour in Wandsworth
 West Lewisham Green Party
 Wimbledon Constituency Labour Party

Academics

Professor Chris Skelcher, Institute of Local Government Studies, University of Birmingham
 Professor John Stewart, Institute of Local Government Studies, University of Birmingham

Other organisations

Association of Electoral Administrators (AEA)
 Association of Electoral Administrators Scottish Branch
 Association of London Government
 The Audit Commission
 Boundary Commission for England (confidentiality requested)
 Essex Association of Local Councils
 Equality Commission for Northern Ireland
 Kent Association of Parish Councils
 Local Government Information Unit
 Local Government Association
 National Association of Local Councils
 National Union of Residents' Associations
 OSCE Office for Democratic Institutions and Human Rights
 Royal Mail Group PLC
 Society of Local Authority Chief Executives and Senior Managers (SOLACE)
 Welsh Assembly Government

Individuals

Albert Broadbent
 D. J. Close
 Mary Crane
 Roger Crudge
 Peter Dunham
 Angela Essex
 John Hoare
 John Kelly
 Joe Otten

Nicky Rylance
 E. R. Schrin

Consultation meetings

Date	Meeting
10 July 2003	LGA North West regional group (Blackburn)
18 July 2003	LGA West Sussex sub-regional group (Chichester)
9 September 2003	Association of London Government
9 September 2003	Crawley Borough Council
11 September 2003	AEA South East branch (Crowborough)
11 September 2003	LGA Labour group (Local Government House, London)
11 September 2003	LGA Liberal Democrat group (Local Government House, London)
12 September 2003	AEA South branch (Andover)
12 September 2003	AEA London branch (City Hall)
12 September 2003	County Councils Network (Local Government House, London)
15 September 2003	AEA North East branch (Chester-le-Street)
19 September 2003	AEA West Midlands branch (Shrewsbury)
23 September 2003	AEA Eastern branch (Saffron Walden)
26 September 2003	LGA Southern Counties regional group (Isle of Wight)
2 October 2003	Discussion group on CPA, six authorities (Trevelyan House, London)
3 October 2003	LGA South West regional group (Taunton)
14 October 2003	LGA Conservative group (Local Government House, London)

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Notes

The Electoral Commission

We are an independent body that was set up by the UK Parliament. We aim to gain public confidence and encourage people to take part in the democratic process within the UK by modernising the electoral process, promoting public awareness of electoral matters, and regulating political parties.

APPENDIX B						
COSTS FOR RUNNING ELECTIONS - BY THIRDS V FOUR YEARLY						
Task	Elections by thirds (per election)	Four yearly elections	Comments	Elections by 3rds over 4 years	Elections 4 Yearly	Additional cost of Annual Elections
	£	£		£	£	£
Hire of venues	16,506	17,807		49,518	17,807	31,711
Printing and posting poll cards	37,934	53,000	Includes postage	113,802	53,000	60,802
Printing ballot papers	3,770	5,468	This does not take account of the fact that if the council holds all out elections there would be an additional charge for the larger ballot papers required	11,310	5,468	5,842
Production and postage of Postal Vote packs	19,450	22,832	Includes postage	58,350	22,832	35,518
Postage for return of postal votes	10,200	14,273		30,600	14,273	16,327
Delivery of polling booths/collection of polling booths and collection of equipment etc from the count	3,558	4,680		10,674	4,680	5,994
Stationery and sundry costs	2,000	2,300		6,000	2,300	3,700
Training of Polling Station Staff	1,524	1,800		4,572	1,800	2,772
Employing Polling Station Staff	49,749	57,723		149,247	57,723	91,524
Postal Vote opening and checking staff	3,500	4,297		10,500	4,297	6,203
Count staffing	14,750	19,320	All out election would take longer to count because of the need to use the multi-ward counting methodology	44,250	19,320	24,930
Returning Officer fee	10,271	13,500		30,813	13,500	17,313
Election staff overtime	5,600	9,000	Overtime would be higher as there would be more work to do eg nominations, ballot box preparation etc within the same timescales	16,800	9,000	7,800
Other Costs				0	0	0
Cost of hiring count venue and loss of income for count venue	3,400	3,800	As part of the contract with Loddon Valley they do not charge for hiring the venue for the count nor the hire in of equipment eg tables and chairs	10,200	3,800	6,400
Total Direct	182,212	229,800		546,636	229,800	316,836

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Whole Council Elections

Draft Public Consultation Proposals

Methodology

The public consultation will be published online between xxx and xxx. (dates to be confirmed). Specific email invitations to respond to the consultation will be sent to:

- All Borough Councillors
- Town and Parish Councils (via the Clerk and Chairman)
- The Members of Parliament for the Borough

Except for the group above, respondents will be asked to supply their name and postcode, but the consultation will not discount responses from outside the borough area (although Members may choose to give weight as appropriate to responses from outside the borough area). All responses will be captured through the online form on the Council's website, except where a respondent has specifically asked for a paper copy of the consultation.

Consultation

Wokingham Borough Council currently has 54 Councillors who are each elected for a four-year term. The Borough area is divided into 25 wards. The Councillors are elected to, and represent, their local ward. The Council currently uses a 'by thirds' electoral system. This means that over four years, elections are held in years one, two and three for a third of the Council each year (18 Council. The Council is considering moving to 'all out' elections. This means that over the four-year term, elections would only be held in year one for all Councillors at the same time.

Benefits of all-out elections

Research suggests that 'all out' elections are fairer and more equitable to the electorate, and that the electoral system is clearer and easier to understand. Currently, electors in areas of the Borough where there are three councillors to elect in their ward (the area they represent), get to vote three times over the course of four years. Electors in areas where there is only one councillor representing the area only get to vote once. This means that some electors in the Borough have more influence on the political make-up of the Council than others. Research also suggests that holding elections once for all Councillors is easier for the electorate to understand. This is particularly the case for young people or those with an ethnicity other than white, which suggests that 'all out' elections can improve equality of opportunity. All out elections would make an approximate saving of over £300,000 over four years

by reducing the number of elections held from three to one. In addition, the Council's Chief Financial Officer has quantified further, less tangible savings in excess of £4m over the 4 year period, arrived at following consultation with the Council's senior leadership team.

Benefits of Elections by Thirds

The benefits of this system have been stated as providing greater stability for the Council in terms of its membership. Electing by thirds reduces the risk of wholesale change within the Council and allows for succession planning because there is always a mixture of new and experienced Councillors on the Council. Additionally, electing by thirds provides the electorate a greater opportunity to be involved in decision making at the Council, and arguments have been put forward that this makes Councillors more democratically accountable. Lastly, it has been stated that some smaller political parties would find it difficult to field enough candidates to contest all seats at an all-out election. However, electing by thirds does not, in and of itself, create a greater availability of candidates for any party, but those candidates who are willing to stand have more frequent opportunities to do so.

Electing by thirds is the current electoral system of the Council, and so there would be no saving or additional costs associated with retaining this system of electing.

Consultation Questions

1. Do you think that Wokingham Borough Council should move to an all-out electoral system, where elections are held once every four years for every Councillor?

Yes

No

2. Do you have any comments you would like Wokingham Borough Council to take into account when deciding whether or not to move to all out elections?

Comments:-

TITLE	Changes to the Constitution
FOR CONSIDERATION BY	Council on 17 February 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) the deadline for public and Member questions, that relate to items on the agenda or urgent matters, be amended, as set out in Paragraph 1 of the report;
- 2) Section Rule 4.2.9.9 Written Answers, be amended as set out in Paragraph 2 of the report;
- 3) Section 4.2.8.1 Consideration of motions and Section 4.2.11.3 Motion set out in Agenda be amended as set out in Paragraph 3 of the report;
- 4) Section 4.2.11.3 Motion set out in Agenda, be amended as set out in Paragraph 4 of the report;
- 5) Section 4.2.13.1 No Speeches Until Motion Seconded, be amended as set out in Paragraph 5 of the report;
- 6) Section 4.2.13.13 Motions on Expenditure or Revenue, as set out in Paragraph 6 of the report, be added to the Constitution;
- 7) Section 8.1 Planning Committee Terms of Reference be amended as set out in Paragraph 7 of the report;
- 8) Sections 8.7.1 Function and Composition of School Transport Appeals Panel and 8.7.2 Meetings of the School Transport Appeals Panel, be amended as set out in Paragraph 8 of the report;
- 9) Section 9.1.12 Process for Dealing with Misconduct Complaints be amended as set out in Appendix 1 to the report;
- 10) amendments to various sections of the Constitution, put forward by the Head of Legal Services, and as set out in Paragraph 10 of the report be agreed.

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 4 February 2022.

Background

SECTION 4 – THE COUNCIL MEETING

Public and Member Questions – deadline

1. At its meeting on 4 February 2022, the Constitution Review Working Group considered proposals around the deadline for public and Member questions, that relate to items on the agenda or urgent matters.

Currently the deadline for public and Member questions, that relate to items on the agenda or urgent matters, is 10.00am on the working day before the relevant meeting. This deadline is the same for Council, the Executive and other committee meetings. Executive Members and Officers have stated that it is often difficult to provide full and detailed answers within this short timescale, particularly when the matter is technical or requires a large amount of research.

The Working Group agreed to recommend that that the deadline for public and Member questions that relate to agenda items or urgent matters be changed to 10.00am two working days before the relevant meeting and the various sections of the Constitution be amended accordingly.

Supplementary Questions – written answers

2. A member of the public recently asked a question at Council about the interpretation of Rule 4.2.9.9 Written Answers and whether it covered supplementary questions that could not be answered at a meeting.

In the past, and in line with other local authorities, the practice has been that this rule only related to questions that have been submitted in advance of the meeting and not supplementary questions. The reason for this is that the draft minutes are usually published within five working days and often supplementary questions can take longer to respond to. Also on some occasions, because of the nature of the supplementary question, the Executive Member will contact the questioner direct to discuss the matter and therefore there is no written record of the response.

The Working Group agreed to recommend that Section 4.2.9.9 Written Answers be amended as follows to state that it only relates to questions submitted in advance of the relevant meeting. It is proposed to amend this rule, and other rules in the Constitution that relate to public and Member questions:

Section 4.2.9.9 Written Answers

*Any question which cannot be dealt with during public question time, either because of lack of time, because of the non-attendance of the Member to whom it was to be put or because the Member answering the Question requires further information not available at the time, will be deemed to have been put, and shall be the subject of a written reply within seven working days to the person asking the question. The answer shall also be recorded in the Minutes of the meeting. Please note **this that the written reply** deadline does not apply to supplementary questions, which can take longer to respond to, due to the often,*

complex nature of the subject matter and such replies will not be recorded in the Minutes of the meeting.

Consideration of Motions when the Time Limit is Reached

3. At the November Council meeting there were two motions which reached their time limit whilst an amendment was being considered. One motion was timed out because it had reached the 30-minute time limit and the other because the meeting had reached its time limit of 10.30pm.

On both occasions the amendment was voted on and as they were agreed, and therefore became the substantive motion (as amended), a second vote was not taken as it would have been very unlikely for someone to vote “for” an amendment, and if accepted, then vote “against” the same wording when it became the substantive motion. The Mayor did offer Members the opportunity for a second vote, but this offer was not taken up.

The current wording of the Constitution is silent about the scenario where you are debating an amendment and time runs out. It does not state whether one or two votes should be taken.

The following amendments are therefore proposed:

Motions – running out of time but not at the end of the meeting

Section 4.2.11.3 Motion set out in Agenda

A maximum period of 30 minutes will be allowed for each Motion to be moved, seconded and debated, including dealing with any amendments. At the expiry of the 30-minute period debate will cease immediately, the mover of the Motion or amendment will have the right of reply before the Motion or amendment is put to the vote.

If an amendment is being considered at the expiry of the 30-minute period and the vote for the amendment is agreed it will automatically become the substantive motion (as amended) and the resolution of Council, without the need for a further vote. If the amendment is not agreed, then a further vote will be taken on the substantive motion.

Motions – running out of time simultaneously with the end of meeting

Section 4.2.8.1 Consideration of motions

A motion cannot be moved if there is only 15 minutes remaining before the meeting is due to conclude, be it 10.15pm or 10.45pm. If at the time the meeting is due to conclude, be it 10.30pm or 11.00pm, a Motion is under discussion, the debate on that Motion will cease immediately and the Mayor will put the Motion to the vote without further discussion.

If an amendment is being considered at the time the meeting is due to conclude the debate on the amendment will cease immediately and the Mayor will put the amendment to the vote without further discussion. If the amendment is agreed it will automatically become the substantive motion (as amended) and the resolution of Council, without the need for a further

vote. If the amendment is not agreed, then a further vote will be taken on the substantive motion.

Section 4.2.11.3 Motion set out in the Agenda

4. Section 4.2.11.3 Motion set out in Agenda, contains the following paragraph:

A maximum period of 30 minutes will be allowed for each Motion to be moved, seconded, and debated, including dealing with any amendments. At the expiry of the 30-minute period debate will cease immediately, the mover of the Motion or amendment will have the right of reply before the Motion or amendment is put to the vote.

This rule does not include any mention of how adjournments should be dealt with, therefore the following amendment is proposed:

*A maximum period of 30 minutes will be allowed for each Motion to be moved, seconded and debated, including dealing with any amendments. **Any adjournment agreed under Rule 4.2.12k) will not be counted in the 30-minute period.** At the expiry of the 30-minute period debate will cease immediately, the mover of the Motion or amendment will have the right of reply before the Motion or amendment is put to the vote.*

Section 4.2.13.1 No Speeches Until Motion Seconded

5. Section 4.2.13.1 No Speeches Until Motion Seconded contains the following paragraph:

After a Motion has been proposed, seconded and the proposer has made his/her speech the Mayor will ask if any Member wishes to speak against the Motion. If no one wishes to speak against the Motion, then the Mayor will put the matter to the vote.

To provide clarity between motions and business items it is proposed to add the following sentence to this rule:

This rule also applies to business items on the agenda i.e., those items considered under Rule 4.2.2.1 j)-m).

Section 4.2.13.13 Motions on Expenditure or Revenue

6. The Working Group noted that concerns have been raised by Officers that motions, which could have significant impact on the Council's finances, are often debated and approved at Council without any relevant information being available or consideration of these financial impacts. It is therefore proposed that the following new rule be added to the Constitution and the subsequent rules in that section renumbered accordingly:

4.2.13.13 Motions on Expenditure or Revenue

Any Motion which would result in a significant increase in capital or revenue expenditure, a significant reduction in the revenue of the Council,

or involves the disposal of a significant asset, shall when seconded stand adjourned without discussion to the next meeting of the Executive, with a report back to the next ordinary meeting of the Council. This Rule does not apply to any Motion proposed at the Budget meeting of the Council. A significant decision is one that involves spending or receiving £1,000 or more.

7. SECTION 8 – REGULATORY AND OTHER COMMITTEES

Section 8.1 Planning Committee Terms of Reference

The Working Group considered a proposal around the Planning Committee terms of reference. On occasions, the Planning Committee debate an item on the Agenda which they wish to refuse against officer recommendation to approve a planning application. The debate, which includes ensuring that reasons for refusal are robust for any appeal, often becomes protracted and difficult. In that process, a standard reason for refusal for infrastructure and affordable housing, which is supported by planning policies, is occasionally forgotten. Having that reason included with other reasons is important for any appeal; without it the Council is at risk of not having infrastructure and affordable housing provided to mitigate the effect of the development on the area. Without the proposed delegation added to the Planning Committee's terms of reference, officers would need to take the matter back to the Planning Committee to add the reason on, which causes delay.

The following addition is proposed to the Planning Committee terms of reference:

n) Where an application is refused by the Planning Committee which is subject to reasons for refusal based on Affordable Housing and/or Infrastructure policies, but those reasons were omitted at the time of the decision, the addition of those reasons are delegated to the Director Place and Growth in consultation with the Chairman of the Planning Committee on condition that the delegation is exercised before the issue of the planning decision.

Section 8.7 School Transport Appeals

8. Currently the School Transport Appeals Panel is made up of a pool of six Members, drawn from the Licensing and Appeals Committee, from which three are selected to consider individual transport appeals. With only six Members to choose from it is often difficult to set up Panels and therefore this can cause delays for parents who are waiting to have their transport appeal heard. The Working Group considered a proposal that all members of the Licensing and Appeals Committee be able to hear School Transport Appeals.

The following change to the wording of the Constitution is proposed (bold/italics):

8.7.1 Function and Composition of School Transport Appeals Panel

The School Transport Appeals Panel shall comprise of a pool of six Members ***which will be the same Members as are appointed to the Licensing and Appeals Committee.*** ~~of the Authority, appointed by the Council in accordance with the rules of political balance. A Chairman and a Vice Chairman will be appointed.~~ The Executive Member with responsibility for School Transport shall

not be a member of this Panel ***even if they are a member of the Licensing and Appeals Committee***. ~~Members of the School Transport Appeals Panel will be drawn from the Licensing and Appeals Committee.~~ Three Members from this pool will be selected to hear each appeal.”

A Chairman will be appointed at the Panel meeting.

As the Chairman is only appointed at the Panel meeting there is also a need to change the wording of Rule 8.7.2 to reflect this:

8.7.2 Meetings of the School Transport Appeals Panel

The School Transport Appeals Panel shall meet as and when required. Meetings will be convened by Democratic Services ~~as and when required in consultation with the Chairman.~~ These meetings will not be open to the public.

9. SECTION 9 ETHICS AND CORPORATE GOVERNANCE

Section 9.1.12 – Process for Dealing with Misconduct Complaints

The Standards Committee, at its meeting held on 11 October 2021, had considered an item which included the findings of a review of the Council’s current arrangements for handling Member code of conduct complaints, which was undertaken by Hoey Ainscough Associates Ltd. Whilst the review concluded that “the Wokingham process is broadly in line with processes in most authorities and represents good practice in many aspects” it also put forward several comments on some of the detail within the process which the Standards Committee considered. The Standards Committee agreed with all the comments made in relation to the current arrangements for handling Member code of conduct complaints and provided the Monitoring Officer with delegated authority, in consultation with the Chairman of the Standards Committee, to draft the changes to the Constitution in line with the recommendations in the Hoey Ainscough report.

The proposed amendments are set out in Appendix 1 of the report.

Changes proposed by the Head of Legal Services

10. The Working Group considered and agreed to recommend, proposed amendments put forward by the Head of Legal Services, to several areas of the Constitution. The proposed amendments are set out below.

Sealing and Signing of Documents by electronic means	
Change Requested	To allow the Council to seal and sign documents by electronic means
Current drafting in Constitution	There is no current drafting, but this proposal supplements the definition of how a document is sealed or signed.
Replacement drafting in Constitution	The addition of the following as a new part 1.6.6 <i>1.6.6 Signing or Sealing on behalf of the Council</i>

	<u><i>Any references in this Constitution of a person signing or affixing a seal on behalf of the Council will include both (i) by physical means or (ii) by electronic means. Any electronic means shall only be that approved by the Monitoring Officer or Head of Legal and will in all circumstances only be used where permitted by law, be secure and maintains an electronic audit record of the signatories and the signing process.</i></u>
Reason for Request	<p>1.1 There been an increasing trend towards developing a paperless working environment by making more use of electronic means of communication and document retention. As a result, the use of electronic signatures became more common. The Electronic Communication Act 2000 and the Electronic Signature Regulations 2002 deal with the admissibility and authenticity of electronic signatures.</p> <p>1.2 The current pandemic has led to further changes in working practices with a significant increase in remote working with an even greater reliance on electronic practices. In consequence it is necessary to accept and formally recognise the validity of electronic signatures on documents such as contracts, agreements, leases, deeds, minutes, and resolutions when used by both the Council and those with whom it enters into a contract or other legally binding deeds and documents. HM Land Registry does not accept for the purposes of registration certain deeds that have been electronically signed in accordance with Land Registry requirements.</p> <p>1.3 Although the Constitution does not specify exactly how sealing or signing a document occurs, it is becoming customary practice that signing is performed electronically.</p> <p>1.4 The Council has been using a software package called DocuSign to execute certain documents since October 2020. This was chosen as it is new software are that it is secure, reputable, and effective in allowing both the Council and other parties to easily sign documents with a strong audit trail to confirm who has performed the signature.</p> <p>1.5 The reason for the change is to formally document that electronic signing is acceptable but also to ensure that if is done electronically then it can only be done in a pre-approved way that are secure, documented and audited.</p>
Minor Changes to the Constitution	
Change Requested	To provide a delegation to the Monitoring Officer to make minor changes to the Constitution in certain circumstances
Current drafting in Constitution	The ability for the Monitoring Officer to make changes only exists in two parts of the Constitution.

	<p>1.1.6 Changes to the Constitution - Review and Approval <i>The Council will be responsible for carrying out the on-going review of the Constitution, and may establish a politically balanced working group for this purpose. Changes to the Constitution will only be approved by the Council after consideration of a proposal by the Monitoring Officer and on his/her report to the Council, subject to amendments being made to Chapter 1.3 by the Democratic Services Manager as a result of changes being made to the Council's Management Structure.</i></p> <p>Part 11.3.10 b) grants the Assistant Director Governance to:</p> <p><i>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;</i></p>
<p>Replacement drafting in Constitution</p>	<p>The changes proposed are:</p> <p>Part 1.1.6</p> <p>1.1.6 Changes to the Constitution - Review and Approval <i>The Council will be responsible for carrying out the on-going review of the Constitution and may establish a politically balanced working group for this purpose. Changes to the Constitution will only be <u>made</u> approved by <u>approval</u> of the Council after consideration of a proposal by the Monitoring Officer</i></p> <p>and on his/her report to the Council, subject to amendments being made to Chapter 1.3 <i>The Democratic Services Manager may make changes to (i) Chapter 1.3 as a result of changes being made to the Council's Management Structure <u>(ii) Appendix A of Chapter 11 in relation to maintaining a list of relevant legislation (iii) the Scheme of Delegation on request by the Chief Executive (under part 5.4.6 a)) and (iv) on request of the Leader of the Council, the membership of the Executive (part 5.2.1) and deputy Executive Members (part 5.3.1) and the Specific Responsibilities of Executive Members (part 5.2.6 to 5.2.16) under part 5.4.6 b.</u></i></p> <p><u><i>The Monitoring Officer may make changes of an editorial nature as appropriate to make the Constitution internally consistent, up to date and understandable or such consequential to give effect to a decision of Council (in respect to Council functions) or Executive (in respect to Executive functions) provided always that the Monitoring Officer shall consult first in writing with the members of the politically balanced working group (if such has been established) and no Member has raised objection within 5 working days. Where an objection is maintained then the Monitoring Officer will refer the proposal to Full Council for approval for the change. All changes will be documented in the 'Revisions' part of this Constitution.</i></u></p>

	<p>Part 11.3.10 b)</p> <p><i>to amend the <u>Constitution in accordance with part 1.1.6 of Chapter 1 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;</u></i></p>
Reason for Request	<p>The Council has only granted a delegation to the Monitoring Officer the ability to change two parts of the Constitution. The first relates to the details of the Officer Management Structure in part 1.3 (under part 1.1.6) and the second the list of relevant legislation in Appendix A of Part 11 (officer delegations) using the power in part 11.3.10 (delegation to AD Governance).</p> <p>This is considered an inadequate delegation as it means that consequential changes to the Constitution required due to legislative changes or due to a decision of Council or Executive are not reflected in the Constitution. The result is that a paper is required for full Council to approve and that there is a delay where the Constitution does not align to the law or a decision of Council. Many of these changes are minor, technical or the Council has no discretion, and the result is that valuable full Council meeting time is taken up for relatively inconsequential matters.</p> <p>The change requested is to grant to the Monitoring Officer the delegation to make such minor changes without the need for full Council approval. The process includes a consultation step with CRWG (using written means) and should any member of CRWG object then the change will be referred to full Council.</p> <p>Many Councils have a similar delegation. RBWM granted such a delegation to the Monitoring Officer in 2012.</p>

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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CHAPTER 9.1 - THE STANDARDS COMMITTEE

9.1.12 Process for Dealing with Misconduct Complaints

9.1.12.1

The Localism Act 2011 requires the Council to adopt arrangements for dealing with complaints of breaches of the Code of Conduct by either Borough Council Members, Town/Parish Council Members or co-opted members of any of these bodies and such complaints can only be dealt with in accordance with such arrangements.

9.1.12.2

The following is the process that will be followed for dealing with complaints of misconduct and the actions which may be taken against a Member who is found to have failed to comply with the relevant Code of Conduct.

9.1.13 Process for Considering Code of Conduct Complaints

9.1.13.1 Receipt and Acknowledgment of the Complaint

Following receipt of a Councillor Code of Conduct complaint, the Monitoring Officer¹ will write, within 3 working days, to the complainant to acknowledge receipt of the complaint and provide them with a copy of this complaints process.

The complainant will be told that full details of their complaint, including the parts of the Code of Conduct which have allegedly been breached and their name, will be given to the Councillor they have complained about, (“the Subject Member”), subject to [Rule 9.1.13.5](#) (Anonymous complaints).

If the complaint relates to a Parish or Town Councillor, the Clerk to that Council will be informed and may be asked for relevant factual information. In the case of Subject Members who sit on more than one Council, the Monitoring Officer will seek clarification from the complainant if it is unclear which Council the Subject Member was acting for at the time of the alleged breach.

9.1.13.2 Response of the Subject Member

The Subject Member will be informed of the complaint as soon as possible, and be asked for their initial comments on the complaint. The Subject Member will have 15 working days to provide their comments and if no comments are received within this timescale then the Monitoring Officer will proceed with his/her assessment on the basis of the original complaint. If the Monitoring Officer requires further clarification from the complainant in response to the comments made by the Subject Member, then these comments may be passed back to the complainant for further comment.

9.1.13.3 Response of the Town or Parish Clerk

If the complaint is about a Town or Parish Councillor, the Monitoring Officer shall seek the views of a response to the complaint from the Town/Parish Clerk. about the complaint. Their view This response, which should relate to clarification of factual matters only eg was the Councillor actually present at the meeting in question, will

¹¹ Reference to the Monitoring Officer in this document includes the Deputy Monitoring Officer

be recorded in the Monitoring Officer's summary and taken into account when a decision is made, under [Rule 9.1.13.4](#). ~~The Clerk's opinion on the complaint is not being sought.~~

9.1.13.4 Initial Decision of the Monitoring Officer

The purpose of the initial assessment by the Monitoring Officer, in consultation with an Independent Person ~~and Chairman of the Standards Committee~~, is to determine whether the complaint should be accepted for further consideration or rejected. In determining whether a complaint should proceed the Monitoring Officer may apply the following criteria:

Sufficiency of information – Is there sufficient information or evidence provided with the allegation? If it appears that substantiating evidence may be available, but has not been provided, the Monitoring Officer may ask for additional evidence, but the onus is on the complainant to ensure that all relevant information is provided.

Seriousness of the complaint – is the complaint trivial, vexatious, malicious, politically motivated, or 'tit for tat'? Would the resources/cost involved in investigating and determining the complaint be disproportionate to the allegation if proven?

Duplication – Is the complaint substantially similar to a previous allegation or subject of an investigation by another relevant authority?

Length of time – Did the events or behaviour to which the complaint relates take place more than six months prior to receipt of the complaint. Does the time lapse mean that those involved are unlikely to remember matters clearly, or does the lapse of time mean that there would be little benefit in taking action.

Public Interest – Is the public interest served in referring the complaint further. Has the Subject Member offered an apology or other remedial action?

The Monitoring Officer shall write a summary of the complaint and then, subject to consultation with an Independent Person ~~and the Chairman² of the Standards Committee~~, have delegated authority to decide to:

- a) take no action if there is clear evidence that there has been no breach of the Code of Conduct.
- b) Resolve the matter informally by asking the Subject Member to
 - i) take part in mediation with the complainant in order to settle the complaint, provided both the Subject Member and the complainant are willing to do so, and/or
 - ii) make a written apology to the complainant which is acceptable to the Monitoring Officer and ~~Chairman of the Standards Committee~~ Independent Person, and/or
 - iii) attend training and/or

² ~~Reference to the Chairman of the Standards Committee includes the Vice Chairman of the Committee~~

- iv) correct an entry in the Members' Register of Interests or correct a declaration made; OR
- c) Require a formal investigation and a written investigation report by an Investigating Officer. The investigation report shall conclude whether there has been a breach of the Code of Conduct. Copies of the investigation report will be provided in confidence to the Independent Person, ~~the Chair of the Standards Committee~~, and the Subject Member. OR
- d) Refer the complaint to the Standards Committee for a decision on whether options a), b) and c) above should be followed.

The decision by the Monitoring Officer will normally be taken within ~~2019~~ working days of receipt of the complaint. Once a decision has been made by the Monitoring Officer the complainant, the Subject Member and the Town/Parish Clerk (if applicable) will be informed of the outcome as soon as possible.

If the Monitoring Officer decides to resolve the matter informally, as set out in b) above, but this is deemed to have failed the Monitoring Officer can further decide, in consultation with the Independent Person, to refer the complaint for a formal investigation, as set out in c) above.

9.1.13.5 Anonymous Complaints

Anonymous complaints will not usually be considered. However it is recognised that in some exceptional circumstances some individuals may feel unable to reveal their identity. In these situations, complainants wishing to remain anonymous should be aware that their concerns may carry less weight because the evidence may not be sufficient enough to allow a successful investigation and fair result. The Monitoring Officer is authorised, subject to consultation with the Independent Person ~~and Chair of the Standards Committee~~, to accept or decline an anonymous complaint.

9.1.14 Finding on Investigation

9.1.14.1 No Breach of Code of Conduct

Where a formal investigation concludes that the Subject Member has not failed to comply with the Code of Conduct, the Monitoring Officer shall have delegated authority to decide not to take any further action, in consultation with the Independent Person.

If the Monitoring Officer makes a decision not to take any further action, he or she will advise the complainant, the Subject Member and the Town/Parish Clerk if applicable.

A summary of all investigations will be provided to the Standards Committee for information. However, where there is a determination that there has been no breach of the Code of Conduct, no names will be disclosed.

9.1.14.2 Breach of Code of Conduct

Where a formal investigation finds evidence that the Subject Member has failed to comply with the Code of Conduct, the Monitoring Officer, in consultation with an

Independent Person ~~and the Chairman of the Standards Committee~~, shall make a decision to:

- a) resolve the matter informally by asking the Subject Member to
 - i) take part in mediation with the complainant in order to settle the complaint, provided both the Subject Member and the complainant are willing to do so, and/or
 - ii) make a written apology to the complainant which is acceptable to the Monitoring Officer and Chairman of the Standards Committee, and/or
 - iii) attend training and/or
 - iv) correct an entry in a register or correct a declaration made;

Where there has been a determination by the Monitoring Officer to resolve the matter informally, the Subject Member's name will ~~not~~ be disclosed in accordance with Rule 9.1.14.3 below.

OR

- b) refer the Investigating Officer's report to a Standards Committee Hearings Panel, constituted from members of the Standards Committee. The Hearings Panel will conduct a local hearing following the procedure in [Rule 9.1.15](#), and make a decision in accordance with [Rule 9.1.16.2](#).

The Hearings Panel will usually hear a complaint within two calendar months of the date that the Monitoring Officer received the final investigation report.

9.1.14.3 Publication of a Decision on Finding a Breach of the Code of Conduct which has been Dealt with Informally

Within 3 working days of the decision to resolve the matter informally the Monitoring Officer shall prepare a formal decision notice. The decision notice will include details of the steps the Subject Member has been asked to take by the Monitoring Officer to resolve the matter. A copy of the decision notice will be sent to the complainant, the Subject Member (and, if applicable, the relevant Town/Parish Council) and the Independent Person. The decision notice will be available for public inspection and will be published on the Borough Council's website. If the complaint is directed at a Borough Councillor, the decision will be reported to the next convenient meeting of the Borough Council. At the Council meeting the report will be noted and there will be no discussion on the item. If the complaint is directed at a Town/Parish Councillor, the relevant Council will be requested to report the decision to its next Council meeting.

The Subject Member has no right of appeal against the decision of the Monitoring Officer.

9.1.15 Procedure for Local Hearings

9.1.15.1 Appointment, Composition and Terms of Reference of the Hearings Panel

The Monitoring Officer is required to convene a politically balanced Hearings Panel from the membership of the Standards Committee as necessary. The Hearings Panel will therefore not have a fixed membership.

The Hearings Panel shall comprise three to five voting members of the Standards Committee.

If the complaint relates to a Town or Parish Councillor then a co-opted Town or Parish Councillor of the Standards Committee will also be part of the Hearings Panel, but will not have voting rights.

An Independent Person will be asked to attend any Hearings Panel and give advice to it in respect of the complaint as required by S28(7) of the Localism Act 2011.

9.1.15.2 Pre Hearing Process

The date of the hearing will be arranged by the Monitoring Officer in consultation with the members of the Hearings Panel and the Subject Member.

Once the date for the Hearings Panel has been arranged the Subject Member will be notified and asked if they:

- a) wish to attend the hearing;
- b) wish to be represented at the hearing by a solicitor, barrister or any other person;
- c) wish to submit any written evidence or documentation to be considered by the Panel. This must be sent no later than 3 working days prior to the hearing and will be passed to the complainant and the Investigating Officer for any comment. Additional evidence or documentation not submitted by this deadline may not be accepted by the Panel;
- d) wish to call relevant witnesses to give evidence at the hearing. The Chairman of the Hearings Panel appointed at the meeting will have the final decision on how many witnesses may reasonably be needed.

The Hearings Panel will receive a report from the Monitoring Officer which will include a copy of the Investigating Officer's final report.

~~The Hearings Panel will be held in private and this will be confirmed at the hearing. The legal requirements for publishing agendas, minutes and calling meetings will apply to the Hearings Panel. The hearing will be held in public no earlier than 14 working days after the Monitoring Officer has copied the Investigating Officer's final report to the complainant and the Subject Member and no later than 2 months, except in exceptional circumstances. The hearing will normally be held in public but Schedule 12A of the Local Government Act 1972 (as amended) may be applied to exclude the public and press from meetings of the Hearings Panel where it is likely that confidential or exempt information will be disclosed.~~

9.1.15.3 Procedure for the Hearings Panel

The procedure for the Hearings Panel will be as follows:

- a) Elect a Chairman for the Hearing.
- b) The Chairman will ask the Hearings Panel if they have any interests to declare.
- c) Agree whether the matter should be heard in public or private, subject to the normal rules on exempt and confidential information and bearing in mind the public interest. The Hearings Pan will always, however, retire in private to consider its findings and possible action.
- d) The Chairman to Cconfirm the names and status of those attending. If the Subject Member is not present at the start of the hearing, and they had indicated their intention to attend, the Chairman shall ask the Monitoring Officer whether the Subject Member has provided any reasons why he or she would not be present. From the response the Hearings Panel will decide whether to make a determination in the absence of the Subject Member or adjourn the hearing to another date.

The Chairman may exercise their discretion and amend the order of business, where they consider that it is expedient to do so in order to secure the effective and fair consideration of any matter.

The Hearings Panel may adjourn at any time.

9.1.15.4 Presentation of the Complaint and Subject Member's Case

- a) The Monitoring Officer, or in his/her absence the Deputy Monitoring Officer, or Chairman may each make an introductory statement outlining the nature of the complaint and the purpose of the hearing, and the procedure to be followed.
- b) The Investigating Officer, or in his/her absence the Monitoring Officer, shall present the Investigating Officer's report having particular regard to any points of difference identified by the Subject Member and why the Investigating Officer had concluded, on the basis of their findings of fact, that the Subject Member had failed to comply with the Code of Conduct. The Investigating Officer or Monitoring Officer may call witnesses as necessary in order to substantiate his/her findings.
- c) The Subject Member will then be given the opportunity to ask the Investigating Officer, or any of the witnesses, questions relating to the report or matters that have arisen during the witness statements.
- d) Members of the Hearings Panel, the Independent Person and the Monitoring Officer will then have the opportunity of asking the Investigating Officer, or any of the witnesses, questions relating to the report or matters that have arisen during the witness statements.

- e) The Subject Member will then be invited to respond to the Investigating Officer's report and provide evidence, either by calling witnesses or by making representations to the Hearings Panel as to why they consider that they did not fail to comply with the Code of Conduct.
- f) The Investigating Officer will then be given the opportunity to ask the Subject Member and any witnesses, questions relating to the representations made to the Hearings Panel.
- g) Members of the Hearings Panel, the Independent Person and the Monitoring Officer will then have the opportunity to ask the Subject Member, and any witnesses, questions relating to the representations made to the Hearings Panel.
- h) The Investigating Officer will then be given the opportunity to sum up.
- i) The Subject Member will then be given the opportunity to sum up
- j) The Independent Person will then be invited to comment and outline express their view in respect of the complaint on whether or not they consider that on the facts presented to the Panel, there has been a breach of the Code of Conduct.
- k) The Chairman of the Hearings Panel will check with the other members of the Panel whether they are satisfied that they have sufficient evidence to come to a considered conclusion on the matter. If it is decided that additional evidence is required before a determination can be made then the hearing will be adjourned and the Investigating Officer be asked either to seek and provide such additional evidence and/or undertake further investigation on any point specified by the Hearings Panel.
- l) If the Panel is satisfied that that they do have sufficient evidence to make a decision this will conclude the evidence gathering part of the hearing.

9.1.15.5 Deliberations of the Hearings Panel

- a) The Hearings Panel will adjourn the hearing and deliberate in private to consider whether or not, on the facts found, the Subject Member has failed to comply with the Code of Conduct. The Investigating Officer, the Subject Member, the Independent Person and any witnesses that might be present will be asked to leave at this point, but the Democratic Services Clerk and Monitoring Officer will remain.
- b) ~~m)~~ The Hearings Panel will then determine the complaint on the balance of probabilities. If the Panel determine that there has been a failure to follow the Code the Panel shall seek advice from the Monitoring Officer as to what action they believe should be taken against the Subject Member.
- a)c) The Hearings Panel may at any time come out of private session and reconvene the hearing in public, in order to seek additional evidence from

the Investigating Officer, the Subject Member or witnesses. If further information to assist the Panel cannot be presented, then the Panel may adjourn the hearing and issue directions as to the additional evidence required and from whom.

9.1.15.6 Announcement of Decision

The Hearings Panel will reconvene the hearing in public and the Chairman will announce whether or not on the facts found the Panel considers that there has been a breach of the Code of Conduct.

9.1.16 Finding of the Hearings Panel

9.1.16.1 Finding of Non Failure to follow the Code of Conduct

If the Hearings Panel determine that the Subject Member has not failed to follow the Code of Conduct in the manner set out in the Investigating Officer's report then the complaint will be dismissed.

The decision notice stating the Hearings Panel's findings, in relation to a non-failure to follow the Code of Conduct, will be provided to the Subject Member, the Investigating Officer, the Monitoring Officer, and the Independent Person on a confidential basis. It will not be published on the Council's website or otherwise disclosed.

9.1.16.2 Finding of Failure to follow the Code of Conduct

If the Hearings Panel determines that the Subject Member has failed to follow the Code of Conduct then it can decide to take any or more of the following actions:

- a) Formally censure the Subject Member in writing for their failure to follow the Code of Conduct;
- b) Recommend to the Subject Member's Group Leader (or in the case of un-grouped Members, recommend to Council or to Committee(s) that he/she be removed from any or all Committees or Sub-Committees of the Council;
- c) Recommend to the Leader of Council that the Subject Member be removed from the Executive, or removed from particular portfolio responsibilities;
- d) Instruct the Monitoring Officer (or recommend that the relevant Town/Parish Council, as appropriate) to arrange training for the Member;
- e) Remove (or recommend to the relevant Town/Parish Council that the Subject Member be removed) from all outside appointments to which he/she has been appointed or nominated by the authority (or by the Town/Parish Council);
- f) Withdraw (or recommend to the relevant Town/Parish Council that it withdraws) facilities provided to the Subject Member by the Council, such as a computer, website and/or e-mail and internet access;

- g) Exclude (or recommend that the relevant Town/Parish Council exclude) the Subject Member from the Council's offices or other premises, with the exception of meeting rooms as necessary for attending Council, Committee or Sub-Committee meetings; or
- h) Report its findings to the Crown Prosecution Service in respect of a Subject Member that has been found to have committed an offence under [Appendix A](#).

9.1.16.3 Publication of the Decision on Finding a Breach of the Code of Conduct

Within 3 working days, the Monitoring Officer shall prepare a formal decision notice in consultation with the Chairman of the Hearings Panel [and the Independent Person](#). A copy of the decision notice will be sent to the complainant, the Subject Member (and, if applicable, the relevant Town/Parish Council) and the Independent Person. The decision notice will be available for public inspection, and published on the Borough Council's website. If the complaint is directed at a Borough Councillor, the decision will be reported to the next convenient meeting of the Borough Council. At the Council meeting the report will be noted and there will be no discussion on the item. If the complaint is directed at a Town/Parish Councillor, the relevant Council will be requested to report the decision to its next Council Meeting.

The Subject Member [or complainant](#) has no right of appeal against a decision of the Monitoring Officer or the Hearings Panel.

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TITLE	Optalis Contract Renewal 2022
FOR CONSIDERATION BY	Council on Thursday, 17 February 2022
WARD	None Specific;
LEAD OFFICER	Director, Adult Social Care and Health - Matt Pope
LEAD MEMBER	Executive Member for Health, Wellbeing and Adult Services - Charles Margetts

PURPOSE OF REPORT (INC STRATEGIC OUTCOMES)

Optalis have been the Council's Local Authority Trading Company (LATCo), delivering Adult Social Care Services in the borough for the last 10 years. Optalis is jointly owned by the Council and the Royal Borough of Windsor and Maidenhead (RBWM), who took the decision to join Optalis in 2017. Our intention for the partnership is to continue to develop a social care company of choice, securing continuous improvement in the delivery of services and maximise the retention and stability of the workforce.

To support this direction, we have renegotiated a new shareholder agreement for the company that brings significant benefits to the Council. Because of these benefits and the success of the company we wish to renew our contract with Optalis.

Continuing the contractual arrangement with Optalis Ltd will enable the Council to embed success and deliver more positive changes, led by the development of the new Optalis Ltd Board. New governance arrangements will include the Directors for Adult Social Services for Wokingham Borough Council and the Royal Borough of Windsor and Maidenhead, with the Executive Lead Members for both councils who oversee adult social care, and the Chief Executive Officer (CEO) of Optalis Ltd all appointed as board members.

The main policy driver for the work of Adult Social Care is The Care Act (2014). The Care Act (2014) is the legislative framework providing Duties and Powers that all Local Authorities must adhere to. The key emphasis of The Care Act (2014) is to support prevention; to promote well-being; and to offer choice and control.

In December 2021 the government released People at the Heart of Care. This sets out the governments ambition over the next 10 years and how it intends to transform support and care in England from October 2023. The new relationship set out in the Shareholders Agreement will enable WBC to work more closely with Optalis and manage the future challenges with the reform.

Our ambition is for Wokingham Borough to be one of the best boroughs for adults and carers in need of support to live, where they feel safe, included and a key part of our community. Our Adult Social Care Strategy 2020-25 sets out the approach to successfully achieve this aim whilst making sure people realise the desired outcomes that are important and personal to them. The priorities set out in the strategy contribute to the Vision of the Wokingham Borough Corporate Delivery Plan 2020-24 to make the

borough a better place to live, learn, work, and grow and a great place to do business, and more specifically the priority 'Safe, Strong Communities'.

The Council is asked to approve the Procurement Business Case for a re-award of contract for Adult Care Services to Optalis Ltd.

Wokingham Borough Council wishes to continue the benefits of the arrangement with Optalis, and it is in the residents' interest to work with them to grow and develop new services in the local area. The renewed contract is planned to commence 3rd April 2022 for an initial period of 24 months. Thereafter, the contract continues until 2nd April 2027 unless the Council terminates the contract on 12 months' notice. Further, this report details the future joint ownership arrangements between the joint shareholders which will be in effect during the period of the contract for services.

The contract annual value exceeds £5 million requiring approval from Full Council, as stated in our Procurement and Contracts Rules and Procedures.

The direct award to Optalis is in accordance with the requirements of Regulation 12 of the Public Contract Regulations 2015 ("PCRs 2015") regarding Teckal arrangements.

RECOMMENDATION

That the Council:

- 1) approves the attached procurement business case to renew the contract to Optalis;
- 2) delegates authority to the Director of Adult Services, in consultation with the Lead Member for Adult Services to:
 - a) approve and complete the contract with Optalis for £7.3mil – 2022-23; and
 - b) undertake all activities required to complete the joint ownership arrangements between RBWM and the Council as set out under the heading 'Future Arrangements' below.
- 3) delegates jointly to the Director of Adult Services and the Director of Resources and Assets authority 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:
 - a) the budget for the costs of the services has already been approved as part of the agreed Council Budget;
 - b) the business case has been approved by both Directors;
 - c) the Executive Member with responsibility for Adult Services and the Executive Member with responsibility for Finance have been consulted.
- 4) notes the shareholders agreement.

EXECUTIVE SUMMARY

Optalis deliver four CQC-regulated services in the borough which are all rated as 'good' and three unregulated services, including the Supported Employment Service which is

currently ranked as 2nd in the country for supporting people in receipt of care services with a Learning Disability to gain and maintain employment.

Optalis is the 'provider of choice' and the 'provider of last resort' to the Council, meaning if an independent sector provider fails, Optalis will be able to support the Council by stabilising the situation and ensuring the customers are safe. The current contract with Optalis is due to expire 2nd April 2022.

Further details for the services delivered under the current contract and to the additional services are as follows:

Current Services:

- Four Extra Care Schemes:
 - Accommodation that provides enhanced care and support for older people and vulnerable adults who have increased care needs
- Independent Supported Living for people with Learning Disabilities:
 - The Services provide tenancy-based 'background support' (i.e. domestic services, catering, emergency call-out support) and a sleep-in night service to customers within self-contained flats/bungalows at both sites. Some properties also provided regulated care services for residents with higher level needs.
- START reablement service:
 - Short-term care at home, to aid recovery after discharge from hospital
- Supported Employment Service
 - The Service will provide personalised Supported Employment support to adults living in Wokingham with a mental health need, a learning disability, physical disability, substance misuse issues or caring responsibilities.
- Suffolk Lodge Care Home:
 - Accommodation and 24-hour care for people living with dementia who cannot be cared for in their own home.
 - The Service also offers respite and emergency respite services, subject to a managers assessment, to assist carers in their caring role for a period of up to 6 weeks
- Day Services for people:
 - Activity opportunities for people with physical and learning disabilities.

The renewed Optalis contract will also include additional services:

- Two houses for young people with a Learning Disability transitioning to adulthood
- A supported living accommodation service for people with Learning Disabilities
- Learning Disability Respite unit

Further, this report details the revised ownership arrangements between the joint shareholders which will be in effect during the period of the contract for services. The key elements of these arrangements are

- Simplified governance
- Continuity and stability of services to our residents
- Greater control the Director of Adult Services and Executive Member becoming members of the Optalis Board
- Fairer and more transparent split in central costs
- Coterminous contract length
- Agreed exit arrangements

- Equal ownership
- Shared strategic direction
- Separation of operations with the ability to join with RBWM if beneficial

BACKGROUND

Wokingham Borough Council has statutory duties under The Care Act 2014 to support prevention; to promote well-being and independence; and to offer choice and control to adults entitled to statutory social care services and support.

The Adult Social Care Strategy 2020-25 details that the Council will:

- Prevent, reduce and delay the need for formal care and support
- Improve people's health and wellbeing, focusing on prevention and self-help whenever possible
- Use a Community-led model of support, which focuses on people's strengths and community networks
- Reduce isolation and loneliness, so people can live happier and more independently for longer
- Support carers to enable them to continue in their much valued role
- Maximise independence and support people to learn the skills they need for daily living
- Increase use of technology and adaptations to support greater independence, for example alarms and sensors and smart technology

Optalis has been our Local Authority Trading Company (LATCo), delivering our Adult Social Care Services in the borough for the last 10 years. Optalis provide excellent quality services for our residents, whilst playing a key role in developing and improving our approach to shaping the care services available in the borough. The successes we have jointly achieved with Optalis over the last 10 years have set us on a strong path to meet our priorities set out in our Adult Social Care Strategy and to achieve our aim to be one of the best boroughs for adults and carers in need of support to live, where they feel safe, included and a key part of our community.

The Council wishes to continue the benefits of the arrangement with Optalis, and it is in the Council's interest to work with them to continue to grow and develop new services in the local area.

Optalis is jointly owned by the Council and the Royal Borough of Windsor and Maidenhead (RBWM). This ownership gives the Councils control over quality, delivery, and the strategic direction of the services. The key objective of the partnership is to protect and develop high quality services for our vulnerable residents.

The Shareholders Agreement, originally created in 2017, details how the governance and financial arrangements work, how decisions are made and how the impacts of changes are shared between the Councils. The Agreement sets out the shared intention to develop a social care company of choice, secure continuous improvement in the delivery of services and maximise the retention and stability of the workforce, however, both councils consider the 2017 agreement to be, in part, unrepresentative of the respective focus, commitment, and aspirations for the company. Therefore, a new shareholder agreement has been produced.

The contract for services will be in place for a minimum of 2 years (£7.3mil for year 1 and £7.2mil for year 2). After that date the Term can continue until 02 April 2027 and each council has a right to terminate on 12 months' notice after the initial 2-year period.

BUSINESS CASE

The Business Case is provided as a standalone document supporting this paper.

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	
Next Financial Year (Year 2)	£7.3mil. plus inflation, as agreed through the MTFP process	Yes	Revenue
Following Financial Year (Year 3)	£7.2mil. plus inflation, as agreed through the MTFP process	Yes	Revenue

Other Financial Information

Optalis is the Local Authority Trading Company jointly owned by Wokingham Borough Council (WBC) and Royal Borough of Windsor and Maidenhead (RBWM). This means that any financial surplus generated through operations is returned to the Councils as shareholders for further investment in local services.

Stakeholder Considerations and Consultation

None required

Public Sector Equality Duty

Equalities Impact Assessment completed and enclosed.

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 will be no negative impact on the Council's carbon neutral objective.

List of Background Papers

- Procurement Business Case
- EQIA
- [Adult Social Care Strategy 2020-2025](#)
- Optalis Shareholders Agreement

Contact Sarah Sesay	Service Adult Social Care
Telephone Tel: 0118 974 6586	Email sarah.sesay@wokingham.gov.uk



In accordance with the Procurement and Contracts Rules and Procedures (PCRP) (see section 3.1.1): a formal business case is required for any procurement with a total value above £50,000. The level of approval required for the Business Case depends on the type of procurement and total ascertainable value of the contract, as indicated in the table below:

1. Level of Approval

State “YES” in the applicable box at either Level 1, Level 2 or Level 3:

Type of Procurement	Level 1		Level 2		Level 3	
	Assistant Director & Director Approval		Executive Approval		Full Council Approval	
Goods and Services	£50k – £500k		> £500k		Annual Value >£5m or TAV >£25m (if capital >£15m)	YES
Schedule 3 Services	£50k – £663k		> £663k			
Works	£50k – £4,733k		> £4,733k			

NOTE:

Executive meetings (Level 2) are held each month but the submission of papers is strictly controlled, resulting in a cycle of at least 6-weeks – speak to Democratic Services for assistance.

Full Council meetings (Level 3) are held every second month and submission of papers is controlled as per Executive meetings – speak to Democratic Services for assistance.

2. Project Information

Project / Contract Title	Optalis Contract and Shareholder Agreement Renewal
Project / Contract Description	Renewal of contract for Adult Provider Services with Optalis Ltd.
Expected Start Date & Duration (months)	Initial term 03/04/2022 - 24 months
Any Extension/s Allowed (months) <i>(e.g.: 1 x 24m / 1 x 12m + 1 x 12m)</i>	Continues after 02/04/24 unless 12 months notice to terminate has been served. The absolute end of the contract is 02 April 2027 (co-terminus with the RBWM contract for services)
Total Ascertainable Value	<p>Contract value for 2021-22 is £7.5 million.</p> <p>Inflation will be awarded in line with the MTFP.</p> <p>In addition to the current contract value there are future plans for enhancements to the contract:</p> <ul style="list-style-type: none"> Two houses for young people with a Learning Disability transitioning to adulthood

	<ul style="list-style-type: none"> • A supported living accommodation service for people with Learning Disabilities • Learning Disability Respite unit
<p>Procurement Advice <i>Provide a short summary of the advice or attach/append any written advice you have obtained, including the type of procedure, Brexit considerations and if the BC is for setting up of DPS or framework agreement.</i></p>	<p>The contract will be awarded in accordance with the requirements of Regulation 12 of the Public Contract Regulations 2015 ("PCRs 2015"). This Regulation codified 'Teckal arrangements' which had been established previously by case law. Regulation 12(1) provides an exception to the requirement that a contracting authority (i.e. the Council or Councils) complies with the PCRs 2015 when awarding a public contract.</p> <p>Optalis exists as a Local Authority Trading Company (LATCo) and therefore the 'Teckal exemption' applies.</p> <p>This allows us to directly award business without the need of carrying out a full tender process. However, the Council must throughout the duration of the Council exert sufficient control and influence over Optalis to comply with the conditions to the 'teckal exemption'.</p> <p>The Council has maintained this exemption throughout the current contract but has made recent changes to ensure that this control and influence is directly applied to the company.</p>
<p>Finance Advice <i>Confirm budget availability and add any comments relevant to the budget.</i></p>	<p>To provide statutory Adult Social Care Services budgeted through the Medium-Term Financial Plan (MTFP) process.</p>
<p>Source of Funding <i>(revenue or capital or specified other)</i></p>	<p>Revenue</p>
<p>If procurement is for software, specify outcome of your consultation with IMT and/or Business Change</p>	<p>NA</p>

3. Project Justification

Optalis has been our Local Authority Trading Company (LATCo), delivering our Adult Social Care Services in the borough for the last 10 years. Optalis has the benefits associated with being independent from the Council but simultaneously give the Council the same protections as if the service was directly employed. For example, the Council has joint controlling influence over the decisions made within the company and Optalis acts as the provider of last resort. The Council wishes to continue the benefits of the arrangement we currently have with Optalis and work with them to grow and develop new services in the local area.

Optalis is 100% publicly owned by the Council and the Royal Borough of Windsor and Maidenhead Council, who took the decision to move adult statutory services to Optalis 4 years ago. This ownership gives the Councils complete control over quality, delivery, and the strategic direction of the services. The key objective of the partnership is to protect and develop high quality services for our vulnerable residents.

The Shareholders Agreement sets out the relationship between the Council and the Royal Borough will participate in the company as shareholders. The contract, expiring 2nd April 2022, specifies the terms of the services delivered by Optalis for Wokingham Borough Council.

Optalis deliver four CQC-regulated services in the borough which are all rated as 'good' and three unregulated services, which includes the Supported Employment Service which is currently ranked as 2nd in the country for supporting people in receipt of care services with a Learning Disability to gain and maintain employment. Optalis is the 'provider of choice' and the 'provider of last resort' to the Council, meaning if an independent sector provider fails, Optalis will be able to support the Council by stabilising the situation and ensuring the customers are safe.

The services managed by Optalis for Wokingham Borough Council are:

- Four Extra Care Schemes
- Independent Supported Living for people with Learning Disabilities
- START reablement service
- Supported Employment Service
- Suffolk Lodge Care Home
- Day Services for people with physical and learning disabilities.

Other initiatives include the specialist Peripatetic Team, created this year working in partnership with WBC to support local providers to deliver safe and effective care by trained and experienced staff. The team have the flexibility to stay involved for as long as required, meaning they can respond to local needs and demands in an agile and effective way.

Future Arrangements

The decision to renew our contract to Optalis is linked to changes within the company and the Council's relationship with the joint owner, the Royal Borough of Windsor & Maidenhead ('RBWM'). The changes are beneficial to both parties and secure financial and governance benefits to the Council.

Link to Service or Corporate Objectives:

The current and planned future arrangements support us in achieving the priorities set out in the Adult Social Care Strategy 2020-25, which details the council will:

- Prevent, reduce and delay the need for formal care and support
- Improve people's health and wellbeing, focusing on prevention and self-help whenever possible
- Use a Community-led model of support, which focuses on people's strengths and community networks
- Reduce isolation and loneliness, so people can live happier and more independently for longer
- Support carers to enable them to continue in their much valued role
- Maximise independence and support people to learn the skills they need for daily living
- Increase use of technology and adaptations to support greater independence, for example alarms and sensors and smart technology

The services delivered by Optalis contribute to the Vision of the Wokingham Borough Corporate Delivery Plan 2020 – 2024 to make the borough a better place to live, learn, work, and grow and a great place to do business, and more specifically the priority ‘Safe, Strong Communities’, which details:

We will work with our partners to:

- Protect and safeguard our children, young and vulnerable people.
- Offer quality care and support, at the right time, to reduce the need for long term care.
- Nurture our communities; enabling them to thrive and families to flourish.
- Ensure our Borough and communities remain safe for all.

Our current agreement with Optalis supports Wokingham Borough Council’s aim to be more commercially minded and to achieve Value for Money in our contractual arrangements.

Further, Optalis supports the Council in meeting and delivering our statutory obligations as stated in the Care Act 2014.

Project Specific Objectives, Appraisal of Options and Project Timetable:

Options appraisal

Recommended option - Option 1: Award contract to Optalis.

Contract will continue with its current arrangement which includes the option of requesting further services are delivered by Optalis to the Council.

This allow Optalis the opportunity to continue to grow and develop services in response to current and future demand. From its inception, there has always been an ambition for Optalis to pursue sustainable growth, this growth provides resilience to the company, enhances its’ reputation and influence in the market and allows flexibility to respond to current and future customers growing and changing needs. However, growth needs to be carefully managed so that there is no impact on the quality of the service or other services within Optalis. Taking on new services will spread the overhead cost and return better value for money.

Option 2: Go to full tender for each service.

This is not considered to be an option as the Council will lose control over how the delivery of care is discharged if the services were delivered by other providers. In addition, changes to services are more difficult to manage and often involve a commercial charge. The Council would not benefit from the competitive rates offered by Optalis and would lose any financial surplus including the opportunity of lower associated centralised or management costs. Changing of providers would pose a risk to the individuals in receipt of these services currently, especially as the alternative options are not known. The Council is reliant on Optalis for large parts of the care market for older people and those with learning disabilities. The Council would need to re-provision this with alternative providers. Residents are happy with the service from Optalis and the loss of a large local provider would cause distress to vulnerable people and their families/carers

Cost Benefit Analysis:

Optalis has been our Local Authority Trading Company (LATCo), delivering our Adult Social Care Services in the borough for the last 10 years. Optalis has the benefits associated with being independent from the

Council but simultaneously gives the Council the same protections as if the service was directly employed. For example, the Council has joint controlling influence over the decisions made within the company and Optalis acts as the provider of last resort. The Council wishes to continue the benefits of the arrangement with Optalis, and it is in the Council's interest to work with them to grow and develop new services in the local area.

From 2021 to date we achieved savings of £1.5 million through the MTFP. By 2023-24 future savings of over £4.2 million have been identified through the MTFP process. There are potential future opportunities to achieve cost benefits with the delivery of new services and due to benefitting from economies of scale.

Contract Management:

The current contract management arrangements will continue with the new contract, which includes key performance indicator reporting and a partnership meeting taking place on a monthly basis.

The Council has allocated resource within the Strategy and Commissioning Service to carry out commissioning and contract management responsibilities.

The Council and Optalis work closely on development projects and Optalis representatives regularly attend working groups, projects board meetings and are a member of our Adult Social Care Leadership Team.

4. Approval

Please fill in the applicable fields according to the level of approval required.

Note: If Level-2 or 3 approval is required, the document should be signed by Assistant Director and Director at Level-1 first, and then presented to the Executive (and Full Council where appropriate) for final approval.

Level 1

Position	Name	Department	Signature
Assistant Director	Wesley Hedger	Strategy and Commissioning	
Director	Matt Pope	Adult Services	

Level 2

NOTE: Level 1 approval must be completed first.

Please state the date of the relevant Executive meeting or Individual Executive Member Decision at which the Business Case has been approved.

	<i>Date of Executive meeting / approval</i>	<i>Item No</i>
Executive Approval	On agenda for 27th January 2022	

Level 3

NOTE: Level 1 and 2 approval must be completed first.

Please state the date of the relevant Full Council meeting at which the Business Case has been approved.

	<i>Date of Full Council meeting / approval</i>	<i>Item No</i>
Full Council Approval	On agenda for 17th February 2022	

Equality Impact Assessment (EqIA) form: Initial impact assessment

If an officer is undertaking a project, policy change or service change, then an initial impact assessment must be completed and attached alongside the Project initiation document.

EqIA Titular information:

Date:	16/11/2021
Service:	Adult Services
Project, policy or service EQIA relates to:	Direct award of contract for statutory adult services to Optalis Ltd.
Completed by:	Sarah Sesay
Has the EQIA been discussed at services team meeting:	Yes
Signed off by:	Wesley Hedger
Sign off date:	

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1. Policy, Project or service information:

This section should be used to identify the main purpose of the project, policy or service change, the method of delivery, including who key stakeholders are, main beneficiaries and any associated aims.

What is the purpose of the project, policy change or service change, its expected outcomes and how does it relate to your services corporate plan:

To agree a new 24-month contract for Adult Statutory Services directly awarded to Optalis Ltd.

Optalis has been our Local Authority Trading Company (LATCo), delivering our Adult Social Care Services in the borough for the last 10 years. We want to continue the benefits of the arrangement we currently have with Optalis and work with them to grow and develop new services in the local area.

The statutory services delivered by Optalis contribute to the Vision of the Wokingham Borough Corporate Delivery Plan 2020 – 2024 to make the borough a better place to live, learn, work, and grow and a great place to do business, and more specifically the priority ‘Safe, Strong Communities’ and support the priorities set out in the Adult Social Care Strategy 2020-25.

Outline how you are delivering your project, policy change or service change. What governance arrangements are in place, which internal stakeholders (Service managers, Assistant Directors, Members etc.) have/will be consulted and informed about the project or changes:

How we are delivering the project:

Optalis in partnership with WBC are committed to transforming local services available to vulnerable adults aged 18-and over with learning disabilities, mental health, complex needs and associated physical disabilities, to improve services that can support them to lead full and rewarding lives with better outcomes in the community.

Optalis in partnership with WBC will engage with a wide range of community organisations and developing natural support networks. This will include supporting people to identify risks and develop strategies that help them to keep safe in the community.

Governance arrangements in place:

Full Council approval is required due to the value of the contract. The approval process, prior to the Council meeting, includes agreement by other stakeholders including Optalis, WBC commissioners, Adult Social Care Leadership Team.

Outline who are the main beneficiaries of the Project, policy change or service change?

Main beneficiaries of the Project:

The customers: Sustainable services with the right level of care and support to meet their needs.

WBC: Sustainable care provision delivered by a provider with experience of delivering high quality service owned by the council.

The local community: No impact

Optalis: No impact

By ensuring we undertake a review and needs assessment, and we can ensure that what we commission in the future is evidence based. It is essential that we engage key partners and customers to gather intelligence about the current service and assess whether it meets the needs of our population with care and accommodation needs, whilst at the same time identify gaps in our existing provision and reviewing the use of community assets.

<p>Outline any associated aims attached to the project, policy change or service change:</p> <p>We aim to commission a service that meets customer need and is the best use of limited resources. To deliver personalised quality, care and support arrangements which is sustained and continue to be an essential part of the overall support provided to the customers and their carers.</p>
--

2. Protected characteristics:

There are 9 protected characteristics as defined by the legislation:

- Race
- Gender
- Disability
- Gender re-assignment
- Age
- Religious belief
- Sexual orientation
- Pregnancy/Maternity
- Marriage and civil partnership:

To find out more about the protected groups, please consult the EQIA guidance.

3. Initial Impact review:

In the table below, please indicate whether your project, Policy change or service change will have a positive or negative impact on one of the protected characteristics. To assess the level of impact, please assign each group a Positive, No, Low or High impact score:

For information on how to define No, low or high impact, please consult the EQIA guidance document.

If your project is to have a positive impact on one of the protected groups, please outline this in the table below.

For details on what constitutes a positive impact, please consult the EQIA guidance.

Protected characteristics	Impact score	Please detail what impact will be felt by the protected group:	Reason for Impact Score
Race:	No impact	The project, policy or service change or redesign will have no impact, positive or negative, on the protected group (s).	This is no change to the current contract terms.
Gender:	No impact	The project, policy or service change or redesign will have no impact, positive or negative, on the protected group (s).	This is no change to the current contract terms.
Disabilities:	No impact	The project, policy or service change or redesign will have no impact, positive or negative, on the protected group (s). Vulnerable individuals and groups are supported and looked after as the reduction still has staff and back up support available 24/7	This is no change to the current contract terms.
Age:	No impact	Vulnerable individuals and groups are supported and looked after as the reduction still has staff and back up support available 24/7	This is no change to the current contract terms.
Sexual orientation:	No impact	The project, policy or service change or redesign will have no impact, positive or negative, on the protected group (s).	This is no change to the current contract terms.
Religion/belief:	No impact	The project, policy or service change or redesign will have no impact, positive or negative, on the protected group (s).	This is no change to the current contract terms.
Gender re-assignment:	No impact	The project, policy or service change or redesign will have no impact, positive or negative, on the protected group (s).	This is no change to the current contract terms.

Pregnancy and Maternity:	No impact	The project, policy or service change or redesign will have no impact, positive or negative, on the protected group (s).	This is no change to the current contract terms.
Marriage and civil partnership:	No impact	The project, policy or service change or redesign will have no impact, positive or negative, on the protected group (s).	This is no change to the current contract terms.

Based on your findings from your initial impact assessment, you must complete a full impact assessment for any groups you have identified as having a low or high negative impact. If No impact, or a positive impact has been identified, you do not need to complete a full assessment. However, you must report on this initial assessment, and it must receive formal approval from the Assistant Director responsible for the project, policy or service change.

Initial impact assessment approved by.... Wesley Hedger

Date:....

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DATED

2022

(1) WOKINGHAM BOROUGH COUNCIL

and

(2) ROYAL BOROUGH OF WINDSOR & MAIDENHEAD

and

(3) OPTALIS LIMITED

SHAREHOLDERS AGREEMENT

RELATING TO OPTALIS LIMITED



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263

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Parties

- (1) **Wokingham Borough Council** whose principal office is at Shute End, Wokingham, Berkshire RG40 1BN (**Wokingham**);
- (2) **Royal Borough of Windsor & Maidenhead** whose principal office is at Town Hall, St Ives Road, Maidenhead SL6 1RF (**RBWM**); and
- (3) **Optalis Limited** a company incorporated and registered in England and Wales with registered number 07630156 whose registered office is at Trinity Court, Molly Millers Lane, Wokingham, Berkshire RG41 2PY (the **Company**).

BACKGROUND

- (A) The Company was incorporated under the Companies Act 2006 on 11 May 2011 as a private company limited by shares. At the date of this Agreement the Company has an issued share capital of 50,100 ordinary shares of £1.00 each (as to which 25,050 A ordinary shares of £1.00 are held by RBWM and 25,050 B ordinary shares of £1.00 each are held by Wokingham).
- (B) The parties (together with Optalis Holdings Limited (Co. No. 08671532)) entered into a shareholders agreement dated 30 May 2017 relating to the Company. Optalis Holdings Limited has ceased to be a shareholder of the Company and the parties wish to record the new terms on which they will participate in the Company as its shareholders.

Agreed terms

1 Definitions and interpretation

- 1.1 The following definitions and rules of interpretation apply in this Agreement.

2017 Shareholder Agreement: means the shareholders agreement referred to in Recital B.

Annual Accounts Date: means the accounting reference date of the Company from time to time.

Annual Contract Price: means the annual Contract Price (as defined in Schedule 2) paid or payable by a Council to the Company under a Care Services Contract in a financial year (such amount does not include any payment for commissioned adult social care services instructed by the Company as agent for the Councils).

Asset Purchase Agreement: means the agreement dated on or around 30 March 2017 between RBWM and Optalis Limited.

Authorised Representatives: means the authorised representatives referred to in clause **Error! Reference source not found.**

Board or Board of Directors: means the board of directors of the Company;

Board Meeting: means a meeting of the Board of Directors.

Business: means the business of the Company described in clause 2 and the Business Plan and such other business as the Shareholders may agree from time to time in writing should be carried on by the Company.

Business Plan: means the business plan adopted in accordance with clause 2.3 from time to time which shall include details of the Operating Budget and the Savings.

Business Day: means a day other than a Saturday or Sunday or public holiday in England and Wales.

Care Services: means the services of adult social care and such other care-related services as any Council may from time to time agree to commission from the Company.

Care Services Contract: means a contract for the provision of any Care Services by the Company to the Shareholders.

CEDR: means the Centre for Effective Dispute Resolution.

Chairman of the Board: means the person appointed in accordance with clause 4.5.

Chief Executive Officer or CEO: means the person appointed as chief executive officer of the Company in accordance with clause 4.4.

Confidential Information: means any information or matter which is not in the public domain and relates to either of the Shareholders or the Company.

Costs: means any liabilities fees costs damages expenses and losses (not including indirect or consequential losses, loss of profit or reputation) and any reasonable professional costs, interest and expenses (such Costs subject always to that they must be foreseeable or in the reasonable contemplation of the parties and the obligation at law to mitigate).

Council Directors: means the RBWM Directors and the Wokingham Directors.

Councils: means Wokingham and RBWM,

Current Business Plan: means the Business Plan of the Company in effect at the date of this Agreement.

Deed of Adherence: means a deed of adherence in substantially the same form as set out in Schedule 1.

Director: means any director for the time being of the Company, including where applicable any alternate director.

Environmental Information Regulations: means the Environmental Information Regulations 2004.

Existing Commissioning Contracts: means contracts for Care Services entered into between either of the Councils and a third party before Completion.

FOIA: means the Freedom of Information Act 2000.

Group: means, in relation to the Company, the Company itself; and the expression **Group Member** shall be construed accordingly.

Information: has the meaning given to it under section 84 of the FOIA.

Intellectual Property Rights: means copyright and related rights, trademarks, business names and domain names, goodwill and the right to sue for passing off, rights in designs, rights in computer software, database rights, rights to use, and protect the confidentiality of, confidential information (including knowhow) and all other intellectual property rights, in each case whether registered or unregistered and including all applications and rights to apply for and be granted, renewals or extensions of, and rights to claim [priority from, such rights and all similar or equivalent rights or forms of protection which subsist or will subsist now or in the future.

LCIA: means the London Court of International Arbitration.

Lead Member: means the member of the executive/cabinet at the Councils whose responsibility includes adult services

LGPS: means a Local Government Pension Scheme established pursuant to regulations made by the Secretary of State in exercise of the powers under Sections 7 and 12 of the Superannuation Act 1972 as amended from time to time.

LGPS Regulations: means the Local Government Pension Scheme Regulations 2013 as amended from time to time.

New Articles: means the new articles of association of the Company in the agreed form to be adopted on or about the date of execution of this Agreement.

Operating Budget: means the annual sum of monies required by the Company to deliver the Care Services to the Shareholders and as determined in accordance with and as set out in Schedule 2.

Prudential Code for Local Authorities: means the Chartered Institute of Public Finance and Accountancy (**CIPFA**) Prudential Code for Capital Finance in Local Authorities 2011 and accompanying Guidance Notes for Practitioners 2013 (as updated or revised from time to time).

RBWM Admission Agreement: means the agreement set out in Schedule 5 of the Asset Purchase Agreement and made pursuant to Schedule 2 of the LGPS Regulations where Optalis Limited becomes an admission body to the Royal County of Berkshire LGPS in respect of the Eligible Employees (as defined in the Asset Purchase Agreement) or, as the case may be, any subsequent admission agreement made pursuant to Schedule 2 of the LGPS Regulations where a subcontractor of Optalis Limited becomes an admission body to the Royal County of Berkshire LGPS in respect of the Eligible Employees (as defined in the Asset Purchase Agreement).

RBWM Directors: the Directors appointed by RBWM in accordance with clause 4.1.

Request for Information: has the meaning set out in the FOIA or any apparent request for information made under the FOIA or **the** Environment Information Regulations.

Savings: means the cost savings and financial efficiencies identified for each financial year that the Shareholders agree to make to reduce the Operating Budget or generate income and as documented and agreed in the Business Plan.

Shareholder: means each of the Councils and/or any person to whom it may properly transfer any Shares in accordance with this Agreement and who enters into a Deed of Adherence agreeing to be bound by the terms of this Agreement.

Shareholding Proportion: means the proportion of the issued share capital of the Company held by the Shareholders.

Shares: means the ordinary shares of £1.00 in the Company from time to time.

Trinity Court: means office at Trinity Court, Molly Millars Lane, Wokingham, Berkshire leased to Optalis under a lease dated 10th December 2018.

Wokingham Admission Agreement: means the agreement dated 14 June 2011 made pursuant to Schedule 2 of the LGPS Regulations where Optalis Limited became an admission body to the Royal County of Berkshire LGPS in respect to certain Wokingham Transferred Employees.

Wokingham Directors: means the Directors appointed by Wokingham in accordance with clause 4.1.

Wokingham Transferred Employees: means the employees who transferred to Optalis Limited under a contract for services dated 30 June 2011.

- 1.2 Any reference to a statute or statutory provision is a reference to it as it is in force from time to time, taking account of any change, extension, consolidation or re-enactment and includes any subordinate legislation for the time being in force made under it.
- 1.3 Clause headings in this Agreement are for convenience only and do not affect the construction of any provision.
- 1.4 References to any gender shall include the other genders and references to the singular shall include the plural and vice versa.
- 1.5 Any reference to a person (which for the purposes of this Agreement shall include a firm, unincorporated association, body corporate, government, state or agency of state, any association or partnership or joint venture (whether or not having a separate legal personality)) shall include its successors in title.
- 1.6 Any reference to a document **in the agreed form** shall be a reference to that document in the form agreed and initialled by or on behalf of each of the Shareholders for the purpose of identification and attached to this Agreement.

2 The business of the Company

- 2.1 The Shareholders acknowledge and agree that unless and until they agree otherwise, the business of the Company shall be the provision of Care Services to the Councils and to other customers in accordance with the Business Plan.
- 2.2 The Shareholders further acknowledge and agree that the purpose of the Company is: "To be a resilient, efficient and sustainable social care company capable of delivering high quality, innovative services to our customers, delivered by passionate and skilled staff." The aims will be to:
- transform and improve the delivery of adult services (both statutory and provider services) across both boroughs to achieve quality and value for money whilst influencing and shaping the local care markets;
 - secure the stability of the workforce, ensuring that staff are retained, and their continuous professional development is enabled; and
 - identify and deliver opportunities for joint commissioning to the benefit of both boroughs.
- 2.3 The Current Business Plan will apply in respect of the current financial year of the Company (namely 1 April 2021 to 31 March 2022). The Board will prepare and adopt a revised Business Plan for subsequent financial years by the end of January each year in respect of the following financial year and submit the Business Plan to the Shareholders for approval by the Authorised Representative by end of January in each year.
- 2.4 Each Business Plan shall be substantially in the format of the Current Business Plan and will deliver the purpose of the Company as set down in clause 2.1 and include the basis (in a form required by the Shareholders) of the calculation of the Annual Contract Price for all Councils.
- 2.5 Notwithstanding any other provision of this clause 2 following the requisite approval by the Company of a proposed new Business Plan or an amended or updated and revised Business Plan, such draft Business Plan shall become, or such amended or updated Business Plan shall become, the Business Plan of the Company. For any period when a proposed Business Plan presented under clause 2.3 has not been approved and adopted by the Company in accordance with this Agreement the relevant existing Business Plan shall continue to be the Business Plan of the Company.
- 2.6 The Business Plan shall become the adopted Business Plan of the Company once it has been approved by the Councils and the Authorised Representative shall notify the Company by end of March in each of year. Where the Councils do not agree to the Business Plan then such shall be referred to disputes resolution under clause 16 of this Agreement
- 2.7 The principal place of business of the Company and the principal place for management of the Company shall be within the county of Berkshire, unless otherwise agreed in writing by both Councils.
- 2.8 The Shareholders acknowledge and agree that they will as far as reasonably possible ensure that the Business of the Company is conducted in accordance with the Business Plan and good business practice.

- 2.9 Subject to the provisions of this Agreement, the Shareholders understand and agree that the Company shall use all reasonable and proper means to maintain and improve the Business.

3 Conduct of the Company's affairs

- 3.1 With the exception of those matters requiring consent pursuant to clause 8, the day-to-day management of the Company shall be vested in the Chief Executive Officer and his management team. Without prejudice to the generality of the foregoing, the Directors of the Company will determine the general policies of the Company and the manner in which the Business is to be carried out subject to the provisions of clause 5 and subject to those matters requiring consent pursuant to clause 8 and to any other express provisions of this Agreement. In particular, but without limitation to the generality of the foregoing, the Directors shall subject to the provisions of clause 5 and subject to the limitations in clause 8, exercise all voting rights and other powers of control available to them in relation to the Company so as to procure (in so far as they are able in the exercise of such rights and power) that, at all times during the term of this Agreement, the Company shall carry on and conduct its business and affairs in a proper and efficient manner, for its own benefit and in accordance with good business practices.
- 3.2 The Company shall not carry out any activity which would render the holding of Shares by any Shareholder unlawful provided that where a proposed change of law would render such shareholding unlawful such Shareholder will use all reasonable endeavours to take such steps as are necessary to allow it to continue lawfully to hold its Shares.
- 3.3 The Company will if it requires any approval, consent or licence for the carrying on of its Business in the manner in which it is from time to time carried on or proposed to be carried on, use all reasonable endeavours to obtain and maintain the same in full force and effect.
- 3.4 The Company shall permit any Director to discuss the affairs, finances and accounts of the Company at any time with any officers and employees of the Shareholder designated in writing by each Shareholder for this purpose. All books, records, accounts and documents relating to the business and the affairs of the Company shall be open to the inspection of any officers and employees designated in writing by each Shareholder for this purpose, who shall be entitled to make any copies thereof as he or she deems appropriate to keep the relevant Shareholder properly informed about the business and affairs of the Company or to protect its interests as a Shareholder. Any Confidential Information secured as a consequence of such discussions and examinations shall be kept confidential by the requesting Shareholder and its designated officers and employees in accordance with the terms of clause 19.
- 3.5 The Company agrees with the Shareholders that it will maintain effective and appropriate control systems in relation to the financial, accounting and record-keeping functions of the Company and will generally keep the Shareholders informed of the progress of the Company's business and affairs and in particular will procure that each Shareholder is given such information and such access to the officers, employees and premises of the Company as it may reasonably require for the purposes of enabling it to monitor its investment in the Company and to comply with its obligations under the Prudential Code for Local Authorities.
- 3.6 The Shareholders shall (to the extent that it is within their powers to do so) procure that the Company shall not breach nor cause any Council to be in breach of the relevant provisions of the Local Authorities (Companies) Order 1995, Part V of the Local Government and Housing

Act 1989 or the Local Government Public Involvement in Health Act 2007 or its obligations under the Public Contracts Regulations 2015.

- 3.7 The Company shall:
- 3.7.1 identify the participation of each Council on all its official business stationery; and
 - 3.7.2 not engage in any party political publicity.
- 3.8 The Company shall use its reasonable endeavours to ensure that:
- 3.8.1 no more than 19.99% of the total average annual turnover of the Company in any period of three financial years shall derive from activities undertaken for any person who is not a Shareholder or a person over which one or more Shareholders exercise Control (and for the purposes of this obligation only Control shall have the meaning attributed to it in Regulation 12(3) or 12(5) of the Public Contracts Regulations 2015); and
 - 3.8.2 the Company shall not accept any direct private capital participation (with the exception of non-controlling and non-blocking forms of private capital participation as may be required by English legislation, which do not exert a decisive influence on the Company).
- 3.9 In order to assist compliance with the provisions of clause 3.8 the Shareholders shall procure that oversight thereof will be undertaken by one of the RBWM Directors or Wokingham Directors who will report to the chief executives of the Councils.
- 3.10 Compliance with Regulation 12(4) of the Public Contracts Regulations 2015 (**2015 Regulations**) will be undertaken by the RBWM Director who is the Director of Adult Services and the Wokingham Director who is the Director of Adult Services who shall report to their respective Council chief executives in relation to such compliance. If any of the parties become aware that, for whatever reason, the Company no longer fulfils any of the requirements of Regulation 12(4) of the 2015 Regulations (**Teckal Non-Compliance**) or such Teckal Non-Compliance is likely to occur, it shall immediately notify the other party. Following such notification, the parties shall work together to ensure action is taken to either:
- 3.10.1 remedy the Teckal Non-Compliance; or
 - 3.10.2 take steps to prevent such Teckal Non-Compliance occurring.
- 3.11 Each Shareholder shall take all such steps and do all such acts and things as may be necessary or desirable, including, without limitation, exercising all voting and other rights and powers of control available to it, in relation to the Company so as to procure (insofar as it is able to do so by the exercise of those rights and powers) that at all times during the term of this Agreement:
- 3.11.1 the Company is managed in accordance with the objectives and provisions of this Agreement; and
 - 3.11.2 the Company performs and complies with all obligations on its part under this Agreement and the New Articles.

- 3.12 Subject to clause 3.13 the Shareholders acknowledge that in relation to the Business the Company may limit the amount available for distribution to a nominal amount by returning any efficiency savings and private income generated by any service to each Council prior to the Company's year end.
- 3.13 In the event that the Shareholders agree pursuant to clause 2.1 (but subject at all times to clause 3.8 and clause 8.1.15) that the Company undertakes any commercial activities other than in relation to the Business then unless and until otherwise agreed in writing by each of the Shareholders the full amount of the profits of the Company available for distribution according to the audited accounts for each financial period relating to such commercial activities shall be distributed by the Company by way of dividend subject only to such reserve as the Board of Directors considers to be necessary to meet future liabilities (contingent or otherwise) of the Company;

4 Directors

- 4.1 The Directors will (subject to the appointment of any non-executive director pursuant to clause 4.6) consist of five members, being two RBWM Directors and two Wokingham Directors and the Chief Executive Officer.
- 4.2 RBWM shall have the right to maintain in office two natural persons as RBWM Directors and to remove any RBWM Director so appointed and upon his removal, whether by his appointor or otherwise, to appoint another person to act as a RBWM Director in his place. Such persons shall comprise the RBWM Director of Adult Services and the Lead Member of RBWM.
- 4.3 Wokingham shall have the right to maintain in office two natural persons as Wokingham Directors and to remove any Wokingham Director so appointed and upon his removal, whether by his appointor or otherwise, to appoint another person to act as a Wokingham Director in his place. Such persons shall comprise the Wokingham Director of Adult Services and the Lead Member of Wokingham.
- 4.4 The Chief Executive Officer shall be appointed by ordinary resolution of the Shareholders.
- 4.5 The Chairman of the Board shall be the Lead Member from either the RBWM Directors or the Wokingham Directors. The Chairman of the Board shall rotate every six months between the Lead Member RBWM Director and the Lead Member Wokingham Director. The deputy chairman of the Board shall (during the period that a RBWM Director is Chairman of the Board) be the Lead Member Wokingham Director and shall (during the period that a Wokingham Director is Chairman of the Board) be the Lead Member RBWM Director.
- 4.6 If both Shareholders request then the RBWM Directors and Wokingham Directors shall appoint by unanimous decision such non-executive directors as are so requested.
- 4.7 A Directors' meeting shall be held no less than every three months at a location within the county of Berkshire. The Chief Executive Officer (or such agreed substitutes) shall provide a regular report to the Board of Directors at each meeting on each area of the Company's operations – Company Report, Provider Services, Statutory Services, Finance and Performance, HR and Corporate Services. Additional reports may be added as requested by the Board.

For the avoidance of doubt, meetings of the Board of Directors can be called at other times by notice in writing in accordance with the New Articles.

- 4.8 The quorum for the transaction of business at meetings of the Company shall be as required in paragraph 5 of this Agreement **provided that** if a quorum is not present in respect to a decision required by paragraph 5.4, then the attendees present may adjourn the meeting to a date not less than five Business Days later, and the quorum for a meeting adjourned in accordance with this clause and held at such later date shall be any two Directors of the Company.
- 4.9 Not less than five Business Days' notice shall be given to each of the Directors of the Company which shall include an agenda specifying in reasonable detail the matters to be discussed, together with any relevant papers for discussion at such meeting. This provision may be waived if all the Directors who attend the meeting agree.
- 4.10 The Company will supply the agendas and support papers to the Board of Directors and shall do so at the same time, as far as possible, as the Board of Directors receives those agendas and papers (except for minutes, which need only be supplied after signature).
- 4.11 The Councils shall ensure that its appointed Directors of the Company shall attend the meeting.
- 4.12 The Chief Executive Officer shall manage the conduct of Board meetings and shall seek to ensure that a decision is reached. In the event of deadlock on any vote, the Chief Executive Officer shall refer the matter for mediation in accordance with clause 16 unless a Wokingham Director and a RBWM Director both confirm that no such referral shall be made.
- 4.13 The Company will appoint a Company Secretary or seek company secretarial advice from a suitable qualified third party who will in addition to advising the Board on all compliance matters will advise on the operation of this Agreement.

5 Director decision making/appointment of committees

Decision making within the Company shall be as follows:

- 5.1 The CEO shall make all operational decisions of the Company for the day to day running of the Company within the Operating Budget and/or the Business Plan. The CEO may delegate such decisions to any of the other Directors.
- 5.2 Any decision of the Company which impacts on one Council only shall (to the extent that it is not an operational decision for the running of the Company within the Operating Budget and/or the Business Plan) be delegated pursuant to article [24] of the Company's articles of association to a committee consisting of the (i) CEO and (ii) either the Wokingham Directors or the RBWM Directors (depending on the Council affected by such decision).
- 5.3 Any decision of the Company which relates to matters of incurring additional financial cost, risk, or negative publicity having an impact on one Council only or which may require one Council to increase its budget (unless included within the Operating Budget and/or the Business Plan) (including without limitation any decision to vire budgets for that Council's services and/or a request for further budgets from that Council) shall be delegated pursuant to article 24 of the

Company's articles of association to a committee consisting of either the Wokingham Directors or the RBWM Directors (depending on the Council affected by such decision).

- 5.4 Any decision of the Company which relates to matters of incurring additional financial cost, risk, or adverse publicity having an impact on the Company alone or to its services or to any matters which relates to both Councils shall be taken by the Board as a whole provided that all decisions must require the unanimous consent of all of the Councils Directors.
- 5.5 The quorum required under paragraph 5.2 and 5.3 shall be both Council Directors of the relevant Council and under paragraph 5.4 shall be all Council Directors.
- 5.6 The Councils and the Company acknowledges that the relevant Council Directors shall modify, expand or add to those matters considered to of 'financial cost, risk, or adverse publicity' and shall notify the Company and the CEO from time to time of such matters. The Council Directors shall endeavour to agree a consistent approach to such matters where possible.

6 Authorised Representatives/Shareholder consent

- 6.1 Where the consent of the Councils acting as Shareholder or otherwise is to be given under the provisions of this Agreement such consent shall be required from the chief executives of the Councils who may delegate the giving of such consent to one of the Council's officers (which includes the Council Directors provided that no conflict between directorship and their Council role exists).

7 Objectives

- 7.1 The Councils agree that the objectives of the Company are:
- 7.1.1 to be the provider of adult social care services including but not limited to the provision of the Care Services to the Councils and provider under the Care Services Contract;
 - 7.1.2 to provide high quality services to its residents at best value for money;
 - 7.1.3 to generate income from private payers and third party councils;
 - 7.1.4 to ensure the Councils to comply with their statutory duties in relation to Care Services and to fulfil the requirements of the Business Plan;

and that the decisions of the Company should be made in accordance with these aims and objectives.

- 7.2 Where opportunities for the provision of new services arise, the Councils agree that the Company is offered the first opportunity to provide such services as 'provider of first choice'. The Councils are not required to accept any offer for the provision of such services and (acting reasonably) may, directly or indirectly perform, undertake, procure, participate, compete, solicit, encourage, or initiate any part of the Care Services itself or from a third party. The reasons for not accepting the offer from the Company will be reasonably explained.

- 7.3 Clause 7.1 or 7.2 shall not prevent either Council from purchasing from Existing Commissioning Contracts or from subcontracting or securing Care Services where agreed with the other Council.

8 Reserved Matters and Ongoing Duties

- 8.1 Each of the parties shall take all such steps and do all such acts and things as may be necessary or desirable, including, without limitation, exercising all voting and other rights and powers of control available to it in relation to the Company, so as to procure (insofar as it is able to do so by the exercise of those rights and powers) that at all times during the term of this Agreement, the Company shall not, except as approved in the Business Plan of the Company or with the unanimous consent of the Authorised Representatives (who shall take their decision having regard to their Council's constitutional requirements) take any action or pass any resolution in respect of:

- 8.1.1 altering in any respect its articles of association or the rights attaching to any of its shares;
- 8.1.2 entering into any arrangement, contract or transaction resulting in expenditure either with a capital or revenue value in excess of £50,000.
- 8.1.3 engaging in any business with any party other than the Councils other than as contemplated by the Business Plan and Operating Budget or defraying any monies other than in good faith for the purposes of or in connection with the carrying on of such business;
- 8.1.4 changing the nature of the Business;
- 8.1.5 entering into any borrowing, credit facility or investment arrangement (other than trade credit in the ordinary course of business) that has not been approved by the Company under the Business Plan;
- 8.1.6 approving the appointment of auditors;
- 8.1.7 adopting, replacing or modifying the Business Plan in respect of each financial year, which shall include the adoption and amendment of an Operating Budget other than where such adoption, replacement or modification involves an expenditure of no more than £50,000 in any financial year;
- 8.1.8 appointing or removing any Directors (other where permitted by this Agreement);
- 8.1.9 amending in any material respect the terms and conditions on which any Director of the Company is employed;
- 8.1.10 amalgamating or merging with any other company or business undertaking;
- 8.1.11 forming any subsidiary undertakings (as defined in Section 1162 of the Companies Act 2006) or acquiring shares in any other company or participating in any partnership or joint venture (incorporated or not) with a view to providing services to third parties;

- 8.1.12 making any acquisition or disposal of any material asset(s);
- 8.1.13 allotting any shares in the Company;
- 8.1.14 passing any resolution for the winding up of the Company or presenting any petition for the administration of the Company, other than where the Company is insolvent;
- 8.1.15 undertaking any services other than Care Services to the Councils or the provision of Care Services by the Company to any third party; and
- 8.1.16 any matters which both Authorised Representatives agree should be added to the list in this clause 8.1.

9 Production of accounts and reports

- 9.1 The Company shall instruct its auditors to prepare and audit a balance sheet of the Company, as at the Annual Accounts Date each year and a consolidated profit and loss account of the Company, for the 12 month financial period ending on the Annual Accounts Date each year to be presented to the Shareholders in accordance with the timetable set out in Schedule 2 after the end of the period to which such accounts relate.
- 9.2 The Company will provide to the Shareholders full details of any actual or prospective material change in the Business or the financial position or affairs of the Company, as soon as such details are available.
- 9.3 All accounts referred to in this clause shall be prepared in pounds sterling and in accordance with applicable law and generally accepted accounting standards, principles and practices in the United Kingdom.
- 9.4 The Shareholders shall procure that the Company maintains a separation of finances relating to each Council's services in all aspects other than central management costs, which shall be apportioned as per the formula set out in paragraph 5.2 of Schedule 2.
- 9.5 The Board will provide such reports to the Councils as their chief executives and their respective Council Directors shall agree. The Councils shall seek to have the same reporting requirements and timings.

10 Anti-corruption

- 10.1 In this clause:

Adequate Procedures: means adequate procedures, as referred to in section 7(2) of the Bribery Act 2010 and any guidance issued by the Secretary of State under section 9 of the Bribery Act 2010.

Associated Person: means in relation to a party to this Agreement, any person (including an officer, employee or agent) who performs services for or on behalf of that party.

Corrupt Activity: means extortion, fraud, deception, collusion, cartels, abuse of power, embezzlement, trading in influence, money-laundering or any similar activity including without limitation any activity, practice or conduct which would constitute an offence under sections 1, 2 or 6 Bribery Act.

- 10.2 Each Shareholder declares and undertakes to the other parties that:
- 10.2.1 it has not and will not in relation to the Company or the operation of the Business, engage in any Corrupt Activity;
 - 10.2.2 it will not authorise or acquiesce in or turn a blind eye to, any Corrupt Activity;
 - 10.2.3 it has and will maintain in place, or in the case of the Company it will put and maintain in place, Adequate Procedures designed to prevent any Associated Person from undertaking any conduct that would give rise to an offence under section 7 of the Bribery Act 2010;
 - 10.2.4 it has not and will not engage in any activity, practice or conduct which could place the Company or any other party in breach of section 7(1) Bribery Act;
 - 10.2.5 from time to time, at the reasonable request of the other party, it will confirm in writing that it has complied with its undertakings under this clause 10.2 and will provide any information reasonably requested by the other party in support of such compliance; and
 - 10.2.6 it will ensure that its Associated Persons will comply with its commitments under this clause 10.

11 Transfer of Shares

- 11.1 If such has not been achieved by the date of this Agreement, the Councils agree that they will undertake any actions required to ensure the transfer of shares in the Company to achieve an equal shareholding between Councils (whether in the Company or by way of shareholding in any parent company) and authorise the Council Directors and the Authorised Representatives to perform all actions to achieve such.
- 11.2 Except with the prior written consent of the other Shareholders each Shareholder shall comply with the provisions relating to the issue and transfer of Shares contained in the New Articles.
- 11.3 The Company shall procure that no person who acquires Shares in the Company (whether by transfer or allotment or otherwise) (a **New Shareholder**) shall be registered as their holder unless or until he has entered into a Deed of Adherence.
- 11.4 A New Shareholder who has entered into a Deed of Adherence in accordance with clause 11.3 shall have all the rights and obligations as if he were an original party to this Agreement in the capacity of a Shareholder.

12 Conflict with the New Articles and Care Services Contract

In the event of any ambiguity or discrepancy between the provisions of this Agreement and the New Articles and/or a Care Services Contract, then it is the intention of the Shareholders that the provisions of this Agreement shall prevail. Accordingly, each Shareholder (so far as each is able) shall take all such steps and do all such acts and things as may be necessary or desirable, including, without limitation, exercising all voting and other rights and powers of control available to it in relation to the Company, so as to give effect to the provisions of this Agreement and shall further if necessary procure (insofar as it is able to do so by the exercise of those rights and powers) any required amendment to the New Articles and/or a Care Services Contract.

13 No fetter

Nothing in this Agreement shall operate to bind the Company or any Council to the extent that it constitutes an unlawful fetter on any statutory power of the Company or such Council.

14 Variations and Changes to Care Services

14.1 Any variation or change to the Care Services may be proposed by a Council and submitted to the Company by the Authorised Representative of that Council.

14.2 Any variation or change to the Care Services may be proposed by the CEO.

14.3 Any proposal for a variation or change to the Care Services must be accompanied by a full service and costs specification.

14.4 The Councils agree that any variation to the Care Services under any Care Services Contract shall require the proposing Council to notify the Company and the Authorised Representative of the other Council of the proposed variation with the purpose of ascertaining whether the other Council wishes to participate in the proposed variation

14.5 Any variation or change to the Care Services which impacts one Council shall only be implemented by the Company after it has been approved by the committee of that Councils Directors referred to in clause 5.2 provided and such variation or change :

14.5.1 is funded entirely by the Council requesting the variation or change; and

14.5.2 does not impact on the Care Services delivered to the non-requesting Council.

and in the circumstances where the other Council Directors object to the variation or change then the CEO will refer the matter for dispute resolution under clause 16 provided that where the CEO considers that the objection is on grounds in paragraph 14.4.1 only then the Company will implement the decision before the outcome of any dispute process

14.6 Any variation or change to the Care Services which impacts both Councils may only be approved by the unanimous consent of both Council's Directors.

- 14.7 The CEO will advise the Councils on the impact (including financial impact on shared costs, such as Central Management Costs referred to in Schedule 2) on the submitted variation or change to the Care Services and will determine whether the submitted variation or change impacts one or both Councils. In the event that a Council disputes the CEO's determination the matter will be determined in accordance with the provisions of clause 16.
- 14.8 If any Council proposes that the Company provides services other than the Care Services or provides Care Services to a third party it shall present to the Board all costings and a business plan relating thereto, together with an assessment report on how the proposal would affect the Company's existing Care Services.

15 Funding arrangements

- 15.1 Each Council is responsible for funding the full share of the Annual Contract Price of the Care Services that the Company delivers on its account and shall comply with Schedule 2 of this Agreement in relation to the funding of the Company and payment for Care Services.
- 15.2 There is no financial cross subsidy of services between the two Councils.
- 15.3 Where the same Care Services are delivered for both Councils, assurance will be provided by the Chief Executive Officer that neither Council's outcomes will be negatively impacted by an integrated approach.
- 15.4 The detail of the potential costs involved will be shared with both Directors of Adult Social Services by not later than 31 October in the preceding financial year based on the proportion of provider services commissioned by both Councils in the Company.
- 15.5 The Councils and the Company agree that they shall use reasonable endeavours to achieve the Savings in each financial year as agreed with each Council. To the extent that there is a shortfall in Savings required by either Council in respect of the Savings made, that party shall choose either to be responsible for contributing the shortfall to the Company or shall have its Care Services reduced accordingly. The Company shall be required to use reasonable endeavours to achieve the Savings and minimise any such Costs.
- 15.6 The Councils agree that each Council shall bear the cost of any insurance excess arising under their respective Care Services Contracts.
- 15.7 The Councils agree that all costs, losses, liabilities or profits of Wokingham Care Services (whether within the Company or provided directly by Wokingham) prior to the 3rd April 2017 shall be the responsibility or benefit of Wokingham.
- 15.8 The Councils agree that all costs, losses, liabilities or profits of RBWM Care Services prior to the 3rd April 2017 shall be the responsibility or benefit of RBWM.

16 Deadlock/Dispute Resolution

- 16.1 In the event of any deadlock under this Agreement (which shall include any deadlock of the Board as referred to in clause 4.12) (**Deadlock**) or in the event of any dispute under this Agreement (**Dispute**) any Deadlock/Dispute shall be referred by any Director, by the issue of notice to the Authorised Representative and Leaders in each Council in writing (**Deadlock/Dispute Notice**) that a Deadlock/Dispute has arisen.
- 16.2 If the Authorised Representative and Leaders do not resolve the dispute within 30 days of the date of receipt of the Deadlock/Dispute Notice then unless the Authorised Representative of Wokingham and RBWM both agree a further period to resolve the dispute, then either Authorised Representative shall initiate mediation and Wokingham and RBWM will enter into mediation in good faith to settle such Deadlock/Dispute and will do so in accordance with the CEDR Model Mediation Procedure. Unless otherwise agreed between Wokingham and RBWM within 14 days of notice of the Deadlock/Dispute, the mediator will be appointed by CEDR pursuant to this clause 16.2.
- 16.3 Each party shall bear its own costs in relation to the reference to the mediation.
- 16.4 Subject to FOIA all matters concerning the process and result of the mediation shall be kept confidential among the parties.
- 16.5 If and to the extent that the parties do not resolve any Deadlock/Dispute or any issue in the course of any CEDR mediation, then either party acting by Authorised Representative may refer the unresolved Deadlock/Dispute for resolution by binding arbitration under the LCIA Arbitration Rules, which Rules shall be deemed to be incorporated by reference to this clause. The number of arbitrators shall be one and the seat or legal place of arbitration shall be London.
- 16.6 The parties agree that they shall resolve any Deadlock or Dispute in accordance with the provisions of clauses 16.1 to 16.5 above and that:
- 16.6.1 they shall not commence court proceedings in relation to any Deadlock or Dispute; and
 - 16.6.2 they shall not refer any Deadlock or Dispute to any arbitration proceedings other than those referred to in clause 16.5.

17 Duration and termination

- 17.1 This Agreement shall continue in full force and effect, unless otherwise agreed in writing by the Shareholders until the earlier of the following events:
- 17.1.1 2nd April 2027;
 - 17.1.2 both of the Shareholders agree in writing to terminate this Agreement;
 - 17.1.3 one Shareholder issuing a minimum of 12 months notice in writing to the other Shareholder that it wishes to terminate this Agreement (any such notice to expire no

less than 12 months from its issue) and this will not be issued any sooner than 1 April 2023;

17.1.4 the date of expiry or termination (as applicable) of any one of the Care Services Contracts where the Shareholder does not renew a Care Service Contract; or

17.1.5 an effective resolution is passed or a binding order is made for the winding up of the Company;

provided that this Agreement shall cease to have effect as regards any Shareholder who ceases to hold any Shares in the Company, except for any provisions which are expressed to continue in force thereafter.

17.2 Termination of this Agreement shall not affect any rights, remedies, obligations or liabilities of the Shareholders under this Agreement that have accrued up to the relevant date of termination and up until such date the Company will continue to deliver the Care Services in accordance with the Care Services Contracts and any other services which it has undertaken to provide.

17.3 Where this Agreement is to be terminated pursuant to clause 17.1:

17.3.1 where one Shareholder has given notice to terminate this Agreement then within three months thereof (or if this Agreement expires pursuant to 17.1.1 then at least three months prior to 2nd April 2027) the Shareholders shall agree the exit arrangement that will apply following termination. This will include proposals for post termination delivery of Care Services. In default of any agreement in relation thereto, the Company shall progress termination formalities on the basis that the Care Services provided to the Company prior to termination will be transferred back to the commissioning Council and post termination shall be provided by that Council;

17.3.2 all costs and liabilities of the Company resulting from termination (including, without limitation, pension and redundancy costs) will be borne by the Shareholders in the proportions set out in Schedule 2 depending on the type of cost incurred provided that costs in relation to the following specific matters will be borne as follows:

(a) all project costs will (unless otherwise referred to in this clause 17.3.2) be shared between the Councils on a 50/50 basis;

(b) all property related costs (other than in relation to Trinity Court) will be borne by the Council in whose area the property is located;

(c) all costs associated with Trinity Court will be apportioned and treated as if they were Central Management Costs falling within paragraph 5.2.1 of Schedule 2. Any liabilities that can be determined at the date of termination will be discharged at that time in such proportions. Unless only one Council decides to occupy Trinity Court (whereupon costs and liabilities in relation thereto shall be discharged by that party) all subsequent liabilities in relation thereto shall be borne by the Councils equally and any income derived therefrom shall be paid to the Councils in equal proportions; and

- (d) if any contracts of employment of any employees of the Company are transferred to a Council (or a Council offers employment to an employee of the Company) then any such transfer/new employment will constitute a deemed payment by that Council in respect of 100% of any redundancy and other termination costs that would otherwise have been incurred by the Company in respect of those employees and an adjustment will be made in the overall calculation of the termination costs payable by the Company in respect of the employees to reflect that such costs were not assumed in the proportions set out in Schedule 2;
- 17.3.3 to act fairly and equitably and in good faith as between themselves in respect of such termination such that no party should unduly benefit or be disadvantaged compared with the others and that the most appropriate approach applicable in the relevant circumstances should be adopted wherever possible, having regard to the Shareholders' respective duties (provided nothing in this clause 17.3.3 shall affect the provisions of clauses 17.3.1 and 17.3.2).; and
- 17.3.4 to ensure that as far as legally possible, there is good, timely, open and effective communication between the Shareholders, particularly leading up to such termination.
- 17.4 Upon termination of this Agreement pursuant to clause 17.1.5, the Shareholders shall (save as provided above):
 - 17.4.1 do all such acts and things as are necessary to procure (so far as they are able) (including, without limitation, the holding of a general meeting of the Company and the passing of appropriate Shareholder resolutions) that the Company be wound up and the Shareholders shall be responsible for all Costs associated with such winding-up in accordance with the Shareholding Proportion; and
 - 17.4.2 return any Confidential Information and Intellectual Property Rights to the Shareholder who originally provided it to the other Shareholder and/or the Company and procure the return by the Company of Confidential Information and Intellectual Property Rights and procure that the Company remove from its computer systems (to the extent possible) any such Confidential Information held by it.

18 2017 Shareholders Agreement

The parties hereby agree that this Agreement shall supersede the terms of the 2017 Shareholders Agreement.

19 Confidentiality

19.1 This clause applies to:

- 19.1.1 all information of a confidential nature disclosed (whether in writing, verbally or by any other means and whether directly or indirectly) by one party to the other party whether before or after the date of this Agreement;

19.1.2 any information concerning the business affairs of one party or other information confidential to that party which the other party learns as a result of the relationship between the parties pursuant to this Agreement;

including any information relating to any party's products, operations, processes, plans or intentions, product information, know-how, design rights, trade secrets, market opportunities and business affairs (together, **Confidential Information**).

19.2 In this clause, in relation to a particular item of Confidential Information:

19.2.1 the **Disclosing Party** means the party by whom (or on whose behalf) that Confidential Information is disclosed or (where there is no such disclosure) the party to whom the Confidential Information relates, or to whom the Confidential Information is proprietary or who otherwise desires that the confidentiality of the Confidential Information is respected; and

19.2.2 the **Receiving Party** means the other party.

19.3 During the term of this Agreement and after termination of this Agreement for any reason whatsoever, the Receiving Party shall:

19.3.1 keep the Confidential Information confidential;

19.3.2 not disclose the Confidential Information to any other person other than with the prior written consent of the Disclosing Party or in accordance with this clause 19; and

19.3.3 not use the Confidential Information for any purpose other than the performance of its obligations and the exercise of its rights under this Agreement.

19.4 Notwithstanding clause 19.3, the Receiving Party may disclose Confidential Information as follows:

19.4.1 to its professional advisers (each, a **Recipient**) providing the Receiving Party ensures that each Recipient is made aware of and complies with all the Receiving Party's obligations of confidentiality under this Agreement as if the Recipient was a party to this Agreement; and

19.4.2 to other parties to this Agreement, and where disclosure is required by law, by any court of competent jurisdiction or by any appropriate regulatory body.

19.5 This clause 19 shall not apply to any Confidential Information which:

19.5.1 is at the date of this Agreement or at a later date comes into the public domain other than through a breach of this Agreement by the Receiving Party or any Recipient;

19.5.2 was known by the Receiving Party before receipt from (or on behalf of) the Disclosing Party (or, as appropriate, before the Receiving Party learnt of the same pursuant to this Agreement) and which had not previously been obtained under an obligation of confidence; or

- 19.5.3 subsequently comes lawfully into the Receiving Party's possession from a third party, free of any obligation of confidence.
- 19.6 Each party acknowledges that the other parties are subject to the requirements of the FOIA, the Environmental Information Regulations and other access to information and propriety controls as provided in legislation, and shall facilitate each party's compliance with its Information disclosure requirements pursuant to and in the manner provided for in clauses 19.7 to 19.10.
- 19.7 If a party (the **Recipient**) receives a Request for Information in relation to Information that another party is holding and which the Recipient does not hold itself, the Recipient shall refer to the other party such Request for Information as soon as practicable and in any event within five (5) Business Days of receiving a Request for Information, and the other party shall:
- 19.7.1 provide the Recipient with a copy of all such Information in the form that the Recipient requires as soon as practicable and in any event within 10 Business Days (or such other period as the Recipient acting reasonably may specify) of the Recipient 's request; and
- 19.7.2 provide all necessary assistance as reasonably requested by the Recipient to enable the Recipient to respond to a Request for Information within the time for compliance set out in Section 10 of the FOIA or Regulation 5 of the Environmental Information Regulations.
- 19.8 Following notification under clause 19.7, and up until such time as the other party has provided the Recipient with all the Information specified in clause 19.7, the other party may make representations to the Recipient as to whether or not or on what basis Information requested should be disclosed, and whether further information should reasonably be provided in order to identify and locate the information requested, provided always that the Recipient shall be responsible for determining, at its absolute discretion:
- 19.8.1 whether Information is exempt from disclosure under the FOIA and the Environmental Information Regulations; and
- 19.8.2 whether Information is to be disclosed in response to a Request for Information, and in no event shall the other party respond directly to a Request for Information.
- 19.9 The Company acknowledges that (notwithstanding the provisions of clause 19.3) each Council may, acting in accordance with the Department of Constitutional Affairs' Code of Practice on the Discharge of Functions of Public Authorities under part I of the FOIA, be obliged under the FOIA or the Environmental Information Regulations to disclose Information concerning the Company:
- 19.9.1 in certain circumstances without consulting with the Company; or
- 19.9.2 following consultation with the Company and having taken its views into account.
- 19.10 The Company shall transfer to the relevant Council any Request for Information received by it as soon as practicable and in any event within three Business Days of receiving it.

- 19.11 The parties acknowledge that any lists provided which list or outline Confidential Information are of indicative value only and that each party may nevertheless be obliged to disclose Confidential Information in accordance with clause 19.9.

20 General

- 20.1 Except where this Agreement provides otherwise, each party shall pay its own costs relating to or in connection with the negotiation, preparation, execution and performance by it of this Agreement and of each agreement or document entered into pursuant to this Agreement and the transactions contemplated by this Agreement.
- 20.2 No variation of this Agreement shall be valid unless it is in writing and signed by or on behalf of each of the parties.
- 20.3 No delay, indulgence or omission in exercising any right, power or remedy provided by this Agreement or by law shall operate to impair or be construed as a waiver of such right, power or remedy or of any other right, power or remedy.
- 20.4 No single or partial exercise or non-exercise of any right, power or remedy provided by this Agreement or by law shall preclude or restrict any other or further exercise of such rights, power or remedy or of any other right, power or remedy.
- 20.5 A waiver of a breach of any of the terms of this Agreement or of a default under this Agreement does not constitute a waiver of any other breach or default and shall not affect the other terms of this Agreement.
- 20.6 A waiver of a breach of any of the terms of this Agreement or of a default under this Agreement will not prevent a party from subsequently requiring compliance with the waived obligation.
- 20.7 The rights and remedies provided by this Agreement are cumulative and are not exclusive of any rights, powers or remedies provided by law.
- 20.8 If any provision of this Agreement is or becomes illegal, invalid or unenforceable under the law of any jurisdiction, that shall not affect or impair:
- 20.8.1 the legality, validity or enforceability in that jurisdiction of any other provision of this Agreement; or
- 20.8.2 the legality, validity or enforceability under the law of any other jurisdiction of that or any other provision of this Agreement.
- 20.9 This Agreement, and the documents referred to in it, constitute the entire agreement and understanding between the parties and supersede any previous agreement, understanding or arrangement between the parties relating to the subject matter of this Agreement.
- 20.10 Each of the parties acknowledges and agrees that:
- 20.10.1 in entering into this Agreement, and the documents referred to in it, it does not rely on, and shall have no remedy in respect of, any statement, representation, assurance, warranty or understanding of any person (whether party to this

Agreement or not) other than as expressly set out in this Agreement or those documents;

20.10.2 the only remedy available to it arising out of or in connection with this Agreement or its subject matter shall be for damages for breach of contract under the terms of this Agreement;

20.10.3 nothing in this clause shall operate to limit or exclude any liability for fraud.

20.11 Save for a person who enters into a Deed of Adherence pursuant to clause 11.3, no person who is not a party to this Agreement shall have any right to enforce this Agreement or any agreement or document entered into pursuant to this Agreement pursuant to the Contracts (Rights of Third Parties) Act 1999.

21 Assignment

This Agreement is personal to the parties and neither party shall assign, transfer, charge, make the subject of a trust or deal in any other manner with this Agreement or any of its rights or obligations under it, or purport to do any of the same, nor sub-contract any or all of its obligations under this Agreement without the prior written consent of the other party save where the Council's function are transferred or assigned to a successor body. Each party is entering into this Agreement for its benefit and not for the benefit of another person.

22 No partnership or agency

Nothing in this Agreement is intended to or shall operate to create a partnership, or to authorise any party to act as agent for any other or to establish any other fiduciary relationship between the parties. No party shall have authority to act in the name or on behalf of or otherwise to bind any other party in any way (including but not limited to the making of any representation or warranty, the assumption of any obligation or liability and the exercise of any right or power).

23 Notices

23.1 Any notice or other communication given under this Agreement:

23.1.1 shall be in writing;

23.1.2 shall be signed by or on behalf of the party giving it;

23.1.3 shall be served either by:

(a) delivering it by hand or sending it by pre-paid recorded delivery or registered post at the address set out in clause 23.2 of the party due to receive it and marked for the attention of the person named in clause 23.2 (or at such other address in the United Kingdom or marked for the attention of such other person as last notified in writing to the other parties); or

(b) by sending an email to the persons referred to in clause 23.2;

23.1.4 shall be deemed to have been received:

- (a) if delivered by hand, at the time of actual delivery;
- (b) in the case of pre-paid recorded delivery or registered post, two Business Days after the date of posting; and
- (c) in the case of email at the time of transmission.

23.2 The addresses of the parties for the purposes of clause 23.1 are as set out at the beginning of this Agreement and the notice details are as follows:

Wokingham

Attention: Director of Adult Services

Address: Council Offices, Shute End, Wokingham, Berkshire RG40 1BN

Email: email address of DASS

RBWM

Attention: Executive Director of Adults, Health and Housing

Address: Town Hall, St Ives Road, Maidenhead SL6 1RF

Email: strategic.commissioning@rbwm.gov.uk

Company

Attention: Chief Executive Officer

Address: Trinity Court, Molly Millers Lane, Wokingham, Berkshire RG41 2PY

Email: email address of CEO

23.3 Delivery of a notice is deemed to have taken place:

- 23.3.1 if delivered by hand, at the time that the notice is left at the relevant address;
- 23.3.2 if sent by post, at 9am on the second Business Day after posting; and
- 23.3.3 if sent by email, at the time of transmission.

23.4 This clause 23 does not apply to the service of any legal proceedings or other documents in any legal action.

24 Announcements and Reporting

- 24.1 Should either party wish to make an announcement relating to the Company or the Company's Group, the announcement shall be approved in writing by both parties before such announcement is made.
- 24.2 Any reports or information provided to the Councils where such is to be placed into the public domain shall be agreed between the Councils before any supply or publication is made.
- 24.3 Nothing in clause 24.1 and 24.2 shall prevent each Council from publishing information in respect to this Agreement and the Company where required as part of each Council's constitutional requirements or any legal requirements.

25 Counterparts

This Agreement may be executed in any number of counterparts and by different parties on separate counterparts (which may be facsimile copies), but shall not take effect until each party has executed at least one counterpart. Each counterpart shall constitute an original, and all the counterparts together shall constitute a single agreement.

26 Applicable law

The parties agree that this Agreement and any dispute or claim arising out of or in connection with this Agreement, its negotiation or its subject matter, or any non-contractual obligation arising in connection with the foregoing, shall be governed by and construed in accordance with English law.

This Agreement has been entered into on the date stated at the beginning of it.

Schedule 1 Deed of Adherence

Deed of Adherence

dated 20[]

By [Limited] a company incorporated in England and Wales (registered number []) whose registered office is at [] (the **New Shareholder**) in favour of the persons whose names and addresses are set out in the Schedule to this Deed (the **Continuing Parties**).

Introduction

- (A) This Deed is supplemental to a Shareholders' Agreement dated 2017 the Council and the Company (the **Shareholders' Agreement**) and to [insert details of any subsequent Deeds of Adherence or Amendment].
- (B) The New Shareholder wishes to [subscribe for] [acquire] [] Shares in the capital of the Company [from Transferor].
- (C) Clause [] of the Shareholders' Agreement provides that no person other than a Shareholder shall acquire shares in the Company (whether by way of transfer or allotment or otherwise) unless he enters into a Deed of Adherence in substantially the form of this Deed.

Agreed terms

- 1 The New Shareholder confirms that [he/it] has been given a copy of the Shareholders' Agreement and covenants with the Continuing Parties to observe, perform and be bound by every provision of the Shareholders' Agreement (other than the Excluded Clauses) as if the New Shareholder had been an original party to it.
- 2 In this Deed the Excluded Clauses shall mean clauses [insert numbers of clauses to be excluded i.e. ones containing a personal obligation] of the Shareholders' Agreement.
- 3 Unless the context requires otherwise, words and expressions defined in the Shareholders' Agreement shall have the same meanings when used in this Deed.
- 4 This Deed shall be governed by and construed in accordance with English law.

This Deed of Adherence has been executed as a deed and is delivered and takes effect on the date stated at the beginning of it.

Schedule

[Insert names and addresses of Continuing Parties]

Schedule 2 Operating Budget

1 Duration and Effect

1.1 In this Schedule the following definitions shall have effect:

1.1.1 **Contract Price** means the price payable to the Company under the Council's Care Service Contract and includes the costs of Care Services provided directly by the Company to the Council or Commissioned Services.

1.1.2 **Commissioned Services** means Care Services which are provided by a party other than the Company to the Councils.

1.2 The Operating Budget and Contract Price shall be determined in accordance with this Schedule.

1.3 The Operating Budget for financial year commencing April 2021 shall be as stated in the annexure to this Schedule and marked 'RBWM Budget 21/22' and 'Wokingham Budget 21/22'.

1.4 The Contract Price for each financial year commencing April 2021 shall be calculated in accordance with this Schedule.

2 Budget Setting

2.1 In each financial year, the Company will submit the Contract Price for the following year to the respective Directors of Adults Services of the Councils at least 5 months prior to the end of the current financial year. The Contract Price shall include the full Operating Budget, the Contract Price for each Council and the methodology of apportioning costs.

2.2 The Contract Price will be full cost of providing the Care Services under each Council's Care Services Contract and will include consideration of matters such as:

2.2.1 the full costs of the directly provided Services by the Company (including Central Management Costs, Support Services Costs, Restricted Purpose Costs, Services (direct sole provision) and Services (direct joint provision)) and shall include matters such as (but not limited to):

- (a) costs for management overhead;
- (b) central overhead costs such as utilities, property, vehicles;
- (c) staffing costs;
- (d) regulatory and compliance costs;
- (e) insurance costs; and
- (f) jointed funded staffing costs (funded with third party organisations).

2.2.2 income received from third parties including from private payers, third party councils, rent or licence fees;

- 2.2.3 expenditure incurred to third parties include rent payable in respect to occupation of property;
 - 2.2.4 ancillary pension costs (including those eligible employees who have not joined in previous financial years);
 - 2.2.5 ancillary parking and accommodation charges including taxes and utilities;
 - 2.2.6 costs of all support services necessary to deliver the Services
 - 2.2.7 any planned Savings required by the Councils; and
 - 2.2.8 Commissioned Services.
- 2.3 The Company will also submit a payment plan and financial profile for Care Services and Commissioned Services will includes payment dates when monies will be payable to the Company by the Councils during the financial year.
- 2.4 In relation to Commissioned Services, the payment plan will specify when monies are required to be deposited in advance with the Company. Unless specified in the payment plan then the Contract Price shall be paid monthly in advance for Commissioned Services and Care Services.
- 2.5 The Contract Price and payment plan shall be reviewed by the Councils and agreed within 60 days of receipt from the Company. If the Councils do not object to the estimated Contract Price and payment plan in the 60 day period then the Contract Price and payment plan shall be deemed to be agreed. If either of the Councils objects within the 60 day period then the matter shall be in dispute and referred for determination under clause 16 (Dispute Resolution).
- 2.6 The Company shall revise the Contract Price and/or payment plan during the financial year when either Council:
- 2.6.1 novates a contract for Commissioned Services to the Company;
 - 2.6.2 requests a variation to the Services in accordance with the relevant Care Services Contract; or
 - 2.6.3 requests assistance of the Company for the purposes of Business Continuity, Emergency Planning reasons or exercising any rights under this Agreement
- and in each case the procedure in paragraph 2.5 of this Schedule shall apply.
- 2.7 The Company shall recalculate for each Council the Contract Price every three months to determine whether the Contract Price is within 1% of the Operating Budget or to determine if the payment plan ensures that each part of the Contract Price is paid when required to discharge the cost of the Services and Commissioned Services.
- 2.8 Where the Company determines that the Contract Price is greater or less than [1]% of the existing Contract Price for one or both Councils then the Company shall recalculate the Contract Price and payment plan in accordance with the procedure in paragraph 2.5 of this Schedule. The Company will make a Council aware of any potential overspend as soon as it

becomes aware and will supply to the relevant Council the reasons for the overspend (current and projected), the proposed mitigation and will undertake the mitigation to limit the overspend.

- 2.9 Unless agreed in advance with each Council, the Contract Price shall only be used by the Company for the Services documented in the Operating Budget and where an element of the Contract Price has been provided for use for a single Care Service (whether a particular type of Care Service element or a particular application of a Care Service element) then the Council shall only use the Contract Price for the designated purpose.

3 Invoicing and Payments

- 3.1 Unless determined otherwise in the payment plan, the Contract Price shall be payable by the Councils to the Company monthly in advance on the first day of each month.
- 3.2 The Company shall invoice the Councils for payment of the Contract Price at the time the Contract Price are expressed to be payable in accordance with the payment plan.
- 3.3 Where the Company submits an invoice to the Council in accordance with paragraph 3.2 of this Schedule, the Council will consider and verify that invoice within 14 days.
- 3.4 The Council shall pay the Company any sums due under such an invoice no later than a period of 30 days from the date on which the Council has determined that the invoice is valid and undisputed.
- 3.5 Where the Council fails to comply with paragraph 3.3 of this Schedule, the invoice shall be regarded as valid and undisputed 14 days after the date on which it is received by the Council.
- 3.6 Where the Company has secured Commissioned Services from third parties and the Commissioned Service is provided under a contract between the Council and the third party, then the Company will forward any third party invoice to the Council within 7 days of receipt for the Council to discharge or where funds have been deposited with the Company, pay such invoice within the payment terms.
- 3.7 The Company will forward copies of all receipted invoices to the Council for Commissioned Services.

4 Year End Accounting.

- 4.1 By the 30th June (in respect to financial year 2021/22) and by 30th April (in respect to each following financial year) after each financial year, the actual Contract Price for that year will be calculated by the Company and forwarded to the Council. The apportionment of the shared elements of the overall Contract Price will be made using the same methodology as in paragraph 5 of this Schedule.
- 4.2 The final Contract Price shall be reviewed by the Councils and agreed within 30 days of receipt from the Company. If the Council does not object to the final Contract Price in the 30 day period then the Contract Price shall be deemed to be agreed. If either Council objects within the 30 day period then the matter shall be in dispute and referred under clause 16 (Dispute Resolution). The Contract Price shall be modified when required by an audit (whether audit

pursuant to clause 9.1 of this Agreement or as requirement of the Companies Act 2006) and the adjustment in the final Contract Price paid by the Council shall be made.

4.3 Where the actual Contract Price differs from the estimated Contract Price paid over the year then the Councils shall make a balancing payment to each other or to the Company within 30 days of the agreed final Contract Price in respect to any over or under payment.

4.4 The Company will provide to the Councils :

4.4.1 draft company accounts by 30st June in respect to financial year 2021/22 and 30th April in respect to each following financial year; and

4.4.2 final company accounts by 31st August in respect to financial year 2021/22 and 30th June in respect to each following financial year;

in each financial year in accordance with the requirements of the Companies Act 2006 or such reasonable period as required by the Councils to enable the Councils to prepare its statutory accounts including statutory deadlines imposed by the Accounts and Audit Regulations 2015 (or such replacement requirements or regulations).

5 Budget Setting Principles

5.1 In each financial year the Councils and Company will agree a Contract Price and Operating Budget to reflect the following agreed principles based upon the nature of the Costs forming the Care Services or Commissioned Services:

5.2

<p>5.2.1 Central Management Costs</p>	<p>Central Management Costs means costs associated with the strategic management of the Company and Includes senior management staffing, central property costs (currently Trinity Court), insurance, group company costs, all regulatory and compliance costs and professional costs/fees in running the business — costs that cannot be allocated easily to a single council or costs which are deployed for the benefit of all Councils.</p>
<p>Basis of Contract Price</p>	<p>Central costs will be split on the proportion of Services (direct sole provision) & Services (direct joint provision) that both Councils commission from the Company under the Care Services Contract with a percentage agreed for statutory services.</p> <p>In respect to the financial year 2021/22, based on the current levels of service which each council has in Company, RBWM will pay the first 10% of costs for statutory services, with the remaining 90% split 55% RBWM and 45% Wokingham.</p> <p>In respect to subsequent financial years, RBWM will pay the first 10% where statutory services are within the Company and the balance shall be split on the proportion of Services (direct sole provision) & Services</p>

	(direct joint provision) that both Councils commission from the Company under the Care Services Contract.
Savings/overspends	The Savings or overspends will be shared by the Councils based upon the proportions set out above.
Income	The Income will be shared by the Councils based upon the proportions set out above.
Exceptions	None

5.2.2 Support Service Costs	Support Services Costs means Costs associated to support the day to day operation of the Company and includes Costs of finance, internal audit, payroll, IT, human resources support, These include support provided by third parties, the Council under the Support Service Agreement and Costs incurred for support services that the Company provides to itself.
Basis of Contract Price	<p>Costs will be apportioned based upon the usage of the support service by each part of the Service commissioned by each Council. The apportionment will be based on a fair and reasonable basis relevant to the nature of the service being provided.</p> <p>Support Services Costs provided for the benefit of only one Council will be paid by the benefiting Council.</p> <p>Only the actual incurred cost may be charged to the Company</p>
Savings/overspends	Any Savings/overspends will be incurred on the basis described above.
Income	Where income is received from third parties it will be apportioned and credited to the Costs of the Support Services on same basis
Exceptions	Where a party is unable to calculate apportionment in an open and transparent manner to the satisfaction of the other Council then the Council hosting the Support Service will pay the full Support Service Costs.

5.2.3 Restricted purpose Costs	Restricted purpose Costs means Costs associated with a specific purpose or restricted to a particular activity or funded under an agreement with conditions. e.g. activities funded through the Better Care Fund.
Basis of Contract Price	These funds may only be utilised by the Provider to supply the requested Care Service to the commissioning Council. The cost will be borne by commissioning Council.
Savings/overspends	The Savings/overspends will fall solely to the commissioning Council.
Income	Where income is received from third parties, then income will be credited to the commissioning Council
Exceptions	None

5.2.4 Commissioned Services Costs	Commissioned Services Costs means such Care Services provided to either the Council or the Company by a party other than the Company or a subsidiary or company within the same company group as the Company.
Basis of Contract	These funds may only be utilised by the Company to supply the requested Care Service to the commissioning Council. The cost will be borne by commissioning Council.
Savings/overspends	The Savings/overspends will fall solely to the commissioning Council.
Income	Where income is received from third parties (including other councils), then income will be credited to the commissioning Council.
Exceptions	None

<p>5.2.5 Services (direct sole provision)</p>	<p>Services (direct sole provision) means Care Services of Adult Social Care supplied by the Company to a single Council using the Company's own staff and facilities.</p>
<p>Basis of Contract Price</p>	<p>Where Costs are attributed to Care Services that are performed for the benefit of only one Council (for example the Costs of a care home that only provides Care Services to one Council or where an element of Care Services is provided to one or more Councils rather than all Councils) or where Care Services are organised to supply Care Services that relate a single Council only, then the Contract Price for that Care Service will be paid by the commissioning Council.</p>
<p>Savings/overspends</p>	<p>The Savings/overspends will fall solely to the commissioning Council.</p>
<p>Income</p>	<p>Where income is received from third parties (including other councils), then income will be credited to the commissioning Council on the same basis as Contract Price.</p>
<p>Exceptions</p>	<p>The Councils agree that Costs payable to the Berkshire LGPS under the Council's Admissions Agreement shall, subject to clause 14 (Funding arrangements) of this Agreement, continue to be payable by the relevant Council.</p>

<p>5.2.6 Services (direct joint provision)</p>	<p>Services (direct joint provision) means Care Services of Adult Social Care supplied by the Company jointly to more than one Council using the Company's own staff and facilities.</p>
<p>Basis of Contract Price</p>	<p>Where Costs are attributed to Care Services that are performed for the benefit of more than one Council or organised to supply Care Services to more than one Council, then the Contract Price for such Care Services will be apportioned based upon the proportioned usage of the Services as a percentage of the total Care Services (or for such Care Service type or individual part of the Care Service) for all Councils. For example, Costs of social workers, brokerage that may be organised to provide Care Services across borough boundaries</p>
<p>Savings/overspends</p>	<p>Savings/overspends will be apportioned in the same basis as the Contract Price.</p>

Income	Income will apportion in the same basis as the Contract Price. Unable to apportion then payable 50/50
Exceptions	None.

- 5.3 The Contract Price shall be calculated annually by the Company in paragraph 2.1 to 2.5 of this Schedule in respect to all Care Services and Commissioned Services provided by the Company to the Councils based upon the principles in paragraph 5.2 of this Schedule. Any Care Services provided to a council not a party to this Agreement shall be treated as income and such Care Services will be provided at a Contract Price agreed between the Councils.
- 5.4 Any variation that increases or decreases the Care Services or Commissioned Services shall require the Company to recalculate the Contract Price and where such variation requires the Councils to make an increase to their Contract Price shall only be implemented by the Company when the requesting Council pays the associated Costs or reduces the associated Care Service.

RBWM BUDGET 21/22

Service	£
Older Persons	10,417,570
Learning Disabilities	10,728,470
Mental Health	3,435,120
Provider Services	5,334,620
Support & Operations	3,051,270
Better Care Fund	3,958,100
Total	£36,925,150

WOKINGHAM BUDGET 21/22

Service	£
Extra Care	1,559,430
Independent Living	1,449,320
Day Care	1,393,170
Residential Care	1,834,430
Supported Employment	334,700
Domiciliary Care	766,490
Provider of Last Resort	9,900
Total Contract Price	£7,347,440

Schedule 3 Amended Articles of Association

Signed by _____ for and on behalf)
of **Wokingham Borough Council**)

Signed by _____ for and on behalf)
of **Royal Borough of Windsor and Maidenhead**)

Signed by _____ for and on behalf)
of **Optalis Limited**) Director & Chief Executive Officer

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TITLE	Central and Eastern Berkshire Joint Minerals and Waste Plan: Main Modifications Consultation
FOR CONSIDERATION BY	Council on Thursday, 17 February 2022
WARD	None specific;
LEAD OFFICER	Director, Place and Growth - Steve Moore
LEAD MEMBER	Executive Member for Planning and Enforcement - Wayne Smith

PURPOSE OF REPORT (INC STRATEGIC OUTCOMES)

This report seeks approval to consult on the Central and Eastern Berkshire Joint Minerals and Waste Plan: Main Modifications (the Joint Plan) and supporting documents.

The purpose of this consultation is to seek comments on the proposed main modifications recommended to the Joint Plan as discussed through the examination process. These modifications are required in order to make the plan sound.

RECOMMENDATION

That Council:

- 1) agree the Central and Eastern Berkshire Joint Minerals and Waste Plan: Main Modifications, set out in Enclosure 3 (February 2022) to the report, and supporting documentation for publication and public consultation;
- 2) authorise community engagement on the Central and Eastern Berkshire Joint Minerals and Waste Plan: Main Modifications and associated supporting documents to take place for at least 6 weeks from February 2022 onwards;
- 3) authorise the Director of Place and Growth, in consultation with the Executive Member for Planning and Enforcement, to agree minor amendments necessary to the Central and Eastern Berkshire Joint Minerals and Waste Plan: Main Modifications and other supporting documents prior to consultation.

EXECUTIVE SUMMARY

National planning policy requires local authorities to regularly review, and where necessary, update their local plans – the documents that contains the council’s planning policies and are used as the starting point for determining planning applications.

The preparation of a new local plan – the Central and East Berkshire Joint Minerals and Waste Plan (hereafter referred to as the Joint Plan) – looking further into the future will ensure that planning policies continue to be effective in managing the decisions on minerals and waste related development proposals by the council, and where these are appealed, by the government appointed planning Inspectors.

The Joint Plan is being prepared in partnership with the Royal Borough of Windsor and Maidenhead (RBWM), Bracknell Forest Council and Reading Borough Council (hereafter referred to as the joint authorities) to reflect the strategic nature of minerals and waste matters.

Plans must be prepared in consultation with the local community and other stakeholders. The joint authorities consulted on a pre-submission version of the Joint Plan from 3 September – 15 October 2020.

The Joint Plan and supporting documents were subsequently submitted to the Secretary of State for independent examination in February 2021. The public hearing sessions of the Joint Plan took place over several days in September and October 2021. As a result of these hearing sessions a number of modifications were proposed to the Joint Plan in order to ensure it is 'sound.' In total 79 main modifications are proposed. These modifications take into account updates to national planning policy and guidance and propose changes proposed policies.

There are no minerals or waste sites in Wokingham Borough proposed for allocation in the Joint Plan, but there are several others in the wider plan area. The main modifications do not propose any additional sites for minerals or waste uses. A large number of the modifications are proposed to update references to the 2021 version of the National Planning Policy Framework (NPPF), which was published after the Joint Plan had been submitted.

Following Executive on 27th January, an updated schedule of main modifications has been prepared following the receipt of additional recommendations from the Planning Inspectors examining the Joint Plan. The modifications considered by Executive are contained in Enclosure 1. Enclosure 3 contains an updated list of all the modifications for which approval to consult is sought. This updated schedule of modifications does not alter the purpose of the consultation or have any new significant implications for Wokingham Borough.

Recommendation 3 of this report authorises the Director of Place and Growth in consultation with the Executive Member for Planning and Enforcement to agree minor amendments to the consultation material including the main modifications. The updated schedule is included in Enclosure 3 for transparency. Further engagement with the Planning Inspectors may result in further minor changes. The joint authorities are required to hold a consultation on the main modifications. This enables everyone the opportunity to formally submit their views to the Planning Inspectors, who will then take these into account when compiling their final report.

The recommendations of this report are to authorise consultation on the main modifications. Subject to approval, the consultation will be undertaken in accordance with the Statements of Community Involvement of the joint authorities.

Consultation documents are attached or are available on request. As referred to above, they are at an advanced stage of preparation but may be subject to some further drafting/amendment prior to being made available as part of the consultation.

BACKGROUND

National planning policy requires local authorities to regularly review, and where necessary, update their local plans – the documents that contains the council’s planning policies and are used as the starting point for determining planning applications.

The preparation of a new local plan – the Central and East Berkshire Joint Minerals and Waste Plan (hereafter referred to as the Joint Plan) – looking further into the future will ensure that planning policies continue to be effective in managing the decisions on minerals and waste related development proposals by the council, and where these are appealed, by the government appointed planning Inspectors.

The Joint Plan is being prepared in partnership with the Royal Borough of Windsor and Maidenhead (RBWM), Bracknell Forest Council and Reading Borough Council (hereafter referred to as the joint authorities) to reflect the strategic nature of minerals and waste matters.

It is important that the Joint Plan is prepared to ensure that planning policies are effective in managing decisions by the councils’ and, where these are appealed, by the Planning Inspectorate.

Joint Plan Progress

Local Plans must be prepared in consultation with local communities and other stakeholders. They must also be consistent with national planning policy, which in the case of minerals and waste matters is: the National Planning Policy Framework (NPPF) (2021) and the accompanying Planning Practice Guidance (PPG), the Waste Management Plan for England (2013), and the National Planning Policy for Waste (2014).

As part of preparing the Joint Plan, various technical information and evidence has been prepared, including discussions with important stakeholders such as statutory consultees. A number of public consultations have taken place including:

- Pre-submission consultation: 3 September – 15 October 2020
- Focussed consultation: 11 February – 23 March 2020
- Draft Plan consultation: 6 August – 12 October 2018
- Issues and Options consultation: summer 2017.

A summary report of the representations made is available on the Joint Minerals & Waste consultation website.¹

In July 2020, Executive and Special Council Executive Committee approved the Joint Plan and supporting documents for submission to the Secretary of State. The Joint Plan was also approved by the other joint authorities. The Joint Plan was subsequently submitted to the Secretary of State in February 2021. Two Planning Inspectors were appointed to examine its soundness and legal compliance. The public hearing sessions of the examination took place over several days in September and October 2021. The aim of the hearing sessions is for the Inspectors to ask questions and clarify key issues relating to the Joint Plan, whilst providing opportunities for other parties, including landowners, developers and residents to engage with the examination process.

¹ www.hants.gov.uk/berksconsult

Further information, including the agendas for the hearing sessions are available on the Joint Plan website.

Main Modifications Overview

Prior to the hearing sessions, a number of modifications to the Joint Plan were proposed by the joint authorities. This was to take into account responses from the pre-submission consultation, minor corrections, and to update references to national policy in light of the publication of a new version of the NPPF (2021). Modifications can take two forms: main modifications and additional modifications. Main modifications are proposed changes that must be subject to consultation. The Inspectors will consider any representations before making their final conclusions. Additional modifications are minor corrections and updates that are not material and as such there is no requirement to consult.

Throughout the examination, the Inspectors explored the potential for additional main modifications to resolve any issues relating to soundness and legal compliance.

In particular, the Environment Agency (EA) raised concerns regarding flood risk at proposed minerals sites located in RBWM. Following the hearing sessions further engagement was undertaken with the EA, including additional flood modelling that takes into account climate change allowances, as part of an updated Strategic Flood Risk Assessment (SFRA). The EA have since confirmed that this additional assessment is sufficient to remove their objection to the Joint Plan.

In total 79 main modifications have been recommended in order to make the Joint Plan sound, which are set out in Enclosure 3. This includes revised development guidelines for proposed minerals sites in RBWM, and clarifying the purpose of mineral consultation areas as an internal tool to guide consultation. For clarity, the main modifications do not propose to include any new additional minerals or waste sites in Wokingham Borough.

For clarity and transparency, 85 modifications were proposed in the schedule considered by Executive at their meeting of 27 January 2022. These are set out in Enclosure 1. Following Executive, the Inspectors made a number of further recommendations. Enclosure 3 is the updated list of modifications for which approval is sought to consult from Council. The reduction in the overall number of modifications results from a number of main modifications now being deemed 'additional modifications' following recommendations from the Planning Inspectors.

The updated schedule of modifications does not alter the purpose of the consultation or have any new significant implications for Wokingham Borough.

For Wokingham Borough the key main modifications are:

- Brookside Business Park, Swallowfield: Proposed to be removed as a preferred waste area identified in Appendix A of the Joint Plan, due to the increase in flood risk as a result of the latest modelling data which takes into account climate allowances (MM72 and MM77).
- Star Works, Know Hill: Clarity is provided in Appendix E (MM78) that the site is proposed to be safeguarded for waste uses as an existing operational waste site.
- Policy DM15: Operator Past Performance, has been reconsidered and renamed 'Site History' to better focus on land use planning issues (MM25).

Main Modifications Consultation

The updated schedule of proposed main modifications are set out in Enclosure 3. Modifications are listed by policy, with deletions struck through, and proposed additional text bold and underlined.

Responses to the consultation should focus on the proposed modifications and can be submitted using the response form.

A number of supporting documents have also been prepared to take into account the proposed main modifications, including an updated Strategic Flood Risk Assessment, and addendums to the Sustainability Appraisal and Habitat Regulations Assessment.

The council is required under the Regulations governing the preparation of Local Plans to consult with key stakeholders on the recommended modifications.

The Joint Plan, and associated documents, are now being finalised and subject to approval by all four authorities, it is intended to formally consult on the Joint Plan and associated documents between for 6 weeks from February 2022.

Consultation will be undertaken jointly by Hampshire Services who were commissioned to prepare the Joint Plan on behalf of the joint authorities with additional actions by the joint authorities. The consultation exercise is being designed to meet the policies and practice set in the Statement of Community Involvement adopted by each of the joint authorities.

The consultation will involve sending emails/ letters to individuals, organisations, councillors, and making all the documents publicly available via the website. Due to the impact of Covid 19, adaptations to how the consultation is undertaken may be required. All documents will be available on the website.

The Planning Inspectors will review all the consultation responses submitted as part of preparing their final report, which will reach clear conclusions on the soundness and legal compliance of the Joint Plan. If the Joint Plan is found sound and legally compliant, the Joint Plan can be adopted and will form part of the development plan.

Governance

The governance for the preparation of the Joint Plan is headed by a Joint Members Sounding Board with representation from each of the authorities made up of portfolio holders and one additional representative. The Board acts as an advisory body for the preparation of the plan.

Risk Management

The main risk is whether the Joint Plan is ultimately found to be 'legally compliant' and 'sound' by a Planning Inspector who will conduct an independent public examination.

Legal Compliance

In producing the Joint Plan, each local authority and Hampshire Services has to assess whether the document was compatible with the legal requirements associated with plans of the authority. This included the Town and Country Planning (Local Development) (England) Regulations 2012 (as amended); the Environmental Assessment of Plans and

Programmes Regulations 2004; the Conservation of Habitats and Species Regulations 2010; the Human Rights Act; compliance with Directives of the European Commission and subsequent UK Regulations and ensuring that no segment of the Borough's community was likely to be unfairly penalised.

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)	Circa £61k	Yes	Revenue
Next Financial Year (Year 2)	NA	NA	NA
Following Financial Year (Year 3)	NA	NA	NA

Other Financial Information
<p>The costs of preparing the Joint Plan are equally split between the four commissioning councils. The table above sets out the project costs attributable to Wokingham Borough Council.</p> <p>This is a multi-year project and therefore the costs will be spread across a number of financial years, the exact timing of which will be subject to external influences such as the Planning Inspectorate's availability for the Public Examination. The profile of the budget may vary according to other factors but can be covered by existing agreed budget, based on estimated costs for the examination process. The cost of the examination is included in the current project costs, with any additional costs split between the four authorities.</p> <p>If the consultation on the Joint Plan main modifications is not approved then there is increased risk of the preparation of the Joint Plan being extended beyond its current programme. This will result in increased financial pressures across the four councils.</p>

Stakeholder Considerations and Consultation
<p>Public consultation will be carried out in accordance with the Statement of Community Involvement of the joint authorities but may need to be adapted depending on latest government advice regarding Covid 19. All relevant information will be available on the website, and email notifications will be sent to all those on the existing consultation database.</p>

Public Sector Equality Duty
<p>An Equalities Impact Assessment Report is attached in Enclosure 2.</p>

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
<p>The decision supports sustainable mineral extraction and waste management as part of plan led approach to providing opportunities to mitigate and adapt to the effects of</p>

climate change. Policy DM2 specifically supports climate change mitigation and adaption, through appropriate restoration of sites, diverting biodegradable waste from landfill, and other measures.

List of Background Papers

Enclosure 1: Central and Eastern Berkshire Joint Minerals and Waste Plan: Main Modifications

Enclosure 2: Equalities Impact Screening Report

Other documents available on request:

- Policies Map
- Sustainability Appraisal Addendum
- Habitat Regulations Assessment Addendum
- Revised Strategic Flood Risk Assessment

Enclosure 3: Central and Eastern Berkshire Joint Minerals and Waste Plan: Main Modifications (Updated - February 2022)

Contact Ian Church	Service Delivery and Infrastructure
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Central and Eastern Berkshire

Joint Minerals & Waste Plan

Schedule of Proposed Main Modifications

Examination Library Reference: MD03

1 December 2021



www.rbwm.gov.uk



Prepared by Hampshire Services
Hampshire County Council
www.hants.gov.uk/sharedexpertise



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Survey ©NERC

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1. Introduction

- 1.1 Bracknell Forest Council, Reading Borough Council, the Royal Borough of Windsor and Maidenhead, and Wokingham Borough Council (collectively referred to as the 'Central & Eastern Berkshire Authorities') are working in partnership to produce a Joint Minerals and Waste Plan (JMWP/ 'the Plan') which will guide minerals and waste decision-making in the Plan area.
- 1.2 This document sets out main (MM) modifications to be applied to the Submission version of the Plan. Proposed modifications were discussed at the examination hearings 28-30 September 2021 and 12 October 2021.
- 1.3 Modifications are presented in the following ways;
 - deleted text is struck through i.e. ~~deleted~~; and
 - new text is shown as bold and underlined i.e. **new text**.
- 1.4 The main modifications are subject to public consultation. Any responses received will be given to the Inspectors for consideration.
- 1.5 Where relevant, reference has been made to updated evidence base documents which are available on the Examination Library. However, this is for information purposes and the documents are not subject to consultation.

2. Schedule of proposed Main Modifications

Text to be inserted is shown **bold and underlined**.

Text to be deleted is shown ~~struck through~~.

Ref.	Policy / Para.	Page	Proposed modification	Justification
MM1	1.9	3	<p>The Joint Minerals & Waste Plan will need to accord with current planning policy and guidance on minerals and waste. The National Planning Policy Framework (NPPF) was published in 2012 with the accompanying National Planning Practice Guidance² launched in 2014 as a live document, updated as necessary by the Government. The NPPF was subsequently revised in 2018, <u>2019</u> and <u>2021</u>2019³. The Waste Management Plan for England⁴ was published in December 2013, followed by the National Planning Policy for Waste⁵ which was published in October 2014. The 25 Year Environment Plan⁶ was published in 2018 and sets out Government action to help the natural world regain and retain good health. A Resources and Waste Strategy for England was also published in December 2018⁷. The Strategy seeks to preserve material resources by minimising waste, promoting resource efficiency, and encouraging a move towards a circular economy.</p> <p>³ National Planning policy Framework - https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/840197/NPPF_Feb_2019_revised.pdf https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/1005759/NPPF_July_2021.pdf</p>	NPPF 2021 Update
MM2	1.20	6	<p>The NPPF²⁴ requires that Local Plans are reviewed at least every five years from the year of adoption in order to take into account changing circumstances to the local area and national policy. The review should decide whether the</p>	NPPF 2021 Update

Ref.	Policy / Para.	Page	Proposed modification	Justification
			<p>policies need updating and if not, the reasons for this decision must be published.</p> <p>²⁴ National Planning Policy Framework (Para. 33) - https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/779764/NPPF_Feb_2019_web.pdf https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/1005759/NPPF July 2021.pdf</p>	
MM3	3.16	16	<p><u>xii. Address both the causes of climate change and seek ways to mitigate and adapt to its potential effects.</u></p>	To ensure alignment between the Spatial Strategy and the Vision and Strategic Objectives.
MM4	Policy DM 2 / 5.10 & 5.11	22	<p>It is a national planning objective that planning plays a key role in helping to shape places to secure radical reductions in greenhouse gas emissions, minimising vulnerability and improving resilience; encouraging the reuse of existing resources, including the conversion of existing buildings; and supporting the delivery of renewable and low carbon energy and associated infrastructure³⁰.</p> <p>National planning policy also states that '<u>Plans should take a proactive approach to mitigating and adapting to climate change</u> local planning authorities should adopt proactive strategies to mitigate and adapt to climate change'³¹. This should include taking account of the long-term implications for flood risk, coastal change, water supply, biodiversity and landscapes as well as the risk of overheating from rising temperatures³².</p> <p>³⁰ National Planning Policy Framework (Para. 152148): https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/779764/NPPF_Feb_2019_web.pdf</p>	NPPF 2021 Update

Ref.	Policy / Para.	Page	Proposed modification	Justification
			<p>le/779764/ NPPF_Feb_2019_web.pdf https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/1005759/NPPF_July_2021.pdf</p> <p>³¹National Planning Policy Framework (Para. <u>153</u>449)</p> <p>³²National Planning Policy Framework (Para. <u>153</u>449)</p>	
MM5	Policy DM3 / 5.19 & 5.20	25	<p>National planning policy protects biodiversity overall, as well as important habitats and species, requiring local authorities to ‘distinguish between the hierarchy of international, national and locally designated sites; allocate land with the least environmental or amenity value’ and ‘take a strategic approach to maintaining and enhancing networks of habitats and green infrastructure; and plan for the enhancement of natural capital at a catchment or landscape scale across local authority boundaries’³⁴ .</p> <p>The Environment Act³⁵ requires that development achieves at least a 10% net gain in value for biodiversity and that developers must submit a ‘biodiversity gain plan’ with a planning application. Furthermore, the Act requires that Local Nature Recovery Strategies (LNRS) to be prepared by locally appointed ‘responsible authorities’³⁶ to guide delivery of biodiversity net gain and other nature recovery measures by helping developers and planning authorities avoid the most valuable existing habitat and focus habitat creation or improvement where it will achieve the greatest benefit.</p> <p>³⁴National Planning Policy Framework 20212019 (Para. <u>175</u>474)</p> <p>³⁵ Environment Bill currently going through Parliament Environment Act 2021 - https://www.legislation.gov.uk/ukpga/2021/30/contents/enacted</p>	NPPF 2021 Update and Enactment of Environment Bill

Ref.	Policy / Para.	Page	Proposed modification	Justification
MM6	Policy DM3 / 5.24 & 5.25	28	<p>National planning policy is clear that development on land within or outside a Site of Special Scientific Interest, and which is likely to have an adverse effect on it (either individually or in combination with other developments), should not normally be permitted. The only exception is where the benefits of the development in the location proposed “clearly outweigh both its likely impact on the features of the site that make it of special scientific interest, and any broader impacts on the national network of Sites of Special Scientific Interest”³⁷.</p> <p>Similarly, national planning policy requires that development resulting in the loss or deterioration of irreplaceable habitats (such as ancient woodland and ancient or veteran trees) be refused, unless there are “wholly exceptional reasons”³⁸ and a suitable compensation strategy exists”³⁹.</p> <p>³⁷National Planning Policy Framework (NPPF) 2021 (Para 180(b))2019 (Para 175(b)).</p> <p>³⁸For example, infrastructure projects (including nationally significant infrastructure projects, orders under the Transport and Works Act and hybrid bills), where the public benefit would clearly outweigh the loss or deterioration of habitat</p> <p>³⁹ National Planning Policy Framework (NPPF) 2021 (Para 180(c))2019 (Para 175(c))</p>	NPPF 2021 Update
MM7	Policy DM4 / 5.33	31	<p>Central and Eastern Berkshire contains a diverse range of landscapes. National planning policy requires that ‘great weight is should be given to conserving and enhancing landscape and scenic beauty in National Parks, the Broads and Areas of Outstanding Natural Beauty, which have the highest status of protection in relation to these issues’⁴⁰.</p> <p>⁴⁰National Planning Policy Framework (Para. 176172) - https://www.gov.uk/government/publications/nationalplanning-policy-framework-2</p>	NPPF 2021 Update

Ref.	Policy / Para.	Page	Proposed modification	Justification
MM8	Policy DM4	31	<p><u>1. Development which affects the setting of an Area of Outstanding Natural Beauty (AONB) should be sensitively located and designed to avoid or minimise adverse impacts on the designated areas.</u></p> <p><u>2.</u> 4. Development Proposals which affects the setting of an Area of Outstanding Natural Beauty (AONB) will be accompanied by a Landscape and Visual Impact Assessment that demonstrates that there is no detrimental impact on the natural beauty of the North Wessex Downs or Chilterns AONBs in terms of scale, design, layout or location, that cannot be effectively mitigated.</p>	To address changes to Para. 172 of NPPF 2019, reflected in Para. 176 of NPPF 2021.
MM9	Policy DM5 / 5.40	33	Landscapes outside designated areas and sites are highly valued, and it is important to respect their special qualities intrinsic character and beauty . Minerals and waste developments, even though they may be temporary, can have a negative landscape and visual impact on residents, visitors, users of publicly accessible land, rights of way and roads	Text amended to reflect Para. 174 of NPPF 2021.
MM10	Policy DM5	33	<p>Policy DM5 Protection of the Countryside</p> <p>1. Minerals and waste development in the open countryside will only be permitted where:</p> <p>a. It is a time-limited mineral extraction or time-limited related development; or</p> <p><u>b. the nature of the development is related to countryside activities or requires an isolated location;</u></p>	Text amended to reflect Para. 174 of NPPF 2021, improve the application of the Policy and clarify the time-limited development.

Ref.	Policy / Para.	Page	Proposed modification	Justification
			<p>bc. The development provides a suitable reuse of previously developed land; or</p> <p>ed. The development is within redundant farm or forestry buildings and their curtilages or hard standings.</p> <p>2. Where appropriate and applicable, development in the countryside will be expected to:</p> <p>a. mMeet the highest standards of design, operation and restoration; including being subject to a requirement that it is restored</p> <p>b. consider the intrinsic character and beauty of the landscape which would be determined by the relevant Local Character Assessment; in particular,</p> <p>c. ensure any the network of statutory and permissive countryside access routes should be protected, and where possible, enhanced; and</p> <p>d. be subject to the requirement that it is restored in the event it is no longer required for minerals and waste use.</p>	
MM11	Policy DM6 / 5.50	35	<p>The eastern part of the Plan area is situated within the Metropolitan Green Belt around London (see Key Diagram). The fundamental aim of Green Belt policy is to prevent urban sprawl by keeping land permanently open; the essential characteristics of Green Belts are their openness and their permanence⁴².</p> <p>⁴² National Planning Policy Framework (Para. 137133) - https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/779764/</p>	NPPF 2021 Update

Ref.	Policy / Para.	Page	Proposed modification	Justification
			NPPF_Feb_2019_web.pdf https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/1005759/NPPF_July_2021.pdf	
MM12	Policy DM6 / 5.52	35	<p>There is a presumption against inappropriate development within the Green Belt. Inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances⁴³.</p> <p>⁴³ National Planning Policy Framework (Para. 147143)</p>	NPPF 2021 Update
MM13	DM6	35	<p>Policy DM6 Green Belt</p> <p>1. Proposals for minerals and waste development within the Metropolitan Green Belt will be carefully assessed for their effect on the objectives and purposes for which the designation has been made. High priority will be given to preservation of the openness of the Green Belt.</p> <p><u>2. Mineral extraction, which is not inappropriate development in a Green Belt, will be permitted where the impact of associated infrastructure has been taken into account and, where required, suitable mitigation measures are provided to prevent conflict with the objectives and purposes of the designation.</u></p> <p>23. Where the proposals do not conflict with the preservation of the openness of the Green Belt, w Waste management facilities, including aggregate recycling facilities, will be permitted where <u>the proposal is not inappropriate development and where</u> it can be demonstrated <u>that:</u></p> <p><u>a. the proposals do not conflict with the preservation of the openness of the Green Belt; or</u></p>	<p>To clarify exceptions are set out in the NPPF which could be applied to waste management proposals in the Green Belt in certain circumstances.</p> <p>To clarify that mineral extraction is not inappropriate development in a Green Belt.</p> <p>To split minerals and waste processes into separate criteria and review associated bullet points.</p>

Ref.	Policy / Para.	Page	Proposed modification	Justification
			<p><u>b. suitable mitigation is provided to ensure the development would not cause harm to the objectives and purposes of the Green Belt; and</u></p> <ul style="list-style-type: none"> • that the site is the most suitable location in relation to arisings and recycle markets; • <u>i.</u> there are no appropriate sites outside the Green Belt that could fulfil the same role; and <p><u>ii. the site is the most suitable location in relation to arisings and recycle markets.</u></p> <ul style="list-style-type: none"> • that suitable mitigation is provided to ensure the development would not cause harm to the objectives and purposes of the Green Belt. 	
MM14	Policy DM6 / 5.55	36	<p>National planning policy⁴⁴ states that minerals extraction, engineering operations and the re-use of buildings provided that the buildings are of permanent and substantial construction are not inappropriate development in the Green Belt provided that they preserve the openness of the Green Belt and proposals do not conflict with the purpose of including land in the Green Belt.</p> <p>⁴⁴ National Planning Policy Framework (Para. <u>150</u>146) - https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/779764/NPPF_Feb_2019_web.pdfhttps://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/1005759/NPPF_July_2021.pdf</p>	NPPF 2021 Update
MM15	Policy DM7 / 5.63	38	<p>National planning policy identifies the conservation of such heritage assets as one of the core land-use planning principles that underpin both plan-making and decision-taking; it states that heritage assets should be conserved in a</p>	NPPF 2021 Update

Ref.	Policy / Para.	Page	Proposed modification	Justification
			<p>manner appropriate to their significance, so that they can be enjoyed for their contribution to the quality of life by today's and future generations⁴⁵</p> <p>⁴⁵ National Planning Policy Framework (Para. 189184) - https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/779764/NPPF_Feb_2019_web.pdfhttps://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/1005759/NPPF July 2021.pdf</p>	
MM16	Policy DM7	39	<p>Policy DM7 Conserving the Historic Environment</p> <p>1. <u>Some designated heritage assets such as Scheduled Monuments, Listed Grade 1 buildings and Registered Parks are of national importance; other grades of listed building and locally recognised heritage assets may be of regional or local importance. Non-designated heritage assets, usually recorded on the Historic Environment Record but sometimes encountered for the first time during preliminary survey, may be of national, regional, or local importance according to the weight given to them within expert advice.</u></p> <p>4. 2. Proposals for minerals and waste developments will be required to protect, conserve and where possible enhance the historic environment, and the character, setting and special interest of heritage assets, whether designated or undesignated <u>non-designated</u>.</p> <p>2. Harm will only be allowed where the public benefit of development clearly and convincingly outweighs the significance of the heritage assets, and where the development cannot be delivered in a way that does not cause harm.</p> <p>3. Any planning application <u>Proposals</u> should be supported by an assessment of the significance of heritage assets <u>including its setting</u>, both present and</p>	Additional text to clarify the relative importance of historic assets to support National Policy and to outline the public benefit test.

Ref.	Policy / Para.	Page	Proposed modification	Justification
			<p>predicted, and the impact of development on them. Where appropriate, this should be informed by the results of technical studies, and field evaluation and other evidence. For mineral proposals this should to establish the potential for archaeological remains within the overburden and the mineral body itself.</p> <p><u>4. Proposals that would cause substantial harm to, or loss of, a designated heritage asset and its significance including its setting, will be required to set out a clear and convincing justification as to why that harm is considered acceptable on the basis of achieving substantial public benefits that outweigh that harm or loss, or where all the specific circumstances in the NPPF apply. Proposals will not be supported where this cannot be demonstrated.</u></p> <p><u>5. Proposals that cause less than substantial harm to the significance of a designated heritage asset will be required to weigh the level of harm against the public benefits that may be gained by the proposal including securing its optimum viable use.</u></p> <p><u>6. Proposals which affect the significance of a non-designated heritage asset should be properly considered, weighing the direct and indirect affects upon the heritage asset.</u></p> <p><u>7. When there is a clear and convincing justification that the public benefits of development outweigh the harm to, or loss of, a significance of the designated heritage assets and its significance including its setting harm to, or loss to heritage assets would unavoidably occur, mitigation of that harm, should be secured, and a balanced judgement taken regarding mitigation where non-designated heritage assets are impacted. This should include including archaeological work ahead of or during</u></p>	

Ref.	Policy / Para.	Page	Proposed modification	Justification
			<p>development, should be <u>the recording of designated and non-designated heritage assets, and protection, conservation, enhancement or reinstatement of a heritage asset's setting, as appropriate.</u></p> <p><u>8. Evidence and results of archaeological excavation, field evaluations, technical studies and other recordings should be made publicly accessible</u> (including depositing the results in a public archive <u>and Historic Environmental Record</u>).</p>	
MM17	Policy DM8	42	<p>Policy DM8 Restoration of Minerals and Waste Developments</p> <p>1. Planning permission for minerals extraction and temporary waste management development will be granted only where satisfactory provision has been made for high standards of restoration and aftercare such that the intended after-use of the site is achieved in a timely manner, including where necessary for its long-term management.</p> <p>2. The restoration of minerals and waste developments should reinforce or enhance the quality and character of the local area and should contribute to the delivery of local objectives for biodiversity, landscape character, historic environment, <u>flood risk management</u> or community use where these are consistent with the Development Plan and national policies and guidance.</p> <p>3. <u>Proposals for all mineral extraction and landfill sites must be accompanied by a restoration and aftercare scheme and</u> The restoration of mineral extraction and landfill sites should be phased throughout the life of the development.</p>	To provide sufficient clarity in the policy on what restoration information is required.

Ref.	Policy / Para.	Page	Proposed modification	Justification
MM18	Policy DM10 / 5.96	48	<p>Minerals and waste development can have significant impacts on flooding. National planning policy on flooding states “Inappropriate development in areas at risk of flooding should be avoided by directing development away from areas at highest risk (whether existing or future). Where development is necessary in such areas, the development should be made safe for its lifetime without increasing flood risk elsewhere.” aims to ‘steer inappropriate new development to areas with the lowest probability of flooding’⁵³</p> <p>⁵³National Planning Policy Framework (Para 159158) - https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/779764/NPPF_Feb_2019_web.pdf https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/1005759/NPPF July 2021.pdf</p>	NPPF 2021 Update
MM19	Policy DM10	48	<p>1. Minerals and waste development in areas at risk of flooding should:</p> <p>a. Apply the sequential approach which involves applying the sequential test, and if needed the exception test, where required, and sequential approach within the to specific development site proposals directing the most vulnerable development to the areas at lowest risk probability of from flooding;</p> <p>b. Not result in an increased flood risk elsewhere and, where possible, reduce flood risk overall;</p> <p>c. Ensure development is safe from flooding for its lifetime including an assessment of climate change impacts;</p>	The wording of points a and b needed to be amended as they had been worded incorrectly (the latter needed to be aligned with the Planning Practice Guidance). This was raised by the EA in their Reg 19 response.

Ref.	Policy / Para.	Page	Proposed modification	Justification
			<p>d. Incorporate flood protection, flood resilience and resistance measures where appropriate to the character and biodiversity of the area and the specific requirements of the site;</p> <p>e. Include site drainage systems designed to take account of events which exceed the normal design standard; <u>include site drainage systems designed to manage storm events up to and including the 1% Annual Exceedance Probability (1:100 year) storm with an appropriate allowance for climate change;</u></p> <p>f. Not increase net surface water run-off; and</p> <p>g. If appropriate, incorporate Sustainable Drainage Systems to manage surface water drainage, with whole-life management and maintenance arrangements.</p>	
MM20	Policy DM10 / 5.98	48/49	<p>Mineral deposits have to be worked where they are found, and these are often located in flood risk areas. Sand and gravel extraction and processing can take place in flood risk areas, provided any potential impact on the site and surrounding area is adequately managed so that the risk of flooding does not increase either within the site or downstream <u>including during the restoration phases</u>. Applications for minerals and waste proposals within Source Protection Zones should be accompanied by a Hydrogeological Risk Assessment.</p>	<p>Additional wording to clarify that increased risk should not occur elsewhere during restoration phased of mineral quarrying as raised by the Environment Agency in their Reg 19 response.</p>
MM21	Policy DM10 / 5.100	49	<p>Existing waste developments have the potential to pollute water resources if they are at risk from flooding. Landfill and hazardous waste facilities will not be</p>	<p>Additional wording to clarify the application</p>

Ref.	Policy / Para.	Page	Proposed modification	Justification
			<p>permitted in Flood Risk Zones 3a and 3b. <u>Landfill and hazardous waste facilities are classed as More Vulnerable and as such are not permitted in Flood Zone 3b with an exception test required if they are proposed in Flood Zone 3a. Proposals will only be permitted in line with the vulnerability categories and classification in the National Planning Policy framework and Practice Guidance.</u> Historic landfills in areas of flood risk may need to be protected by flood defences.</p>	<p>of Policy DM10 in relation to proposals in Flood Zone 3a or 3b as raised by the Environment Agency in their Reg 19 response.</p>
MM22	DM11	50	<p>1. Planning permission will be granted for minerals and waste development where proposals do not:</p> <p>a. Result in the deterioration of the physical state, water quality or ecological status of any water resource and waterbody including river, streams, lakes, ponds, groundwater source protection zones and groundwater aquifers; and</p> <p>b. cause unacceptable risk to the quantity of water resources; and</p> <p>c. cause changes to groundwater and surface water levels which would result in unacceptable impacts on:</p> <p>i. adjoining land;</p> <p><u>ii. nearby private and licensed abstractions;</u></p> <p>iii. potential groundwater resources; and</p> <p>iiiv. the potential yield of groundwater resources, river flows or natural habitats.</p> <p>2. Where proposals are in a groundwater source protection zone <u>or present a hazard to water resources, quality and abstractors,</u> a</p>	<p>Additional wording to point 1c to clarify the need for a protection of nearby abstractions and point 2 to align with the Environment Agency's approach to protection of groundwater as raised by the Environment Agency in their Reg 19 response.</p>

Ref.	Policy / Para.	Page	Proposed modification	Justification
			Hydrogeological /Hydrological Risk Assessment must be provided. If the Hydrogeological /Hydrological Risk Assessment identifies unacceptable risk, the developer must provide appropriate mitigation.	
MM23	Policy DM12 / 5.117	53	National planning policy supports developments where sustainable transport opportunities have been utilised, safe and suitable access can be achieved, and any significant impacts from the development on the transport network in terms of capacity, congestion and highway safety can be mitigated in an acceptable, and cost effective way ⁵⁷ . ⁵⁷ National Planning Policy Framework (Para. 110 408) - https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/779764/NPPF_Feb_2019_web.pdf https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/1005759/NPPF July 2021.pdf	NPPF 2021 Update
MM24	Policy DM13 / 5.127	57	National planning policy ⁵⁸ attaches great importance to the design of the built environment and is a key aspect of sustainable development. ⁵⁸ National Planning Policy Framework (Para. 126 424) - https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/779764/NPPF_Feb_2019_web.pdf https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/1005759/NPPF July 2021.pdf	NPPF 2021 Update
MM25	Policy DM15 / Heading	61	Operator past performance Site History	Focus on land-use in line with planning principles.

Ref.	Policy / Para.	Page	Proposed modification	Justification
MM26	Policy DM15 / 5.142	61	An operator's record of running established minerals or waste sites within their control can provide information on how appropriately the impacts of development have been managed by that operator. <u>The history of an established minerals or waste site can provide information on how appropriately the impacts of development can be managed at that site.</u> In some circumstances, where there is sufficient evidence, this information can be a useful indicator of how proposed future minerals or waste uses might need to be managed by that operator.	Focus on land-use in line with planning principles.
MM27	Policy DM15	61	Policy DM15 <u>Past operator performance Site History</u> 1. Where an applicant or operator has been responsible for an existing or previous minerals or waste development site <u>there is a history of minerals or waste activities at a proposed site</u> , an assessment of their <u>the</u> operational performance at that existing or previous site will be made. 2. Where issues have been raised about the operation of an existing or previous development <u>a</u> site, how the operator or applicant has responded, particularly where there is evidence of any significant adverse effects, <u>these issues</u> will be taken into consideration in decision-making on minerals or waste applications submitted by the same applicant or operator <u>on that site</u> .	Focus on land-use in line with planning principles.
MM28	Policy DM15 / 5.147 (& New Para), 5.148, New Para., 5.149	62	The (re)occurrence of any significant adverse effects and how they have been addressed will be an indicator of whether an operator or applicant can deliver future development effectively <u>a particular land use can be made acceptable on a particular site</u> . The applicant will need to provide information and relevant records on existing development site performance as	

Ref.	Policy / Para.	Page	Proposed modification	Justification
			<p>part of the application, as well as submitting information on how any previous performance issues will be avoided and/or addressed in the future for the proposed development. <u>Particularly relevant will be those activities, impacts, potential impacts, or mitigation measures that are similar to the ones proposed.</u></p> <p>[Split 5.147]</p> <p><u>The applicant will need to provide information and relevant records on the existing site history as part of the planning application, as well as submitting information on how any previous performance issues will be avoided and/or addressed in the future for the proposed development.</u></p> <p>A Monitoring Assessment <u>information</u> will be required, to support the determination of a planning application, particularly where developments have a long or complex history of issues. Where there is no history of an operator within the Plan areas, it may be possible to obtain the relevant information through liaison with monitoring officers in locations where they have previously had active sites. It would be expected that the planning authority prepares the Monitoring Assessment <u>collates the monitoring information</u> with relevant input (e.g. monitoring officer, <u>site operator, Liaison Panel,</u> environmental health officer or Environment Agency). <u>The monitoring information will need to include how many and what types of issues have arisen, as well as whether and how they have been addressed.</u></p> <p><u>It is sometimes the case that new proposals amend the boundaries of an existing site, therefore a proposed site may overlap or adjoin an existing</u></p>	

Ref.	Policy / Para.	Page	Proposed modification			Justification
			<p><u>site. Monitoring information may still be required, if the operations at the existing site are considered to be relevant to the new proposals.</u></p> <p>The record of performance of an operator or applicant site history, as assessed, will form a material consideration in the decision-making process and may be used:</p> <ul style="list-style-type: none"> • As a basis to request additional information to support an application in relation to any issues raised through the Assessment and how these may be mitigated as part of the proposal; • To apply an appropriate condition to a permission to address an issue which has been raised through the Assessment where this has not been rectified by the applicant to an acceptable level; or <p>To tip the balance in determining an application where other matters are equal in relation to impacts.</p>			
MM29	Policy DM15 / 5.150	63	Monitoring Issue	Monitoring Indicator	(Threshold) for Policy Review	

Ref.	Policy / Para.	Page	Proposed modification			Justification
			Taking past performance <u>site history</u> into account	Permissions for proposals by existing operators accompanied by Monitoring Assessments <u>Issues from monitoring information taken into account.</u>	Number of permissions where issues outlined in <u>from Monitoring Assessments information</u> are not addressed through additional information requests and/or conditions > 0	Focus on land-use in line with planning principles.
MM30	Policy M1	68	<p>The long term aims of the Plan are to provide and/or facilitate a steady and adequate supply of minerals to meet the needs of Central and Eastern Berkshire in accordance with all of the following principles:</p> <p>a) Work with relevant minerals planning authorities to maintain the supply of aggregate not available within Central and Eastern Berkshire;</p> <p>b) Deliver and/or facilitate the identified aggregate demand requirements (Policy M3);</p> <p>c) Facilitate the supply of other mineral to meet local demands (Policy M6);</p> <p>d) Be compliant with the spatial strategy for minerals development (Policy M4); <u>and</u></p> <p>e) Take account of wider Local Plans and development strategies for Central and Eastern Berkshire.</p>			Typo

Ref.	Policy / Para.	Page	Proposed modification	Justification
MM31	Policy M1 / 6.25	68	<p>The Central & Eastern Berkshire Authorities will work jointly to maintain the supply of minerals that serve the wider Plan area. They will also work closely with relevant mineral planning authorities to plan for the provision of aggregates from outside of the Plan area that supply Central and Eastern Berkshire. This will be established through Statements of Common Ground.</p> <p><u>Aggregate that is not available to Central and Eastern Berkshire includes those not geologically present such as hard rock, those that cannot be sourced from within the Plan area due to constraints on supply. The constraints on supply will be explored within the Statements of Common Ground and monitored through the Local Aggregate Assessment (see Policy M3).</u></p>	Additional text to clarify what it meant by 'not available' to avoid ambiguity as raised by Oxfordshire County Council in their Reg 19 Response.
MM32	Policy M2 / 6.30	70	<p>Minerals are a valuable but finite resource that can only be won where they naturally occur. Safeguarding of viable or potentially viable mineral deposits from sterilisation by surface development is an important component of sustainable development. Safeguarding means taking a long-term view to ensure that sufficient resources will be available for future generations, and importantly, options remain open about where future mineral extraction might take place with the least environmental impact. National planning policy⁶⁵ is that planning authorities should safeguard mineral deposits that are of local or national importance against non-minerals development by defining Mineral Safeguarding Areas (MSAs) in their plans and not normally permit development in Mineral Safeguarding Areas if it constrains their potential future use⁶⁶.</p> <p><small>⁶⁵ National Planning Policy Framework (Para. 210204 (c)) - https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/779764/</small></p>	NPPF 2021 Update

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			<p>NPPF_Feb_2019_web.pdf https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/1005759/NPPF July 2021.pdf</p> <p>⁶⁶ National Planning Policy Framework (Para. <u>212</u>206)</p>	
MM33	Policy M2 / 6.31	70	Minerals of local and national importance will be safeguarded and defined by the Mineral and Waste Safeguarding Areas (MWSA). This safeguarding will be achieved by encouraging extraction of the underlying minerals prior to development proceeding, where practicable, if it is necessary for the development to take place within the MWSA.	Removal of 'Waste' from the Mineral Safeguarding Area to avoid confusion.
MM34	Policy M2 / 6.38	71	It is important to note that there is no automatic presumption that planning permission for the winning and working of sand and gravel will be granted in MWSAs.	Removal of 'Waste' from the Mineral Safeguarding Area to avoid confusion.
MM35	Policy M2	72	<p>Policy M2 Safeguarding sand and gravel resources</p> <ol style="list-style-type: none"> 1. Sharp sand and gravel and soft sand resources of economic importance, and around active mineral workings, are safeguarded against unnecessary sterilisation by non-minerals development. 2. Safeguarded mineral resources are defined by the Minerals and Waste Safeguarding Area illustrated on the Policies Map. 3. Non-minerals development in the Minerals and Waste Safeguarding Area may be permitted if it can be demonstrated <u>through the preparation of a Mineral Resources Assessment</u>, that the option of prior extraction has been fully considered as part of an application, and: 	<p>Removal of 'Waste' from the Mineral Safeguarding Area to avoid confusion.</p> <p>To provide clarity on how policy M2 makes provision for temporary development and that prior extraction can only take place where it is practical and feasible.</p>

Ref.	Policy / Para.	Page	Proposed modification	Justification
			<p>a. Prior extraction, where practical and environmentally feasible, is maximised, taking into account site constraints and phasing of development; or</p> <p>b. It can be demonstrated that the mineral resources will not be permanently sterilised; or</p> <p>c. It would be inappropriate to extract mineral resources in that location, with regard to other policies in the wider Local Plans.</p>	<p>Inclusion of requirement for a Mineral Resource Assessment included for clarification purposes.</p>
MM36	Policy M2 / 6.39 & 6.40	72	<p>The extent of MWSA will be based on information about aggregate sand and gravel resources from the British Geological Survey and other sources of geological information, plus existing mineral working permissions and the nature and duration of any such operations. In some instances, the MWSAs will apply to sand and gravel deposits beneath existing built up urban areas. This ensures sand and gravel deposits and the possibility for prior extraction is taken into account when proposals for large scale redevelopment are considered. The broad extent of sand and gravel resources to which the MWSA will apply are shown on the Key Diagram and Policies Map.</p> <p>In assessing development proposals within the MWSA, the Central & Eastern Berkshire Authorities will have regard, amongst other things, to the size and nature of the proposed development, the availability of alternative locations and the need for phasing of the proposed development. Account will also be taken of the quantity and quality of the sand and gravel that could be recovered by prior extraction and the practicality and environmental impacts of doing so. A minimum plot size of 3 hectares⁶⁷ will apply in the safeguarding process to avoid repeated consideration of prior extraction where this can be assumed to be uneconomic, due to the small size of the parcels of land involved. However, applications will be monitored to ensure a piecemeal</p>	<p>Removal of 'Waste' from the Mineral Safeguarding Area to avoid confusion.</p>

Ref.	Policy / Para.	Page	Proposed modification		Justification
			approach is not taken which could accumulate to have an impact on resources.		
MM37	Policy M2 / 6.46	74	<p><u>The Central & Eastern Berkshire Authorities have produced a Minerals Consultation Area in line with</u> National Planning Guidance⁶⁸ states that a Minerals Consultation Area (MCA) should be produced based on the MSA. The Central and Eastern Berkshire Authorities' Mineral and Waste Consultation Area (MWCA) includes a buffer of 250 metres around quarries and 50 metres around other mineral operations. The MWCA will be applied by the Central & Eastern Berkshire Authorities <u>which will be used</u> to determine whether they need to consult a neighbouring Mineral Planning Authority or each other on an application <u>which could impact mineral resources or supply.</u> and to ensure that minerals and waste issues are taken into consideration when determining non-minerals or waste applications.</p>		Revision to clarify that the MCA is an internal tool.
MM38	Policy M2 / 6.48	74	Monitoring Indicator	(Threshold) for Policy Review	Clarification of the Monitoring of Policy M2.
			Area (Hectares) of MWSA on completed sites above 3 ha in size, <u>safeguarded resource</u> sterilised by non-minerals development <u>not subject to prior extraction</u>	Year on year increase over 5 years.	
			<u>Amount of sand and gravel (including soft sand) extracted through prior extraction in tonnes per annum.</u>	<u>No increase over 5 years.</u>	

Ref.	Policy / Para.	Page	Proposed modification	Justification
MM39	Policy M3 / 6.49	75	<p>The requirement under national planning policy⁶⁹ is that minerals policies should make provision for ensuring a steady and adequate supply of aggregates for the construction industry and wider economy by means of maintaining a 'landbank'.</p> <p>⁶⁹ National Planning Policy Framework (Para. 213207) - https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/779764/NPPF_Feb_2019_web.pdf https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/1005759/NPPF July 2021.pdf</p>	NPPF 2021 Update
MM40	Policy M3 / 6.53	75	<p>National planning policy⁷⁰ also requires mineral planning authorities to make provision for the maintenance of a landbank of at least seven years for sand and gravel.</p> <p>⁷⁰ National Planning Policy Framework (Para. 213207 (f))</p>	NPPF 2021 Update
MM41	Policy M3 / 6.57 (New Para. 6.58)	76	<p>A change in local circumstances will have an impact on demand and therefore, the landbank. The proposed Heathrow airport expansion, subject to ongoing legal challenges and consultations, is such an example which would create a local increase in demand for aggregate. However, there is currently a significant level of uncertainty over the proposals for the Heathrow airport expansion with regard to timings and construction methods which would influence demand.</p> <p>[split of para. 6.57]</p> <p>It is therefore, accepted that the provision rate may change over the Plan period in order to maintain the landbank and a steady and adequate supply of aggregate. This will be monitored through the Local Aggregate Assessment and reviewed within three years, where necessary. <u>If sufficient sand and</u></p>	Clarification on reliance on imports during the Plan period based on allocations.

Ref.	Policy / Para.	Page	Proposed modification	Justification				
			<p><u>gravel is not provided within the Plan area, there will be a reliance on imports from other Mineral Planning Authority areas until such time development is delivered within Central and Eastern Berkshire. Imports will be regularly monitored but it is anticipated, based on the allocations in the Plan, that sand and gravel will be delivered from outside of the Plan area throughout the Plan period at the following rates:</u></p> <ul style="list-style-type: none"> • <u>228,000 tonnes at 2026;</u> • <u>378,000 tonnes at 2031; and</u> • <u>628,000 tonnes at 2036.</u> 					
MM42	Policy M3 / 6.65	77	<p>The effectiveness of the policy will need to be carefully monitored through the Local Aggregate Assessment <u>including import levels</u> to ensure that changes in local circumstances are reflected in any future provision rate. <u>Local circumstances include issues specific to the Plan area which may impact either demand or supply such as a major infrastructure project or delivery constraints associated with quarries or minerals infrastructure supplying Central and Eastern Berkshire.</u> However, it should also be recognised that these changes maybe time-limited due to their association with specific large-scale infrastructure projects such as <u>the</u> proposed Heathrow airport expansion, rather than a long-term trend.</p>	<p>Additional text to clarify what it meant by 'local circumstance' to avoid ambiguity as raised by Oxfordshire County Council in their Reg 19 Response and correction of typo.</p>				
MM43	Policy M3 / 6.66	78	<table border="1"> <tr> <td>Monitoring Indicator</td> <td>(Threshold) for Policy Review</td> </tr> <tr> <td>Sand and gravel sales fail to achieve provision rate.</td> <td>Breach over 3 consecutive years.</td> </tr> </table>	Monitoring Indicator	(Threshold) for Policy Review	Sand and gravel sales fail to achieve provision rate.	Breach over 3 consecutive years.	<p>The Threshold for Policy Review has been amended to align with Policy M3 and Para. 6.57 which</p>
Monitoring Indicator	(Threshold) for Policy Review							
Sand and gravel sales fail to achieve provision rate.	Breach over 3 consecutive years.							

Ref.	Policy / Para.	Page	Proposed modification		Justification
			Sand and gravel sales exceed provision rate.	Increasing trend in sales (above provision rate) over <u>5</u> <u>3</u> consecutive years.	states that the provision rate will be reviewed every three years.
			<u>Imports of sand and gravel increase.</u>	<u>Increasing trend over Plan period.</u>	New indicator to monitoring import levels to ensure land-won demand not impacted as raised by Oxfordshire County Council in their Reg 19 Response.
MM44	Policy M4 / 6.69, 6.70, 6.71 & 6.72 (& New Para.	79	<p>There is a requirement to provide an additional 5.447 Mt of sharp sand and gravel (0.628 Mt per annum) during the Plan period. As such, there is a need to identify sites for local land-won aggregate <u>to meet the 2.5 Mt shortfall. However, addressing the shortfall will be dependent not only on the yield of the sites but when they are likely to come forward and their annual throughput.</u></p> <p>The new sites identified in Policy M4 have been nominated by industry and have been assessed to be appropriate for development subject to the relevant development considerations outlined in Appendix A. <u>The allocations in seek to provide 0.4 Mt in terms of contribution to supply.</u></p> <p>The exact timings of sites coming forward will depend on the market conditions, extraction rates at existing sites and planning permission being granted. <u>However, it is anticipated that the allocations are likely to be</u></p>		<p>Additional text to clarify the extent of the shortfall but also the contribution that is being made by the allocations in terms of supply.</p> <p>Additional text to confirm when the allocations are intended to be delivered in the Plan period.</p>

Ref.	Policy / Para.	Page	Proposed modification	Justification
			<p><u>delivered at the following points within the Plan period, subject to planning permission being granted:</u></p> <ul style="list-style-type: none"> • <u>Horton Brook & Poyle Quarry Extension, Horton (MA1) – from 2024+;</u> • <u>Poyle Quarry Extensions, Horton (MA2) – from 2024+.</u> <p>Despite new site allocations, there is still likely to be a shortfall in supply during the Plan period⁷⁴. The aggregate industry has not identified sufficient sites to plug this gap at present. The minerals industry is market-led, and it is recognised that there is likely to be a need for future requirements, particularly considering major infrastructure projects in the area such as the proposed Heathrow airport expansion.</p> <p>[split of Para. 6.72]</p> <p>In order to provide flexibility in supply and to allow industry to bring forward appropriate sites, Policy M4 (3) outlines a contingency <u>criteria-based</u> approach to ensure that the landbank is maintained and therefore a steady and adequate supply. <u>Sites will be expected to come forward within the Area of Search for sand and gravel which demonstrates the potential resource in the Plan area. This approach is supported by a Statement of Common Ground with neighbouring mineral planning authorities as outlined in Policy M1. Preferred Areas cannot be provided due to the lack of evidence, and it is considered that this may limit the potential for proposals to come forward across the Plan area.</u></p>	<p>Addition text to correct typos and provide clarification on the approach taken to allowing additional new proposals to come forward.</p>
MM45	Policy M4	80	Policy M4 Locations for sand and gravel extraction	Additional text to clarify the quantum expected to be

Ref.	Policy / Para.	Page	Proposed modification	Justification
			<p>A steady and adequate supply of locally extracted sand and gravel will be provided by:</p> <ol style="list-style-type: none"> 1. The extraction of remaining reserves at the following permitted sites: <ol style="list-style-type: none"> a. Horton Brook Quarry, Horton b. Riding Court Farm, Datchet c. Sheephouse Farm, Maidenhead d. Poyle Quarry, Horton e. Water Oakley, Holyport 2. Extensions to the following existing sites, <u>provided the proposals address the relevant development considerations outlined in Appendix A:</u> <ol style="list-style-type: none"> a. Horton Brook & Poyle Quarry, Horton (MA1) <u>- 0.15 Mt</u> b. Poyle Quarry, Horton (MA 2) <u>- 0.25 Mt</u> 3. Proposals for new sites not outlined in Policy M4 (1 and 2) will be supported, in appropriate locations <u>which comply with all relevant policies in the Plan</u>, where: <ol style="list-style-type: none"> a. They are situated within the Area of Search (as shown on the Policies Map); and b. They are needed to maintain the landbank; and/or c. Maximise opportunities of existing infrastructure and available resources; or d. At least one of the following applies: <ol style="list-style-type: none"> i. The site contains soft sand; 	<p>delivered by each allocation in Policy M4 and to give the development considerations greater weight.</p> <p>Clarification of term 'appropriate locations'</p>

Ref.	Policy / Para.	Page	Proposed modification	Justification
			<p>ii. The resources would otherwise be sterilised; or</p> <p>iii. The proposal is for a specific local requirement.</p>	
MM46	Policy M4 / 6.74 (New Para. 6.75)	80	<p>The Area of Search is shown on the Policies Map. <u>The Area of Search is based on the presence of soft sand, sharp sand and gravel resources but excludes designated areas which are identified in the NPPF as areas that should be avoided for development to be sustainable. The settings of designations could not be excluded as these are not clearly defined. However, built up areas and those areas of remaining resource of less than 3 hectares was excluded as being unlikely to be viable.</u></p> <p>[split Para. 6.74]</p> <p>It is recognised that the Area of Search However, the criteria defining the Area and therefore, the extent will change as land uses change and new designations are made or amended. <u>However, the application of the criteria will remain constant and will determine the extent of the Area of Search.</u> Sites identified within the Area of Search will still be subject to planning permission.</p>	To clarify how the Area of Search will be applied over the Plan period.
MM47	Policy M4 / 6.77	81	<p>National planning policy⁷⁵ states that provision should be made to maintain the landbank at 'at least' 7 years for sand and gravel.</p> <p>⁷⁵ National Planning Policy Framework (para. 213207(f)) - https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/779764/NPPF_Feb_2019_web.pdf https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/1005759/NPPF July 2021.pdf</p>	NPPF 2021 Update
MM48	6.91	83	National policy requires the 'contribution that substitute or secondary and recycled materials <u>and minerals waste would</u> make to the supply of	NPPF 2021 Update

Ref.	Policy / Para.	Page	Proposed modification	Justification
			<p>materials to be taken into account, before considering extraction of primary materials, <u>whilst aiming to source minerals supplies indigenously</u>;⁷⁶.</p> <p>⁷⁶ National Planning Policy Framework (Para. 210204-(b)) - https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/779764/NPPF_Feb_2019_web.pdfhttps://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/1005759/NPPF July 2021.pdf</p>	
MM49	Policy M5	84	<p>Policy M5 Supply of recycled and secondary aggregates</p> <p>1. Recycled and secondary aggregate production will be supported, in appropriate locations <u>which comply with all relevant policies in the Plan</u>, to encourage investment in new and existing infrastructure to maximise the availability of alternatives to local land-won sand and gravel.</p> <p>2. The supply of recycled aggregate will be provided by maintaining a minimum of 0.05 million tonnes per annum.</p>	Clarification of term 'appropriate locations'
MM50	6.106	86	<p>It is considered that should technology advances and more information on geological conditions become available, and the situation changes; there are sufficient policies within national planning policy⁷⁸ to determine any application for oil and gas.</p> <p>⁷⁸ National Planning Policy Framework (most notably Para. 211205) - https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/779764/NPPF_Feb_2019_web.pdfhttps://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/1005759/NPPF July 2021.pdf</p>	NPPF 2021 Update

Ref.	Policy / Para.	Page	Proposed modification	Justification
MM51	6.108	86	<p>Whilst it is considered unlikely that an application will come forward for coal extraction, in such event, national planning policy⁷⁹ would provide sufficient guidance in determining any such application.</p> <p>⁷⁹ National Planning Policy Framework (most notably Para. 217244) - https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/779764/NPPF_Feb_2019_web.pdf https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/1005759/NPPF July 2021.pdf</p>	NPPF 2021 Update
MM52	Policy M6 / 6.112	87	<p>Due to lack of demand for chalk for industrial processes there is no requirement to make 15 years provision of chalk (as cement primary) as outlined in national planning policy⁸⁰.</p> <p>⁸⁰ National Planning Policy Framework (Para. 214208 (c)) – https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/779764/NPPF_Feb_2019_web.pdf https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/1005759/NPPF July 2021.pdf</p>	NPPF 2021 Update
MM53	Policy M6 / 6.118	88	<p>Due to the lack of current brick and tileworks within Central and Eastern Berkshire, there is no requirement to make 25 years provision of brick-making clay as outlined in national planning policy⁸¹.</p> <p>⁸¹ National Planning Policy Framework (Para. 214208 (c)) - https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/779764/NPPF_Feb_2019_web.pdf https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/1005759/NPPF July 2021.pdf</p>	NPPF 2021 Update

Ref.	Policy / Para.	Page	Proposed modification	Justification
MM54	Policy M6	88	<p>Policy M6 Chalk and clay</p> <p>1. Proposals for the extraction of chalk and clay to meet a local requirement will be supported, in appropriate locations <u>which comply with all relevant policies in the Plan,</u> subject to there being no other suitable, sustainable alternative source of mineral <u>including substitute or recycled secondary material is</u> available.</p>	Clarification of term 'appropriate locations'
MM55	Policy M6 / 6.119	88	<p>Proposals for the extraction of non-aggregate minerals will be supported where they are in 'appropriate locations' and therefore, comply with all relevant policies within this Plan. <u>Sustainable alternative sources should include substitute or recycled and secondary materials, where suitable^{xx}</u>. Chalk and clay in particular will be assessed to consider whether the material concerned is needed to meet a specific local requirement which would supply Central and Eastern Berkshire or the immediate surrounding planning authority areas.</p> <p>^{xx}<u>National Planning Policy Framework (Para. 210 (b))</u></p>	Additional text to clarify that sustainable alternative sources could also include substitutes or recycled and secondary materials.
MM56	Policy M7 / 6.124	90	<p>National policy encourages the use of sustainable transport⁸²</p> <p>⁸²National Planning Policy Framework (Para. <u>104</u>) - https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/779764/NPPF_Feb_2019_web.pdfhttps://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/1005759/NPPF July 2021.pdf</p>	NPPF 2021 Update
MM57	Policy M7	91	<p>Policy M7 Aggregate wharves and rail depots</p> <p>1. Proposals for aggregate wharves or rail depots will be supported:</p>	Additional text to give the development

Ref.	Policy / Para.	Page	Proposed modification	Justification
			<p>a. At Monkey Island Wharf, Bray (TA 1) <u>provided the proposal addresses the relevant development considerations outlined in Appendix A</u>; and</p> <p>b. In appropriate locations <u>which comply with all relevant policies in the Plan</u>, with good connectivity to:</p> <ul style="list-style-type: none"> i. The Strategic Road Network; and/or ii. The rail network; and/or iii. Minerals infrastructure. 	<p>considerations greater weight.</p> <p>Clarification of term 'appropriate locations'</p>
MM58	Policy M8 / 6.132	92	<p>Safeguarding minerals infrastructure is a requirement of national planning policy⁸⁵ which states that Mineral Planning Authorities should safeguard: "existing, planned and potential sites for: the bulk transport, handling and processing of minerals; the manufacture of concrete and concrete products; and the handling, processing and distribution of substitute, recycled and secondary <u>aggregate</u> material".</p> <p>⁸⁵National Planning Policy Framework (Para. <u>210204</u> (e)) - https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/779764/NPPF_Feb_2019_web.pdfhttps://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/1005759/NPPF_July_2021.pdf</p>	NPPF 2021 Update
MM59	Policy M8 / 6.136	93	<p>Any existing or planned mineral operation including rail depot or wharf will be automatically safeguarded and a list of safeguarded sites will be maintained by the Central & Eastern Berkshire Authorities. Safeguarded minerals sites will be shown on the Minerals and Waste Safeguarding Area and associated Consultation Area.</p>	Removal of 'Waste' from the Mineral Safeguarding Area to avoid confusion.

Ref.	Policy / Para.	Page	Proposed modification	Justification
MM60	Policy M8 / 6.138	93	<p>In line with the “agent of change” principle in national planning policy⁸⁶, potentially encroaching development will need to provide adequate mitigation measures to avoid prejudicing or jeopardising the safeguarded site or provide evidence that the safeguarded site will be unaffected.</p> <p>⁸⁶National Planning Policy Framework (Para. 187182) - https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/779764/NPPF_Feb_2019_web.pdfhttps://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/1005759/NPPF_July_2021.pdf</p>	NPPF 2021 Update
MM61	Policy W1	98	<p>Policy W1 Sustainable waste development strategy</p> <p>1. The long term aims of the Plan are to provide and/or facilitate sustainable management of waste for Central and Eastern Berkshire in accordance with all of the following principles:</p> <p>a. Encourage Demonstrate how waste towill be managed at the highest achievable level within the waste hierarchy;</p> <p>b. Locate near to the sources of waste, or markets for its use;</p> <p>c. Maximise opportunities to share infrastructure at appropriate existing mineral or waste sites;</p> <p>d. Deliver and/or facilitate the identified waste management capacity requirements (Policy W3);</p> <p>e. Be compliant with the spatial strategy for waste development (Policy W4).</p> <p>f. Where W1 (e) cannot be achieved, work with other waste planning authorities to provide the most sustainable option for waste management.</p>	Clarify that following the waste hierarchy is a requirement.

Ref.	Policy / Para.	Page	Proposed modification	Justification
MM62	Policy W2	100	<p>Policy W2 Safeguarding of waste management facilities</p> <p>1. All lawful or permitted existing, planned and allocated waste management facilities shall be safeguarded against development that would prejudice or jeopardise their operation by creating incompatible land uses.</p> <p>2. New waste management facilities will be automatically safeguarded for the duration of the permission.</p> <p>3. Non-waste development that might result in a loss of permanent waste management capacity may be considered in the following circumstances:</p> <p>a. The planning benefits of the non-waste development clearly outweigh the need for the waste management facility at the location taking into account wider Local Plans and development strategies; and</p> <p>b. An alternative site providing an equal or greater level of waste management capacity of the same type has been found within the Plan area, granted permission and shall be developed and operational prior to the loss of the existing site; or</p> <p>c. It can be demonstrated that the waste management facility is no longer required and will not be required within the Plan period</p>	To clarify the safeguarding criteria.
MM63	Policy W2 / 7.30	101	<p>Safeguarded waste sites will be shown on the Minerals and Waste Safeguarding Area and associated Consultation Area. <u>A list of safeguarded sites (operational and planned) is outlined in Appendix E. It will be maintained by the Central & Eastern Berkshire Authorities and reported in the Monitoring Report. This will be updated as permissions are granted, and sites are closed and no longer require safeguarding.</u></p>	Text to clarify where the update to Appendix E will be reported and consistency with Policy M2.

Ref.	Policy / Para.	Page	Proposed modification	Justification
MM64	Policy W2 / 7.36	102	<p>In line with the “agent of change” principle in national planning policy⁹², it will be expected that the potentially encroaching development will need to provide adequate mitigation measures to avoid prejudicing or jeopardising the safeguarded site or provide evidence that the safeguarded site will be unaffected.</p> <p>⁹²National Planning Policy Framework (Para. 187182) - https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/779764/NPPF_Feb_2019_web.pdfhttps://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/1005759/NPPF_July_2021.pdf</p>	NPPF 2021 Update
MM65	Policy W3	109	<p>Policy W3 Waste capacity requirements</p> <p>1. Additional waste infrastructure capacity within the Plan area will be granted in appropriate locations, to provide a minimum of:</p> <ul style="list-style-type: none"> • 300,000 tpa non-hazardous recycling capacity; • 245,000 tpa non-hazardous recovery capacity; • 575,000 tpa of inert recycling or recovery capacity. <p>2. Hazardous waste management facilities, waste water or sewage treatment plants and non-hazardous waste landfill for residual waste will be supported, in appropriate locations <u>which comply with all relevant policies in the Plan,</u> where there is a clear and demonstrable need.</p>	Clarification of term ‘appropriate locations
MM66	Policy W4 / 7.93	112	<p>Sites suitable for general industrial uses are those identified as suitable for B2 (including mixed B2/B8), or some uses within the B8 use class¹⁰¹ (namely open-air storage). Waste management uses would not normally be suitable on land identified only for B4 <u>E(g)(iii)</u> (light industrial <u>processes</u>uses), although a limited number of low impact waste management uses (e.g. the dis-assembly of electrical equipment) may be suitable on these sites. Some industrial</p>	Update of Use Class Orders (to comply with change from 1st September 2020)

Ref.	Policy / Para.	Page	Proposed modification	Justification
			<p>estates will not be considered suitable for certain waste management facilities because for instance the units are small, the estate is akin to a business park, or it is located close to residential properties.</p> <p>¹⁰¹ The Town and Country Planning (Use Classes) Order 1987 - http://www.legislation.gov.uk/ukssi/1987/764/schedule/made - as amended by The Town and Country Planning (Use Classes) (Amendment) (England) Order 2010 - http://www.legislation.gov.uk/ukssi/2010/653/article/2/made</p>	
MM67	Policy W4	115	<p>Policy W4 Locations and sites for waste management</p> <p>1. The delivery of waste management infrastructure will be supported within:</p> <p>a. Preferred Waste Areas listed in Appendix C; or</p> <p>2. Where waste management infrastructure cannot be accommodated within the Preferred Waste Areas:</p> <p><u>ab. Allocated sites, provided the proposals address the relevant development considerations outlined in Appendix A:</u></p> <p>i. Berkyn Manor Farm, Horton (WA 1);</p> <p>ii. Horton Brook Quarry, Horton (WA 2);</p> <p>iii. The Compound, Stubbings, Maidenhead (WA 3); <u>or</u></p> <p><u>bc. Where waste management infrastructure cannot be accommodated within the Preferred Waste Areas, appropriate locations which comply with all relevant policies in the Plan</u>, where the site has good connectivity to the strategic road network; and</p> <p>i. Areas of major new development; or</p>	<p>Additional text to give the development considerations greater weight.</p> <p>Review Priority</p> <p>Clarification of term 'appropriate locations</p>

Ref.	Policy / Para.	Page	Proposed modification	Justification
			ii. Sources of waste; or iii. Markets for the types of waste to be managed; and iv. One or more of the following features: <ul style="list-style-type: none"> - Is existing or planned industrial or employment land; or - Is a suitable reuse of previously developed land; or - Is within redundant farm or forestry buildings and their curtilages or hard standings; or - Is part of an active quarry or active landfill operation; or - Is within or adjoins sewage treatment works and the development enables the co-treatment of sewage sludge with other wastes; or - There is a clear proven and overriding need for the proposed facility to be sited in the proposed location. 	
MM68	Policy W4 / 7.106, 7.107 & 7.108	116	<p>The sites outlined in Policy W4 (2/a) are entirely located within the Green Belt which has special protection in respect to development. However, these sites are allocated for waste management purposes for the following reasons, in accordance with National Policy¹⁰³.</p> <p>a) Consideration ishas been given first to locating waste management facilities within Preferred Waste Areas, which are not located within the Green Belt.</p> <p>b) Where there is no capacity within the Preferred Waste Areas or the locational needs of the waste management facility prevents it being accommodated within the Preferred Waste Areas, the lack of available sites outside of the Green Belt will need to be taken into consideration as part of the exceptional circumstances.</p> <p>The Preferred Waste Areas identified in Appendix C have been assessed on their suitability for waste management <u>and are therefore prioritised over</u></p>	<p>To clarify that the sites were allocated due to the inability of the Preferred Waste Areas to accommodate those waste uses.</p> <p>Text to clarify the priority order in Policy W4.</p>

Ref.	Policy / Para.	Page	Proposed modification	Justification
			<p>other locations. However, planning permission will not be automatically granted, and the proposals will need to comply with all relevant policies within this plan as well as consider the wider Local Plans and development strategies for Central and Eastern Berkshire.</p> <p><u>Where proposals cannot be accommodated in the Preferred Waste Areas, they will need to demonstrate this, in which case they</u> Proposals for further waste management development will be supported where they are in 'appropriate locations' and therefore, comply with all relevant policies within this Plan. Evidence of the requirement for a particular location will need to be provided in addition to compliance with the other relevant policies in the Plan.</p>	
MM69	Policy W5	119	<p>Policy W5 Reworking landfills</p> <p>1. Proposals for the re-working of landfill sites will only be permitted in appropriate locations <u>which comply with all relevant policies in the Plan,</u> where the proposals would result in beneficial use of the land and of the material being extracted; and, where appropriate, the landfill by-products.</p>	Clarification of term 'appropriate locations'
MM70	Appendix A (Berkyn Manor, Horton (WA1))	124	<ul style="list-style-type: none"> • Impacts to Wraysbury reservoir Site of Special Scientific Interest (SSSI), Staines Moor SSSI, Wraysbury No.1 Gravel Pit SSSI, Wraysbury and Hythe End Gravel Pit SSSI. • Impacts to Queen Mother Reservoir Local Wildlife Site (LWS), Arthur Jacob Nature Reserve LWS, Colne Brook LWS Horton and Kingsmead Lakes LWS. • Consideration of hydrological impacts. • Retention and buffering of hedgerows within site. • Consideration of the Colne Valley Gravel Pits and Reservoirs Biodiversity Opportunity Area in restoration or operational landscaping. 	<p>Development consideration to ensure the proposal can be justified in the Green Belt.</p> <p>The Joint Connectivity Statement is no longer relevant.</p>

Ref.	Policy / Para.	Page	Proposed modification	Justification
			<ul style="list-style-type: none"> • The restoration of the site must consider consideration to the Colne and Crane Valleys Green Infrastructure Strategy (2019) and to the Joint Connectivity Statement¹⁰⁶. <p>Landscape & Townscape</p> <ul style="list-style-type: none"> • Existing vegetation should be conserved and protected, and additional buffer planting established to all boundaries. • Enhanced screening is required. • <u>Green Belt compensation due to development of the site must take into consideration the Colne and Crane Valleys Green Infrastructure Strategy (2019) and its key principles.</u> • <u>Particular consideration should be given to whether the development is not inappropriate in the Green Belt, preserves its openness and does not conflict with the purposes of including land within it.</u> <p>Historic Environment:</p> <ul style="list-style-type: none"> • A Heritage Impact Statement is required. • The setting of Grade II Listed Building to the south needs to be considered. <p>Transport:</p> <ul style="list-style-type: none"> • A new access onto Poyle Road is required for mineral use and further <u>Further</u> investigation is required for a suitable access onto Stanwell Road for waste uses. • A Transport Assessment or Statement is required. • A HGV Routeing Agreement will be required. 	Update as new access is now permitted.

Ref.	Policy / Para.	Page	Proposed modification	Justification
			<p>Flood Risk & Water Resources</p> <ul style="list-style-type: none"> • A Flood Risk Assessment and Hydrological/Hydrogeological Assessment will be required. • Proximity to major / minor aquifers, in addition to Source Protection Zones. <p>¹⁰⁶ Joint Connectivity Statement between the Colne Valley Regional Park, Slough Borough Council, RBWM and the Buckinghamshire authorities.</p>	
MM71	Appendix A – Horton Brook	125	Area: 5.5 ha	Correction
MM72	Appendix A (Horton Brook Quarry, Horton (WA2))	126	<p>Landscape & Townscape:</p> <ul style="list-style-type: none"> • Proposals should ensure adequate space is set aside for the establishment of a strong new landscape structure for this group of sites (Poyle Quarry and extensions, Berkyn Manor and Horton Brook) including large scale native species tree belts. • Integrate new structures with effective screen planting, including along boundaries. • Restoration proposals should have reference to the Colne Valley Gravel Pits and Reservoirs BOA. • Restoration Green Belt compensation due to development of the site must give take into consideration to the Colne and Crane Valleys Green Infrastructure Strategy (2019) and its key principles and to the Joint Connectivity Statement¹⁰⁷. • <u>Particular consideration should be given to whether the development is not inappropriate in the Green Belt, preserves its openness and does not conflict with the purposes of including land within it.</u> 	<p>Development consideration to ensure the proposal can be justified in the Green Belt.</p> <p>The Joint Connectivity Statement is no longer relevant.</p>

Ref.	Policy / Para.	Page	Proposed modification	Justification
			¹⁰⁷ Joint Connectivity Statement between the Colne Valley Regional Park, Slough Borough Council, RBWM and the Buckinghamshire authorities.	
MM73	Appendix A (Horton Brook & Poyle Quarry Extension, Horton (MA1))	127	Proposal: Extension to Horton Brook and Poyle Quarry extracting 250,000 150,000 tonnes of sand and gravel with no processing on site.	Correction of figure.
MM74	Appendix A (Horton Brook & Poyle Quarry Extension, Horton (MA1))	128	<p>Landscape & Townscape</p> <ul style="list-style-type: none"> The Colne Valley Way Trail will need to be temporarily diverted and re-established re-established as part of the restoration and applicants will need to work closely with the relevant authorities and the Colne Valley Regional Park. The bridleway route and restoration of the site must seek to improve connectivity and enhance the local public access network and give consideration to the Colne and Crane Valleys Green Infrastructure Strategy (2019) and to the Joint Connectivity Statement¹⁰⁸. <p>Transport:</p> <ul style="list-style-type: none"> A Transport Assessment or Statement is required. An HGV Routeing Agreement will also be required (or maintain existing). <p>Historic Environment</p> <ul style="list-style-type: none"> The archaeological potential is high and will need to be addressed during the determination of the planning application. <p>Flood Risk & Water Resources</p>	<p>The Joint Connectivity Statement is no longer relevant.</p> <p>Additional text to clarify water resources information relating to the site as raised by the Environment Agency in their Reg 19 response.</p>

Ref.	Policy / Para.	Page	Proposed modification	Justification
			<ul style="list-style-type: none"> • A Flood Risk Assessment and Hydrological/Hydrogeological Assessment is required. • <u>Consideration of near-by private and licenced abstractions.</u> • <u>Site located within a principal aquifer.</u> <p>¹⁰⁸ Joint Connectivity Statement between the Colne Valley Regional Park, Slough Borough Council, RBWM and the Buckinghamshire authorities.</p>	
MM75	Appendix A (Monkey Island Lane Wharf, Bray (TA 1))	129/130	<p>Ecology</p> <ul style="list-style-type: none"> • Protection of Bray Pennyroyal field Site of Special Scientific Interest (SSSI) and Bray Meadows SSSI. • Impacts to Greenway corridor Local Wildlife Site (LWS) within site, ensuring functionality as wildlife corridor is not compromised, and losses compensated. • <u>An ecological assessment of the impact of making The Cut (Greenway Corridor LWS) navigable will be required.</u> • Impacts to Bray Pit Reserve LWS. • <u>Consideration of the Biodiversity Opportunity Area including ecological improvements to the Cut in line with the LWS citation.</u> • <u>A River restoration compensation scheme will be required and is subject to approval by the Environment Agency. This should consist of habitats restoration for the equivalent amount of the river that will be made navigable and should be located immediately upstream. River restoration should include bed raising by adding gravels and creating marginal shelves to restore the channel to more natural dimensions.</u> • Retention of semi-natural habitats within site to accommodate protected species. 	<p>Additional development considerations to address concerns raised over impact on ecology and river morphology caused by proposed development through the Environment Agency's Reg 19 response.</p> <p>Additional Flood Risk considerations following revision of the Strategic Flood Risk Assessment (Ref HS69d).</p>

Ref.	Policy / Para.	Page	Proposed modification	Justification
			<ul style="list-style-type: none"> • Consideration of pollution impacts to riverine habitats <u>both from construction and the ongoing impacts of using the river for navigation purposes.</u> • <u>A morphological assessment of the impact of making The Cut navigable will be required including related impacts on the River Thames and its river corridors.</u> • <u>A Water Framework Directive Assessment is required.</u> <p>Landscape & Townscape</p> <ul style="list-style-type: none"> • Strengthen existing landscape structure with new tree and hedgerow planting to integrate new structures. • Maintain and enhance the setting of the public access route to Bray Lake Recreation Area. <p>Historic Environment</p> <ul style="list-style-type: none"> • Archaeological issues would remain a material consideration and will need to be addressed during the determination of the planning application. <p>Transport:</p> <ul style="list-style-type: none"> • A Transport Assessment or Statement is required. • An HGV and Barge Routeing Agreement will be required. <p>Flood Risk & Water Resources</p> <ul style="list-style-type: none"> • Site largely within Flood Zone 2/3 and Groundwater Source Protection Zone (1) – a Flood Risk Assessment and <u>Hydrological/Hydrogeological Risk Assessment will be required. The FRA will need to ensure that the development will be safe, not increase off site flood risk and consider all sources of flooding. Fluvial modelling will need to be undertaken to provide a</u> 	

Ref.	Policy / Para.	Page	Proposed modification	Justification
			<p><u>detailed assessment of fluvial flood risk and to ensure floodplain compensation is provided where required. Modelling should include the 5%, 1% and 1%+ climate change AEP.</u></p> <ul style="list-style-type: none"> • Proximity to major / minor aquifers, in addition to Source Protection Zones. • <u>A morphological assessment of the impact of making The Cut navigable will be required including related impacts on the River Thames and its river corridors.</u> • Site will be accessed via the River Thames and the Cut – A Section 60 Accommodations License (which applies to mooring piles, slipways, landing stages and other private structural encroachments in the public river) will need to be secured. • <u>An Environmental Permit is required for the use of the Main River The Cut. This is also known as a Flood Risk Activity Permit.</u> • Consideration of The Cut, the River Thames and its river corridors. <p><u>Waterways</u></p> <ul style="list-style-type: none"> • <u>Site will be accessed via the River Thames and the Cut – A Section 60 Accommodations License (which applies to mooring piles, slipways, landing stages and other private structural encroachments in the public river) will need to be secured.</u> • <u>An assessment of the effects in regard to navigation on the River Thames will be required i.e. what increase in commercial traffic/barges might there be and would this traffic be using Environment Agency lock sites.</u> 	
MM76	Appendix A (Poyle Quarry)	132	<p>Transport</p> <ul style="list-style-type: none"> • Provision of a new access will be required, most likely onto Poyle Road. • A Transport Assessment or Statement is required. 	Revision of the correct water body as raised by the

Ref.	Policy / Para.	Page	Proposed modification	Justification				
	(Extensions), Horton (MA2))		<ul style="list-style-type: none"> An HGV Routing Agreement will be required. <p>Flood Risk & Water Resources</p> <ul style="list-style-type: none"> Both sites partly within Flood Zones 2 and/or 3 The site is not located within a Source Protection Zone (SPZ) but the closest SPZ is located to the west of the site approximately under 1km away. Proximity to major / minor aquifers, in addition to Source Protection Zones. A Flood Risk Assessment and Hydrological/Hydrogeological Assessment will be required. <u>The FRA will need to ensure that the development will be safe, not increase off-site flood risk and consider all sources of flooding. Fluvial modelling will need to be undertaken to provide a detailed assessment of fluvial flood risk and to ensure floodplain compensation is provided where required. Modelling should include the 5%, 1% and 1%+ climate change AEP.</u> Consideration of the River Colne <u>Brook</u> and its river corridor. 	<p>Environment Agency in their Reg 19 response.</p> <p>Update as new access is now permitted.</p> <p>Additional Flood Risk considerations following revision of the Strategic Flood Risk Assessment (Ref HS69d).</p>				
MM77	Appendix A (Stubbings Compound, Pinkneys Green, Maidenhead (WA3))	134	<p>Landscape & Townscape:</p> <ul style="list-style-type: none"> <u>Particular consideration should be given to whether the development is not inappropriate in the Green Belt, preserves its openness and does not conflict with the purposes of including land within it.</u> 	<p>Development consideration to ensure the proposal can be justified in the Green Belt.</p>				
MM78	Appendix C	149	<table border="1"> <thead> <tr> <th>Preferred Waste Area</th> <th>Local Planning Authority</th> </tr> </thead> <tbody> <tr> <td>Newlands Farm, Crowthorne</td> <td>Wokingham</td> </tr> </tbody> </table>	Preferred Waste Area	Local Planning Authority	Newlands Farm, Crowthorne	Wokingham	<p>Removal of sites due to application of Climate Change Allowance and</p>
Preferred Waste Area	Local Planning Authority							
Newlands Farm, Crowthorne	Wokingham							

Ref.	Policy / Para.	Page	Proposed modification		Justification
			Brookside Business Park, Swallowfield	Wokingham	impact of flood risk (see Revised Strategic Flood Risk Assessment (Ref HS69d)).
MM79	Appendix C	161	Site Name	Richfield Avenue / Tessa Road Area	Additional text due to application of Climate Change Allowance and impact of flood risk (see Revised Strategic Flood Risk Assessment (Ref HS69d)). Update to reflect change in Use Classes (01.09.2020)
			Location	Richfield Ave, City Centre, Reading RG1 8EQ	
			Current use (specify class classification)	B4 <u>E(g)(iii)</u> / B2 / & B8	
			<p>This industrial area is considered potentially suitable for the following waste categories:</p> <ul style="list-style-type: none"> • Category 2: Activities requiring a mix of enclosed buildings / plant and open ancillary open areas (possibly involving biological treatment); and • Category 3: Activities requiring enclosed industrial premises (small scale) <p><u>Flood risk assessment would be required as part of any planning application to demonstrate the proposal would be safe for the lifespan of the development.</u></p>		

Ref.	Policy / Para.	Page	Proposed modification		Justification
MM80	Appendix C	162	Site Name	Paddock Road Industrial Estate	Additional text due to application of Climate Change Allowance and impact of flood risk (see Revised Strategic Flood Risk Assessment (Ref HS69d)). Update to reflect change in Use Classes (01.09.2020)
			Location	Paddock Road, Reading RG4 5BY	
			Current use (specify class classification)	B1-(G) E(g)(iii) & B2	
			<p>This industrial area is considered potentially suitable for the following waste categories:</p> <ul style="list-style-type: none"> Category 3: Activities requiring enclosed industrial premises (small scale) <p><u>Flood risk assessment would be required as part of any planning application to demonstrate the proposal would be safe for the lifespan of the development.</u></p>		
MM81	Appendix C	164	Site Name	Wigmore Lane	Additional text due to application of Climate Change Allowance and impact of flood risk (see Revised Strategic Flood Risk Assessment (Ref HS69d)).
			Current use (specify class classification)	B1-(G) E(g)(iii) / B2 / & B8	
			<p>This industrial area is considered potentially suitable for the following waste categories:</p> <ul style="list-style-type: none"> Category 2: Activities requiring a mix of enclosed buildings / plant and open ancillary open areas (possibly involving biological treatment); and 		

Ref.	Policy / Para.	Page	Proposed modification	Justification
			<ul style="list-style-type: none"> Category 3: Activities requiring enclosed industrial premises (small scale) <p><u>Flood risk assessment would be required as part of any planning application to demonstrate the proposal would be safe for the lifespan of the development.</u></p>	Update to reflect change in Use Classes (01.09.2020)
MM82	Appendix C	168	[Removal of Newlands Farm as a Preferred Waste Area – Table and Map]	Removal of site due to application of Climate Change Allowance and impact of flood risk (see Revised Strategic Flood Risk Assessment (Ref HS69d)).
MM83	Appendix C	177	[Removal of Brookside Business Park as a Preferred Waste Area – Table and Map]	Removal of site due to application of Climate Change Allowance and impact of flood risk (see Revised Strategic Flood Risk Assessment (Ref HS69d)).
MM84	Appendix E	182	[Additional line to be added after listed Household Waste Recycling Centre (HWRCs)]	Clarification of site safeguarding as this

Ref.	Policy / Para.	Page	Proposed modification	Justification
			<p><u>Specialist Waste Sites</u></p> <p><u>Site Name: Star Works</u></p> <p><u>Location: Knowl Hill</u></p> <p><u>Primary Function/Use: Clinical Waste</u></p> <p><u>Planning Permission / End Date: [blank]</u></p> <p><u>Operator: Grundon Waste Management Limited</u></p>	<p>site was listed as safeguarding for minerals only but is also safeguarded for waste uses as a long-standing land-use for clinical waste management. This issue was raised by Grundon Waste Management Limited in their Reg 19 response.</p>
MM85	Glossary & Acronyms	195	<p>National Planning Policy Framework (NPPF): Published in March 2012 and subsequently updated in 2018, and 2019, and 2021, the NPPF sets out the Government's planning policies for England and how these are expected to be applied.</p>	<p>NPPF 2021 Update</p>

Equality Impact Assessment (EqIA) form: Initial impact assessment

If an officer is undertaking a project, policy change or service change, then an initial impact assessment must be completed and attached alongside the Project initiation document.

EqIA Titular information:

Date:	27 January 2022
Service:	Delivery and Infrastructure
Project, policy or service EQIA relates to:	Central and Eastern Berkshire Joint Minerals and Waste Plan: Main Modifications
Completed by:	Ian Church –Team Manager Planning Policy (Growth and Delivery)
Has the EQIA been discussed at services team meeting:	Yes
Signed off by:	Mark Cupit: Assistant Director Delivery and Infrastructure
Sign off date:	9 December 2021

1. Policy, Project or service information:

This section should be used to identify the main purpose of the project, policy or service change, the method of delivery, including who key stakeholders are, main beneficiaries and any associated aims.

What is the purpose of the project, policy change or service change, its expected outcomes and how does it relate to your services corporate plan:

The purpose of the consultation on the Joint Plan: Main Modifications is to seek views on soundness of the main modifications proposed to the Central and Eastern Berkshire Joint Minerals and Waste Plan (the Joint Plan). The Joint Plan is being prepared in partnership between Bracknell Forest Council, Reading Borough Council, the Royal Borough of Windsor and Maidenhead (RBWM) and Wokingham Borough Council (the joint authorities).

The joint authorities consulted on a pre-submission version of the Joint Plan from 3 September – 15 October 2020. The Joint Plan and supporting documents were subsequently submitted to the Secretary of State for independent examination in February 2021. The public hearing sessions of the Joint Plan took place over several days in September and October 2021. As a result of these hearing sessions a number of modifications were proposed to the Joint Plan in order to ensure it is 'sound.' In total 85 main modifications are proposed. These modifications take into account updates to national planning policy and guidance and propose changes proposed policies.

Upon adoption, the Joint Plan will become part of the development plan which guides how planning applications for minerals and waste related development will be assessed across the joint authorities. At this time it will replace the existing planning policies contained in the Replacement Minerals Local Plan for Berkshire (adopted in 1995 but subject to Alterations in 1997 and 2001) and the Waste Local Plan for Berkshire (1998).

In total 85 main modifications have been recommended in order to make the Joint Plan sound. This includes revised development guidelines for proposed minerals sites in RBWM, and clarifying the purpose of mineral consultation areas as an internal tool to guide consultation. For clarity, the main modifications do not propose to include any new additional minerals or waste sites in Wokingham Borough.

For Wokingham Borough the key main modifications are:

- Brookside Business Park, Swallowfield: Proposed to be removed as a preferred waste area identified in Appendix A of the Joint Plan, due to the increase in flood risk as a result of the latest modelling data which takes into account climate allowances (MM78 and MM83).
- Star Works, Know Hill: Clarity is provided in Appendix E (MM84) that the site is proposed to be safeguarded for waste uses as an existing operational waste site.
- Policy DM15: Operator Past Performance, has been reconsidered and renamed 'Site History' to better focus on land use planning issues (MM27).

Public consultation on the above issues is anticipated to commence on from February 2022 for at least 6 weeks. The report to Executive and Special Council Executive Committee seeks authorisation undertake public consultation on the main modifications, including, agreement to the consultation framework, and agreement to delegate minor changes to the consultation documents.

Public consultation will include engagement with stakeholders, local communities, and town and parish councils. This will include a social media campaign, press and news releases and website updates. Consultation methods may need to be adapted due to the ongoing implications of Covid 19.

Outline how you are delivering your project, policy change or service change. What governance arrangements are in place, which internal stakeholders (Service managers, Assistant Directors, Members etc) have/will be consulted and informed about the project or changes:

The consultation will be undertaken in accordance with the adopted Statement of Community Involvement for planning policy consultations of the joint authorities, but may be subject to adaptations due to the impact of Covid 19. The consultation will involve seeking feedback from a range of interested organisations and other parties (including general and specific consultation bodies specified in the Regulations) as well as councillors and officers.

This builds on a number of earlier public consultations, including the Draft Plan consultation in 2018, a focussed consultation in spring 2020 and Pre-Submission version in summer 2020. This allowed residents, businesses, landowners and other stakeholders the opportunity to review and respond to proposals. Public drop in consultation events were also held, where officers were available to discuss the proposals, and answer questions. The results of these consultations have helped to guide the preparation of the Joint Plan.

Members (including the Leader of the Council, Executive Member for Planning and Enforcement, and Executive Member for Environment and Leisure) have been engaged during the preparation of the Joint Plan through briefing sessions, and attendance at the Joint Sounding Board, constituting Members and officers from each of the central and eastern Berkshire authorities. Other internal stakeholders have been engaged on a general or specific basis throughout the preparation of this consultation including Corporate Leadership Team and lead specialists from across the council.

Outline who are the main beneficiaries of the Project, policy change or service change?

This consultation documentation has been produced by Hampshire Services and the joint authorities, with the input of officers, communities and stakeholders through previous stages of consultation (Issues and Options, Draft Plan, Focused Consultation, Pre-Submission). In the longer term and once adopted, all residents of the borough (and the joint authorities) will benefit from having a new Minerals and Waste Plan, ensuring that planning policy remains effective in managing decisions by the council. This provides greater certainty on the future delivery of minerals and waste development across the borough.

Outline any associated aims attached to the project, policy change or service change:

Public consultation will generate comments from individuals and organisations (including statutory bodies), that will be submitted to the Planning Inspectors, to inform their final report on the Joint Plan.

The aim is for the Joint Plan to be adopted by all four authorities, to set out a robust and up to date strategy and development management policies for minerals and waste.

2. Protected characteristics:

There are 9 protected characteristics as defined by the legislation:

- Race
- Gender
- Disability
- Gender re-assignment
- Age
- Religious belief
- Sexual orientation
- Pregnancy/Maternity
- Marriage and civil partnership:

To find out more about the protected groups, please consult the EQIA guidance.

3. Initial Impact review:

In the table below, please indicate whether your project, Policy change or service change will have a positive or negative impact on one of the protected characteristics. To assess the level of impact, please assign each group a Positive, No, Low or High impact score:

For information on how to define No, low or high impact, please consult the EQIA guidance document.

If your project is to have a positive impact on one of the protected groups, please outline this in the table below.

For details on what constitutes a positive impact, please consult the EQIA guidance.

Protected characteristics	Impact score	Please detail what impact will be felt by the protected group:
Race:	No	Neutral impact – it is not envisaged that this main modifications consultation will have any impact on this group at this point in time. The group would not be prohibited from reviewing and commenting on the consultation documentation.
Gender:	No	Neutral impact – it is not envisaged that this main modifications consultation will have any impact on this group at this point in time. The group would not be prohibited from reviewing and commenting on the consultation documentation.
Disabilities:	No	Neutral impact – it is not envisaged that the main modifications consultation will have any impact on this group at this point in time. The group would not be prohibited from reviewing and commenting on the consultation documentation.
Age:	No	Neutral impact – it is not envisaged that the main modifications consultation will have any impact on this group at this point in time. The group would not be prohibited from reviewing and commenting on the consultation documentation.
Sexual orientation:	None	Neutral impact – it is not envisaged that the main modifications consultation will have any impact on this group at this point in time. The group would not be prohibited from reviewing and commenting on the consultation documentation.
Religion/belief:	No	Neutral impact – it is not envisaged that the main modifications consultation will have any impact on this group at this point in time. The group would not be prohibited from reviewing and commenting on the consultation documentation.
Gender re-assignment:	No	Neutral impact – it is not envisaged that the main modifications consultation will have any impact on this group at this point in time. The group would not be prohibited from reviewing and commenting on the consultation documentation.
Pregnancy and Maternity:	No	Neutral impact – it is not envisaged that the main modifications consultation will have any impact on this group at this point in time. The group would not be prohibited from reviewing and commenting on the consultation documentation.
Marriage and civil partnership:	No	Neutral impact – it is not envisaged that the main modifications consultation will have any impact on this group at this point in time. The group would not be prohibited from reviewing and commenting on the consultation documentation.

Based on your findings from your initial impact assessment, you must complete a full impact assessment for any groups you have identified as having a low of high negative impact. If No impact, or a positive impact has been identified, you do not need to complete a full assessment. However, you must report on this initial assessment and it must receive formal approval from the Assistant Director responsible for the project, policy or service change.

Initial impact assessment approved by

Ian Bellinger

Ian Bellinger: Service Manager Growth and Delivery

Date: 09/12/2021

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Central and Eastern Berkshire

Joint Minerals & Waste Plan

Schedule of Proposed Main Modifications

Examination Library Reference: MD03

1 February 2022



www.rbwm.gov.uk



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1. Introduction

- 1.1 Bracknell Forest Council, Reading Borough Council, the Royal Borough of Windsor and Maidenhead, and Wokingham Borough Council (collectively referred to as the 'Central & Eastern Berkshire Authorities') are working in partnership to produce a Joint Minerals and Waste Plan (JMWP/ 'the Plan') which will guide minerals and waste decision-making in the Plan area.
- 1.2 This document sets out main (MM) modifications to be applied to the Submission version of the Plan. Proposed modifications were discussed at the examination hearings 28-30 September 2021 and 12 October 2021.
- 1.3 Modifications are presented in the following ways;
 - deleted text is struck through i.e. ~~deleted~~; and
 - new text is shown as bold and underlined i.e. **new text**.
- 1.4 The main modifications are subject to public consultation. Any responses received will be given to the Inspectors for consideration.
- 1.5 Where relevant, reference has been made to updated evidence base documents which are available on the Examination Library. However, this is for information purposes and the documents are not subject to consultation.

2. Schedule of proposed Main Modifications

Text to be inserted is shown **bold and underlined**.

Text to be deleted is shown ~~struck through~~.

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Ref.	Policy / Para.	Page	Proposed modification	Justification
MM1	1.9	3	<p>The Joint Minerals & Waste Plan will need to accord with current planning policy and guidance on minerals and waste. The National Planning Policy Framework (NPPF) was published in 2012 with the accompanying National Planning Practice Guidance² launched in 2014 as a live document, updated as necessary by the Government. The NPPF was subsequently revised in 2018, <u>2019</u> and <u>2021</u>2019³. The Waste Management Plan for England⁴ was published in December 2013, followed by the National Planning Policy for Waste⁵ which was published in October 2014. The 25 Year Environment Plan⁶ was published in 2018 and sets out Government action to help the natural world regain and retain good health. A Resources and Waste Strategy for England was also published in December 2018⁷. The Strategy seeks to preserve material resources by minimising waste, promoting resource efficiency, and encouraging a move towards a circular economy.</p> <p>³ National Planning policy Framework - https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/840197/NPPF_Feb_2019_revised.pdf <u>https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/1005759/NPPF July 2021.pdf</u></p>	NPPF 2021 Update
MM2	1.20	6	<p>The NPPF²⁴ requires that Local Plans are reviewed at least every five years from the year of adoption in order to take into account changing circumstances to the local area and national policy. The review should decide whether the</p>	NPPF 2021 Update

Ref.	Policy / Para.	Page	Proposed modification	Justification
			<p>policies need updating and if not, the reasons for this decision must be published.</p> <p>²⁴ National Planning Policy Framework (Para. 33) - https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/779764/NPPF_Feb_2019_web.pdf https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/1005759/NPPF July 2021.pdf</p>	
MM3	3.16	16	<p><u>xii. Address both the causes of climate change and seek ways to mitigate and adapt to its potential effects.</u></p>	To ensure alignment between the Spatial Strategy and the Vision and Strategic Objectives.
MM4	Policy DM 2 / 5.10 & 5.11	22	<p>It is a national planning objective that planning plays a key role in helping to shape places to secure radical reductions in greenhouse gas emissions, minimising vulnerability and improving resilience; encouraging the reuse of existing resources, including the conversion of existing buildings; and supporting the delivery of renewable and low carbon energy and associated infrastructure³⁰.</p> <p>National planning policy also states that '<u>Plans should take a proactive approach to mitigating and adapting to climate change</u> local planning authorities should adopt proactive strategies to mitigate and adapt to climate change³¹. This should include taking account of the long-term implications for flood risk, coastal change, water supply, biodiversity and landscapes as well as the risk of overheating from rising temperatures³².</p> <p>³⁰ National Planning Policy Framework (Para. 152148): https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/779764/NPPF_Feb_2019_web.pdf</p>	NPPF 2021 Update

Ref.	Policy / Para.	Page	Proposed modification	Justification
			<p>le/779764/ NPPF_Feb_2019_web.pdf https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/1005759/NPPF_July_2021.pdf</p> <p>³¹National Planning Policy Framework (Para. 153449)</p> <p>³²National Planning Policy Framework (Para. 153449)</p>	
MM5	Policy DM3 / 5.19 & 5.20	25	<p>National planning policy protects biodiversity overall, as well as important habitats and species, requiring local authorities to ‘distinguish between the hierarchy of international, national and locally designated sites; allocate land with the least environmental or amenity value’ and ‘take a strategic approach to maintaining and enhancing networks of habitats and green infrastructure; and plan for the enhancement of natural capital at a catchment or landscape scale across local authority boundaries’³⁴ .</p> <p>The Environment Act³⁵ requires that development achieves at least a 10% net gain in value for biodiversity and that developers must submit a ‘biodiversity gain plan’ with a planning application. Furthermore, the Act requires that Local Nature Recovery Strategies (LNRS) to be prepared by locally appointed ‘responsible authorities’³⁶ to guide delivery of biodiversity net gain and other nature recovery measures by helping developers and planning authorities avoid the most valuable existing habitat and focus habitat creation or improvement where it will achieve the greatest benefit.</p> <p>³⁴National Planning Policy Framework 2019 (Para. 175474) - https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/1005759/NPPF_July_2021.pdf</p> <p>³⁵ Environment Bill currently going through Parliament Environment Act 2021 - https://www.legislation.gov.uk/ukpga/2021/30/contents/enacted</p>	NPPF 2021 Update and Enactment of Environment Bill

Ref.	Policy / Para.	Page	Proposed modification	Justification
MM6	Policy DM3 / 5.24 & 5.25	28	<p>National planning policy is clear that development on land within or outside a Site of Special Scientific Interest, and which is likely to have an adverse effect on it (either individually or in combination with other developments), should not normally be permitted. The only exception is where the benefits of the development in the location proposed “clearly outweigh both its likely impact on the features of the site that make it of special scientific interest, and any broader impacts on the national network of Sites of Special Scientific Interest”³⁷.</p> <p>Similarly, national planning policy requires that development resulting in the loss or deterioration of irreplaceable habitats (such as ancient woodland and ancient or veteran trees) be refused, unless there are “wholly exceptional reasons”³⁸ and a suitable compensation strategy exists”³⁹.</p> <p>³⁷National Planning Policy Framework (NPPF) (Para 180(b))2019 (Para 175(b)). - https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/1005759/NPPF_July_2021.pdf</p> <p>³⁸ For example, infrastructure projects (including nationally significant infrastructure projects, orders under the Transport and Works Act and hybrid bills), where the public benefit would clearly outweigh the loss or deterioration of habitat</p> <p>³⁹ National Planning Policy Framework (NPPF) (Para 180(c))2019 (Para 175(c))</p>	NPPF 2021 Update
MM7	Policy DM4 / 5.33	31	<p>Central and Eastern Berkshire contains a diverse range of landscapes. National planning policy requires that ‘great weight is should be given to conserving and enhancing landscape and scenic beauty in National Parks, the Broads and Areas of Outstanding Natural Beauty, which have the highest status of protection in relation to these issues’⁴⁰.</p> <p>⁴⁰National Planning Policy Framework (Para. 176172) - https://www.gov.uk/government/publications/national-planning-policy-framework</p>	NPPF 2021 Update

Ref.	Policy / Para.	Page	Proposed modification	Justification
			https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/1005759/NPPF July 2021.pdf	
MM8	Policy DM4	31	<p><u>1. Development which affects the setting of an Area of Outstanding Natural Beauty (AONB) should be sensitively located and designed to avoid or minimise adverse impacts on the designated areas.</u></p> <p><u>2.</u> 4. Development Proposals which affects the setting of an Area of Outstanding Natural Beauty (AONB) will be accompanied by a Landscape and Visual Impact Assessment that demonstrates that there is no detrimental impact on the natural beauty of the North Wessex Downs or Chilterns AONBs in terms of scale, design, layout or location, that cannot be effectively mitigated.</p>	To address changes to Para. 172 of NPPF 2019, reflected in Para. 176 of NPPF 2021.
MM9	Policy DM5 / 5.40	33	Landscapes outside designated areas and sites are highly valued, and it is important to respect their special qualities <u>intrinsic character and beauty</u> . Minerals and waste developments, even though they may be temporary, can have a negative landscape and visual impact on residents, visitors, users of publicly accessible land, rights of way and roads	Text amended to reflect Para. 174 of NPPF 2021.
MM10	Policy DM5	33	<p>Policy DM5 Protection of the Countryside</p> <p>1. Minerals and waste development in the open countryside will only be permitted where:</p> <p>a. It is a time-limited mineral extraction or <u>time-limited</u> related development; or</p> <p><u>b. the nature of the development is related to countryside activities or requires an isolated location;</u></p>	Text amended to reflect Para. 174 of NPPF 2021, improve the application of the Policy and clarify the time-limited development.

Ref.	Policy / Para.	Page	Proposed modification	Justification
			<p>bc. The development provides a suitable reuse of previously developed land; or</p> <p>ed. The development is within redundant farm or forestry buildings and their curtilages or hard standings.</p> <p>2. Where appropriate and applicable, development in the countryside will be expected to:</p> <p>a. mMeet the highest standards of design, operation and restoration; including being subject to a requirement that it is restored</p> <p>b. consider the intrinsic character and beauty of the landscape which would be determined by the relevant Local Character Assessment; in particular,</p> <p>c. ensure any the network of statutory and permissive countryside access routes should be protected, and where possible, enhanced; and</p> <p>d. be subject to the requirement that it is restored in the event it is no longer required for minerals and waste use.</p>	
MM11	Policy DM6 / 5.50	35	<p>The eastern part of the Plan area is situated within the Metropolitan Green Belt around London (see Key Diagram). The fundamental aim of Green Belt policy is to prevent urban sprawl by keeping land permanently open; the essential characteristics of Green Belts are their openness and their permanence⁴².</p> <p>⁴² National Planning Policy Framework (Para. 137133) - https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/779764/</p>	NPPF 2021 Update

Ref.	Policy / Para.	Page	Proposed modification	Justification
			NPPF_Feb_2019_web.pdf https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/1005759/NPPF July 2021.pdf	
MM12	Policy DM6 / 5.52	35	<p>There is a presumption against inappropriate development within the Green Belt. Inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances⁴³.</p> <p>⁴³ National Planning Policy Framework (Para. 147143)</p>	NPPF 2021 Update
MM13	DM6	35	<p>Policy DM6 Green Belt</p> <p><u>1. Mineral extraction will be permitted where it is not inappropriate development. In determining whether a proposal is inappropriate development or not consideration will be given to the effect upon openness and purposes of including land within the Green Belt.</u></p> <p>2. Where the proposals do not conflict with the preservation of the openness of the Green Belt, w Waste management facilities, including aggregate recycling facilities, will be permitted where <u>the proposal does not conflict with the preservation of the openness of the Green Belt and suitable mitigation can be provided to ensure that the proposal would not harm the purposes of including land within the Green Belt. Where a proposal would be considered inappropriate development , consideration will be given to whether:</u></p> <ul style="list-style-type: none"> ▪ that the site is the most suitable location in relation to arisings and recycle markets; ▪ <u>i</u> there are no appropriate sites outside the Green Belt that could fulfil the same role; and 	<p>To clarify exceptions are set out in the NPPF which could be applied to waste management proposals in the Green Belt in certain circumstances.</p> <p>To clarify that mineral extraction is not inappropriate development in a Green Belt.</p> <p>To split minerals and waste processes into separate criteria and review associated bullet points.</p>

Ref.	Policy / Para.	Page	Proposed modification	Justification
			<p><u>ii. the site is the most suitable location in relation to arisings and recycle markets.</u></p> <p>• that suitable mitigation is provided to ensure the development would not cause harm to the objectives and purposes of the Green Belt.</p>	Part A has been removed and forms an Additional Modification (AM6)
MM14	Policy DM6 / 5.55	36	<p>National planning policy⁴⁴ states that minerals extraction, engineering operations and the re-use of buildings provided that the buildings are of permanent and substantial construction are not inappropriate development in the Green Belt provided that they preserve the openness of the Green Belt and proposals do not conflict with the purpose of including land in the Green Belt.</p> <p><u>Other exceptions include the re-use of buildings which could be relevant to waste proposals in the Green Belt^{xx}. Consideration will also be given to the proposed duration of the development and the vehicle movements likely to be generated^{xx}.</u></p> <p>⁴⁴ National Planning Policy Framework (Para. 150146) - https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/779764/NPPF_Feb_2019_web.pdfhttps://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/1005759/NPPF_July_2021.pdf</p> <p>^{xx}<u>Planning Practice Guidance (Paragraph: 001 Reference ID: 64-001-20190722) - https://www.gov.uk/guidance/green-belt</u></p>	NPPF 2021 Update
MM15	Policy DM7 / 5.63	38	<p>National planning policy identifies the conservation of such heritage assets as one of the core land-use planning principles that underpin both plan-making and decision-taking; it states that heritage assets should be conserved in a manner appropriate to their significance, so that they can be enjoyed for their contribution to the quality of life by today's and future generations⁴⁵</p>	NPPF 2021 Update

Ref.	Policy / Para.	Page	Proposed modification	Justification
			<p>⁴⁵ National Planning Policy Framework (Para. 189184) - https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/779764/NPPF_Feb_2019_web.pdf https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/1005759/NPPF_July_2021.pdf</p>	
MM16	Policy DM7	39	<p>Policy DM7 Conserving the Historic Environment</p> <p>1- Proposals for minerals and waste developments will be required to protect, conserve and where possible enhance the historic environment, and the character, setting and special interest of heritage assets, whether designated or undesignated non-designated.</p> <p>2. Harm will only be allowed where the public benefit of development clearly and convincingly outweighs the significance of the heritage assets, and where the development cannot be delivered in a way that does not cause harm.</p> <p>2. Any planning application Proposals should be supported by an assessment of the significance of heritage assets including their setting, both present and predicted, and the impact of development on them. Where appropriate, this should be informed by the results of technical studies, and field evaluation and other evidence. For mineral proposals this should to establish the potential for archaeological remains within the overburden and the mineral body itself.</p> <p>3. Proposals that would cause substantial harm to, or loss of, a designated heritage asset and its significance including its setting, will be required to set out a clear and convincing justification as to why that harm is considered acceptable on the basis of achieving substantial</p>	Additional text to clarify to outline the public benefit test.

Ref.	Policy / Para.	Page	Proposed modification	Justification
			<p><u>public benefits that outweigh that harm or loss, or where all the specific circumstances in the NPPF apply. Proposals will not be supported where this cannot be demonstrated.</u></p> <p><u>4. Proposals that cause less than substantial harm to the significance of a designated heritage asset will be required to weigh the level of harm against the public benefits that may be gained by the proposal including securing its optimum viable use.</u></p> <p><u>4. 5. When there is clear and convincing justification that</u> the public benefits of development outweigh the <u>harm to, or loss of, a</u> significance of the <u>designated</u> heritage assets and <u>its significance including its setting</u> harm to, or loss to heritage assets would unavoidably occur, mitigation of that harm, <u>should be secured.</u></p> <p>6. Proposals which would affect the significance of a non-designated heritage asset should be assessed. In assessing proposals there will need to be a balanced judgement which weighs the direct and indirect effects upon the significance of the non-designated heritage asset.</p> <p>7. Where appropriate, mitigation measures should include archaeological work ahead of or during development, the recording of designated and non-designated heritage assets, the protection, conservation, enhancement or reinstatement of a heritage asset's setting.</p>	

Ref.	Policy / Para.	Page	Proposed modification	Justification
			<u>8. Evidence and results of archaeological excavation, field evaluations, technical studies and other recordings should be made publicly accessible</u> (including depositing the results in a public archive <u>and Historic Environment Record</u>).	
MM17	Policy DM8	42	<p>Policy DM8 Restoration of Minerals and Waste Developments</p> <p>1. Planning permission for minerals extraction and temporary waste management development will be granted only where satisfactory provision has been made for high standards of restoration and aftercare such that the intended after-use of the site is achieved in a timely manner, including where necessary for its long-term management.</p> <p>2. The restoration of minerals and waste developments should reinforce or enhance the quality and character of the local area and should contribute to the delivery of local objectives for biodiversity, landscape character, historic environment, <u>flood risk management</u> or community use where these are consistent with the Development Plan and national policies and guidance.</p> <p>3. <u>Proposals for all mineral extraction and landfill sites must be accompanied by a restoration and aftercare scheme and</u> The restoration of mineral extraction and landfill sites should be phased throughout the life of the development.</p>	To provide sufficient clarity in the policy on what restoration information is required.
MM18	Policy DM10 / 5.96	48	Minerals and waste development can have significant impacts on flooding. National planning policy on flooding <u>states "Inappropriate development in areas at risk of flooding should be avoided by directing development away from areas at highest risk (whether existing or future). Where development is necessary in such areas, the development should be made safe for its lifetime without increasing flood risk elsewhere."</u> aims	NPPF 2021 Update

Ref.	Policy / Para.	Page	Proposed modification	Justification
			<p>to 'steer inappropriate new development to areas with the lowest probability of flooding'⁵³</p> <p>⁵³National Planning Policy Framework (Para <u>159</u>) - https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/779764/NPPF_Feb_2019_web.pdf https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/1005759/NPPF July 2021.pdf</p>	
MM19	Policy DM10	48	<p>1. Minerals and waste development in areas at risk of flooding should:</p> <p>a. Apply the sequential approach which involves applying the sequential test, and if needed the exception test, where required, and sequential approach within the to specific development site proposals directing the most vulnerable development to the areas at lowest risk probability of from flooding;</p> <p>b. Not result in an increased flood risk elsewhere and, where possible, reduce flood risk overall;</p> <p>c. Ensure development is safe from flooding for its lifetime including an assessment of climate change impacts;</p> <p>d. Incorporate flood protection, flood resilience and resistance measures where appropriate to the character and biodiversity of the area and the specific requirements of the site;</p> <p>e. Include site drainage systems designed to take account of events which exceed the normal design standard; include site drainage systems designed to manage storm events up to and including the 1% Annual</p>	<p>The wording of points a and b needed to be amended as they had been worded incorrectly (the latter needed to be aligned with the Planning Practice Guidance). This was raised by the EA in their Reg 19 response.</p>

Ref.	Policy / Para.	Page	Proposed modification	Justification
			<p><u>Exceedance Probability (1:100 year) storm with an appropriate allowance for climate change;</u></p> <p>f. Not increase net surface water run-off; and</p> <p>g. If appropriate, incorporate Sustainable Drainage Systems to manage surface water drainage, with whole-life management and maintenance arrangements.</p>	
MM20	Policy DM10 / 5.98	48/49	Mineral deposits have to be worked where they are found, and these are often located in flood risk areas. Sand and gravel extraction and processing can take place in flood risk areas, provided any potential impact on the site and surrounding area is adequately managed so that the risk of flooding does not increase either within the site or downstream <u>including during the restoration phases.</u> Applications for minerals and waste proposals within Source Protection Zones should be accompanied by a Hydrogeological Risk Assessment.	Additional wording to clarify that increased risk should not occur elsewhere during restoration phased of mineral quarrying as raised by the Environment Agency in their Reg 19 response.
MM21	Policy DM10 / 5.100	49	Existing waste developments have the potential to pollute water resources if they are at risk from flooding. Landfill and hazardous waste facilities will not be permitted in Flood Risk Zones 3a and 3b. <u>Landfill and hazardous waste facilities are classed as More Vulnerable and as such are not permitted in Flood Zone 3b with an exception test required if they are proposed in Flood Zone 3a. Proposals will only be permitted in line with the vulnerability categories and classification in the National Planning Policy</u>	Additional wording to clarify the application of Policy DM10 in relation to proposals in Flood Zone 3a or 3b as raised by the Environment Agency

Ref.	Policy / Para.	Page	Proposed modification	Justification
			framework and Practice Guidance. Historic landfills in areas of flood risk may need to be protected by flood defences.	in their Reg 19 response.
MM22	DM11	50	<p>1. Planning permission will be granted for minerals and waste development where proposals do not:</p> <p>a. Result in the deterioration of the physical state, water quality or ecological status of any water resource and waterbody including river, streams, lakes, ponds, groundwater source protection zones and groundwater aquifers; or</p> <p>b. cause unacceptable risk to the quantity of water resources; or</p> <p>c. cause changes to groundwater and surface water levels which would result in unacceptable impacts on:</p> <p>i. adjoining land;</p> <p>ii. nearby private and licensed abstractions;</p> <p>iii. potential groundwater resources; or</p> <p>iv. the potential yield of groundwater resources, river flows or natural habitats.</p> <p>2. Where proposals are in a groundwater source protection zone_a Hydrogeological/Hydrological Risk Assessment must be provided to determine whether there is a hazard to water resources, quality or abstractors. If the Hydrogeological/Hydrological Risk Assessment identifies unacceptable risk, the developer must provide appropriate mitigation.</p>	Additional wording to point 1c to clarify the need for a protection of nearby abstractions and point 2 to align with the Environment Agency's approach to protection of groundwater as raised by the Environment Agency in their Reg 19 response.

Ref.	Policy / Para.	Page	Proposed modification	Justification
MM23	Policy DM12 / 5.117	53	<p>National planning policy supports developments where sustainable transport opportunities have been utilised, safe and suitable access can be achieved, and any significant impacts from the development on the transport network in terms of capacity, congestion and highway safety can be mitigated in an acceptable, and cost effective way⁵⁷.</p> <p>⁵⁷National Planning Policy Framework (Para. 110408) - https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/779764/NPPF_Feb_2019_web.pdf https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/1005759/NPPF July 2021.pdf</p>	NPPF 2021 Update
MM24	Policy DM13 / 5.127	57	<p>National planning policy⁵⁸ attaches great importance to the design of the built environment and is a key aspect of sustainable development.</p> <p>⁵⁸National Planning Policy Framework (Para. 126424) - https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/779764/NPPF_Feb_2019_web.pdf https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/1005759/NPPF July 2021.pdf</p>	NPPF 2021 Update
MM25	Policy DM15 / Heading	61	<p>Operator past performance <u>Site History</u></p> <p>The planning regime has, as a principle, the expectation that effective planning authority monitoring, and enforcement, will take place and that other regulatory regimes will function to help control the potential negative impacts of development. Each planning application is considered on its own merits, within the overall strategic direction of relevant plans. At the same time, when making planning decisions, it is necessary to take all relevant information into</p>	Focus on land-use in line with planning principles.

Ref.	Policy / Para.	Page	Proposed modification	Justification
			<p>account and Planning Practice Guidance⁶⁴ states that the planning history of a site may be a relevant consideration in the determination of an application.</p> <p>An operator's record of running established minerals or waste sites within their control can provide information on how appropriately the impacts of development have been managed by that operator. <u>The history of an established minerals or waste site can provide information on how appropriately the impacts of development can be managed at that site.</u> In some circumstances, where there is sufficient evidence, this information can be a useful indicator of how proposed future minerals or waste uses might need to be managed by that operator.</p> <p>This Plan seeks to protect communities near minerals and waste development from any significant adverse effects.</p> <p>Policy DM15 <u>Past operator performance Site History</u></p> <ol style="list-style-type: none"> 1. Where an applicant or operator has been responsible for an existing or previous minerals or waste development site <u>there is a history of minerals or waste activities at a proposed site,</u> an assessment of their <u>the environmental and amenity impacts</u> operational performance at that existing or previous site will be made. 2. Where issues have been raised about the <u>environmental or amenity impacts of a</u> operation of an existing or previous development site, how the operator or applicant has responded, particularly where there is evidence of any significant adverse <u>environmental or amenity impacts</u> effects, <u>these issues</u> will be taken into consideration in 	

Ref.	Policy / Para.	Page	Proposed modification	Justification
			<p>decision-making on minerals or waste applications submitted by the same applicant or operator <u>on that site</u>.</p> <p>Implementation</p> <p>Any site can experience issues, and these will vary in complexity. It is important that operators listen to the concerns of the monitoring officers or the community and take active steps to rectify issues, especially substantiated complaints and breaches, quickly, effectively and proportionately.</p> <p>Liaison panels can be an effective way of bringing together various interested parties, keeping relevant stakeholder informed, opening communication channels and resolving issues. Liaison panels, where appropriate, should be established and managed by the relevant operator of the site. It is encouraged that interested parties, such as parish councils, are invited to join as active members of the panel to enable effective representation of local interests.</p> <p>A minerals or waste development may be authorised or unauthorised. An intentional unauthorised development can be a material consideration⁶⁵, as it could potentially have a variety of significant adverse effects, being much less likely to have implemented avoidance or mitigation measures.</p> <p>The (re)occurrence of any significant adverse <u>environmental or amenity impacts</u> effects and how they have been addressed will be an indicator of whether an operator or applicant can deliver future development effectively <u>a particular land use can be made acceptable on a particular site</u>. The applicant will need to provide information and relevant records on existing development site performance as part of the application, as well as submitting information on how any previous performance issues will be avoided and/or addressed in the future for the proposed development <u>Particularly relevant</u></p>	

Ref.	Policy / Para.	Page	Proposed modification	Justification
			<p><u>will be those activities, impacts, potential impacts, or mitigation measures that are similar to the ones proposed.</u></p> <p><u>The applicant will need to provide information and relevant records on the existing site history as part of the planning application, as well as submitting information on how any previously occurring adverse environmental or amenity impacts will be avoided and/or addressed in the future for the proposed development.</u></p> <p>A Monitoring Assessment <u>information</u> will be required, to support the determination of a planning application, particularly where developments have a long or complex history of issues. Where there is no history of an operator within the Plan areas, it may be possible to obtain the relevant information through liaison with monitoring officers in locations where they have previously had active sites. It would be expected that the planning authority prepares the Monitoring Assessment <u>collates the monitoring information</u> with relevant input (e.g. monitoring officer, <u>site operator, Liaison Panel</u>, environmental health officer or Environment Agency). <u>The monitoring information will need to include how many and what types of adverse environmental or amenity impacts have arisen, as well as whether and how they have been addressed.</u></p> <p><u>It is sometimes the case that new proposals amend the boundaries of an existing site, therefore a proposed site may overlap or adjoin an existing site. Monitoring information may still be required, if the operations at the existing site are considered to be relevant to the new proposals.</u></p>	

Ref.	Policy / Para.	Page	Proposed modification		Justification	
			<p>The record of performance of an operator or applicant site history, as assessed, will form a material consideration in the decision-making process and may be used:</p> <ul style="list-style-type: none"> As a basis to request additional information to support an application in relation to any <u>potential adverse environmental or amenity impacts</u> issues raised through the Assessment and how <u>or whether</u> these may <u>can</u> be mitigated as part of the proposal; To apply an appropriate condition to a permission to address <u>any potential adverse environmental or amenity impacts</u> an issue which has been raised through the Assessment where this has not been rectified by the applicant to an acceptable level; or To tip the balance in determining an application where other matters are equal in relation to impacts. <u>To influence the monitoring regime of the use permitted by the mineral and waste planning authority.</u> 			
			Monitoring Issue	Monitoring Indicator	(Threshold) for Policy Review	

Ref.	Policy / Para.	Page	Proposed modification			Justification
			Taking past performance <u>site history</u> into account	Permissions for proposals by existing operators accompanied by Monitoring Assessments <u>Issues from monitoring information taken into account.</u>	Number of permissions where issues outlined in <u>from Monitoring Assessments information</u> are not addressed through additional information requests and/or conditions > 0	
MM26	Policy M1	68	<p>The long term aims of the Plan are to provide and/or facilitate a steady and adequate supply of minerals to meet the needs of Central and Eastern Berkshire in accordance with all of the following principles:</p> <p>a) Work with relevant minerals planning authorities to maintain the supply of aggregate not available within Central and Eastern Berkshire;</p> <p>b) Deliver and/or facilitate the identified aggregate demand requirements (Policy M3);</p> <p>c) Facilitate the supply of other mineral to meet local demands (Policy M6);</p> <p>d) Be compliant with the spatial strategy for minerals development (Policy M4); <u>and</u></p> <p>e) Take account of wider Local Plans and development strategies for Central and Eastern Berkshire.</p>			Typo

Ref.	Policy / Para.	Page	Proposed modification	Justification
MM27	Policy M1 / 6.25	68	<p>The Central & Eastern Berkshire Authorities will work jointly to maintain the supply of minerals that serve the wider Plan area. They will also work closely with relevant mineral planning authorities to plan for the provision of aggregates from outside of the Plan area that supply Central and Eastern Berkshire. This will be established through Statements of Common Ground.</p> <p><u>Aggregate that is not available to Central and Eastern Berkshire includes those not geologically present such as hard rock, those that cannot be sourced from within the Plan area due to constraints on supply. The constraints on supply will be explored within the Statements of Common Ground and monitored through the Local Aggregate Assessment (see Policy M3).</u></p>	Additional text to clarify what it meant by 'not available' to avoid ambiguity as raised by Oxfordshire County Council in their Reg 19 Response.
MM28	Policy M2 / 6.30	70	<p>Minerals are a valuable but finite resource that can only be won where they naturally occur. Safeguarding of viable or potentially viable mineral deposits from sterilisation by surface development is an important component of sustainable development. Safeguarding means taking a long-term view to ensure that sufficient resources will be available for future generations, and importantly, options remain open about where future mineral extraction might take place with the least environmental impact. National planning policy⁶⁵ is that planning authorities should safeguard mineral deposits that are of local or national importance against non-minerals development by defining Mineral Safeguarding Areas (MSAs) in their plans and not normally permit development in Mineral Safeguarding Areas if it constrains their potential future use⁶⁶.</p> <p>⁶⁵ National Planning Policy Framework (Para. 210204 (c)) - https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/779764/</p>	NPPF 2021 Update

Ref.	Policy / Para.	Page	Proposed modification	Justification
			<p>NPPF_Feb_2019_web.pdf https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/1005759/NPPF July 2021.pdf</p> <p>⁶⁶ National Planning Policy Framework (Para. 212206)</p>	
MM29	Policy M2 / 6.31	70	Minerals of local and national importance will be safeguarded and defined by the Mineral and Waste Safeguarding Areas (MWSA). This safeguarding will be achieved by encouraging extraction of the underlying minerals prior to development proceeding, where practicable, if it is necessary for the development to take place within the MWSA.	Removal of 'Waste' from the Mineral Safeguarding Area to avoid confusion.
MM30	Policy M2 / 6.38	71	It is important to note that there is no automatic presumption that planning permission for the winning and working of sand and gravel will be granted in MWSAs.	Removal of 'Waste' from the Mineral Safeguarding Area to avoid confusion.
MM31	Policy M2	72	<p>Policy M2 Safeguarding sand and gravel resources</p> <ol style="list-style-type: none"> 1. Sharp sand and gravel and soft sand resources of economic importance, and around active mineral workings, are safeguarded against unnecessary sterilisation by non-minerals development. 2. Safeguarded mineral resources are defined by the Minerals and Waste Safeguarding Area illustrated on the Policies Map. 3. Non-minerals development in the Minerals and Waste Safeguarding Area may be permitted if it can be demonstrated <u>through the preparation of a Mineral Resources Assessment</u>, that the option of prior extraction has been fully considered as part of an application, and: 	<p>Removal of 'Waste' from the Mineral Safeguarding Area to avoid confusion.</p> <p>To provide clarity on how policy M2 makes provision for temporary development and that prior extraction can only take place where it is practical and feasible.</p>

Ref.	Policy / Para.	Page	Proposed modification	Justification
			<p>a. Prior extraction, where practical and environmentally feasible, is maximised, taking into account site constraints and phasing of development; or</p> <p>b. It can be demonstrated that the mineral resources will not be permanently sterilised; or</p> <p>c. It would be inappropriate to extract mineral resources in that location, with regard to other policies in the wider Local Plans.</p>	<p>Inclusion of requirement for a Mineral Resource Assessment included for clarification purposes.</p>
MM32	Policy M2 / 6.39 & 6.40	72	<p>The extent of MWSA will be based on information about aggregate sand and gravel resources from the British Geological Survey and other sources of geological information, plus existing mineral working permissions and the nature and duration of any such operations. In some instances, the MWSAs will apply to sand and gravel deposits beneath existing built up urban areas. This ensures sand and gravel deposits and the possibility for prior extraction is taken into account when proposals for large scale redevelopment are considered. The broad extent of sand and gravel resources to which the MWSA will apply are shown on the Key Diagram and Policies Map.</p> <p>In assessing development proposals within the MWSA, the Central & Eastern Berkshire Authorities will have regard, amongst other things, to the size and nature of the proposed development, the availability of alternative locations and the need for phasing of the proposed development. Account will also be taken of the quantity and quality of the sand and gravel that could be recovered by prior extraction and the practicality and environmental impacts of doing so. A minimum plot size of 3 hectares⁶⁷ will apply in the safeguarding process to avoid repeated consideration of prior extraction where this can be assumed to be uneconomic, due to the small size of the parcels of land involved. However, applications will be monitored to ensure a piecemeal</p>	<p>Removal of 'Waste' from the Mineral Safeguarding Area to avoid confusion.</p> <p>Footnote 67 has been modified as the Safeguarding Study has been updated to include the 3-hectare threshold review and removes reference to 'Waste' in the Minerals and Waste Safeguarding Area.</p>

Ref.	Policy / Para.	Page	Proposed modification	Justification				
			<p>approach is not taken which could accumulate to have an impact on resources.</p> <p>⁶⁷Minerals and Waste Safeguarding Study (February 2022July 2020) – www.hants.gov.uk/berksconsult</p>					
MM33	Policy M2 / 6.46	74	<p>The Central & Eastern Berkshire Authorities have produced a Minerals Consultation Area in line with National Planning Guidance⁶⁸ states that a Minerals Consultation Area (MCA) should be produced based on the MSA. The Central and Eastern Berkshire Authorities' Mineral and Waste Consultation Area (MWCA) includes a buffer of 250 metres around quarries and 50 metres around other mineral operations. The MWCA will be applied by the Central & Eastern Berkshire Authorities which will be used to determine whether they need to consult a neighbouring Mineral Planning Authority or each other on an application which could impact mineral resources or supply. and to ensure that minerals and waste issues are taken into consideration when determining non-minerals or waste applications.</p> <p>⁶⁸ National Planning Practice Guidance (Paragraph: 003 Reference ID: 27-003-20140306)</p>	Revision to clarify that the MCA is an internal tool.				
MM34	Policy M2 / 6.48	74	<table border="1"> <thead> <tr> <th>Monitoring Indicator</th> <th>(Threshold) for Policy Review</th> </tr> </thead> <tbody> <tr> <td>Area (Hectares) of MWSA on completed sites above 3-ha in size, safeguarded resource sterilised by non-minerals development not subject to prior extraction</td> <td>Year on year increase over 5 years.</td> </tr> </tbody> </table>	Monitoring Indicator	(Threshold) for Policy Review	Area (Hectares) of MWSA on completed sites above 3-ha in size, safeguarded resource sterilised by non-minerals development not subject to prior extraction	Year on year increase over 5 years.	Clarification of the Monitoring of Policy M2.
Monitoring Indicator	(Threshold) for Policy Review							
Area (Hectares) of MWSA on completed sites above 3-ha in size, safeguarded resource sterilised by non-minerals development not subject to prior extraction	Year on year increase over 5 years.							

Ref.	Policy / Para.	Page	Proposed modification	Justification
			<u>Amount of sand and gravel (including soft sand) extracted through prior extraction in tonnes per annum.</u>	<u>No increase over 5 years.</u>
MM35	Policy M3 / 6.49	75	<p>The requirement under national planning policy⁶⁹ is that minerals policies should make provision for ensuring a steady and adequate supply of aggregates for the construction industry and wider economy by means of maintaining a 'landbank'.</p> <p>⁶⁹ National Planning Policy Framework (Para. 213207) - https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/779764/NPPF_Feb_2019_web.pdf https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/1005759/NPPF July 2021.pdf</p>	NPPF 2021 Update
MM36	Policy M3 / 6.53	75	<p>National planning policy⁷⁰ also requires mineral planning authorities to make provision for the maintenance of a landbank of at least seven years for sand and gravel.</p> <p>⁷⁰ National Planning Policy Framework (Para. 213207(f))</p>	NPPF 2021 Update
MM37	Policy M3 / 6.57 (New Para. 6.58)	76	<p>A change in local circumstances will have an impact on demand and therefore, the landbank. The proposed Heathrow airport expansion, subject to ongoing legal challenges and consultations, is such an example which would create a local increase in demand for aggregate. However, there is currently a significant level of uncertainty over the proposals for the Heathrow airport expansion with regard to timings and construction methods which would influence demand.</p>	Clarification on reliance on imports during the Plan period based on allocations.

Ref.	Policy / Para.	Page	Proposed modification	Justification
			<p>[split of para. 6.57]</p> <p>It is therefore, accepted that the provision rate may change over the Plan period in order to maintain the landbank and a steady and adequate supply of aggregate. This will be monitored through the Local Aggregate Assessment and reviewed within three years, where necessary. <u>If sufficient sand and gravel is not provided within the Plan area, there will be a reliance on imports from other Mineral Planning Authority areas until such time development is delivered within Central and Eastern Berkshire. Imports will be regularly monitored. Taking into account existing reserves, the permitted throughput of these sites and the proposed allocations, it is anticipated, that there will be a remaining requirement for sand and gravel to be delivered from outside of the Plan area throughout the Plan period at the following rates^{xx}:</u></p> <ul style="list-style-type: none"> • <u>0.228Mt at 2026;</u> • <u>0.378 Mt at 2031; and</u> • <u>0.628 Mt at 2036.</u> <p>^{xx} Minerals: Background Study (July 2020) – www.hants.gov.uk/berksconsult</p>	
MM38	Policy M3 / 6.65	77	<p>The effectiveness of the policy will need to be carefully monitored through the Local Aggregate Assessment <u>including import levels</u> to ensure that changes in local circumstances are reflected in any future provision rate. <u>Local circumstances include issues specific to the Plan area which may impact either demand or supply such as a major infrastructure project or delivery constraints associated with quarries or minerals infrastructure supplying Central and Eastern Berkshire.</u> However, it should also be recognised that these changes maybe time-limited due to their association</p>	<p>Additional text to clarify what it meant by 'local circumstance' to avoid ambiguity as raised by Oxfordshire County Council in their Reg 19</p>

Ref.	Policy / Para.	Page	Proposed modification		Justification
			with specific large-scale infrastructure projects such as <u>the</u> proposed Heathrow airport expansion, rather than a long-term trend.		Response and correction of typo.
MM39	Policy M3 / 6.66	78	Monitoring Indicator	(Threshold) for Policy Review	The Threshold for Policy Review has been amended to align with Policy M3 and Para. 6.57 which states that the provision rate will be reviewed every three years. New indicator to monitoring import levels to ensure land-won demand not impacted as raised by Oxfordshire County Council in their Reg 19 Response.
			Sand and gravel sales fail to achieve provision rate.	Breach over 3 consecutive years.	
			Sand and gravel sales exceed provision rate.	Increasing trend in sales (above provision rate) over 5 <u>3</u> consecutive years.	
			<u>Imports of sand and gravel increase.</u>	<u>Increasing trend over Plan period.</u>	
MM40	Policy M4 / 6.69, 6.70, 6.71 & 6.72 (& New Para.	79	There is a requirement to provide an additional 5.447 Mt of sharp sand and gravel (0.628 Mt per annum) during the Plan period. As such, there is a need to identify sites for local land-won aggregate. The new sites identified in Policy M4 have been nominated by industry and have been assessed to be appropriate for development subject to the relevant		Additional text to clarify the extent of the shortfall but also the contribution that is being made by the

Ref.	Policy / Para.	Page	Proposed modification	Justification
			<p>development considerations outlined in Appendix A. <u>The allocations in seek to provide 0.4 Mt in terms of contribution to supply.</u></p> <p>The exact timings of sites coming forward will depend on the market conditions, extraction rates at existing sites and planning permission being granted. <u>However, it is anticipated that the allocations are likely to be delivered at the following points within the Plan period, subject to planning permission being granted:</u></p> <ul style="list-style-type: none"> • <u>Horton Brook & Poyle Quarry Extension, Horton (MA1) – from 2024+;</u> • <u>Poyle Quarry Extensions, Horton (MA2) – from 2024+.</u> <p>Despite new site allocations <u>and the existing reserves, the permitted throughputs of these sites means that the ability to provide 0.628 Mt per year will cease from 2023 and</u> there <u>will</u> be a shortfall in supply <u>for the remainder of</u> the Plan period⁷⁴. <u>This shortfall amounts to 0.25 Mt.</u> The aggregate industry has not identified sufficient sites to plug this gap at present. The minerals industry is market-led, and it <u>is</u> recognised that there is likely to be a need for future requirements, particularly considering major infrastructure projects in the area such as the proposed Heathrow airport expansion.</p> <p>[split of Para. 6.72]</p> <p>In order to provide flexibility in supply and to allow industry to bring forward appropriate sites, Policy M4 (3) outlines a contingency <u>criteria-based</u> approach to ensure that the landbank is maintained and therefore a steady and adequate supply. <u>Sites will be expected to come forward within the Area of Search for sand and gravel which demonstrates the potential resource in the Plan area. This approach is supported by a Statement of</u></p>	<p>allocations in terms of supply.</p> <p>Additional text to confirm when the allocations are intended to be delivered in the Plan period.</p> <p>Addition text to correct typos and provide clarification on the approach taken to allowing additional new proposals to come forward.</p>

Ref.	Policy / Para.	Page	Proposed modification	Justification
			<p><u>Common Ground with neighbouring mineral planning authorities as outlined in Policy M1. Preferred Areas cannot be provided due to the lack of evidence, and it is considered that this may limit the potential for proposals to come forward across the Plan area.</u></p> <p>⁷⁴ Minerals Background Study (July 2020) – www.hants.gov.uk/berksconsult</p>	
MM41	Policy M4	80	<p>Policy M4 Locations for sand and gravel extraction</p> <p>A steady and adequate supply of locally extracted sand and gravel will be provided by:</p> <ol style="list-style-type: none"> 1. The extraction of remaining reserves at the following permitted sites: <ol style="list-style-type: none"> a. Horton Brook Quarry, Horton b. Riding Court Farm, Datchet c. Sheephouse Farm, Maidenhead d. Poyle Quarry, Horton e. Water Oakley, Holyport 2. Extensions to the following existing sites, <u>provided the proposals address the relevant development considerations outlined in Appendix A:</u> <ol style="list-style-type: none"> a. Horton Brook & Poyle Quarry, Horton (MA1) – <u>0.15</u> Mt b. Poyle Quarry, Horton (MA 2) – <u>0.25</u> Mt 3. Proposals for new sites not outlined in Policy M4 (1 and 2) will be supported, in appropriate locations <u>which comply with all relevant policies in the Plan</u>, where: 	<p>Additional text to clarify the quantum expected to be delivered by each allocation in Policy M4 and to give the development considerations greater weight.</p> <p>Clarification of term ‘appropriate locations’</p>

Ref.	Policy / Para.	Page	Proposed modification	Justification
			<p>a. They are situated within the Area of Search (as shown on the Policies Map); and</p> <p>b. They are needed to maintain the landbank; and/or</p> <p>c. Maximise opportunities of existing infrastructure and available resources; or</p> <p>d. At least one of the following applies:</p> <ul style="list-style-type: none"> i. The site contains soft sand; ii. The resources would otherwise be sterilised; or iii. The proposal is for a specific local requirement. 	
MM42	Policy M4 / 6.74 (New Para. 6.75)	80	<p>The Area of Search is shown on the Policies Map. <u>The Area of Search^{xx} is based on the presence of soft sand, sharp sand and gravel resources but excludes designations (including SPAs, SACs, Ramsar sites, SSSIs, Ancient Woodland, Listed Buildings and Conservation Areas, Scheduled Monuments, Historic Parks and Gardens, and Registered Battlefields) which are identified in the NPPF as areas that should be avoided for development to be sustainable. The settings of designations could not be excluded as these are not clearly defined. However, built up areas and those areas of remaining resource of less than 3 hectares was excluded as being unlikely to be viable^{xx}.</u></p> <p>[split Para. 6.74]</p> <p>It is recognised that the Area of Search However, the criteria defining the Area and therefore, the extent will change as land uses change and new designations are made or amended. <u>However, the application of the criteria (the presence of sand and gravel resources and the exclusion of designations, built up areas and any remaining areas of resource less</u></p>	To clarify how the Area of Search will be applied over the Plan period and the criteria on which it is based.

Ref.	Policy / Para.	Page	Proposed modification	Justification
			<p>than 3 ha) will remain constant and will determine the extent of the Area of Search. Sites identified within the Area of Search will still be subject to planning permission.</p> <p>XX Minerals: Background Study (July 2020) – www.hants.gov.uk/berksconsult</p> <p>XX 67 Minerals and Waste Safeguarding Study (February 2022July 2020) – www.hants.gov.uk/berksconsult</p>	
MM43	Policy M4 / 6.77	81	<p>National planning policy⁷⁵ states that provision should be made to maintain the landbank at ‘at least’ 7 years for sand and gravel.</p> <p>⁷⁵ National Planning Policy Framework (para. 213207-(f)) - https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/779764/NPPF_Feb_2019_web.pdfhttps://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/1005759/NPPF July 2021.pdf</p>	NPPF 2021 Update
MM44	6.91	83	<p>National policy requires the ‘contribution that substitute or secondary and recycled materials and minerals waste would make to the supply of materials to be taken into account, before considering extraction of primary materials, whilst aiming to source minerals supplies indigenously;⁷⁶.</p> <p>⁷⁶ National Planning Policy Framework (Para. 210204-(b)) - https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/779764/NPPF_Feb_2019_web.pdfhttps://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/1005759/NPPF July 2021.pdf</p>	NPPF 2021 Update
MM45	Policy M5	84	<p>Policy M5 Supply of recycled and secondary aggregates</p> <p>1. Recycled and secondary aggregate production will be supported, in appropriate locations which comply with all relevant policies in the Plan, to</p>	Clarification of term ‘appropriate locations’

Ref.	Policy / Para.	Page	Proposed modification	Justification
			<p>encourage investment in new and existing infrastructure to maximise the availability of alternatives to local land-won sand and gravel.</p> <p>2. The supply of recycled aggregate will be provided by maintaining a minimum of 0.05 million tonnes per annum.</p>	
MM46	6.106	86	<p>It is considered that should technology advances and more information on geological conditions become available, and the situation changes; there are sufficient policies within national planning policy⁷⁸ to determine any application for oil and gas.</p> <p>⁷⁸ National Planning Policy Framework (most notably Para. 211205) - https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/1005759/NPPF July 2021.pdf</p>	NPPF 2021 Update
MM47	6.108	86	<p>Whilst it is considered unlikely that an application will come forward for coal extraction, in such event, national planning policy⁷⁹ would provide sufficient guidance in determining any such application.</p> <p>⁷⁹ National Planning Policy Framework (most notably Para. 217244) - https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/1005759/NPPF July 2021.pdf</p>	NPPF 2021 Update
MM48	Policy M6 / 6.112	87	<p>Due to lack of demand for chalk for industrial processes there is no requirement to make 15 years provision of chalk (as cement primary) as outlined in national planning policy⁸⁰.</p>	NPPF 2021 Update

Ref.	Policy / Para.	Page	Proposed modification	Justification
			<p>⁸⁰ National Planning Policy Framework (Para. 214208 (c)) – https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/779764/NPPF_Feb_2019_web.pdf https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/1005759/NPPF_July_2021.pdf</p>	
MM49	Policy M6 / 6.118	88	<p>Due to the lack of current brick and tileworks within Central and Eastern Berkshire, there is no requirement to make 25 years provision of brick-making clay as outlined in national planning policy⁸¹.</p> <p>⁸¹ National Planning Policy Framework (Para. 214208 (c)) - https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/779764/NPPF_Feb_2019_web.pdf https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/1005759/NPPF_July_2021.pdf</p>	NPPF 2021 Update
MM50	Policy M6	88	<p>Policy M6 Chalk and clay</p> <p>1. Proposals for the extraction of chalk and clay to meet a local requirement will be supported, in appropriate locations <u>which comply with all relevant policies in the Plan</u>, subject to there being no other suitable, sustainable alternative source of mineral <u>including substitute or recycled secondary material</u> available.</p>	Clarification of term 'appropriate locations'
	Policy M6 / 6.119	88	<p>Proposals for the extraction of non-aggregate minerals will be supported where they are in 'appropriate locations' and therefore, comply with all relevant policies within this Plan. <u>Sustainable alternative sources should include substitute or recycled and secondary materials, where suitable^{xx}</u>. Chalk and clay in particular will be assessed to consider whether the material concerned is needed to meet a specific local requirement which</p>	Additional text to clarify that sustainable alternative sources could also include substitutes or

Ref.	Policy / Para.	Page	Proposed modification	Justification
			would supply Central and Eastern Berkshire or the immediate surrounding planning authority areas. <u>xxNational Planning Policy Framework (Para. 210 (b))</u>	recycled and secondary materials.
MM51	Policy M7 / 6.124	90	National policy encourages the use of sustainable transport ⁸² ⁸² National Planning Policy Framework (Para. <u>104102</u>) - https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/779764/NPPF_Feb_2019_web.pdf https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/1005759/NPPF July 2021.pdf	NPPF 2021 Update
MM52	Policy M7	91	Policy M7 Aggregate wharves and rail depots 1. Proposals for aggregate wharves or rail depots will be supported: a. At Monkey Island Wharf, Bray (TA 1) <u>provided the proposal addresses the relevant development considerations outlined in Appendix A</u> ; and b. In appropriate locations <u>which comply with all relevant policies in the Plan</u> , with good connectivity to: i. The Strategic Road Network; and/or ii. The rail network; and/or iii. Minerals infrastructure.	Additional text to give the development considerations greater weight. Clarification of term 'appropriate locations'
MM53	Policy M8 / 6.132	92	Safeguarding minerals infrastructure is a requirement of national planning policy ⁸⁵ which states that Mineral Planning Authorities should safeguard: “existing, planned and potential sites for: the bulk transport, handling and processing of minerals; the manufacture of concrete and concrete products;	NPPF 2021 Update

Ref.	Policy / Para.	Page	Proposed modification	Justification
			and the handling, processing and distribution of substitute, recycled and secondary aggregate material”. ⁸⁵ National Planning Policy Framework (Para. 210 204 (e)) - https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/779764/NPPF_Feb_2019_web.pdf https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/1005759/NPPF_July_2021.pdf	
MM54	Policy M8 / 6.136	93	Any existing or planned mineral operation including rail depot or wharf will be automatically safeguarded and a list of safeguarded sites will be maintained by the Central & Eastern Berkshire Authorities. Safeguarded minerals sites will be shown on the Minerals and Waste Safeguarding Area and associated Consultation Area.	Removal of ‘Waste’ from the Mineral Safeguarding Area to avoid confusion.
MM55	Policy M8 / 6.138	93	In line with the “agent of change” principle in national planning policy ⁸⁶ , potentially encroaching development will need to provide adequate mitigation measures to avoid prejudicing or jeopardising the safeguarded site or provide evidence that the safeguarded site will be unaffected. ⁸⁶ National Planning Policy Framework (Para. 187 182) - https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/779764/NPPF_Feb_2019_web.pdf https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/1005759/NPPF_July_2021.pdf	NPPF 2021 Update
	Policy W1	98	Policy W1 Sustainable waste development strategy 1. The long term aims of the Plan are to provide and/or facilitate sustainable management of waste for Central and Eastern Berkshire in accordance with all of the following principles:	Clarify that following the waste hierarchy is a requirement.

Ref.	Policy / Para.	Page	Proposed modification	Justification
			<p>a. Encourage Demonstrate how waste to will be managed at the highest achievable level within the waste hierarchy;</p> <p>b. Locate near to the sources of waste, or markets for its use;</p> <p>c. Maximise opportunities to share infrastructure at appropriate existing mineral or waste sites;</p> <p>d. Deliver and/or facilitate the identified waste management capacity requirements (Policy W3);</p> <p>e. Be compliant with the spatial strategy for waste development (Policy W4).</p> <p>f. Where W1 (e) cannot be achieved, work with other waste planning authorities to provide the most sustainable option for waste management.</p>	
MM56	Policy W2	100	<p>Policy W2 Safeguarding of waste management facilities</p> <p>1. All lawful or permitted existing, planned and allocated waste management facilities shall be safeguarded against development that would prejudice or jeopardise their operation by creating incompatible land uses.</p> <p>2. New waste management facilities will be automatically safeguarded for the duration of the permission.</p> <p>3. Non-waste development that might result in a loss of permanent waste management capacity may be considered in the following circumstances:</p> <p>a. The planning benefits of the non-waste development clearly outweigh the need for the waste management facility at the location taking into account wider Local Plans and development strategies; and</p>	To clarify the safeguarding criteria.

Ref.	Policy / Para.	Page	Proposed modification	Justification
			<p>b. An alternative site providing an equal or greater level of waste management capacity of the same type has been found within the Plan area, granted permission and shall be developed and operational prior to the loss of the existing site; or</p> <p>c. It can be demonstrated that the waste management facility is no longer required and will not be required within the Plan period</p>	
MM57	Policy W2 / 7.30	101	<p>Safeguarded waste sites will be shown on the Minerals and Waste Safeguarding Area and associated Consultation Area. <u>A list of safeguarded sites (operational and planned) is outlined in Appendix E. It will be maintained by the Central & Eastern Berkshire Authorities and reported in the Monitoring Report. This will be updated as permissions are granted, and sites are closed and no longer require safeguarding.</u></p>	Text to clarify where the update to Appendix E will be reported and consistency with Policy M2.
MM58	Policy W2 / 7.36	102	<p>In line with the “agent of change” principle in national planning policy⁹², it will be expected that the potentially encroaching development will need to provide adequate mitigation measures to avoid prejudicing or jeopardising the safeguarded site or provide evidence that the safeguarded site will be unaffected.</p> <p>⁹²National Planning Policy Framework (Para. 187) - https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/779764/NPPF_Feb_2019_web.pdfhttps://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/1005759/NPPF_July_2021.pdf</p>	NPPF 2021 Update
MM59	Policy W3	109	<p>Policy W3 Waste capacity requirements</p> <p>1. Additional waste infrastructure capacity within the Plan area will be granted in appropriate locations, to provide a minimum of:</p>	Clarification of term ‘appropriate locations

Ref.	Policy / Para.	Page	Proposed modification	Justification
			<ul style="list-style-type: none"> • 300,000 tpa non-hazardous recycling capacity; • 245,000 tpa non-hazardous recovery capacity; • 575,000 tpa of inert recycling or recovery capacity. <p>2. Hazardous waste management facilities, waste water or sewage treatment plants and non-hazardous waste landfill for residual waste will be supported, in appropriate locations <u>which comply with all relevant policies in the Plan,</u> where there is a clear and demonstrable need.</p>	
MM60	Policy W4 / 7.93	112	<p>Sites suitable for general industrial uses are those identified as suitable for B2 (including mixed B2/B8), or some uses within the B8 use class¹⁰¹ (namely open-air storage). Waste management uses would not normally be suitable on land identified only for B4 <u>E(g)(iii)</u> (light industrial <u>processes</u>), although a limited number of low impact waste management uses (e.g. the dis-assembly of electrical equipment) may be suitable on these sites. Some industrial estates will not be considered suitable for certain waste management facilities because for instance the units are small, the estate is akin to a business park, or it is located close to residential properties.</p> <p>¹⁰¹ The Town and Country Planning (Use Classes) Order 1987 - http://www.legislation.gov.uk/ukxi/1987/764/schedule/made - as amended by The Town and Country Planning (Use Classes) (Amendment) (England) Order 2010 - http://www.legislation.gov.uk/ukxi/2010/653/article/2/made</p>	Update of Use Class Orders (to comply with change from 1st September 2020)
MM61	Policy W4	115	<p>Policy W4 Locations and sites for waste management</p> <p>1. The delivery of waste management infrastructure will be supported within:</p> <p>a. Preferred Waste Areas listed in Appendix C; or</p>	<p>Additional text to give the development considerations greater weight.</p> <p>Review Priority</p>

Ref.	Policy / Para.	Page	Proposed modification	Justification
			<p>2. Where waste management infrastructure cannot be accommodated within the Preferred Waste Areas:</p> <p>ab. Allocated sites, <u>provided the proposals address the relevant development considerations outlined in Appendix A:</u></p> <p>i. Berkyn Manor Farm, Horton (WA 1);</p> <p>ii. Horton Brook Quarry, Horton (WA 2);</p> <p>iii. The Compound, Stubbings, Maidenhead (WA 3); or</p> <p><u>bc. Where waste management infrastructure cannot be accommodated within the Preferred Waste Areas, appropriate locations which comply with all relevant policies in the Plan,</u> where the site has good connectivity to the strategic road network; and</p> <p>i. Areas of major new development; or</p> <p>ii. Sources of waste; or</p> <p>iii. Markets for the types of waste to be managed; and</p> <p>iv. One or more of the following features:</p> <ul style="list-style-type: none"> - Is existing or planned industrial or employment land; or - Is a suitable reuse of previously developed land; or - Is within redundant farm or forestry buildings and their curtilages or hard standings; or - Is part of an active quarry or active landfill operation; or - Is within or adjoins sewage treatment works and the development enables the co-treatment of sewage sludge with other wastes; or - There is a clear proven and overriding need for the proposed facility to be sited in the proposed location. 	<p>Clarification of term 'appropriate locations'</p>

Ref.	Policy / Para.	Page	Proposed modification	Justification
MM62	Policy W4 / 7.106, 7.107 & 7.108	116	<p>The sites outlined in Policy W4 (2/a) are entirely located within the Green Belt which has special protection in respect to development. However, these sites are allocated for waste management purposes for the following reasons, in accordance with National Policy¹⁰³.</p> <p>a) Consideration is has been given first to locating waste management facilities within Preferred Waste Areas, which are not located within the Green Belt.</p> <p>b) Where there is no capacity within the Preferred Waste Areas or the locational needs of the waste management facility prevents it being accommodated within the Preferred Waste Areas, the lack of available sites outside of the Green Belt will need to be taken into consideration as part of the exceptional circumstances.</p> <p>The Preferred Waste Areas identified in Appendix C have been assessed on their suitability for waste management <u>and are therefore prioritised over other locations</u>. However, planning permission will not be automatically granted, and the proposals will need to comply with all relevant policies within this plan as well as consider the wider Local Plans and development strategies for Central and Eastern Berkshire.</p> <p><u>Where proposals cannot be accommodated in the Preferred Waste Areas, they will need to demonstrate this, in which case they</u> Proposals for further waste management development will be supported where they are in 'appropriate locations' and therefore, comply with all relevant policies within this Plan. Evidence of the requirement for a particular location will need to be provided in addition to compliance with the other relevant policies in the Plan.</p>	<p>To clarify that the sites were allocated due to the inability of the Preferred Waste Areas to accommodate those waste uses.</p> <p>Text to clarify the priority order in Policy W4.</p>

Ref.	Policy / Para.	Page	Proposed modification	Justification
MM63	Policy W5	119	<p>Policy W5 Reworking landfills</p> <p>1. Proposals for the re-working of landfill sites will only be permitted in appropriate locations <u>which comply with all relevant policies in the Plan,</u> where the proposals would result in beneficial use of the land and of the material being extracted; and, where appropriate, the landfill by-products.</p>	Clarification of term 'appropriate locations'
MM64	Appendix A (Berkyn Manor, Horton (WA1))	124	<ul style="list-style-type: none"> • Impacts to Wraysbury reservoir Site of Special Scientific Interest (SSSI), Staines Moor SSSI, Wraysbury No.1 Gravel Pit SSSI, Wraysbury and Hythe End Gravel Pit SSSI. • Impacts to Queen Mother Reservoir Local Wildlife Site (LWS), Arthur Jacob Nature Reserve LWS, Colne Brook LWS Horton and Kingsmead Lakes LWS. • Consideration of hydrological impacts. • Retention and buffering of hedgerows within site. • Consideration of the Colne Valley Gravel Pits and Reservoirs Biodiversity Opportunity Area in restoration or operational landscaping. • The restoration of the site must consider to the Colne and Crane Valleys Green Infrastructure Strategy (2019) and to the Joint Connectivity Statement¹⁰⁶. <p>Landscape & Townscape</p> <ul style="list-style-type: none"> • Existing vegetation should be conserved and protected, and additional buffer planting established to all boundaries. • Enhanced screening is required. • <u>Green Belt compensation due to development of the site must take into consideration the Colne and Crane Valleys Green Infrastructure Strategy (2019) and its key principles.</u> 	<p>Development consideration to ensure the proposal can be justified in the Green Belt.</p> <p>The Joint Connectivity Statement is no longer relevant.</p> <p>Update as new access is now permitted.</p>

Ref.	Policy / Para.	Page	Proposed modification	Justification
			<ul style="list-style-type: none"> • <u>Particular consideration should be given to whether the development is not inappropriate in the Green Belt, preserves its openness and does not conflict with the purposes of including land within it.</u> <p>Historic Environment:</p> <ul style="list-style-type: none"> • A Heritage Impact Statement is required. • The setting of Grade II Listed Building to the south needs to be considered. <p>Transport:</p> <ul style="list-style-type: none"> • A new access onto Poyle Road is required for mineral use and further Further investigation is required for a suitable access onto Stanwell Road for waste uses. • A Transport Assessment or Statement is required. • A HGV Routeing Agreement will be required. <p>Flood Risk & Water Resources</p> <ul style="list-style-type: none"> • A Flood Risk Assessment and Hydrological/Hydrogeological Assessment will be required. <u>The Flood Risk Assessment will need to ensure that the development will be safe, not increase off site flood risk and consider all sources of flooding. Only development classified as water compatible or essential infrastructure (with exception test) will be permitted in Flood Zone 3b.</u> • Proximity to major / minor aquifers, in addition to Source Protection Zones. <p><small>⁴⁰⁶ Joint Connectivity Statement between the Colne Valley Regional Park, Slough Borough Council, RBWM and the Buckinghamshire authorities.</small></p>	

Ref.	Policy / Para.	Page	Proposed modification	Justification
MM65	Appendix A – Horton Brook	125	Area: 5.5 ha	Correction
MM66	Appendix A (Horton Brook Quarry, Horton (WA2))	126	<p>Landscape & Townscape:</p> <ul style="list-style-type: none"> Proposals should ensure adequate space is set aside for the establishment of a strong new landscape structure for this group of sites (Poyle Quarry and extensions, Berkyn Manor and Horton Brook) including large scale native species tree belts. Integrate new structures with effective screen planting, including along boundaries. Restoration proposals should have reference to the Colne Valley Gravel Pits and Reservoirs BOA. Restoration <u>Green Belt compensation due to development</u> of the site must give <u>take into</u> consideration to the Colne and Crane Valleys Green Infrastructure Strategy (2019) <u>and its key principles</u> and to the Joint Connectivity Statement¹⁰⁷. <u>Particular consideration should be given to whether the development is not inappropriate in the Green Belt, preserves its openness and does not conflict with the purposes of including land within it.</u> <p>Flood Risk & Water Resources</p> <ul style="list-style-type: none"> A Flood Risk Assessment and Hydrological/Hydrogeological Assessment will be required. <u>The Flood Risk Assessment will need to ensure that the development will be safe, not increase off site flood risk and consider all sources of flooding. The site is adjacent to the Queen Mother Reservoir. Any works will need to demonstrate that they do not impact on the structural stability of the reservoir embankment.</u> Proximity to major / minor aquifers, in addition to Source Protection Zones. Consideration of the Colne Brook and its river corridor. 	<p>Development consideration to ensure the proposal can be justified in the Green Belt.</p> <p>The Joint Connectivity Statement is no longer relevant.</p>

Ref.	Policy / Para.	Page	Proposed modification	Justification
			⁴⁰⁷ Joint Connectivity Statement between the Colne Valley Regional Park, Slough Borough Council, RBWM and the Buckinghamshire authorities.	
MM67	Appendix A (Horton Brook & Poyle Quarry Extension, Horton (MA1))	127	Proposal: Extension to Horton Brook and Poyle Quarry extracting 250,000 150,000 tonnes of sand and gravel with no processing on site.	Correction of figure.
MM68	Appendix A (Horton Brook & Poyle Quarry Extension, Horton (MA1))	128	<p>Landscape & Townscape</p> <ul style="list-style-type: none"> The Colne Valley Way Trail will need to be temporarily diverted and re-established re-established as part of the restoration and applicants will need to work closely with the relevant authorities and the Colne Valley Regional Park. The bridleway route and restoration of the site must seek to improve connectivity and enhance the local public access network and give consideration to the Colne and Crane Valleys Green Infrastructure Strategy (2019) and to the Joint Connectivity Statement⁴⁰⁸. <p>Transport:</p> <ul style="list-style-type: none"> A Transport Assessment or Statement is required. An HGV Routeing Agreement will also be required (or maintain existing). <p>Historic Environment</p> <ul style="list-style-type: none"> The archaeological potential is high and will need to be addressed during the determination of the planning application. <p>Flood Risk & Water Resources</p>	<p>The Joint Connectivity Statement is no longer relevant.</p> <p>Additional text to clarify water resources information relating to the site as raised by the Environment Agency in their Reg 19 response.</p>

Ref.	Policy / Para.	Page	Proposed modification	Justification
			<ul style="list-style-type: none"> • A Flood Risk Assessment and Hydrological/Hydrogeological Assessment is required. <u>The Flood Risk Assessment will need to ensure that the development will be safe, not increase off site flood risk and consider all sources of flooding.</u> • <u>Consideration of near-by private and licenced abstractions.</u> • <u>Site located within a principal aquifer.</u> <p><small>⁴⁰⁸ Joint Connectivity Statement between the Colne Valley Regional Park, Slough Borough Council, RBWM and the Buckinghamshire authorities.</small></p>	
MM69	Appendix A (Monkey Island Lane Wharf, Bray (TA 1))	129/130	<p>Ecology</p> <ul style="list-style-type: none"> • Protection of Bray Pennyroyal field Site of Special Scientific Interest (SSSI) and Bray Meadows SSSI. • Impacts to Greenway corridor Local Wildlife Site (LWS) within site, ensuring functionality as wildlife corridor is not compromised, and losses compensated. • <u>An ecological assessment of the impact of making The Cut (Greenway Corridor LWS) navigable will be required.</u> • Impacts to Bray Pit Reserve LWS. • <u>Consideration of the Biodiversity Opportunity Area including ecological improvements to the Cut in line with the LWS citation.</u> • <u>A River restoration compensation scheme will be required and is subject to approval by the Environment Agency. This should consist of habitats restoration for the equivalent amount of the river that will be made navigable and should be located immediately upstream. River restoration should include bed raising by adding gravels and creating marginal shelves to restore the channel to more natural dimensions.</u> 	<p>Additional development considerations to address concerns raised over impact on ecology and river morphology caused by proposed development through the Environment Agency's Reg 19 response.</p> <p>Additional Flood Risk considerations following revision of the Strategic Flood</p>

Ref.	Policy / Para.	Page	Proposed modification	Justification
			<ul style="list-style-type: none"> • Retention of semi-natural habitats within site to accommodate protected species. • Consideration of pollution impacts to riverine habitats <u>both from construction and the ongoing impacts of using the river for navigation purposes.</u> • <u>A morphological assessment of the impact of making The Cut navigable will be required including related impacts on the River Thames and its river corridors.</u> • <u>A Water Framework Directive Assessment is required.</u> <p>Landscape & Townscape</p> <ul style="list-style-type: none"> • Strengthen existing landscape structure with new tree and hedgerow planting to integrate new structures. • Maintain and enhance the setting of the public access route to Bray Lake Recreation Area. <p>Historic Environment</p> <ul style="list-style-type: none"> • Archaeological issues would remain a material consideration and will need to be addressed during the determination of the planning application. <p>Transport:</p> <ul style="list-style-type: none"> • A Transport Assessment or Statement is required. • An HGV and Barge Routeing Agreement will be required. <p>Flood Risk & Water Resources</p> <ul style="list-style-type: none"> • Site largely within Flood Zone 2/3 and Groundwater Source Protection Zone (1) – a Flood Risk Assessment and <u>Hydrological/Hydrogeological Risk Assessment will be required. The FRA will need to ensure that the development will be safe, not</u> 	Risk Assessment (Ref HS69d).

Ref.	Policy / Para.	Page	Proposed modification	Justification
			<p><u>increase off site flood risk and consider all sources of flooding. Fluvial modelling will need to be undertaken to provide a detailed assessment of fluvial flood risk and to ensure floodplain compensation is provided where required. Modelling should include the 5%, 1% and 1%+ climate change AEP.</u></p> <ul style="list-style-type: none"> • Proximity to major / minor aquifers, in addition to Source Protection Zones. • <u>A morphological assessment of the impact of making The Cut navigable will be required including related impacts on the River Thames and its river corridors.</u> • Site will be accessed via the River Thames and the Cut— A Section 60 Accommodations License (which applies to mooring piles, slipways, landing stages and other private structural encroachments in the public river) will need to be secured. • Consideration of The Cut, the River Thames and its river corridors. • 	
MM70	Appendix A (Poyle Quarry (Extensions), Horton (MA2))	132	<p>Transport</p> <ul style="list-style-type: none"> • Provision of a new access will be required, most likely onto Poyle Road. • A Transport Assessment or Statement is required. • An HGV Routing Agreement will be required. <p>Flood Risk & Water Resources</p> <ul style="list-style-type: none"> • Both sites partly within Flood Zones 2 and/or 3 • The site is not located within a Source Protection Zone (SPZ) but the closest SPZ is located to the west of the site approximately under 1km away. • Proximity to major / minor aquifers, in addition to Source Protection Zones. 	<p>Revision of the correct water body as raised by the Environment Agency in their Reg 19 response.</p> <p>Update as new access is now permitted.</p>

Ref.	Policy / Para.	Page	Proposed modification	Justification						
			<ul style="list-style-type: none"> A Flood Risk Assessment and Hydrological/Hydrogeological Assessment will be required. <u>The FRA will need to ensure that the development will be safe, not increase off-site flood risk and consider all sources of flooding. Fluvial modelling will need to be undertaken to provide a detailed assessment of fluvial flood risk and to ensure floodplain compensation is provided where required. Modelling should include the 5%, 1% and 1%+ climate change AEP.</u> Consideration of the River Colne <u>Brook</u> and its river corridor. 	Additional Flood Risk considerations following revision of the Strategic Flood Risk Assessment (Ref HS69d).						
MM71	Appendix A (Stubbings Compound, Pinkneys Green, Maidenhead (WA3))	134	<p>Landscape & Townscape:</p> <ul style="list-style-type: none"> <u>Particular consideration should be given to whether the development is not inappropriate in the Green Belt, preserves its openness and does not conflict with the purposes of including land within it.</u> <p>Flood Risk & Water Resources:</p> <ul style="list-style-type: none"> Site in Groundwater Source Protection Zone (3) – a Hydrogeological Risk Assessment will be required. <u>A site-specific Flood Risk Assessment (FRA) is required. The FRA will need to ensure that the development will be safe, not increase off site flood risk and consider all sources of flooding.</u> Proximity to major / minor aquifers, in addition to Source Protection Zones. 	Development consideration to ensure the proposal can be justified in the Green Belt.						
MM72	Appendix C	149	<table border="1"> <thead> <tr> <th>Preferred Waste Area</th> <th>Local Planning Authority</th> </tr> </thead> <tbody> <tr> <td>Newlands Farm, Crowthorne</td> <td>Wokingham</td> </tr> <tr> <td>Brookside Business Park, Swallowfield</td> <td>Wokingham</td> </tr> </tbody> </table>	Preferred Waste Area	Local Planning Authority	Newlands Farm, Crowthorne	Wokingham	Brookside Business Park, Swallowfield	Wokingham	Removal of sites due to application of Climate Change Allowance and impact of flood risk (see Revised Strategic Flood Risk
Preferred Waste Area	Local Planning Authority									
Newlands Farm, Crowthorne	Wokingham									
Brookside Business Park, Swallowfield	Wokingham									

Ref.	Policy / Para.	Page	Proposed modification		Justification
					Assessment (Ref HS69d)).
MM73	Appendix C	161	Site Name	Richfield Avenue / Tessa Road Area	Additional text due to application of Climate Change Allowance and impact of flood risk (see Revised Strategic Flood Risk Assessment (Ref HS69d)). Update to reflect change in Use Classes (01.09.2020)
			Location	Richfield Ave, City Centre, Reading RG1 8EQ	
			Current use (specify class classification)	B4 E(g)(iii) / B2 / & B8	
			<p>This industrial area is considered potentially suitable for the following waste categories:</p> <ul style="list-style-type: none"> • Category 2: Activities requiring a mix of enclosed buildings / plant and open ancillary open areas (possibly involving biological treatment); and • Category 3: Activities requiring enclosed industrial premises (small scale) <p><u>Flood risk assessment would be required as part of any planning application to demonstrate the proposal would be safe for the lifespan of the development.</u></p>		
MM74	Appendix C	162	Site Name	Paddock Road Industrial Estate	Additional text due to application of Climate Change Allowance and impact of flood risk (see Revised
			Location	Paddock Road, Reading RG4 5BY	

Ref.	Policy / Para.	Page	Proposed modification		Justification
			Current use (specify class classification)	B1 (C) <u>E(g)(iii)</u> & B2	Strategic Flood Risk Assessment (Ref HS69d)). Update to reflect change in Use Classes (01.09.2020)
			<p>This industrial area is considered potentially suitable for the following waste categories:</p> <ul style="list-style-type: none"> Category 3: Activities requiring enclosed industrial premises (small scale) <p><u>Flood risk assessment would be required as part of any planning application to demonstrate the proposal would be safe for the lifespan of the development.</u></p>		
MM75	Appendix C	164	Site Name	Wigmore Lane	Additional text due to application of Climate Change Allowance and impact of flood risk (see Revised Strategic Flood Risk Assessment (Ref HS69d)). Update to reflect change in Use Classes (01.09.2020)
			Current use (specify class classification)	B1 (C) <u>E(g)(iii)</u> / B2 / <u>& B8</u>	
			<p>This industrial area is considered potentially suitable for the following waste categories:</p> <ul style="list-style-type: none"> Category 2: Activities requiring a mix of enclosed buildings / plant and open ancillary open <u>areas</u> (possibly involving biological treatment); and Category 3: Activities requiring enclosed industrial premises (small scale) <p><u>Flood risk assessment would be required as part of any planning application to demonstrate the proposal would be safe for the lifespan of the development.</u></p>		

Ref.	Policy / Para.	Page	Proposed modification	Justification
MM76	Appendix C	168	[Removal of Newlands Farm as a Preferred Waste Area – Table and Map]	Removal of site due to application of Climate Change Allowance and impact of flood risk (see Revised Strategic Flood Risk Assessment (Ref HS69d)).
MM77	Appendix C	177	[Removal of Brookside Business Park as a Preferred Waste Area – Table and Map]	Removal of site due to application of Climate Change Allowance and impact of flood risk (see Revised Strategic Flood Risk Assessment (Ref HS69d)).
MM78	Appendix E	182	[Additional line to be added after listed Household Waste Recycling Centre (HWRCs)] <u>Specialist Waste Sites</u> <u>Site Name: Star Works</u> <u>Location: Knowl Hill</u>	Clarification of site safeguarding as this site was listed as safeguarding for minerals only but is also safeguarded for waste uses as a long-standing land-use for clinical waste

Ref.	Policy / Para.	Page	Proposed modification	Justification
			<p><u>Primary Function/Use: Clinical Waste</u></p> <p><u>Planning Permission / End Date: [blank]</u></p> <p><u>Operator: Grundon Waste Management Limited</u></p>	management. This issue was raised by Grundon Waste Management Limited in their Reg 19 response.
MM79	Glossary & Acronyms	195	National Planning Policy Framework (NPPF): Published in March 2012 and subsequently updated in 2018, and 2019, <u>and 2021,</u> the NPPF sets out the Government's planning policies for England and how these are expected to be applied.	NPPF 2021 Update

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