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Service Lead - Democratic Services: Karen Shepherd: (01628) 796529

TO: EVERY MEMBER OF THE COUNCIL FOR THE ROYAL BOROUGH OF WINDSOR & MAIDENHEAD

YOU ARE HEREBY SUMMONED TO ATTEND the Meeting of the Council of the Royal Borough of Windsor & Maidenhead to be held in the **Desborough Suite - Town Hall** on **Tuesday, 26 June 2018 at 7.30 pm** for the purpose of transacting the business specified in the Agenda set out hereunder.

Dated this Monday, 18 June 2018



Managing Director

Rev Stileman will say prayers for the meeting.
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A G E N D A

PART I

1. APOLOGIES FOR ABSENCE

To receive any apologies for absence

2. COUNCIL MINUTES

To receive the minutes of the meetings of the Council held on 24 April and 22 May 2018.
(Pages 5 - 40)

3. DECLARATIONS OF INTEREST

To receive any declarations of interest
(Pages 41 - 42)

4. MAYOR'S COMMUNICATIONS

To receive such communications as the Mayor may desire to place before the Council
(Pages 43 - 44)

5. PUBLIC QUESTIONS

None received

6. PETITIONS

To receive any petitions presented by Members on behalf of registered electors for the Borough under Rule C.10.

(Any Member submitting a petition has up to 2 minutes to summarise its contents)

7. CONSTITUTIONAL REVIEW

To consider the above report.
(Pages 45 - 80)

8. FAMILY FRIENDLY POLICY FOR ELECTED MEMBERS

To note the above report
(Pages 81 - 86)

9. MEMBERS' QUESTIONS

a) Councillor Hill will ask the following question of Councillor Coppinger, Lead Member for Planning and Health:

Oldfield Ward housing growth is set to spiral from 5,500 to 9,500 dwellings, a 72% increase in 15 years under the Borough Local Plan, more than any other ward. What special provision will be made for Maidenhead Town Centre from the recently published infrastructure analysis funds to avoid gridlock, parking chaos, lack of schooling and doctors etc?

b) Councillor Hill will ask the following question of Councillor Bicknell, Lead Member for Highways and Transport:

When Oldfield School was proposed on Braywick Park a roundabout was deemed necessary at the entrance on Braywick Road. Looking at the popular times of use of the existing Leisure Centre it is clear that they coincide with morning and particularly evening traffic peaks. Why is no roundabout being proposed?

(The Member responding has up to 5 minutes to address Council. The Member asking the question has up to 1 minute to submit a supplementary question. The Member responding then has a further 2 minutes to respond.)

10. MOTIONS ON NOTICE

a) By Councillor Beer

This Council:

- i) Notes that there is evidence that the progression of the River Thames Scheme is in doubt as several riparian Councils cannot commit to its funding.
- ii) Urges the Government to fully fund the essential project as it is totally unjustified to burden a few communities to fund the safe disposal of water from such a vast catchment area.

b) By Councillor McWilliams

This Council:

- i) Requests the Leader of the Council to write to the Lord Chancellor and Secretary of State for Justice urging him to find time in this parliamentary session to bring forward legislation to introduce life sentences for those who cause death by dangerous driving, and for careless drivers who kill while under the influence of drink or drugs, as per the government's response to the Ministry of Justice's consultation in October 2017;
- ii) Recognises the pain and suffering caused by death by dangerous driving or careless driving while under the influence of drink or drugs to family, friends and wider community;
- iii) Believes that the current sentences for death by dangerous driving and careless driving while under the influence of drink or drugs should be strengthened.

COUNCIL MOTIONS – PROCEDURE

- Motion proposed (mover of Motion to speak on Motion)
- Motion seconded (Secunder has right to reserve their speech until **later** in the debate)
- Begin debate

Should An Amendment Be Proposed: (only one amendment may be moved and discussed at any one time)

NB – Any proposed amendment to a Motion to be passed to the Mayor for consideration before it is proposed and seconded.

- Amendment to Motion proposed
- Amendment must be seconded BEFORE any debate can take place on it
(At this point, the mover and seconder of original Motion can indicate their acceptance of the amendment if they are happy with it)
- Amendment debated (if required)
- Vote taken on Amendment
- If Agreed, the amended Motion becomes the substantive Motion and is then debated (any further amendments follow same procedure as above).
- If Amendment not agreed, original Motion is debated (any other amendments follow same procedure as above).

- The mover of the Motion has a right to reply at the end of the debate on the Motion, immediately before it is put to the vote.
- At conclusion of debate on Motion, the Mayor shall call for a vote. Unless the vote is unanimous, a named vote will be undertaken, the results of which will be announced in the meeting, and recorded in the Minutes of the meeting.

(All speeches maximum of 5 minutes, except for the Budget Meeting where the Member proposing the adoption of the budget and the Opposition Spokesperson shall each be allowed to speak for 10 minutes to respectively propose the budget and respond to it. The Member proposing the budget may speak for a further 5 minutes when exercising his/her right of reply.)

AT A MEETING OF THE BOROUGH COUNCIL held in the Council Chamber - Town Hall, Maidenhead on Tuesday, 24th April, 2018

PRESENT: Councillors Story (Chairman), M. Airey, N. Airey, Alexander, Bateson, Beer, Bhatti, Bicknell, Bowden, Brimacombe, Bullock, Burbage, Carroll, Clark, Coppinger, Dudley, D. Evans, L. Evans, Gilmore, Grey, Hill, Hilton, Hollingsworth, Hunt, Ilyas, Jones, Kellaway, Lion, Love, Luxton, McWilliams, Mills, Muir, Pryer, Rankin, C. Rayner, S. Rayner, Richards, Saunders, Sharp, Sharpe, Shelim, Smith, Story, Stretton, Targowska, Werner, D. Wilson, E. Wilson and Yong.

Officers: Andy Jeffs, Russell O'Keefe, Alison Alexander, Mary Severin, Chris Anderson and Karen Shepherd

245. APPOINTMENT OF CHAIRMAN

In the absence of the Mayor and Deputy Mayor, a Chairman was appointed for the duration of the meeting.

It was proposed by Councillor Dudley, seconded by Councillor D. Evans, and:

RESOLVED UNANIMOSLY: That Councillor Story be appointed as Chairman for the duration of the meeting.

246. APOLOGIES FOR ABSENCE

Apologies for absence were received from Councillors Cox, Da Costa, Diment, Lenton, Majeed, Quick, Sharma and Walters.

247. COUNCIL MINUTES

Councillor Saunders requested an amendment to the minutes relating to comments made by Councillors Hill, Dudley and the Mayor, which had been the subject of query and debate and for which clarification was required. The amendments had been exclusively and accurately extracted from the recording of the meeting and the choice of tense and wording used had been guided by the Clerk.

Councillor Jones requested clarification that the wording used by Councillor Hill had been that the budget was insanely speculative. The clerk confirmed that, as detailed on page 15 of the minutes, this was accurately recorded in Councillor Hill's speech on the budget item.

It was proposed by Councillor Saunders, seconded by Councillor Dudley and:

RESOLVED UNANIMOUSLY: That the minutes of the meeting held on 20 February 2018 be approved, subject to the following amendment:

Page 21, paragraph 2 to read: 'Councillor Hill had labelled him as insane for his budget. As the council's Mental Health Champion he queried the dubious slander. *Councillor Hill interjected that he had labelled the budget insane.* Councillor Saunders explained he had a well-known sub clinical bi polar

condition, and he regretted those with a contempt for mental health challenges might ignorantly label this as some form of insanity.

Page 21, paragraph 3 to read *‘Councillor Dudley commented that mental health was a very important issue and he did not think people should throw around the expression insane because he thought it very insensitive. Councillor Hill responded that he had not alleged that Councillor Saunders was insane; he had said that ‘the budget was insanely speculative’. The Mayor advised Members that the word insane had a specific meaning and was often cast around as a rather unpleasant adjective and was much best avoided as it could be interpreted personally. The word insane was to be avoided in future discussions.’*

248. DECLARATIONS OF INTEREST

Councillor C Rayner declared an interest in Item 12c as he was the trustee of a trust that could be affected by Heathrow’s expansion plans. He left the room for the duration of the debate and voting on the item.

Councillor S Rayner declared an interest in Item 12c as her husband was the trustee of a trust that could be affected by Heathrow’s expansion plans. She left the room for the duration of the debate and voting on the item.

Councillor Hill declared a personal interest in item 4 as his wife attended yoga at the Community Centre on a Wednesday evening.

249. ORDER OF BUSINESS

RESOLVED UNANIMOUSLY: That the order of business as detailed in the agenda be amended, to bring item 12b immediately after item 4.

250. PETITION FOR DEBATE

Members noted that a petition containing 1,583 signatories had been submitted to the Council on 29 March 2018. In accordance with the provisions of the Council’s Constitution, it was requested by the lead petitioner that the petition be reported to, and debated at, a full Council meeting. The petition read as follows:

We the undersigned petition The Royal Borough of Windsor and Maidenhead to ensure that redevelopment plans for the York Road area include a replacement community centre

Russell O’Keefe, Executive Director, introduced the petition. He explained that the petition asked the council to ensure redevelopment plans included a replacement community centre. The current centre operated a range of community services from the building in York Road that was leased to the Royal Voluntary Service (RVS). The council was negotiating with RVS over the surrender of the lease. Subject to agreement, the community centre would be part of the Phase 2 redevelopment. Discussions were ongoing with the centre and others over future provision.

Dean Yorke, on behalf of the lead petitioner, addressed the meeting. Mr Yorke explained that he was a volunteer trustee. He thanked all those in attendance and

who had offered support. The centre provided many services and was a valuable asset to the town centre. The King George VI Club had originally been built by public subscription and opened by the Queen in 1957. Approximately 10 years ago it had been taken over by RVS. Six months after Mr Yorke had become a volunteer in the office, RVS had announced it would close the centre. RVS had then agreed to allow Mr Yorke, along with Jack Douglas and Simon Chan, to run the centre as volunteer trustees from January 2017 under the new name of Maidenhead Community Centre. The centre included a fantastic café run by a volunteer chef cooking lunches for £5 for two courses. The centre was a great meeting point, particularly for elderly groups. Function rooms were hired out the majority of the time and funded the upkeep of the centre. Activities included yoga, martial arts and church groups.

The case had been put for a new centre when the redevelopment plans were announced for York Road. The petition had attracted over 1500 signatures; Mr Yorke thanked the local community for signing and sharing the petition. He thanked the Managing Director of the RBWM Property for her communications on the issue and Councillor Hill for his advice and support. It was important that the centre remained in the town centre; the elderly would not be able to use the centre if it were not on one of the bus routes. Many customers also worked in the town centre and used the centre at evenings and lunchtimes. With the likely increase in housing in the town centre as a result of the redevelopment it was important the council took the opportunity to work with people showing a fantastic community spirit.

Councillor Hill, Ward Councillor, thanked Cllr D Evans for reacting to the petition and producing an accompanying report. Mr Yorke had clearly stated the case for keeping the centre; with 1583 signatures it was clearly something the public supported. The centre provided many and varied activities and was busy between 9am-10pm each day and part of the weekend. It provided some of the lowest cost food in the town. Loneliness was a critical issue in society and the centre provided a very important role in addressing this problem. Councillor Hill proposed the following motion, which was seconded by Councillor Jones:

‘This council agrees to either keep the existing York Road Community Centre, or as part of the central Maidenhead regeneration re-establish the York Road Community Centre in a new building so it can perform all its current activities, allow for planned expansion and still be easily accessible to all current and future users’

Councillor Hill referred to the Manifesto Tracker to Cabinet in March 2017 that included the commitment to ‘create a vibrant and lively town centre with space for community facilities and entertainment offers’. This was the manifesto of the Conservative and Unionist Party; there was no ‘unionist’ in demolishing and not re-providing the community centre. The loss of the community centre may be seen as asset stripping of the Oldfield ward to generate large amount of cash that would end up in the pockets of developers. The community of Oldfield would be deprived of its rightful heritage. There was no better way to spend the receipts from Oldfield ward than a fit for purpose community facility and cultural space.

Councillor D Wilson, Ward Councillor, commented that for many years he had been a council representative on the management committee of the King George VI club for the elderly, until RVS took over. He was aware of the huge amount of work undertaken at the centre, which provided a vital resource for anyone wishing to meet

their friends. He was supportive of the petition, particularly given the number of signatories. He had been disappointed with Councillor Hill's preamble in relation to the way the development was going, almost alarming residents as to what was going to happen as part of any redevelopment proposal. This was an ideal opportunity to retain the facility. As Oldfield ward councillor he would have liked the opportunity to have seconded the motion.

Councillor Brimacombe commented that the centre was a fantastic facility. The devil was in the detail therefore he requested reassurances on three critical issues:

- Capacity for today and tomorrow
- Continuity of operation
- Central location

Councillor Dudley stated it was essential that redevelopment did not squeeze out community facilities and that they were future-proofed. He thanked the lead petitioner and Councillor Hill for their work in bringing the issue forward. The borough was negotiating for the surrender of the lease. It would be unfortunate if RVS decided to take the money and use it to do good work elsewhere. This could leave the unfortunate situation that borough council tax payers would lose the value and have to reinvest to create a community facility. Councillor Dudley proposed an amended motion; as Council Leader he agreed there was an absolute need to re-provide the community facility. He gave assurances in relation to the three areas Councillor Brimacombe had raised in that the plans needed to be future proofed, continuity should be seamless and the new centre would be in an appropriate central location. He would write to the Chief Executive of RVS to highlight the number of petition signatures and encourage RVS to reinvest the proceeds from the surrender of the lease in Maidenhead.

Members noted the proposed amendment:

That this Council agrees as part of the York Road redevelopment to re-establish the Maidenhead Community Centre in a new purpose-built building(or part of a building) so it can perform all its current activities.

Councillor Stretton commented that she had toured the building. She had been amazed at how quickly the trustees had made the centre so busy and provided so many good activities. She sincerely hoped the council did not propose that the Desborough Theatre would be able to cover the variety of events as it was not a suitable space, for example for the storage of equipment. It would also be impossible without conflicting with current users.

Councillor D. Evans thanked the volunteer trustees for their time. He had been impressed with what they had picked up when RVS pulled out. The centre was well-used in the day and evenings and played an important role in addressing loneliness in the elderly. He was absolutely committed as part of the regeneration of Maidenhead that it was not just about providing much needed homes for people to get on the property ladder but also a cultural and community centre for all. The plans that have been developed had this at the heart. As part of discussions, increased use if the Desborough Suite facilities had been considered and investment was planned as part of the community offer. The council was committed to having a community facility that was in the centre of Maidenhead. He agreed with the three critical issues

raised by Councillor Brimacombe. He encouraged the trustees to continue to work with borough officers to bring the project forward and ensure a cultural and community heart to the redevelopment.

Councillor Dudley commented that he wished for it to be minuted that the new facility should be future-proofed in terms of its business plan, that there should be continuity of service, and be in a central location to the town. The proposed recommendation referred to 'part of building' as one option would be for the facility to be on the ground floor of a larger building, such as was proposed for the Heritage Centre.

Councillor Hill stated that he was happy to accept the amended motion put forward by Councillor Dudley.

It was proposed by Councillor Dudley, seconded by Councillor Hill and:

RESOLVED UNANIMOUSLY: That this Council agrees as part of the York Road redevelopment to re-establish the Maidenhead Community Centre in a new purpose-built building (or part of a building) so it can perform all its current activities.

251. MOTION B

Councillor Carroll introduced his motion. He thanked the Chief Executive of the DASH charity, its volunteers and the borough officers who worked in the areas of domestic violence and domestic abuse. Last week he had been proud to launch the new service, an independent source of advice for adults and children and an outreach service. On a national level it was estimated that 1.9m people experienced domestic violence in the year ending March 2017, with the police recording 1.1m incidents. There had been a steady rise in cases reported in the borough year on year. These figures did not include unreported cases. Domestic abuse could be physical, emotional or mental abuse. In any form it was unacceptable and devastating for those affected. The issue needed to be addressed head-on as victims and future generations deserved better. The council must resolve itself to tackle the issue and take a zero-tolerance approach. It was important to bust the myth that only women were affected; men were also victims but found it harder to come forward due to the stigma. It was important people could come forward and know they would be listened to. The council should stand united and send a clear message on such a critical issue.

Councillor N. Airey stated that she was delighted to support the important motion. In 2014, under the last administration, she had brought a motion to Council on raising awareness of domestic violence and offering help and support to those affected. Nationally, domestic abuse crimes accounted for a third (32%) of all violent crime:

- 1 in 4 women would experience domestic abuse in their lifetime
- 1 in 6 men would experience domestic abuse in their lifetime
- On average, two women a week were killed by a current or ex-partner in England and Wales.
- Domestic abuse cost the UK £17 billion per annum.

The local picture for children and young people was illustrated by the fact that 127 high risk victims were discussed at the RBWM Multi Agency Risk Assessment Conference; 172 children were in these households. Of the 2669 referrals into the

borough's Multi Agency Safeguarding Hub, 31% had domestic abuse as the key concern

As Cabinet member for Children's Services, she was delighted that the new contract with DASH had a real focus on supporting children and young people affected by domestic abuse. However, it was known that children learned behaviours. For many children, what they saw was what they would reproduce, and a significant number of perpetrators of domestic abuse were victims themselves. The cycle must stop; domestic abuse was something no person, regardless of age, gender or any other factor, should endure. No child should feel unsafe in their own home, by being a victim of domestic abuse, living with the threat of violence, or witnessing domestic abuse in the home. The administration would not stop until every child and young person could grow up in safety in the borough.

Councillor Saunders commented that he had been a victim of domestic abuse at various points in his life and he wholeheartedly supported the motion. Domestic abuse and violence, whether physical or mental, whether inspired by jealousy, relationship breakdown, alcohol or drug abuse, or the insecurity and frustration of pressure of work, money or anything else, was a frightening prison for those who suffered it and an abusive environment for children and others who had to live with it. It was not gender specific, although inflicted more on women than men. It was corrosive and corrupting of all involved. It was time for this to be a focus of all those who sought to avoid, support and repair the damage of domestic violence and abuse, including this Council. Councillor Carroll had his full support for the motion and bringing it fully into effective force.

Councillor Werner stated that his side of the chamber were fully supportive of the motion. Domestic abuse had a wide range including emotional and financial abuse. The effect on children was a significant issue. Domestic abuse was not a class issue.

Councillor Hollingsworth commented that he had put his Members' budget two years in a row towards the DASH charity. Continuity of funding was important to enable the charity to plan.

Councillor Jones stated that she fully supported the motion. There were areas of the borough with large numbers of vulnerable elderly people and she hoped the motion would bring awareness and support to this issue.

Councillor S Rayner commented that she had spent International Women's Day with the Prime Minister. The focus of the day had been domestic violence and new legislation to address the issue. Councillor S Rayner had met many victims. It was unacceptable for people to lose their dignity and control of their lives. Psychological scars were long lasting. The decision to take back control was incredibly frightening and brave. To have DASH and other partners to help with this step would empower people to do so.

It was proposed by Councillor Carroll, seconded by Councillor N. Airey and:

RESOLVED UNANIMOUSLY: That this Council:

- i) Continues to robustly adopt a zero tolerance approach to any form of domestic violence and abuse, and strongly reaffirms our steadfast commitment to tackle domestic violence and abuse through our public**

health strategy, joint health and well-being strategy, and awareness campaigns;

ii) Encourages anybody from any background who is suffering from the impact of domestic violence and abuse to come forward and get the help and support they need from the police, the council, health services or key partner organisations such as DASH, Victim Support or the 24 hour National Domestic Violence Helpline;

iii) Resolves to promote awareness across the Borough to ensure residents understand what constitutes domestic violence and abuse and who they can go to locally to access support.

252. ORDER OF BUSINESS

RESOLVED UNANIMOUSLY: That the order of business as detailed in the agenda be amended, to bring item 12a as the next item.

253. MOTION A

Councillor Dudley introduced his motion. He commented a significant number of pubs were under threat, including the North Star in Boyn Hill, the Swan in Clewer, the Barley Mow in Cox Green, the Ark in Riverside and the Red Lion in Oakley Green. Before the banking crisis a number of large pub owning companies were established, managed through aggressive acquisition activity to establish large property estates funded by debt. The banking crisis left them in a highly indebted situation and needing to de-gear to meet banking covenants. The only way to do this was to liquidate assets by letting the business go bust then selling the properties for alternative use. The Pub Code Adjudicator had been established with the aim of ensuring tied tenants would be no worse off than if they were not tied. The beer tie was usually not at market prices. The Adjudicator was meant to break the link between the dry lease (the property) and the wet lease (the beer tie). Sadly the secondary legislation was not working as intended. The motion included a letter to be sent to the government to make the legislation fit for purpose.

Councillor McWilliams explained that the Barley Mow had been located in Cox Green since 1840. It had survived 177 years including two World Wars but now found itself in difficulty. The tenants had been unable to buy beer on the open market without the threat of the rent rising astronomically. The tenants had offered to buy the freehold but had received no response.

Councillor Carroll commented that the North Star in Boyn Hill as also facing possible closure. The motion highlighted the importance of pubs to local communities. Public Health England was starting to evidence the importance of community assets such as pubs in terms of addressing issues such as loneliness.

Councillor Lion stated that pubs had a special place and should be supported. Councillor D. Wilson commented that the issue had been around for some time. Many years ago he had helped the Fir Cone in Norrys Drive in its dealings with Enterprise Inns. Tenants were continually suffering because they could not make sufficient profits to enable them to buy the freehold.

Councillor Brimacombe commented when the business model was so onerous you ended up with only one type of pub, when pubs should reflect the character of the local community. He suggested the letter should highlight the council was a vanguard authority and should show the way for a national issue.

Councillor Bicknell commented that this was a national issue and British people were entitled to a pint. The secondary legislation was not working. Windsor had pubs going back to the time of Nell Gwynne. The council needed to be more forceful with Ministers on this issue.

Councillor Jones commented that she was delighted to support the motion. she was aware of the issues as her parents had run a pub for over 20 years. Running a pub used to be 'work hard, play hard'; now it was just 'work hard'. A number of pubs had been lost in the last 10 years including the Queen, the Wolf, the Bell, the Rising Sun and the Lord Nelson.

Councillor Werner commented that the Merlin went years ago and the Golden Harp had been turned into a Tesco store. The tenant of the Crauford Arms had been supported by the council and residents to purchase the freehold. Mark Newcombe had run a very successful campaign. Councillor Werner suggested the tenants of the Barley Mow should be put in touch with Mr Newcombe.

Councillor Coppinger highlighted that the Borough Local Plan included tightening controls to make it more difficult for pubs to be closed and turned to other uses.

Councillor Stretton fully supported the motion. She questioned why the letter would not go straight to the Secretary of State. It was confirmed that Richard Harrington MP was the Parliamentary Undersecretary with responsibility for the Pub Code. The letter would also be copied to the Windsor MP.

It was proposed by Councillor Dudley, seconded by Councillor McWilliams and:

RESOLVED UNANIMOUSLY: That this Council:

- i) Is concerned that The Pubs Code Adjudicator is failing to tackle the financial unbalance suffered by tied tenants in its borough and around the country.**
- ii) Notes that the case of The Barley Mow demonstrates clearly that, in its current format, the secondary legislation is not fit for purpose, as it is clearly unable to offer tied tenants a simple and easy path to severing their tied terms, as was the intention of Parliament.**
- iii) Requests the Leader of the Council to write to Richard Harrington MP, urging him to take this issue to the Secretary of State, Greg Clark MP, copied to Theresa May MP, so he can take the necessary steps to make the legislation work, as a matter of urgency**

254. MAYOR'S COMMUNICATIONS

The Mayor had submitted in writing details of engagements that he and the Deputy Mayor had undertaken since the last meeting, which were noted by Council.

Council congratulated the Duke and Duchess of Cambridge on the birth of their second son.

255. PUBLIC QUESTIONS

- a) Lars Swann of Clewer South ward will ask the following question of Councillor Rankin, Lead Member for Economic Development, Property, Communications and Deputy Finance:**

What help can the council give to help save The Swan pub in Clewer village?

Councillor Rankin responded the council had been pleased to support the successful bid for the Crauford Arms in Maidenhead led by local residents and the Crauford Arms Society Ltd last year. That support had included:

1. Advice and guidance by ward councillors and officers and, through the council's external funding and development service - Our Community Enterprise, help community groups to put together bids for external finance and help structure the share arrangements. The tenants of the Swan had already been put in touch with Our Community Enterprise.
2. The council was able to offer financial support a small short term loan to bridge, on the basis it was secured against the premises should the Society be successful in their purchasing. In the end the loan was not required,

He was sure the council would seek to offer similar support to the Clewer community.

Mr Swann, by way of a supplementary question, asked if Councillor Rankin would be prepared to meet with him, ward councillors and Mr Williams to discuss options.

Councillor Rankin responded that he would be delighted to do so.

256. PETITIONS

None received

257. APPOINTMENT OF STATUTORY OFFICERS

Members considered approval for the statutory appointment of Monitoring Officer. Councillor Targowska explained that the Employment Panel had agreed a new management structure on 12 March 2018 including the separation of the Monitoring Officer function from the Head of Law and Governance. Mary Severin had been Acting Monitoring Officer since the departure of the previous Monitoring Officer. If approved, she would take up the permanent post immediately. Councillor Targowska thanked the Acting Monitoring Officer for the fantastic job she had done so far. Councillor Dudley echoed the thanks. Councillor Werner wished good luck in a challenging role.

The Managing Director confirmed that the role was shared with Wokingham and was on the basis of 1.5 days per week. The Monitoring Officer function had been only one element of the previous full time Head of Law and Governance position.

It was proposed by Councillor Targowska, seconded by Councillor Dudley and:

RESOLVED UNANIMOUSLY: That Council notes the report and appoints:

i) Mary Severin as the Council's Monitoring Officer.

258. EQUALITY AND DIVERSITY POLICY

Members considered a revised Equality Policy. Councillor Targowska explained that the council had a statutory responsibility under the Equality Act 2010 to publish equality objectives at least every four years and information to demonstrate compliance with the Equality Duty on an annual basis. Implementation was monitored by an annual report, and a six monthly update on progress against objectives to the Principal Member and Senior Management Team and Access Advisory Forum. In addition, Employment Panel would also receive an annual update in terms of council staff.

Councillor E Wilson commented that the definition of anti-Semitism was important but had not actually been included in the policy and he asked if this could be included. It was also important to ensure people remembered the Holocaust and children were educated so that there could be no denying it occurred. He asked what activities the council planned in remembrance?

Councillor Saunders stated that he was pleased to support the recommendations in the report, which was not simply an administrative report. The duties of councils in section 149 of the Equality Act 2010 were there to protect and advance equality for all protected groups who had experienced unwelcome, degrading and offensive prejudice. The duty extends to all those exercising a public function, including all Members and all officers, contractors and partners. It provided the opportunity for those who were elderly, with disabilities, expecting a baby, with gender ambiguity, with religious or other beliefs, of any race or ethnic origin, any gender or any sexual orientation, to reasonably expect that they could go about their lives, and in their dealings with the council, free from discrimination, harassment or victimisation. The council's duties and those of Members were clear and extended into all aspects of public service, including, but not exclusively, in how the council managed its premises, recruited and employed, educated children and mature learners, made appointments, funded organisations and licenced taxis. Each of these areas were spelled out in the law. Each borough team and partner should reflect with care on the council's duties and satisfy themselves that those duties were clear, understood and alive.

Councillor M. Airey expressed concern at the enduring presence of anti-Semitism in local and national government and the lack of action by the Labour Party leadership. Councillor Airey was proud to be part of a political party in which Jews had a home, particularly as he had lost relatives at Auschwitz. The IHRA definition included some examples of modern-day anti-Semitism including denying Jewish people the right to self-determination by claiming the existence of the state of Israel was a racist endeavour and accusing the Jews as a people or the state of Israel of inventing or exaggerating the Holocaust. It seemed in 2018 Britain was still grappling the issues that should have been finished in the Second World War. He hoped the council would promote action against anti-Semitism including Holocaust remembrance and reinforcing the Jewish people's right to self-determination in the state of Israel.

It was proposed by Councillor Targowska, seconded by Councillor E Wilson and:

RESOLVED UNANIMOUSLY: That Council notes the report and:

- i) Approves the draft Equality Policy, see Appendix A.**
- ii) Approves the adoption of the International Holocaust Remembrance Alliance's working definition of anti-Semitism, see point 3.5.**

259. ORDER OF BUSINESS

RESOLVED UNANIMOUSLY: That the order of business as detailed in the agenda be amended, to bring item 11h as the next item.

260. MEMBER QUESTION H

- a) Councillor Hill asked the following question of Councillor N. Airey, Lead Member for Children's Services:**

Oldfield School pupils only got 40% of their 1st choice places with only 2 girls out of 7 going to Newlands. Why, when you knew all the class sizes, gender mix and likely 1st place choices did you do nothing for Oldfield school children?

Councillor N. Airey responded that the council had a statutory duty to ensure that there were sufficient school places for every pupil and the current investment of £30m, including £15m of local capital, was increasing the capacity in secondary schools. In Maidenhead these extra places were at Furze Platt Senior, Cox Green and some at Newlands Girls' school. At Newlands the Council had added to the s106 funds for the school to ensure the additional places were delivered as planned.

In the admissions round for September 2018, over 80% of residents were offered their first place preference of school. Over 88% of applicants at primary level also got their first place preference, the highest in eight years. It was sadly a reality that no authority can promise a particular school because of four factors: the expressed preferences in a given year, the reputation of the available schools, the operation of the national admission system, and the individual admission arrangements set by different academies. It was not in the council's power to directly impact these four issues.

It was these factors which determined the order in which places were allocated. The national system was called "equal preference" and mandated that places must be allocated against criteria that could not include preference. It was very pleasing to note that all our secondary schools were rated as Good or Outstanding by Ofsted which gave every young person a good chance of educational success regardless of which school was allocated by the system.

Within the current arrangements for Maidenhead secondary schools, the linear distance from home to school was the most commonly used approach to order applications for pupils living in the designated area. There were a range of other types of criteria that could be used including feeder schools, different measuring points, and so called 'random allocation'. All had strengths and weaknesses, and give a different pattern of space allocation. Councillor Airey had invited representatives of all secondary admissions authorities to a workshop at the Town Hall on 9 May 2018 led by the Director of Children's Services to consider what changes could be proposed to

improve the situation. Any proposals would need to be consulted on by the admission authorities before the system was changed however she believed that a coordinated approach was better than each admission authority working alone. Feedback to Oldfield representatives would be provided.

Looking further ahead to the expected increase in housing within the area, it was estimated that a further 20 classes would be needed in every school year group by 2035, at an estimated cost of £277m. The council had allocated £1.3m to enable feasibility and costs to be developed for a range of schemes to ensure the system worked well. This work included consideration of the options to increase the capacity of Newlands Girls' school subject to any decisions the Academy may take.

The council took access to good and outstanding education very seriously and while it could not promise to meet every parent's preference, it would work with its partners in Academy schools to make the best system it could for local residents.

By way of a supplementary question, Councillor Hill asked what the Lead Member was going to do for the seven forgotten pupils.

Councillor N. Airey responded that no pupil had been forgotten; all had been offered a place. The allocation of places was not up to the authority and it could not tell academies how to allocate places. Unfortunately the local authority did not have the power to change the situation and parental preference could not be taken into account.

261. ROYAL BOROUGH OF WINDSOR AND MAIDENHEAD ELECTORAL REVIEW - SUBMISSION ON DRAFT RECOMMENDATIONS

Members considered the Royal Borough's representation on the electoral review draft recommendations to be submitted to the Local Government Boundary Commission for England (LGBCE). Councillor McWilliams explained the background to the report including the fact that the review was required as Oldfield would soon be over the 30% threshold and that the borough was in the bottom quartile in terms of elector representation. Stage 1 had been to determine the number of councillors needed in future, which had been proposed at 43. In the first draft proposals the LGBCE had reduced the figure to 42.

A series of Member briefings had been held on the second stage. The consultation was open to 7 May 2018 and Councillor McWilliams encouraged everyone to respond. The council's overall response would be an important part of the LGBCE machinations. If the recommendations in the report were not supported the LGBCE work would continue without the council's input. This would be a great shame as the Working Group had placed great focus on community identity. The Working Group had agreed that, particularly in the south of the borough, the electoral representation threshold should be breached to ensure community identity was maintained. Option 1 therefore proposed the Boltons be included in Clewer East. To ensure the LGBCE was aware the council had considered all options, it was proposed to include an option 2 (not preferred) that had an electorally balanced situation but the Boltons was split between Clewer East and Old Windsor.

Councillor S Rayner commented on the need to offer taxpayers value for money in terms of less elected representatives. The patterns proposed maintained community

identities as much as possible, The council had a duty to exercise its duties in the most efficient way possible.

Councillor Jones commented that the council approached the LGBCE to resolve an issue in Maidenhead. Whilst 43 councillors addressed this issue, it had proven not to work in Windsor and in the south of the borough because of geographical constraints. Councillor Jones thanked officers who had worked so hard to produce the warding patterns that put communities first. Councillor Jones had requested, and had now received, confirmation that the ward name of Old Windsor would remain and would not be proposed for amendment to Old Windsor and Great Park.

Councillor Hilton stated that he would confine his comments to the south of the Borough where he had local knowledge. At the December consultation the seven councillors in the south of the borough, supported by the two Parish Councils, proposed three 2-councillor wards which, based on local knowledge of major sites that would be coming forward for development, and using the same methodology as officers would have, had a maximum of 11% deviation, just 1% outside the desired 10% target. The proposals would have been coterminous with Parish boundaries with four councillors within Sunninghill and Ascot and two within Sunningdale. Sadly, the proposals were rejected by the LGBCE.

The latest proposals were for two wards in the south: Sunningdale and South Ascot and Ascot and Sunninghill. Aside of the addition of the whole of Windsor Great Park to Ascot and Sunninghill matched ward boundaries prior to the 2002 boundary changes. For about 18 months, prior to the 2002 boundary review, Councillor Hilton had represented Ascot and Sunninghill so it would not be too difficult to do so again. However he did not see the Great Park as part of Ascot. It was next to the ward but it was some miles from the centre of Ascot and the village, which was the only significant collection of homes in the Park, was much closer to Old Windsor than Ascot. He was sure that the affinity of the people who lived in the village was to the north and Old Windsor and Windsor, rather than the south.

Furthermore, in 2014 the Ascot Sunninghill and South Ascot Neighbourhood Plan was adopted by the council and it had been possible to draft policies that reflected all parts of what a cohesive area was. This would not have been the case had the Great Park, which was entirely within the Green Belt, been included. Members should be aware that just 276 electors lived within the Great Park and were proposed to be moved to Ascot on the grounds of balance. The fact that developers were already talking about more than 800 homes, with more to come, in the revised Ascot and Sunninghill ward indicated the Great Park should be left where it was to allow the community to remain together and allow time, as it surely would, to correct the imbalance. Councillor Hilton had written to the LGBCE in support of the two 3-councillor wards in the south but that the Great Park should be part of Old Windsor.

Councillor Bowden commented that if Clewer East was going to be 25% over with only two councillors, he would give in. Councillor Bicknell highlighted that the ward he represented would disappear by May 2019 under the proposals. In his view residents of the Boltons were not Old Windsorians.

Councillor Brimacombe commented that he understood that there was no way to reverse the process, which had not been made particularly clear to Members. The cure seemed worse than the disease.

Councillor Beer endorsed the comments made by Councillors Jones and Hilton. He felt the figure of 43 had been picked out of the air as it was the same number as West Berkshire. At the time he had pointed out that the Sunnings and old Windsor were a special case due to geographical constraints this had been ignored. Option A would suit the Old Windsor community, but not Windsor.

Councillor Rankin commented that there was a need for electoral equality and a reduction in the cost of politics. However it had been very difficult to balance the figures. He welcomed a move to a submission with more focus on community identity. He personally felt that Eton should be in a separate ward to Windsor town centre.

Councillor E. Wilson highlighted two uncomfortable truths. The council as an administrative body rather than a self-preservation society. The council had to work smarter, rather than harder. The meeting had discussed a list of issues that it had no control over, such as admission policies. The LGBCE aim of making every vote count had been achieved in their proposals, with two exceptions. The south was simply an over-represented part of the borough. The council's submission made it clear it did not make sense to add the urban area of the Boltons to semi-rural Old Windsor village. The exception was worth arguing.

Councillor Bateson commented that the parish council had requested the ward name be amended to Sunningdale and South Ascot, as Sunningdale was the largest village.

Councillor McWilliams commented that adding a third councillor to Clewer East would throw off the elector to councillor ratio across the whole borough and the process would have to start again. The decision was not to include it but he encouraged individual councillors to make submissions. The figure of 43 had not been picked from the air; officers and the Working Group had spent many hours debating the figure. If Eton was separated as a one-Member ward this would break the good governance rule to have the same number in all wards wherever possible. The Working Group decided it would not make proposals on ward names and encouraged all to put forward their ideas for ward names as individual submissions.

It was proposed by Councillor McWilliams, seconded by Councillor S Rayner and:

RESOLVED UNANIMOUSLY: That Council:

- i) Agrees that the Royal Borough's representation on the electoral review draft recommendations be submitted to the Local Government Boundary Commission for England.**

262. BOROUGH-WIDE DEVELOPMENT MANAGEMENT PANEL

Members considered changes to the terms of reference for the borough-wide Development Management Panel.

The Chairman confirmed that the item had been the Mayor had agreed to the urgent item, in accordance with Section 100B (4) (b) of the Local Government Act 1972, to allow the amendments to take place with immediate effect.

Councillor Targowska explained that Major applications represented the most significant developments across the Borough and merited consideration in public by a

Development Management Panel. Development Management Panels were quasi-judicial. They had powers and were governed by procedures resembling those of a court of law, and were obliged to objectively determine facts and draw conclusions so as to provide the basis of planning decisions taken by the council. As part of that process Members were advised by planning professionals; Members of the Panels were not expected to be experts in the field of planning.

The Managing Director had tabled an amended recommendation that sought that only those applications falling within the definition of major development, which were recommended for refusal by the Head of Planning, would be automatically considered by the Borough Wide Panel.

Councillor Jones expressed disappointment that after four months of work by the Constitution Review Working Group only one change to the constitution was being presented. The recommendation was also different to that proposed by the Working Group. An urgent paper and amended recommendation on the evening of the meeting seemed like undue haste given the other recommendations had been put back to June. The Working Group did suggest an increase to 15 members but that the Panel would only consider applications with a significant social, environmental or economic impact. To take away all applications for 10 or more that were recommended for refusal from the area panels went against the Conservative manifesto commitment about involving councillors at all levels in planning decisions. She was against the proposal because it reduced the involvement in decisions affecting the local community. If two applications were heard on the same night for different areas of the borough, one set of residents would have further to travel.

Councillor Dudley commented that the constitution was a 400 page document; the proposals before Council were just one microcosm. The Working Group had done some fantastic work that provided a good foundation, but further work was needed. The other changes would not come in until the boundary changes in 2019 therefore there was time to make revisions and it was important not to rush the process. The reason the proposals were before council was because certain major planning applications Members would have presumed would go to Panel were being refused by officers. The amended recommendation addressed this issue. Of the major developments refused in 2017/18, 7 of the 12 were done so under officer delegation. Member involvement was needed in such decisions to ensure local communities were represented. He had also received representations on this matter by developers.

Councillor Hilton commented that planners fulfilled two roles, firstly they ensured applications reflected the NPPF, BLP and Neighbourhood Plan policies. Importantly they also worked with developers to ensure proposals either reflected local character or with very large developments created a character that was in keeping with the Royal Borough. On four major applications in the south of the Borough currently in the system he had seen the process at work and it was helpful. It was a process of negotiation, developers understood the rules and knowing that in the extreme planners could refuse their application helped to concentrate the mind. He requested explanation of two issues:

- What would motivate applicants to be open with planners and consider appropriate change if the delegated authority to refuse were removed?
- If there was no movement from developers how would the BWDMP manage the risk of applications coming forward which were not as good as they could

be? It was not the role of the panel to modify an application it could only approve or refuse.

Councillor Rankin commented that he struggled when he first saw the proposals. Fundamentally planning powers were the council's powers, delegated to officers through the constitution. The current set up of three area panels was a sensible level for democratic decision. As a Windsor member he could call in an application and residents could then walk to the Guildhall, which was viewed as the Windsor Town Hall, to see local members making the decisions. This was the proper granularity for determining planning applications. When he first saw the report which had a recommendation referring anything over 9 units to the Borough wide panel he had felt it was ill conceived. He was happy with the amendment which reinstated the three panels. However he queried why in the first recommendation major applications that were considered for refusal would not go to the area panels.

Councillor Werner commented that Members needed to be making the decisions. The call in facility still existed. The Borough wide panel was not the right place for major applications; decisions about Maidenhead should be made by Maidenhead councillors and similarly for other areas of the borough. He suggested the first recommendation be amended to refer such applications to the relevant area panel.

The Monitoring Officer referred Members to Part 2C 14.6 of the constitution which set out that amendments could not introduce a new proposal unrelated to the original motion.

Councillor Dudley suggested that the recommendation be approved at this meeting to ensure Members were able to decide on major planning applications and if necessary, an alternative motion be brought to the next meeting. Councillor Werner accepted this if a motion would be guaranteed at the next meeting. Councillor Dudley agreed.

Councillor Beer commented that the council had previously been castigated because it was only delegating a small percentage of applications; the government had said it would intervene if the council did not meet the 95%.

Councillor Smith suggested that it should be up to the Chairman of the relevant Panel to determine if an application should come to the local Panel. Councillor Brimacombe commented that he thought Members would have had visibility and nothing would be determined without their knowledge. He was under the impression a Member could call in an application if they so desired. Councillor C Rayner expressed concern that the report had been brought in haste.

Councillor D Wilson commented that he did not understand why the wording could not be changed from borough-wide to area panel in the first recommendation. He had served on planning panels since 1991. They were all quasi-judicial and bound by the same process; it did not matter whether it was a borough wide or area panel. He was pleased with the amended recommendation. Councillor Dr L Evans questioned whether only bringing applications that were recommended for refusal to the panel would be seen as predetermination.

Councillor Kellaway commented that a Planning Task and Finish Group (TFG) was underway. At the first Constitution Review Working Group he had made the point that in the current constitution major applications could be refused by officers. He had called in one such application the previous month. The TFG was looking to reduce the

overall number of panels. As currently proposed this would add to the burden; there should be some discretion.

Councillor Bateson agreed with the recommendation that applications should go to the Borough wide panel; there was sufficient representation from each area on the panel.

Councillor Bicknell commented that powers were delegated to officers from Members to undertake the workload that would be too time consuming for Panels. However big applications were going through without Members being aware. If the recommendations were agreed this would be stopped immediately. The bigger panel gave better political balance.

Councillor Saunders echoed the concerns about applications not called in or called in late. Members had the right to have applications determined by a Panel. However in the zeal to fix the situation, he believed the recommendations had been incorrectly drafted. Councillor Saunders proposed an amendment to recommendation ii to read:

Applications falling within the definition of major development and called in or falling within the minor or other categories will continue to be reported to the relevant area Development Management Panel;

The meeting adjourned at 10.30pm, and reconvened at 10.38pm.

Councillor Targowska confirmed she accepted the amendment to recommendation ii).

It was recommended by Councillor Targowska, seconded by Councillor Dudley and:

RESOLVED UNANIMOUSLY: That full Council notes the report and approves the following amendments to the Council's Constitution:

- i) Applications falling within the definition of major development which are
 - a. recommended for refusal by the Head of Planning AND
 - b. have not been called-in for determination for a decision by the relevant Area Development Management Panelwill be determined by the Borough-wide development management Panel. Those major applications that have been called-in will continue to be considered by the relevant Area Development Panel; ***
- ii) applications falling within the definition of major development which are recommended for approval by the Head of Planning, including those applications which fall within the definition of major development which have been called-in, will continue to be determined by the relevant Area Development Management Panel.***
- iii) The membership of the Borough-wide Development Management Panel will increase to 15, political balance and quorum to be adjusted accordingly; and**
- iv) Planning Enforcement items will continue to be reported to the relevant Area Development Management Panel unless the Chair authorises the issue of the notice prior to Panel.**

**The wording of resolutions i and ii was clarified by the Monitoring Officer subsequent to the meeting. When the draft minutes are considered for approval at the next meeting (June 2018) Members will have the opportunity to consider the revised wording.*

263. CONTINUATION OF MEETING

At this point in the meeting, and in accordance with Rule of Procedure Part 4A 23.1 of the council's constitution, the Chairman called for a vote in relation to whether or not the meeting should continue, as the time had exceeded 10.00pm.

Upon being put to the vote, those present voted in favour of the meeting continuing.

264. MEMBERS' QUESTIONS

RESOLVED UNANIMOUSLY: That Member questions a, c-g and i-m be responded to in writing outside of the meeting and answers appended to the minutes.

b) Councillor C Rayner asked the following question of Councillor Bicknell, Lead Member for Highways, Transport & Windsor:

What are the arrangements for the upcoming Royal Wedding in Windsor and why there has not been wider consultation of ward councillors and the Tourism Development Forum, given the event will affect everybody living in the Royal Borough?

Councillor Bicknell responded that the forthcoming Royal Wedding would help showcase Windsor to the world. He was delighted that Prince Harry and Ms. Meghan Markle had chosen to share their very special day with the Windsor and the world, and by deciding to have a procession through our wonderful town after their wedding service in St George's Chapel on Saturday 19 May 2018. He was pleased to be able to confirm that the planning for this very large event, perhaps the biggest ever in Windsor, and one that would be under the watchful eyes of millions, watching the event around the world, were progressing very well.

The arrangements were being drawn together by the established Ceremonial Events Project Group, which had for many years been the multi-agency planning group that worked to plan and coordinate Royal and State events for Windsor. For the planning of such events, there was always a balance to the process, between finalising arrangements to meet the safety and security requirements, and keeping Members, local residents, businesses and visitors informed of the plans as they became finalised.

The work was ongoing but with just over three weeks to go, he was pleased to report arrangements were now well advanced with the council's partners, which included: police, emergency services, a number of government departments, a range of health services, the Environment Agency, security services, the Royal Household and many others.

The multi-agency group was continuing to make the final detailed plans, but he was able to confirm that in addition to the confidential Elected Member Briefing that was issued to all Elected Members a couple of weeks ago, residents and businesses most directly impacted by the arrangements had recently been sent letters setting out the

plans as they currently stood, and confirming the best way to stay up to date with any last minute changes or developments.

With an event of this size, there would inevitably be some disruption to the town on the day of Rehearsal (Thursday 17th) and on the big day itself, with a number of the special arrangements coming into effect incrementally from the Friday afternoon and evening in some specific areas. The event would provide a legacy of tourism for a long time to come. Whilst these details were correct, Councillor Bicknell re-iterated that as there were still over three weeks to go, some details may change, but the council would keep Members, residents, local businesses and visitors updated through the website, leaflets and local signage.

By way of a supplementary question, Councillor C Rayner asked why ward councillors and himself as the Chairman of the Tourism Development Forum not been consulted; this meant they were unable to advise residents.

Councillor Bicknell responded that there was a great deal of security around the event and as much as the council would like to tell business and residents the details in advance this was not possible, the methods had been well used for previous events.

265. MOTIONS ON NOTICE

Councillor Beer introduced his motion. There was a perception that the only issue with a third runway was noise. People were either not in an area affected by noise or had got used to it. There was therefore a need to energise the public. He accepted that public presentations were probably out of the question but the council should use traditional and social media to get the message across. The Aviation Forum had hoped to get an article in *Around the Royal Borough* but this had not been successful. A golden opportunity had been missed. Active promotion was needed because Heathrow's plans would be a disaster for the borough, for example the housing problems would be exacerbated. Councillor Beer requested to amend the motion by removing the words 'including public presentations'.

Councillor Dudley agreed that as much communication with residents as possible was needed. The National Policy Statement (NPS) was due for adoption in the summer. If approved it would open a six week window for a legal challenge.

Councillor Hilton thanked Councillor Beer for bringing the motion to Council and for consistently fighting for residents' interests on the impact of aircraft noise. He wholeheartedly supported the motion on the third runway and the need to make Members of Parliament, Ministers and residents aware of the consequences of a third runway. The Transport Select Committee had reviewed the NPS and published their findings on 23 March 2018. The Select Committee supported the NPS but this was not a wholehearted endorsement and they had voiced significant reservations that without further work to address concerns raised, there was a risk of successful legal challenge.

On air quality the Select Committee had asked the Government to adopt a more stringent interpretation of air quality compliance with some headroom to manage the uncertainty of predicting future air quality compliance. It said Heathrow should be required to show, with a reasonable degree of confidence, that their scheme could be compliant.

The Select Committee recommended that a condition be included in the NPS to the effect that consent would only be granted if the Secretary of State was satisfied that the proposed scheme would: avoid significant adverse impacts on health and quality of life from air quality; mitigate and minimise adverse impacts on health and quality of life from air quality; and where possible, contribute to improvements to health and quality of life. Given what was known about issues of air quality this was a high hurdle indeed.

On surface access the Select Committee recommended a condition that ensured approval only be granted if the target for no more airport related surface traffic (cars, taxis and trucks travelling to the airport) could be met, or that as a condition of approval capacity be released at the airport after construction, only when the target was met.

The third runway was essentially a cost-plus project with Heathrow being able to recoup costs through Landing Charges, departing passenger charges and aircraft parking charges. All these costs ended up being paid by passengers. Heathrow's airport charges were already the highest in the world and the Select Committee voiced concern over the lack of clarity on costs for surface access, both rail and road as well as the re-provision of the Colnbrook energy from waste facility.

The Select Committee went on to say that a 50% increase in airport charges, as was assumed by the Airports Commission, was an unacceptable outcome and would be detrimental to the business case for the scheme. It recommended that, at an appropriate early stage of the planning process, the Government's preferred scheme be tested by the Civil Aviation Authority to ensure it was both affordable and financeable. Such a test should offer an opportunity to halt the planning process if it was evident that the proposed scheme had no realistic prospect of being built.

On aircraft noise many had been asking for some clarity on proposed flight paths so that communities that would be overflowed by more aircraft and those who would be newly overflowed had a better understanding of how a third runway could affect them. The Select Committee made a number of recommendations in this area including that the Government should define in the NPS what constituted 'significant adverse impacts and define an acceptable noise limit that reflected a maximum acceptable number of people newly exposed to noise due to the scheme.

The council needed to make sure that the local MPs were fully conversant with the Select Committee's recommendations and conditions and insist that they be included in the NPS and if they were not, to reject the NPS.

Councillor Bowden highlighted that the 380 page document Heathrow published did not include any rail provision. Councillor Bicknell highlighted issues such as rail crossings being closed for 20 minutes in the hour and the need for 45,000 homes to be built. Roads would need infrastructure such as traffic lights and junctions and he questioned how all this would be funded. The airport was already at 98% capacity and had the most expensive landing charges in the world.

It was proposed by Councillor Beer, seconded by Councillor Bicknell and:

RESOLVED UNANIMOUSLY: That this Council:

- i) Notes that the government has proposed that it confirms its provisional approval of a third Heathrow runway in the coming months.**

- ii) Agrees urgent Borough publicity to empower residents to inform MPs and Ministers of their objections to the inevitable and irreversible impacts on the housing crisis, infrastructure and the quality of life.**

(Councillors C Rayner and S Rayner left the room for the duration of the discussion and voting on the item).

Councillor Beer agreed that his second motion could be deferred to the June 2018 meeting of Council.

The meeting, which began at 7.30pm, finished at 11.00pm.

CHAIRMAN.....

DATE.....

Appendix to Minutes: Member Questions – written responses provided

- a) Councillor Hill will ask the following question of Councillor Bicknell, Lead Member for Highways and Transport:**

When Oldfield School was proposed to be built on Braywick Park a roundabout on Braywick Road with crossing points was deemed necessary at the entrance. Now with a busy leisure centre approved for construction and a school in the pipeline why is no roundabout being planned?

The planning application for the new leisure centre was subject to a full transport assessment which was reviewed as part of the overall application.

Assessment by highways specialists deemed that the impact of the development, measured against the current site use did not warrant the introduction of a new roundabout on Braywick Road.

Traffic patterns for the new leisure centre will be spread across hours from 6am to 11pm, seven days a week. Traffic patterns for new schools are very different, whether it be for a large form entry school or smaller, specialist schools,

Additionally, I am aware of a long-standing request from some residents for a pedestrian crossing at this location and have met some of them recently. There are technical safety concerns about introducing a pedestrian crossing at this location and

traffic modelling would also be required to highlight any potential impact of a roundabout on traffic flow and congestion.

Safety is critical and I have asked that the request for a crossing be investigated at an appropriate point in the future. For example, we have been successful in securing grant funding to undertake a 'Corridor Study' of the A308 which is being led by planning colleagues and I have asked that this be included in the study.

b) Councillor C Rayner will ask the following question of Councillor Bicknell, Lead Member for Highways, Transport & Windsor:

Responded to during the meeting

c) Councillor E. Wilson will ask the following question of Councillor McWilliams Principal Member for Housing:

The Local Government Ombudsman has recently upheld a complaint regarding a homelessness application to this Council. Will the Principal Member for Housing explain how he intends to respond to this decision?

On 28 November 2017, the LGO issued a draft report to the council following an investigation into a complaint made by a resident against the Royal Borough that originated in December 2015.

The report found fault causing an injustice, and as a result the LGO made a number of recommendations. It was not however, until the final report was received that I, or the Leader were notified, this being on 26 February 2018.

Notwithstanding, the head of service immediately began working on implementing all the recommendations made by the LGO in their draft report. Following this, I asked for the process to be changed to ensure regular reports are provided to members on all LGO complaints. I am pleased to say that is now the case.

The recommendations the LGO made were that the council should:

- Apologise to Mr X for the identified faults and for the injustice this caused him – This was done by officers on 19 December 2017.*
- Pay Mr X a total of £4,175
– This was done on 9 January 2018*
- Amend its interim accommodation offer letters so that both are correctly titled
- This was done in December 2017*
- Create a separate temporary accommodation letter
• This was done in December 2017*
- Review and improve its complaint handling arrangements and its Ombudsman liaison arrangements
– Work began on this in December 2017, and was concluded in March 2018.*

In addition to this the council has taken a number of further steps to ensure the housing service is strengthened, including:

- Moving the housing enabling and housing options services to one directorate under the leadership of one Executive Director, and one Principle Member from 1 April 2018,*
- Agreeing investment in a new housing system to ensure there is one database for the recording of all decisions, with an estimated implementation date for this of the end of September 2018*
- Appointing an experienced interim Housing Lead, one of who's tasks will be to carry out a thorough review of the service and make further recommendations for improvement.*
- I am pleased to say that she has started and this process is underway.*
- The council will also be:*
 - i) Developing a new Housing Strategy, which will set out the Council's priorities for housing,*
 - ii) updating the Homelessness Strategy which sets out the Council's priorities and approach for preventing homelessness, securing accommodation and providing support,*
 - iii) and updating the Allocations Policy which provides the framework for how the Council allocates housing.*

The driver of these strategies and policies being the council's priorities, best practice and taking account of the new requirements of the Homeless Reduction Act. Consultation on our new strategies and policy is scheduled for June and, as I have previously stated, the papers are scheduled for Scrutiny and Cabinet in the autumn.

I have personally written to the resident to apologise for any distress caused by the actions of officers. I explained that what happened to them should not have happened and we let them down. I also reiterated, as I do again this evening, that we take the findings of this report very seriously. Important lessons have been learnt from this process and appropriate actions have been taken to ensure this does not happen again. This is about some of our most vulnerable residents and we need to get this right. I will do all I can to help ensure something like this does not happen again.

d) Councillor Carroll will ask the following question of Councillor S Rayner, Lead Member for Culture and Communities:

Could the Lead Member please explain to me the process being followed and action being taken to reinstall the much admired traditional steel railings in Grenfell Park, Boyn Hill, which were recently removed without Lead and Ward Member consultation and which has caused understandable upset amongst many of my residents?

Thank you Cllr Carroll for your question about one of our much loved parks and open spaces. I enjoyed reading the memories and bonds residents have with our parks on the Maidenhead past and present facebook page. Parks play a central role in our community.

The section of Park railings that was recently removed from the South Road boundary of Grenfell Park had partially collapsed following storms and heavy winds, and the fallen railings were causing a safety hazard to road users.

Unfortunately, due to the age and condition of these railings, they were beyond effective repair.

Following a discussion with the Grenfell Park User Group, the failed section of railings was replaced with horizontal metal rails of the same design used along the internal footpaths within the Park.

However, in light of the concerns that have recently been raised about the style of the replacement railings, arrangements and proposals are being made to have these replaced with traditional style railings, as far as possible matching the original design. This has obviously created much upset amongst the local residents.

The works to restore the original style of railings will be tied-in with resurfacing works on the adjacent footway, which is also in need of repair.

It is regrettable that all the Ward members (yourself and Cllr Lions) and myself were not involved in the discussion about the replacement of these railings, (cllr Stretton is a member of the user group) but in future the Parks team will be working closer with the ward members and lead member and will also be seeking to broaden the membership of the Grenfell Park User Group and I hope you are able to join the group with other residents.

The User Group will be kept informed of progress with the railings replacement work, and information will be displayed on site to keep members of the public and local residents updated. We will also publish on the website and distribute letters to surrounding houses.

I hope this will show your residents that the council is keen to respond and preserve what is important to neighbourhoods.

e) Councillor Bhatti will ask the following question of Councillor Rankin, Lead Member for Economic Development, Property, Communications and Deputy Finance

The Swan plays a vital part in the life and social interaction of the Clewer North community. Please can the lead member give reassurances that all options will be considered in making this site an asset of community value and that the lead member would be happy to discuss the issue with my local residents?

I am pleased to confirm that the Council will consider all the options in relation to the request we have received to list the Swan Pub as an Asset of Community Value. However I do need to confirm that the Assets of Community Value (England) Regulations require the Council to follow a prescribed procedure in

considering all nominations to list local assets as assets of community value. These regulations represent a number of 'predefined tests' which the council has a duty to assess, as having been met prior to approving a nomination. All decisions made are open to challenge.

The council has received a nomination to list the Swan from a local group. I, as Lead Member responsible with officers, am currently considering the relevant evidence submitted, together with the legal points of detail raised by the current owners of that property. Hopefully these legal points will be clarified shortly and the council will then be in a position to make a decision; the timescale requires a decision by no later than 7 May 2018.

In the meantime I would like to confirm that the council remains committed to supporting local communities.

f) Councillor Brimacombe will ask the following question of Councillor McWilliams, Principal Member for Housing:

What is the publication date for the promised 'Affordable Housing' paper and will it address in detail all of the ten questions from RRAG, plus questions (under topics of Money, Products, Policy and Ratio) asked by me for the (cancelled) February Councillor briefing? Specifying to Council any questions that Cllr McWilliams considers will be too difficult for him to answer.

Answers to the specific questions mentioned have been provided.

As I have also set out previously, a new Housing Strategy, updated Homelessness Strategy and updated Allocations Policy will also be brought forward, following consultation, to Scrutiny and Cabinet in the autumn.

g) Councillor Brimacombe will ask the following question of Councillor McWilliams, Principal Member for Housing:

On 4th February 2018 Councillor McWilliams tweeted that he would shortly hold a public meeting on Affordable Housing, which did not take place. The scheduled 19th February Councillor briefing was cancelled. Does Cllr McWilliams have any plans at all to consult with anybody regarding Affordable Housing and if so, then who, when and how, and if not, then why not?

As I announced at the previous Full Council we will be consulting widely and meaningfully on the Homelessness Strategy update and Allocations Policy, as well as our new Housing Strategy, which will set out the Council's priorities for housing.

A number of initial meetings have already taken place as part of our wide and meaningful consultation and more are scheduled with registered providers and third sector organisations. This will help to inform the future development of our new draft Housing Strategy, updated Homelessness Strategy and updated Allocations Policy.

Consultation on the new and updated strategies and policy is scheduled to commence in June.

h) Councillor Hill will ask the following question of Councillor N. Airey, Lead Member for Children's Services:

Responded to during the meeting

i) Councillor Majeed will ask the following question of Councillor McWilliams, Principal Member for Housing:

The RBWM was found at fault by the Local Government Ombudsman in dealing with one of our vulnerable homeless residents suffering from mental health issues. It was not just Housing who had let this individual down but also Adult Services, so why was the LGO complaint report 16-003-062 not sent to the Adult Services & Health Overview & Scrutiny Panel?

The focus of the LGO's investigation was on Homelessness and Complaints Handling, and although the report acknowledged the resident had mental and physical health conditions, there was no finding by the LGO that Adult Services had let the resident down.

One of the actions the council is obliged to take, where the LGO upholds a complaint and finds maladministration and injustice is that the report must be laid before the authority concerned. The advice of the Monitoring Officer was that the appropriate panel before which this report should be placed was Planning and Housing Overview and Scrutiny.

The panel received a report from officers, along with the report from the LGO on 18 April 2018. The recommendation to that panel was that they noted the report, and further noted the actions implemented following the report to improve services. I attended the panel along with the Managing Director and the two Executive Directors. The panel fully scrutinised the report, expressing concerns on the reports content, while seeking assurances about actions taken by officers to ensure this could not happen again. Officers provided those assurances and the panel agreed to the recommendation before them.

The Chairman of the Adult Services O&S Panel has asked for the report to also go to that Panel; this will be arranged for May 2018. I will be happy to attend the Panel meeting.

Supplementary Question submitted by Cllr Majeed: I believe the draft report was given to RBWM in November 2018 – from my understanding – please correct me if I am wrong – no members including your own group members were shown this report or had any input into it. Can you confirm that the only time this report surfaced was during the cabinet briefing last month and only a few hours before this meeting? Also were you aware of the second LGO complaint - 16 019 229 – where safeguarding alerts raised for a vulnerable girl were not met and it led her to be exposed to sex work and drug use ?

Response: I provided a detailed description of events in my response to Cllr Ed Wilson's question of the same Full Council meeting. It was certainly the case that the Members did not see the report in November 2017, which is why we have changed

our system for handling upheld LGO complaints so that going forward all upheld complaints will be seen by the relevant Lead Member.

We discussed the LGO report - 16 019 229 - in detail at a recent Adult and Social Care Overview and Scrutiny Panel, where I answered a series of questions on this issue. I was previously aware of the report.

j) Councillor Majeed will ask the following question of Councillor Targowska, Principal Member for HR, Legal and IT:

Residents have been put on the vexatious list. Can you please inform Council how many residents who have a democratic right to question the council have been excluded by being placed on the 'vexatious list', on what grounds have these decisions been made and by whom, and what is the appeal process, if any?

There are currently three individuals named in the Council's Vexatious Register.

The individuals on the Register have been placed on the Register in accordance with the Council's Policy for dealing with vexatious or unreasonable complainant behaviour.

The decision to place the individuals on the Vexatious Register was made by either the relevant Strategic Director or the relevant Head of Service in consultation with the Council's Monitoring Officer and Head of Libraries and Resident Services.

If an individual is unhappy about the Council's decision to place their name on the Vexatious Register they can submit a written request for a review of the decision to the Council which will be considered by the Managing Director (or a Strategic Director who has not had any previous dealings in respect of the complaint or the complainant).

If an individual is not satisfied with the outcome of the internal Council review of the decision they can refer the matter to the Local Government & Social Care Ombudsman.

Supplementary question from Councillor Majeed: What are the criteria for residents - who by the way have a democratic right to question us - to be placed on the vexatious list and are there any residents who whilst not officially labelled as vexatious, that you have required that they cease from contacting officers direct?

Response: Please find the link to the vexatious or unreasonable complainant behaviour policy below:

https://www3.rbwm.gov.uk/downloads/file/2803/vexatious_or_unreasonable_complainant_behaviour_policy

In accordance with the policy; whilst a complainant may not be declared vexatious they may be informed that further contact with the Council should only be made through a nominated officer. It should be noted that this course of action will only relate to contact with the Council relating to a specific complaint, it is not intended to

have any impact on any other reasonable dealings between the Council and the complainant on unrelated issues.

k) Councillor Jones will ask the following question of Councillor Coppinger, Lead Member for Planning and Health:

Could the Lead Member for Planning give Full Council and residents an update on the progress of the Borough Local Plan and likely timescales for approval?

As you will be aware the Council submitted its Borough Local Plan on the 31st January 2018. An inspector, Louise Phillips was appointed, and now all communications to and from the Inspector go through a Programme Officer appointed by and paid for by the Council.

We received the initial set of questions from the Inspector, which involved working with the Environment and other agencies, with a relatively short time scale to respond. We asked for and were granted an extension and we have now submitted a response. This response will shortly be placed on our website as will of course all further correspondence.

The inspector will now, using the plan, residents and other parties submissions and our responses decide what areas need to be examined in public and she will advise us of the timetable and dates for examination.

It is worth noting that running in parallel we are preparing a Waste and Minerals Plan and a Traveller local plan both of which will be consulted on later this year.

Can I take this opportunity of thanking the officers, especially Jeni Jackson, Helen Murch and Phillipa Silcock for the long hours that they have been working and also Cllr Derek Wilson whose detailed notes from the past have proved beneficial.

l) Councillor Da Costa will ask the following question of Councillor McWilliams, Principal Member for Housing:

At the last Council meeting, in relation to the Homelessness Strategy you said, “the council would be consulting widely, including forming a fully formalised Homelessness Forum”. What progress has the Council made on the Homelessness Strategy, who has it consulted with so far (individuals and organisations) and, how many times has the Homelessness Forum met?

A number of initial meetings have already been held and are scheduled with registered providers and third sector organisations that will help to inform the future development of our new draft housing strategy, updated homelessness strategy and updated allocations policy.

We expect to be able to bring forward further details about the refreshed Homelessness Forum in June alongside consultation commencing on our new and updated strategies and policy.

Supplementary question submitted by Councillor Da Costa:

- What "initial meetings have already been held" to date; who were the meetings with; what was the dates of the meetings?*

- *What meetings have been “scheduled with registered providers and third sector organisations”: name of organisation and date of proposed meeting?*
- *What is the timeline or roadmap for producing the “new draft housing strategy, updated homelessness strategy and updated allocations policy”?*
- *You mention the “refreshed Homelessness Forum” - can you tell me more about the previous “Homelessness Forum”*
- *Response: The meetings that have been held so far include:*
 - *Windsor Homeless Project: 29 March and 25 April*
 - *Housing Solutions: 28 March*
 - *Radian – 29 March*
 - *Sue Brett Foundation: 1 May*
 - *Probation Service 1 May*
- *See above for meetings, regular meetings will be held with each and others are being arranged.*
- *This timeline was set out in detail in the answer to Cllr Ed Wilson’s question and can be found in the minutes of the meeting.*
- *The previous Homelessness Forum discussed a range of issues relating to homelessness and rough sleeping. It involves different Council services and a number of third sector and other statutory organisations.*

m) Councillor C Rayner will ask the following question of Councillor Coppinger, Lead Member for Planning:

Wraysbury residents are requesting, via an e-petition, support in ensuring that no illegal development or habitation of Greenbelt land on the Gloucester Drive area is permitted, support to prevent further fly tipping, and liaison with the landowner to restore the visual aspect of the land to its former state. What can the council do to support Wraysbury residents?

The lead petitioner has confirmed that she wishes for the petition to be submitted via the Head of Service route which is set out in the Council Constitution. I can confirm that the Head of Service will be in contact with the Lead Petitioner shortly to set up a meeting, I will also attend that meeting as Lead Member. I can also confirm that the Council, as planning authority, is investigating alleged breaches of planning control in the locality and will do so in accordance with the adopted Local Enforcement Plan.

As regards fly tipping we will be discussing this issue with the Lead Member responsible, Councillor Grey, to ensure that we have the appropriate controls in place.

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AT THE ANNUAL MEETING OF THE BOROUGH COUNCIL held in the Desborough Suite - Town Hall on Tuesday, 22nd May, 2018

PRESENT: The Mayor (Councillor Lenton), The Deputy Mayor (Councillor Quick) Councillors N Airey, M Airey, Alexander, Bateson, Beer, Bhatti, Bowden, Burbage, Carroll, Clark, Cox, Dudley, D Evans, Dr L Evans, Gilmore, Grey, Hollingsworth, Hunt, Ilyas, Kellaway, Lion, Love, McWilliams, Mills, Rankin, C Rayner, Richards, Sharma, Sharp, Sharpe, Shelim, Smith, Story, D Wilson and E Wilson.

Officers: Alison Alexander, Andy Jeffs, Russell O'Keefe and Andrew Scott

THE MAYOR (COUNCILLOR LENTON) IN THE CHAIR

1. APOLOGIES FOR ABSENCE

Apologies for absence were received from Councillors Bicknell, Brimacombe, Bullock, Coppinger, Da Costa, Diment, Hill, Hilton, Jones, Luxton, Majeed, Pryer, S Rayner, Saunders, Stretton, Targowska, Walters, Werner and Yong.

2. DECLARATIONS OF INTEREST

There were no declarations of interest received.

3. ELECTION OF MAYOR FOR 2018/19

The Mayor, Councillor Lenton, welcomed everyone to the Annual Meeting and gave a brief résumé of his year in office. Councillor Lenton commented that last year's Annual Meeting had been held in shadow of the Manchester arena terror attack and shortly after the terrible Grenfell fire. However, he explained by contrast this year's Mayor making was taking place immediately after the spectacular wedding of the Duke and Duchess of Sussex in Windsor, one of the largest and happiest events to take place in the Borough. Councillor Lenton congratulated all those people and organisations that had worked so hard to make that event such a success, in particular the Council's employees and volunteers.

Councillor Lenton paid tribute to the Mayoress who had accompanied and supported him on almost all his Mayoral engagements and in many cases had contributed to them, especially where school and cultural activities had been involved. He explained that they had made countless visits to organisations and charities who served local residents, were always made welcome wherever they went and was delighted that members from a number of those organisation were present at the meeting.

He also paid tribute to the many volunteers who gave up their time to support the many organisations working within the borough and was pleased to see so many young people taking part in community activities, particularly at a time when young people were so often criticised.

He advised that throughout the year they had been able to support the Council's twinning links by visiting Goslar and Bad Godesburg and had received visitors from St Cloud. Unfortunately, the visit to Goslar in December had been slightly spoilt by the closure of Heathrow airport after they had started their return journey.

He thanked the officers that had supported both himself and the Mayoress in their roles throughout the year, thanked the Leader of the Council and his fellow Councillors for their support and thanked all the employees of the Royal Borough who made Windsor and Maidenhead such a pleasant and happy place in which to work and live.

In conclusion, to mark the 100th anniversary of the Royal Air Force, Councillor Lenton presented trophies to Cadet Flight Sergeant Jade Preece from 155 ATC (Maidenhead), for the work she had done over the last 12 months running the Duke of Edinburgh award scheme for the unit and carrying out training for the cadets, and Cadet Sergeant Joseph Patmore from 459 (Windsor) Squadron, who had been chosen as the leading cadet from his unit for the year.

THE MAYOR INVITED NOMINATIONS FOR THE ELECTION OF THE MAYOR OF THE ROYAL BOROUGH FOR 2018/2019.

In proposing Councillor Paul Lion for the role of Mayor, Councillor Quick commented that the Mayor, as First Citizen of the Borough, was the public face of the Council and was an ambassador both inside and outside of the Borough. She explained that nothing could really prepare a person for the role of Mayor as every year was different and every year was special because of the people the Mayor would meet. However, she advised that, speaking from experience, Councillor Lion was the right man for the role.

Councillor Quick explained that Councillor Lion was not only a Maidenhead Councillor but a Maidenhead through and through having been born in Grenfell Road in 1960 into a well-established local business family. Councillor Lion had attended local schools and had trained as a chef at the highly regarded Slough catering College.

Councillor Quick advised that Councillor Lion had been introduced to rowing by his father and had acted as a cox at Maidenhead Rowing Club from the age of nine. She explained that Councillor Lion had participated in both national and international rowing events, and in 1977 won Gold for England in the Junior Single Skulls at the Silver Jubilee Regatta, Serpentine Home Counties Regatta, in 1978 was the National Champion of Great Britain at Holme Pierrepont single skulls and had represented Great Britain in the Junior Single Skulls at the National Championships. She stated that such dedication and self-sacrifice was a mark of Councillor Lion's character, which would serve him well for the year ahead. She also commented upon Councillor Lion's appointment as President of the Maidenhead Rowing Club in 2013 a position of which he was rightly proud.

Councillor Quick explained that Councillor Lion met his wife Laura in the romantic setting of the weight training room at the Magnet Leisure Centre and they have been pulling together ever since.

Councillor Quick commented upon Councillor Lion's career and explained that he had worked in the family business John Lion Construction and Elva Lodge Hotel, where he had been the Hotel Chef and landlord for 30 years. The family had employed many locals over a sixty five year period thereby supporting Maidenhead's local economy.

Councillor Quick commented upon Councillor Lion's political career, advising that he first became involved with politics as an anti-road hump campaigner. As an elected councillor he had served on the Children's Services Overview and Scrutiny Panel and

Highways and Transport Overview and Scrutiny Panel. She also advised that he had served as a school governor at Altwood Secondary School and was a volunteer cleaner at St Luke's Church. She commented that Councillor Lion had been a great supporter of civic events, which would stand him in good stead for the Mayoralty.

In conclusion, Councillor Quick commented that Councillor Lion, who would be ably supported by his wife Laura, would uphold the long and proud tradition of the Mayoralty and therefore she was delighted to propose him as Mayor for the next municipal year.

In seconding the motion, Councillor Carroll advised that he had known Councillor Lion since 2009 and since then has had a long standing friendship and fellow Ward Councillor companionship, representing the Boyn Hill Ward together, which Councillor Lion often referred to as the best Ward in the Royal Borough. He advised that Councillor Lion was the inspiration for him getting involved in local politics and had encouraged him to stand as a local Councillor.

Councillor Carroll reiterated that Councillor Lion would be ably supported by his wife Laura and he had viewed at first had the strong partnership that Councillor Lion and his wife Laura enjoyed, a marriage that was built on respect, love and complimenting each another. He advised that Councillor Lion and Laura had two children Benjamin, a commercial pilot, and Katy, an International Business Woman for SAP, both of whom were a credit to their parents.

He explained that following her graduation from Oxford Brooks University, Laura had worked in the City running the Midland Bank Directors' restaurant before co-running the local family business. He advised that Laura would make an ideal Mayoress as she was a very positive, hospitable and community spirited person.

In conclusion, Councillor Carroll stated that Councillor Lion was a community man and loved the area with a passion and would not only do the Borough proud as Mayor but would, with his inherently friendly and dynamically optimistic approach, give his all to the Mayoral Role.

It was moved by Councillor Quick, seconded by Councillor Carroll and:

RESOLVED UNANIMOUSLY: That Councillor Paul Lion be elected Mayor of the Royal Borough of Windsor and Maidenhead for the ensuing Municipal Year.

The Managing Director declared Councillor Lion duly elected Mayor. Councillor Lion made the Declaration of Acceptance of Office, witnessed by Councillors Quick and Carroll.

THE MAYOR (COUNCILLOR LION) IN THE CHAIR

Councillor Lenton presented the Mayor with the Mace, the Borough seal and the keys to the Mayor's Parlour.

In making his speech of acceptance, Councillor Lion thanked Councillors Quick and Carroll for their kind words and expressed gratitude to his fellow Councillors for electing him Mayor of the Royal Borough. Councillor Lion paid tribute to the former

Mayor and Mayoress, Councillor John Lenton and Mrs Margaret Lenton, who had worked tirelessly throughout the previous year.

Councillor Lion advised that he would be supporting the Royal British Legion and the Royal National Life Boat Institution during the mayoral year and commented that he was looking forward to meeting many of the voluntary organisation operating within the Royal Borough. He stated that Windsor had recently been in the limelight but explained that it was also going to be an important year for Maidenhead in the light of all the redevelopment that was taking place.

In conclusion, he expressed his appreciation to members of his family and his many friends for their support and thanked the Rev Will Stileman for his spiritual support.

The Mayor presented Councillor Lenton and Mrs Margaret Lenton with their Past Mayor's and Past Mayoress' badges.

4. ELECTION OF DEPUTY MAYOR FOR 2018/19

In nominating Councillor Rayner for the office of Deputy Mayor, Councillor David Evans explained that you could tell a lot about a person from their pet. He commented upon the particular characteristics of Councillor C Rayner's pet dog, Stubbings, a West Highland Terrier. He explained that Councillor Rayner shared many of those characteristics, as he was intelligent, quick to learn, independent, assured and self-confident, although he jovially advised that they also had a tendency to be stubborn, leading to issues with training. However, he contended that by marrying his wife, Councillor Samantha Rayner, and together producing triplet daughters, Councillor Rayner had adequately dealt with the issue of training.

He explained that Councillor C Rayner was also territorial and could proudly trace his ancestry back to the 14th Century. He commented that the family have had a substantial farming business in the area for many years and explained that it was claimed that you could walk from one end of the Borough to the other without leaving Rayner land.

He advised that the Rayner family had built up a successful entrepreneurial family business and that Councillor C Rayner was recognised in both local and national farming organisations. For those early risers, Councillor C Rayner was also a regular contributor on the early morning BBC Radio 4 Farming Today programme.

He advised that Councillor Rayner was a man dedicated to public service and had served the residents of Horton and Wraysbury since 2005. He had served as a member of the Cabinet, had been Mayor in 2012/2013, having been Deputy Mayor the preceding year and had also served on Horton Parish Council since 2003.

In conclusion, Councillor D Evans commented upon Councillor C Rayner's strength of character, which he stated shone through in his leadership during the great floods in 2014. Along with others, Councillor C Rayner coordinated a team to assist stranded residents and played a leading role in bringing the plight of the local residents devastated by the floods to national attention.

In seconding the motion, Councillor Dr L Evans advised that Councillor C Rayner had been a great support to her when she was elected to serve on the Council. She explained that as Deputy Mayoress, his wife Samantha Rayner, who was not only a

Councillor but Lead Member for Culture and Communities, was ideally suited to support him in the role of Deputy Mayor.

Councillor Dr L Evans commented upon the various community projects and organisations with which Councillor S Rayner was involved, in particular a number of the charities that she supported as a Trustee. Councillor Dr L Evans also commented upon Councillor Rayner's three daughters, who were all studying at university, and outlined their various achievements.

In conclusion, Councillor Dr L Evans advised that Councillor C Rayner would be ably supported by all the women in his family and therefore it was her pleasure to second the motion that he be elected Deputy Mayor for the coming year.

It was moved by Councillor D Evans, seconded by Councillor Dr L Evans, and:

RESOLVED UNANIMOUSLY: That Councillor Colin Rayner be appointed Deputy Mayor of the Royal Borough of Windsor and Maidenhead for the ensuing Municipal Year.

The Managing Director declared Councillor Colin Rayner duly appointed Deputy Mayor. Councillor C Rayner made the Declaration of Acceptance of Office, witnessed by Councillors D Evans and Dr L Evans.

In his speech of acceptance, the Deputy Mayor, Councillor C Rayner, explained how proud and honoured he was to be elected Deputy Mayor and expressed his sincere appreciation to his fellow Councillors for bestowing on him that great privilege and responsibility. He expressed his commitment to serving the people of the Royal Borough to the best of his abilities, which he would do with enthusiasm, compassion and devotion to the community.

Councillor C Rayner thanked Councillor D Evans and Councillor Dr L Evans for their kind words, thanked his family for their continued support and thanked the residents of Horton and Wraysbury. He also thanked the former Mayor and fellow Ward Councillor, Councillor Lenton, for his friendship over the years.

He commented that, together with his wife, Councillor Samantha Rayner, they looked forward to fulfilling the roles of Deputy Mayor and Deputy Mayoress and supporting the Mayor and Mayoress in their busy schedule. He also took the opportunity to thank the officers that he had worked with over the past few years in his various roles, in particular as Chairman of the Corporate Services Overview and Scrutiny Panel, Chairman of the Visitor Management Forum and Vice Chairman of the Windsor Rural Planning Panel. He advised that he had been amazed by their hard work and dedication and he would miss working with them.

In conclusion, he stated that he was very proud to serve the Royal Borough as Deputy Mayor. He would aim to support the many wonderful local organisations and would enjoy meeting all the voluntary organisations over the next year whose selfless commitment helped to ensure that residents lived a better life.

Councillor C Rayner then presented Councillor Quick and her husband John with their past Deputy Mayor's and past Deputy Mayor's Consort badges.

5. APPOINTMENT OF PANELS, CHAIRMEN/VICE CHAIRMEN OF PANELS 2018/19

Members considered the proposed committee/panel/forum membership for 2018/19.

RESOLVED UNANIMOUSLY: That:

- a) **The membership of the Committees, Panels, Forums for the ensuing Municipal Year be approved as detailed in Appendix A.**
- b) **The Chairman and Vice-Chairman as indicated in Appendix A be appointed for the ensuing Municipal Year.**
- c) **Authority to amend/make further appointments on the nomination of the relevant Group Leader be delegated to the Service Lead - Democratic Services.**
- d) **Authority to amend the Constitution as appropriate in light of any amendments to the structure of Panels, Committees and Forums as detailed in Appendix A be delegated to the Monitoring Officer.**

6. 2018/19 PROGRAMME OF MEETINGS

Members considered the programme of meetings for 2018/19.

RESOLVED UNANIMOUSLY: That Council approves the programme of meetings for the 2018/19 Municipal Year.

In closing the meeting, the Mayor invited Henrique Santos and Harry Joys to present bouquets to the Mayoress, immediate past Mayoress and immediate Past Deputy Mayor.

The meeting, which started at 7.30pm, ended at 8.29pm

CHAIRMAN.....

DATE.....

MEMBERS' GUIDE TO DECLARING INTERESTS IN MEETINGS

Disclosure at Meetings

If a Member has not disclosed an interest in their Register of Interests, they **must make** the declaration of interest at the beginning of the meeting, or as soon as they are aware that they have a DPI or Prejudicial Interest. If a Member has already disclosed the interest in their Register of Interests they are still required to disclose this in the meeting if it relates to the matter being discussed.

A member with a DPI or Prejudicial Interest **may make representations at the start of the item but must not take part in the discussion or vote at a meeting.** The speaking time allocated for Members to make representations is at the discretion of the Chairman of the meeting. In order to avoid any accusations of taking part in the discussion or vote, after speaking, Members should move away from the panel table to a public area or, if they wish, leave the room. If the interest declared has not been entered on to a Members' Register of Interests, they must notify the Monitoring Officer in writing within the next 28 days following the meeting.

Disclosable Pecuniary Interests (DPIs) (relating to the Member or their partner) include:

- Any employment, office, trade, profession or vocation carried on for profit or gain.
- Any payment or provision of any other financial benefit made in respect of any expenses occurred in carrying out member duties or election expenses.
- Any contract under which goods and services are to be provided/works to be executed which has not been fully discharged.
- Any beneficial interest in land within the area of the relevant authority.
- Any licence to occupy land in the area of the relevant authority for a month or longer.
- Any tenancy where the landlord is the relevant authority, and the tenant is a body in which the relevant person has a beneficial interest.
- Any beneficial interest in securities of a body where:
 - a) that body has a piece of business or land in the area of the relevant authority, and
 - b) either (i) the total nominal value of the securities exceeds £25,000 or one hundredth of the total issued share capital of that body **or** (ii) the total nominal value of the shares of any one class belonging to the relevant person exceeds one hundredth of the total issued share capital of that class.

Any Member who is unsure if their interest falls within any of the above legal definitions should seek advice from the Monitoring Officer in advance of the meeting.

A Member with a DPI should state in the meeting: ***'I declare a Disclosable Pecuniary Interest in item x because xxx. As soon as we come to that item, I will leave the room/ move to the public area for the entire duration of the discussion and not take part in the vote.'***

Or, if making representations on the item: 'I declare a Disclosable Pecuniary Interest in item x because xxx. As soon as we come to that item, I will make representations, then I will leave the room/ move to the public area for the entire duration of the discussion and not take part in the vote.'

Prejudicial Interests

Any interest which a reasonable, fair minded and informed member of the public would reasonably believe is so significant that it harms or impairs the Member's ability to judge the public interest in the item, i.e. a Member's decision making is influenced by their interest so that they are not able to impartially consider relevant issues.

A Member with a Prejudicial interest should state in the meeting: ***'I declare a Prejudicial Interest in item x because xxx. As soon as we come to that item, I will leave the room/ move to the public area for the entire duration of the discussion and not take part in the vote.'***

Or, if making representations in the item: 'I declare a Prejudicial Interest in item x because xxx. As soon as we come to that item, I will make representations, then I will leave the room/ move to the public area for the entire duration of the discussion and not take part in the vote.'

Personal interests

Any other connection or association which a member of the public may reasonably think may influence a Member when making a decision on council matters.

Members with a Personal Interest should state at the meeting: ***'I wish to declare a Personal Interest in item x because xxx'. As this is a Personal Interest only, I will take part in the discussion and vote on the matter.***

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MAYOR'S COMMUNICATIONS

Since Annual Council the Deputy Mayor and I have carried out the engagements detailed below.

Meetings

- International Partner Towns Committee
- Royal Albert Institute Trust
- Charles Davis Trust
- Spoope Merry Rixman Foundation

Schools/Clubs/Community

- Prizegiving for the schools energy saving competition
- Atul Pathak Community Awards at the House of Commons
- Opened the new adventure playground at Waltham St Lawrence Primary School
- Fit 4 Life celebrations at Harwood House Nursing Home, Cookham Dean
- Official opening for "The Old Court" Arts Centre, Windsor
- Citizens Advice Bureau celebrations for Volunteer Week
- Reception for the official opening of the refurbished St Mary's Borough Church, Maidenhead
- Mayor's Sunday Civic Service at St Mary's Borough Church
- Attended the SERFCA (South East Reserve Forces Cadets Association) Briefing at Sandhurst
- Visited Braywick Court School, Maidenhead and met their twin town visitors from Ecole St Joseph, St Cloud, France
- Attended the SGI UK Annual Reception at Taplow Court
- Lord Lieutenant's "At Home"
- Attended the Dedication and Unveiling of the War Horse Memorial "Poppy", Ascot
- Visited the 100th anniversary celebrations at the Ivy Leaf Club, Maidenhead
- Maidenhead Sea Cadets Annual Awards and Parade
- Judged the floats and visited the stalls and attractions at Old Windsor Carnival
- Marlow Town Council Mayor's Civic Service
- Attended the opening "ceremony" to mark the start of the development of the new Desborough Bowling Club
- Apprenticeships promotion event at Manor Green School, Maidenhead
- Citizenship Ceremony
- Rivertime Boat Trust Accessible Regatta
- Annual Lecture at St George's House, Windsor Castle
- Opening of the contemporary fashion store for Thames Hospice, Windsor
- Attended the Terrace Party at Sir Christopher Wren Hotel, Windsor
- Police Food Academy Banquet at Victoria Barracks, Windsor
- Started the Junior ParkRun, Ockwells Park, Maidenhead
- Attended the Garter Ceremony, St George's Chapel, Windsor Castle
- Visited the Open Afternoon at the sensory garden, 9 Allenby Road, Maidenhead
- Opened the refurbished playground at Knowl Hill

- Welcomed school children (winners of the green cross code competition) to the Mayor's Parlour, Town Hall
- Visited the "One Great Day" event in the Nicholson Centre, Maidenhead in aid of Great Ormond Street Hospital and Rosie's Rainbow Fund
- Visited the Community Day at All Saints Junior School, Maidenhead
- Led the Armed Forces Flagraising

Concerts/Show

- Royal Free Singers Concert, Windsor Parish Church

Report Title:	Constitutional Review
Contains Confidential or Exempt Information?	No - Part I
Member reporting:	Councillor Dudley: Leader of the Council Councillor Targowska: Principal Member for Legal, HR & IT.
Meeting and Date:	Council 26 June 2018
Responsible Officer(s):	Mary Severin - Monitoring Officer
Wards affected:	All

REPORT SUMMARY

1. In September 2017, following the Local Government Association Peer Review, the Leader, requested a review of the Constitution. The review was overseen by a working group of Elected Members (Councillors Targowska (Chairman) Beer, Bicknell, Coppinger, Dr L Evans, Jones, Kellaway and Story). A wider group of councillors attended some working group meetings (Councillors Dudley, Grey, Hill, McWilliams and Stretton).
2. In March 2018, the outcomes of the review were presented to all members of the Council. Changes were made as a consequent and a revised revision presented at an all member briefing, 16th April 2018. Further changes were received from the administration, via the Leader.
3. This report captures all the proposed changes to the Constitution in municipal year 2019/20:
 - Numbers and Terms of Reference of subcommittees, forums and panels of Council and Executive.
 - Numbers and Terms of Reference of Overview and Scrutiny.
 - Clarification of the role and functions of Cabinet Members,
 - Council Rules of Procedure, including Petitions Scheme.
 - Member Code of Conduct and Complaints Process.
 - Adoption of a Partnership Protocol and Member's Social Media Protocol.
4. This report also recommends changes to take effect from 27 June 2018:
 - 4.1 Part 8A – Contract Procedure Rules - to improve operational efficiency at officer approval levels.
 - 4.2 Borough Wide Development Management Panel Terms of Reference

1 DETAILS OF RECOMMENDATION(S)

RECOMMENDATION: That Full Council approves the amendments to the Constitution:

- i) From the first annual meeting of council in 2019/20 to numbers and terms of reference for:
 - a. Sub-committees, forums and panels of Council and Executive, see points 2.4 and Appendix 1.
 - b. Overview and Scrutiny, see points 2.5 and 2.6 and Appendix 1.
 - c. Roles and duties of Cabinet Members, see point 2.7.
 - d. Council Rules of Procedure, see points 2.8.

- e. **Member Code of Conduct and Complaints process, see points 2.9 – 2.10.**
 - f. **A new Partnership Protocol and Member’s Social Media Protocol, see points 2.13 and Appendices 2 and 3.**
- ii) **From 27 June 2018:**
- a. **Changes to Part 8A – Contract Procedure Rules, see points 2.14;**
 - b. **Changes to Borough Wide Development Management Panel Terms of Reference; see point 2.15.**

2 REASON(S) FOR RECOMMENDATION(S) AND OPTIONS CONSIDERED

- 2.1 The Constitution of the Council is the single point of reference containing the principal operating structures and procedures of the authority. It sets out how the Council operates, how decisions are made and the procedures to be followed to ensure that these are efficient, transparent and accountable to local people. It was redrafted in 2011 in response to changes made under the Localism Act 2011.
- 2.2 During 2017/18 two pieces of work have taken place that have influenced a review of the constitution:
- The Local Government Boundary Commission for England (LGBCE) is undertaking an Electoral Review in the authority, resulting in changes to ward boundary and the number of elected councillors, 57 to 42, from the municipal year 2019/20.
 - A Local Government Association (LGA) Peer Review, September 2017, which recommended a review of the Constitution.
- 2.3 As a result of these pieces of work the Leader requested a review of the constitution. A Constitution Review Working Group (CRWG) was established with the objectives to engage all Members in reviewing and proposing amendments to the Constitution. During five months, December 2017 and April 2018, the review group debated the constitution, reviewed constitutions from other local authorities. The group concluded with recommendations for changes in six areas of the constitution:
- Numbers and Terms of Reference of subcommittees, forums and panels of Council and Executive, see point 2.4.
 - Numbers and Terms of Reference of Overview and Scrutiny, see point 2.5 and 2.6
 - Clarification of the role and functions of Cabinet Member, Principal Member and Deputy Lead Member, see 2.7.
 - Council Rules of Procedure, including Petitions Scheme, see point 2.8.
 - Member Code of Conduct and Complaints Process, see point 2.9 and 2.10.
 - Adoption of a Partnership Protocol and Member’s Social Media Protocol, see point 2.13 and Appendix 2 and 3.

Note: The recommended changes are highlighted in red, for ease of reference, in the constitution, see Appendix 4 - available at:

<http://rbwm.moderngov.co.uk/ieListDocuments.aspx?CId=134&MId=7095>

- 2.4 Focus of the changes are:
- 2.4.1. Forums/bodies etc. that are not subcommittees of Council, will no longer be recorded in the Constitution. Instead the Council’s involvement will be documented at <http://rbwm.moderngov.co.uk/mgListOutsideBodies.aspx?bcr=1> as an outside body.
- 2.4.2. Subcommittees have been merged and terms of reference for the resultant subcommittee widened. 7 committees Council (3 Overview & Scrutiny Panels, Sustainability Panel, Tourism Development Forum, Audit & Performance Review

Panel and Cycle Forum) have been removed as their remit has been either merged into Cabinet or into an Overview and Scrutiny Panel.

- 2.5 The CRWG concluded that effective scrutiny by councillors is more than scheduling meetings and that there was a degree of duplication of work between the seven panels. Accordingly, it recommended an O&S Management Committee and four further subcommittees. This change could increase opportunity for more input into policy development to assist Cabinet and Council to deliver to their strategic priorities. Although the use of a separate Management Panel has merit, it was considered that a lower number of panels will be able to achieve the same aims in relation to efficiency, focussing resources on matters of importance. Having fewer Panels will achieve the same and avoid duplication of effort. The final recommendation is four panels.
- 2.6 The proposed changes are:
 - 2.6.1 Reduction in the number of panels from 7 to 4 panels, membership shall reduce to 5 members for each panel, see Appendix 1. The 4 O&S panels are (i) Adults, Children's and Health (ii) Corporate Services (iii) Communities (iv) Infrastructure.
 - 2.6.2 The cessation of the automatic reviewing and approval of every report prior to submission to cabinet.
 - 2.6.3 Call in of an executive decision (whether by an officer, Cabinet or member of Cabinet) can be made by either (i) 3 members (one being a member of an O&S panel) or (ii) any 5 members of the Council.
- 2.7 The Constitution is silent on the roles and duties of each cabinet members. The Local Government Act 2000 (Constitutions) (England) Direction 2000 requires under paragraph 3(c) that a description of the principal roles and functions of members under executive arrangements is included in the Constitution. In addition, the Constitution has been modified to include the roles of other key members such as the Leader of the Opposition and the chairpersons of various panels. The proposed change is to add the roles and duties of each of these roles. The roles of Principal Members and Deputy Lead Member will be removed from May 2019.
- 2.8 The proposed changes to Part 2C – Council Rules of Procedure include:
 - 2.8.1 The 4 year term is removed and Leader of the Council must be elected by full Council on an annual basis.
 - 2.8.2 Stating the overriding role of the Mayor (or chairman for committees of council) is to conduct meetings in a reasonable, objective and non-political manner to achieve efficient and orderly conduct of the meeting, allowing full and effective debate/decision making with the aim of promoting confidence in the Council by the public.
 - 2.8.3 The decision of chairman on process and procedure is full and final (subject to a motion to override being passed) and the members must remain silent during any period when the chairman seeks advice from officers.
 - 2.8.4 Members of the public can ask questions of Cabinet Members only. This includes Extra-ordinary meetings providing the question refers to the matter being considered. The Mayor will decide the deadline for public questions for Extra-ordinary .meetings.
 - 2.8.5 Supplementary questions can no longer be raised by Councillors or the public.

- 2.8.6 Public questions that are not answered (due to lack of time) will be answered in writing or at the next Council meeting (at the questioner's choice).
 - 2.8.7 Members can ask questions of Cabinet Member only. The Cabinet Member can ask another member of the Council to provide the response (provided this has been agreed prior to the meeting and that the questioning member has also agreed).
 - 2.8.8 The Leader shall have the right to raise more than 2 questions if an urgent matter arises (similar to the Opposition Leader).
 - 2.8.9 Responding to all questions shall be limited to a maximum of 2 minutes.
 - 2.8.10 The content of speeches needs only to be 'relevant' to the motion or matter under debate (in the opinion of the Mayor). At all times members must be respectful and courteous of each other, officers and the public.
 - 2.8.11 Voting shall ordinarily (except for budget setting) be by show of hands unless 2 (committees) or 5 (full Council) members request a named vote, apart from Development Management Panels at which named votes shall continue unless the decision is unanimous. Any member may request that the minutes show how they voted.
 - 2.8.12 Where the Mayor or a member is speaking then all other members must not speak unless requested to do so by the Mayor.
 - 2.8.13 Any 'no-confidence' motion in a member holding a special responsibility can only be debated on notice when requested by at least 10 members. Where such motion is passed, then the Council shall have the option of immediately voting on a replacement member or waiting until the next meeting of Council. Where a 'no-confidence' is passed in respect to a member of cabinet (other than the Leader) then the replacement member will be selected by the Leader of the Council.
 - 2.8.14 Any petition relating to any regulatory matter (such as licensing or planning) will be referred to the relevant committee of Council or officer to be considered at the relevant time irrespective of the number of persons signing the petition. If received after the relevant time, then the petition will not be considered.
 - 2.8.15 Electronic petitions will only be accepted using the Borough's e-petition system as it verifies the signatory is a live user (with an individual email address) and verifies postcode as being within the Borough. Hard copy petitions (and a petition consisting of the two types) will continue to be accepted.
 - 2.8.16 Petitions for debate by full Council will require 1,500 petitioners (similar to other authorities).
 - 2.8.17 Petitions to hold an officer to account will require 750 petitioners (similar to other authorities).
 - 2.8.18 Petitions will only be accepted from persons who reside in the Borough.
- 2.9 The CRWG considered matters of conduct that have commonly arisen and the lack of meaningful guidance in the Constitution on matters the public may consider important such as confidentiality. Matters of conduct for Councillors is governed by Part 7A of the Constitution (Members Code of Conduct). The review of this Part noted that the Code was less prescriptive than other local authority codes, for instance the complaints process had no oversight nor member involvement at any stage, which is unusual. The Borough is the only Berkshire authority that does not have any member involvement in the member Code of Conduct process. The LGA has advised that they are not aware of any other authority where members are not involved in the

complaints process. The current process lacks the context and understanding of the facts that another group of Councillors could bring when considering a purported breach.

2.10 The proposed changes for **the Code of Conduct** are:

- 2.10.1 A requirement for Councillors to behave in a manner that a reasonable person would consider to be respectful.
- 2.10.2 A requirement that Councillors must not disclose information that they are aware is (i) confidential (ii) ought reasonably to believe is confidential unless they have the permission of the person authorised to give it or are required by law to do so. Note - guidance has been added as an appendix to assist Councillors in identifying what is confidential information and what 'respect' means. The guidance has been taken from guidance issued by the former Standards for England guidance.

The proposed changes for **the complaints process** are:

- 2.10.3 In relation to breaches of the Code of Conduct that cannot be addressed by informal action such as training, apology etc. the matter is referred to a subcommittee of Council to consider the matter. This will be the Employment Panel whose remit shall be widened to include Code of Conduct complaints. The name of the Panel will be changed to the 'Employment & Member Standards Panel'.
 - 2.10.4 Five individual members of the Employment and Member Standards Panel, will make a determination. A panel of five peers are better suited to offer a more balanced and consistent decision and should be able to understand and contextualise the particular circumstances by their own experience and role as a Councillor.
 - 2.10.5 The procedure used during any meeting of the Panel shall be similar to other appeal processes and shall allow rights to address the Panel, a right to be accompanied, a right to call and ask questions of witnesses, etc.
 - 2.10.6 If the Panel finds the Member in breach of the code, then it can recommend actions to the Leader, Group Leader or Council such as training, and removal from special responsibilities.
 - 2.10.7 Decisions of the Panel will be reported on the Council's website in the same way as current.
- 2.11 The LGA Peer Review highlighted that delivery of services by the Council has changed significantly since the Constitution was last reviewed. In particular Council services are being delivered through a range of partnerships. The LGA suggested the development of a partnership protocol to ensure a uniformed understanding of how the partnerships worked and clarity as to reporting structures and accountability
- 2.12 Councillors are increasingly using social media and electronic communications to interact with residents, the local media and other organisations. A number of councils have policies in place to guide councillors in their use of social media, particularly in relation to the principles of public life detailed in the Councillor's Code of Conduct.
- 2.13 The proposed **Partnership Protocol**:
- 2.13.1 Establish a dedicated web-page to provide information on the current partnerships, including details of directors and governance functions.
 - 2.13.2 The Council's Constitution is supplemented by a Partnership Protocol. The Protocol details the remit for the Council's partnerships in particular

minimum requirements and expectations in relation to governance, deliverability to key performance indicators and accountability to the Council, see Appendix 2.

The proposed **Social Media Protocol**:

2.13.3 The Council's Constitution is supplemented by a dedicated Member's Social Media Protocol, see appendix 3.

2.14 The Senior Management Team considered **Part 8A - Contract Procedure Rules**. SMT is recommending a series of changes to take effect immediately to ensure that:

2.14.1 the rules remain compliant with the Public Contract Regulations 2015; and

2.14.2 there is better and more balanced decision making by officers when seeking, tendering and awarding a contract and that member consultation is maintained for the higher value contracts.

2.15 The terms of reference for the Borough Wide Development Management Panel have been revised in **Part 6 -Terms of Reference for all other committees panels and other bodies of the Council**. The terms of reference are being expanded so that applications for Major Development will be considered by the Borough Wide Development Management Panel when either:

a) the Head of Planning in consultation with the Leader of the Council considers the application should be considered by the Borough Wide Development Management Panel; or

b) the Head of Planning has recommended refusal and the application has not been called-in for determination for a decision by the relevant Area Development Management Panel

Where both (a) and (b) above occurs then the application for Major Development will be referred to the Borough Wide Development Management Panel for determination.

Table 1: Options

Option	Comments
Approve the changes. The recommended option	The updated Constitution will promote best practice and confidence in decision making.
Modify the changes proposed and approve modified changes.	Members may wish to propose and consider amendments to the recommended changes.
Do not approve the changes and keep the current constitution.	The Constitution will not align with the Councils' operating model or promote best practice.

3 KEY IMPLICATIONS

Table 2: Key implications

Outcome	Unmet	Met	Exceeded	Significantly Exceeded	Date of delivery
Consider the proposals and, where agreed, amend the Constitution by the date agreed.	Do not amend the Constitution by the date set out.	Amend by the date set out.	n/a	n/a	27 June 2018 and May 2019

4 FINANCIAL DETAILS / VALUE FOR MONEY

- 4.1 The financial implications is a circa £220k reduction in cost, effective 2019/20 mainly due to reduction in allowances. This includes savings associated with Boundary Review changes. There is a time saving where the number of meetings will reduce by 17% from 2018/19. Appendix 5 shows the breakdown and savings relating to time and cost.

5 LEGAL IMPLICATIONS

- 5.1 The Constitution must be in compliance with the terms of the Local Government Act 2000, Local Government and Public Involvement in Health Act 2007, Local Democracy, Economic Regeneration and Construction Act 2009, Localism Act 2011 and any other relevant statutory acts or guidance.

6 RISK MANAGEMENT

Table 3: Impact of risk and mitigation

Risks	Uncontrolled Risk	Controls	Controlled Risk
There is a risk of challenge if the Constitution is not legally updated.	Constitution is not updated.	Constitution is regularly reviewed and updated.	Revised Constitution available on website and is not open to challenge.

7 POTENTIAL IMPACTS

- 7.1 If decisions are not taken in accordance with the adopted framework they are potentially open to challenge which could be damaging to the Council's reputation and/or delay operational decisions, which may in turn result in additional costs being incurred. Costs may arise from having to repeat activities, defending decisions or compensating for unlawful decisions.
- 7.2 The proposed changes are considered by the CRWG to improve corporate governance. Further changes were proposed post review by the CRWG by the administration to compliment the corporate aims of the Council.

7.3 The Changes to Part 8A – Contract Procedure Rules were approved by Senior Management Team so that the Contract Rules comply with the Public Contract Regulations 2015.

8 CONSULTATION

8.1 The CRWG meetings have been attended by a wider group of members. The members of the Working Groups have liaised with their fellow Councillors. All Member Briefings were undertaken on the 26 and 27 March 2018 and the 16th April 2018.

8.2 Further changes were proposed by other members through the Leader after CRWG had completed its work.

9 TIMETABLE FOR IMPLEMENTATION

Table 4: Implementation timetable

Date	Details
26/06/18	Full Council considers and confirms what changes to be adopted.
27/06/18	Updated and revised Constitution published with changes to Contract Procedure Rules and Borough Wide Development Management Panel
May 2019	Updated and revised Constitution published for first meeting of 2019/20 municipal year.

10 APPENDICES

10.1 The report is supported by four appendices:

- Appendix 1: Changes to Numbers and Terms of Reference of subcommittees, forums and panels of Council and Executive
- Appendix 2: Partnership Protocol
- Appendix 3: Member’s Social Media Protocol
- Appendix 4: Constitution with tracked changes – available electronically
- Appendix 5: Time and Cost Savings

11 BACKGROUND DOCUMENTS

11.1 None

12 CONSULTATION (MANDATORY)

Name of consultee	Post held	Date sent	Commented & returned
All members	All members of the Council	07/06/18	-
SMT	Senior Management Team	07/06/18	-

REPORT HISTORY

Decision type:	Urgency item?	To Follow item?
Non-key decision	No	No
Report Author: Sean O’Connor / Karen Shepherd		

Appendix 1

Changes to Numbers and Terms of Reference of subcommittees, forums and panels of Council and Executive

No.	Category	Meeting	Working Group Proposals		Date change to take effect
			Retain/ Merge / Remove / Move	Reason for Proposal	
1	Executive	Cabinet	Retain	Required for executive model of governance	No change
2	Executive	Cabinet Prioritisation Sub Committee	Delete	Quorum is only 1 less than full cabinet. If an urgent meeting is required, a Cabinet meeting with a quorum of 3 can be called.	May-19
3	Executive	Cabinet Local Authority Governors Appointment Sub Committee	Delete	decision not a key decision so delegated to Director in consultation with Lead Member to make recommendations for appointment	May-19
4	Executive	Cabinet Regeneration Sub Committee	Delete & Merge	current membership is 8/10 Cabinet Members already, items to go to monthly Cabinet meeting	May-19
5	Scrutiny	Adult Services and Health Overview & Scrutiny Panel	Delete & Merge	Model is 4 O&S Panels. Terms of Reference merged with former Children's Services O&S	May-19
6	Scrutiny	Children's Services Overview & Scrutiny Panel	Delete & Merge	Merged into the Adults Children's and Health Overview and Scrutiny	May-19
7	Scrutiny	Culture & Communities Overview & Scrutiny Panel	Delete & Merge	ToR to be merged into Communities O&S Panel	May-19
8	Scrutiny	Highways, Transport & Environment Overview & Scrutiny Panel	Delete & Merge	Environment aspects to be merged into Communities O&S Panel; Highways and Transport aspects to be merged into Infrastructure O&S Panel	May-19
9	Scrutiny	Crime and Disorder Overview and Scrutiny Panel	Delete & Merge	ToR to be merged into Communities O&S Panel	May-19
10	Scrutiny	Planning & Housing Overview and Scrutiny Panel	Delete & Merge	ToR to be merged into Infrastructure O&S Panel	May-19
11	Scrutiny	Infrastructure O&S Panel	New	Model is 4 O&S Panels	May-19
12	Scrutiny	Communities O&S Panel	New	Model is 4 O&S Panels	May-19
13	Scrutiny	Corporate Services Overview and Scrutiny	Merge	Includes the terms of Reference for former Audit and Performance Panel and Corporate Overview and Scrutiny	May-19
14	Scrutiny	Adult Children's and Health	New	Includes the terms of Reference includes terms for former (i) Adults and Health and (ii) Children's services Overview &	May-19

No.	Category	Meeting	Working Group Proposals		Date change to take effect
			Retain/ Merge / Remove / Move	Reason for Proposal	
		Overview & Scrutiny		Scrutiny	
15	Other Mandatory	Corporate Parenting Forum	Retain	statutory requirement	No change
16	Other Mandatory	Health and Wellbeing Board	Retain	It is a requirement of the Health and Social Care Act 2012 and is part-funded by the Royal Borough.	No change
17	Regulatory	Berkshire Pension Fund Panel / Berkshire Pension Fund Advisory Panel / Local Pension Board / Berkshire Pension Fund Panel Sub Committee	Retain	Not a committee of council but requested that these continue to be recorded in constitution as 'Other committee'	No change
18	Regulatory	Employment & Members Standards Panel	Retain	To be retained (revised name) and remit widened to include Member standards. To meet 6 times per year (and sub committees to meet as necessary for code of conduct issues)	May-19
19	Regulatory	Licensing Panel	Retain	quasi-judicial and statutory requirement	No change
20	Regulatory	Maidenhead Development Management Panel	Retain		May-19
21	Regulatory	Windsor Urban Development Management Panel	Retain		May-19
22	Regulatory	Windsor Rural Development Management Panel	Retain		May-19
23	Regulatory	Borough-wide Development Management Panel	Retain	To be retained. Panel meetings called when required by Head of Planning (in consultation with Leader. 15 members	No change
24	Regulatory	Parish Development Management Panels	Delete	never convened	May-19
25	Discretionary	Aviation Forum	Retain	To be retained	No change
26	Discretionary	Constitution Sub Committee	Retain	To be retained	No change

No.	Category	Meeting	Working Group Proposals		Date change to take effect
			Retain/ Merge / Remove / Move	Reason for Proposal	
27	Discretionary	Flood Liaison Group	Retain	Not currently in Constitution as it is not a formal council meeting and is considered an Outside Body. To be retained for now to support the delivery of the Lower Thames Scheme.	No change
28	Discretionary	Grants Panel	Retain	To be retained	No change
29	Discretionary	Local Plans Working Group	Delete	Local Plan has now been submitted.	May-19
30	Discretionary	Maidenhead Town Forum	Retain	To be retained	No change
31	Discretionary	Maidenhead Town Partnership Board	Delete and Move	Outside Body and not a committee of council. To be removed from Constitution	May-19
32	Discretionary	Parish Conference	Retain	To remain and support effective joint working between the Royal Borough and Parish Councils but not a committee of Council and not currently in Constitution	No change
33	Discretionary	Tourism Development Forum	Deleted	to be deleted. Remit to move to the Town Partnerships.	May-19
34	Discretionary	Windsor, Eton and Ascot Town Partnership Board	Delete and Move	Outside Body and not a committee of council. To be removed from Constitution	May-19
35	Discretionary	Windsor Town Forum	Retain	To be retained	No change
36	Other Mandatory	Audit & Performance and Review Panel	Delete & Merge	To be deleted and Terms of Reference to become part of the remit of the Corporate Services Overview & Scrutiny Panel.	May-19
37	Regulatory	Rights of Way and Highway Licensing Panel	Retain	Highway Licensing items are delegated to officers (as is current). Only meet when required. No SRA allowance	May-19
38	Discretionary	Access Advisory Forum	Delete	To be removed from Constitution but continue to operate as an outside body	May-19
39	Discretionary	Cycle Forum	Delete & Merge	To be deleted. Items requiring discussion will report to appropriate panels, e.g. Overview & Scrutiny, Development Panels, respective Town Forums or Parish Councils.	May-19
40	Discretionary	Public Space Protection Order Panel	Delete & Merge	To become a subgroup, as and when required, of the Licensing Panel.	May-19
41	Discretionary	Rural Forum	Delete and Move	To be removed from the constitution and to operate as an outside body	May-19
42	Discretionary	School Improvement Forum	Retain	To be retained	No change
43	Discretionary	Sustainability Panel	Delete & Merge	To be deleted. Items requiring discussion will report to relevant Overview & Scrutiny Panels.	May-19

No.	Category	Meeting	Working Group Proposals		Date change to take effect
			Retain/ Merge / Remove / Move	Reason for Proposal	
44	Discretionary	Achieving for Children Joint Committee	Retain	To be retained	No change
45	Discretionary	Appeals Panel	Retain	To be retained	No change
46	Discretionary	Local Access Forum	Delete & Move	To be deleted from constitution and continue as an outside body	May-19
47	Other Mandatory	SACRE	Delete & Move	To be deleted from constitution and continue as an outside body	May-19
48	Other Mandatory	Schools Forum	Delete and Move	Statutory function to maintain but not formal council meeting therefore remove from constitution. Continue as outside body.	May-19

Appendix 2

Partnership Protocol

PART 7 – THE CODES, PROTOCOLS AND ADVICE

J - Partnership Protocol

PRINCIPLES OF PARTNERSHIP WORKING

1.1 Introduction

Partnership working is playing an increasingly important role in the future of service delivery for the public sector. Partnerships can bring significant benefits, providing flexibility, innovation and additional financial and human capital resources to enhance service delivery to the community. However, partnerships also bring risks. Working across organisational boundaries potentially brings complexity and ambiguity that can generate confusion and weaken accountability. Residents need assurances that public money is spent wisely in partnerships and it should be confident that their quality of life will improve as a result of this form of working.

If planned and developed properly, partnership working can bring the following significant benefits to the delivery of services:

- a) **Greater impact** – Increased benefits for residents and businesses; greater critical mass – ability to reach and deliver beyond capabilities of any one partner.
- b) **More resources** - Able to attract funding where policy requires partnership bids and evidence of partner ability to deliver joint projects (not available to single organisations); strengthened negotiating power.
- c) **New and better ways of working** - Innovation: new / more effective ways of doing things; new perspectives and challenging views within the partnership; improved intelligence about needs and opportunities.
- d) **Spread risk** - Complementary strengths, resources, perspectives; greater flexibility within a team.
- e) **Reduce risk** - Pool resources; share costs of common functions.

This protocol establishes minimum standards of governance and management which the council will follow in order to ensure that its partnerships are well run and delivering the expected benefits. It outlines key requirements for initiating, approving, setting up, operating, reviewing and exiting partnership arrangements

SECTION 1 – DEFINITION OF A PARTNERSHIP

The word partnership is used with increasing frequency across all sectors. It can mean different things to different groups.

For the purposes of this protocol, a partnership is defined as:

- An arrangement involving the Council and one or more other organisations, from any sector, **who share the responsibility for agreeing and then delivering a set of actions and outcomes** that improve the economic and/or social and/or environmental well-being of people living in, working in, or visiting the borough.

This includes partnerships where the partners:

- a) Are otherwise independent bodies.
- b) Agree to cooperate to achieve a common goal including situations where one partner receives income from the other partner.

- c) May create a new organisational structure or process to achieve their goals, separate from their own organisations.
- d) Plan and implement a jointly agreed programme, often with joint staff or resources.
- e) May pool risks and rewards.
- f) May have objects of achieving profit, in addition to delivering to the council's corporate priorities.

SECTION 2 - PARTNERSHIP PROTOCOL

2.1 Introduction

This protocol sets out the principles by which partnerships should be governed. The council engages in a wide variety of partnerships and these may vary in size, service area, membership and function. These principles of good partnership governance are scalable to apply to all partnerships.

This protocol aims to ensure that, in partnership working:

- a) The council is clear about the purpose of its partnerships and the expected outcomes for the people of the borough.
- b) The council's own agreed priorities and objectives are being met.
- c) There is clarity about accountability and responsibility for outcomes.
- d) Partnership activity and outcomes are monitored, reviewed and evaluated to make best use of resources.
- e) Risks for the council, and for the partnership, are assessed and agreed.
- f) Each partnership remains committed to its agreed purpose during its lifespan and has in place an effective exit strategy.

2.2 Applicability of the protocol

This protocol is not applicable to:

- a) Groups where the council pays a third party to deliver one or more services on its behalf, unless the council also has control over strategic direction and significant decision making of the third party in relation to delivery of the services.
- b) Informal groups set up to discuss and consider specific topics (consultation groups).
- c) Appointments and / or financial commitments to outside bodies where the council has no strategic or policy function.
- d) Private Finance Initiatives (PFI).

2.3 Rationale for entering into partnerships

The number of partnerships in which the council is involved has grown over the years in order to secure efficiencies and more recently, as a result of its move to a 'commissioning council' operating model where significant services and functions are delivered by partners on behalf of the Council.

The council has chosen to form or join partnerships for a number of reasons, including:

- a) To deliver coordinated packages of services to residents.
- b) To tackle cross-cutting issues.
- c) To respond to an identified strategic or operational issue which is too large, or multifaceted, to achieve in isolation.
- d) To reduce the impact of 'silo-working'.
- e) To maximise limited funds and / or to bid for, or gain access to, resources.
- f) To fulfil a statutory requirement.

2.4 Potential risks to the council of partnership working

The council recognises the common weaknesses of some public sector partnerships and in its partnership working, works to avoid:

- a) Failure of the partners to understand the extent of their involvement in partnerships, or their implications, including their financial and legal liabilities.
- b) The partnership operating in isolation, duplicating effort and activity.
- c) Weak alignment between the partnership and the council's plans and governance.
- d) A lack of monitoring or evaluation of the effectiveness and impact of partnerships and a focus on activity, rather than outcomes.
- e) A lack of monitoring or evaluation of the contribution of partner organisations, including limited opportunities or willingness to challenge the performance of partners or give feedback on their performance.
- f) Underdeveloped arrangements for scrutiny of partnerships through council processes.
- g) Insufficient thought given to planning an exit strategy, including management of any continuing financial liabilities and the ownership and disposal of any assets.
- h) A lack of formal systems for recording conflicts of interest or for assessing the risks of funding proposals.

2.5 Entering into a partnership

Before entering into any partnership, the council will give consideration to its ability to contribute effectively to the partnership. The council will be mindful of the resource implications of entering into any partnership, particularly for staff, financial and operational assets, and existing commitments. The council will ensure that the objectives of the partnership are in line with its corporate priorities, and be clear how the partnership will assist in their delivery. The council should not enter into any partnership, which requires an unbudgeted financial commitment, without seeking appropriate approval first.

Appendix 1 sets out the principal matters that the council should consider when entering into a partnership.

2.6 Putting arrangements in place

Any partnership that the council enters into must be clear on its purpose and the expected outcomes. The council will ensure that all partnerships have in place robust performance management arrangements.

When entering into partnership arrangements, the council will ensure the following arrangements are in place:

- The partnership has an officer accountable for monitoring its performance.
- Performance reporting takes place in agreed time frames and to an agreed body and/or partners.
- The partnership has a sound evidence base to inform its objectives, planning and target setting in a formal business case.
- Objectives and outcomes to be delivered are formally reviewed and evaluated annually through an agreed process.
- All partners are clear on the outcomes being delivered by the partnership and the links to their own business or corporate priorities.
- Each partner ensures that their actions are embedded into organisational plans to ensure delivery and accountability.
- Agreed action plans are reviewed and refreshed annually by all partners.
- Action plans are supported by a risk register which is reviewed in agreed time frames and maintained by partners.

- Partners share information to enable effective performance monitoring and option appraisal.
- Data sharing complies with data quality and transparency requirements to ensure accountability.
- Information is provided in formats that meet partner requirements.
- There are mechanisms in place for performance management between all partners, including Cabinet and Overview & Scrutiny oversight.
- There are clear channels and processes in place to ensure accountability.
- Arrangements are in place to tackle issues of non and/or poor performance.
- All partners can evaluate at any time the added value of being a member of the partnership and the performance and outcomes being achieved by it. Performance can be challenged through agreed processes.

2.7 The governance framework

Sound governance is key to effective partnership working and requires agreement between partners about purpose, membership and accountability of the partnership. All partnerships must have a governance framework, setting out the roles and responsibilities of the partner organisations and the decision making processes.

When determining the governance framework for a partnership, the parties should consider:

- a) Membership, including status of different members.
- b) Aims and objectives, including the purpose of the partnership, its added value and success measures.
- c) Strategy and activities.
- d) Timescales including how long the partnership is expected to last.
- e) Powers and legal status.
- f) Roles and responsibilities.
- g) Funding, taxation and financial accountability.
- h) Management and operation, including performance management arrangements.
- i) Meetings, including notice and frequency, quorum rules, chairing arrangements, voting arrangements and representation of other members;
- j) Decision-making processes (scope and timescales).
- k) Staffing and property assets needed.
- l) Conflict avoidance / dispute resolution.
- m) Information sharing protocols.
- n) Amendments to the partnership's rules.
- o) Exit strategy / arrangements for dissolution.

Examples of documentation and protocols that could form the governance framework include:

- a. Articles of Association (in relation to a company).
- b. Contracts for services between the council and third party – the contractual obligations – or Commissioning Agreement.
- c. Partnership Agreement.
- d. Shareholders' Agreement.
- e. Reporting processes and procedures, including links to council reporting.
- f. Directors or Trustees terms of reference or service contracts.
- g. Use of council officers or members on boards.
- h. Oversight by the council's Overview and Scrutiny function.
- i. Utilising a Council Shareholder's Reference board with or without decision making powers as a first point of reporting or accountability by the Partnership.

j. Agreed operating protocols and procedures.

The purpose of the governance framework is not to recreate the same controls and processes as the council but to ensure that the public purse and services are delivered with sufficient oversight to ensure that principles of sound decision making, transparency and accountability are maintained.

2.8 Decision making

Partnerships need clear lines of accountability and transparent decision-making processes, particularly for decisions that commit and/or allocate partnership resources.

A partnership's work can be impeded if decisions have to be separately ratified by the partners in advance and if the partner's decision making processes or timetables do not fit well together. Therefore, it is important that agents representing the partner organisations have the necessary authority to take decisions on its behalf and that those decisions can be scrutinised and challenged effectively.

Partnerships should also plan their work carefully so that they know well in advance when decisions with significant policy or financial implications will need to be made. It is important that all partners have sufficient time to evaluate the implications of major prospective decisions and to consider their own legal and financial advice.

It is vital for the partnership to agree and record how decisions are made.

The governance framework should address:

- a) How the partnership makes decisions, e.g. simple majority vote, casting vote by Chairman etc.
- b) The quorum (minimum number of voting members required to be present at any meeting for the decisions taken at the meeting to be considered as legitimate decisions of the body) for decisions made by the partnership.
- c) How decisions are communicated to people not present.
- d) How required actions are put into operation.

It is also recommended that the partnership establish the procedures and processes that govern its meetings. These should be kept to a minimum to avoid bureaucracy but be sufficient for clarity and effective operation.

2.9 Performance management

The council will ensure that agreed partnership involvement, activity and outcomes are part of the council's performance management systems, and thereby the effectiveness of specific partnerships are monitored and reviewed as part of its performance management framework.

2.10 Communications strategy

Each individual partnership should adopt a communications strategy specific to the work of the partnership and in agreement with partners. Where appropriate, one organisation should be identified as the lead agency for partnership communications. The lead agency will be responsible for ensuring liaison with the communications functions within other partner organisations.

2.11 Information sharing

The council's data protection and freedom of information policies will generally apply where council business is concerned. The council will secure an information sharing protocol within a partnership and between partnership organisations. The council will also have regard to any existing data sharing statements that may have been agreed.

2.12 Standards of conduct

Partnerships should agree high standards of conduct that govern the way in which they work.

2.13 Interests and conflict

Members of the partnership should have regard to the highest standards of behaviour and transparency in the conduct of public business and, in particular, will need to consider any personal or prejudicial interest they may have either as an officer or member of the council. Where appointed in a position with a fiduciary duty (such as an officer of a company or trustee), any council officer or member will need to consider any duties they have that may conflict with that associated with the council.

2.14 Exit and termination

The governance framework should include provisions for both the planned and unplanned end of the partnership, regardless of the intended length of the partnership, including minimum notice periods. This may also include provisions for termination on grounds such as legislative changes, overspends or a breach of regulations where a minimum notice period may not be necessary.

2.15 Consultation arrangements

A partnership may wish to undertake consultation, for example, on an issue or to help identify priorities. The council will endeavour to ensure that any consultation programmes and publicity exercises for the council, its partnerships and its partners are co-ordinated as effectively as possible.

2.16 Role of councillors and officers

The council will be represented on any agreed partnership by specified councillors or officers. Each partnership on which the Council is represented will be allocated a sponsoring officer (usually a Head of Service) who, although they may personally not be the representative on the partnership, will be responsible for ensuring the delivery of this protocol in respect of the relevant partnership.

Any specified officers or councillors attending approved partnerships (as representatives rather than holding a duty such as directorship) will represent only the council and no other organisation. They shall abide by the council's Codes of Conduct at all times.

2.17 Scrutiny

The scrutiny arrangement for a partnership should be clear and referenced in the governance framework.

Role of the council's Overview and Scrutiny in partnerships

Scrutiny of other organisations external to the council is also a key element of Overview and Scrutiny's work. In relation to the council's partnerships, this means:

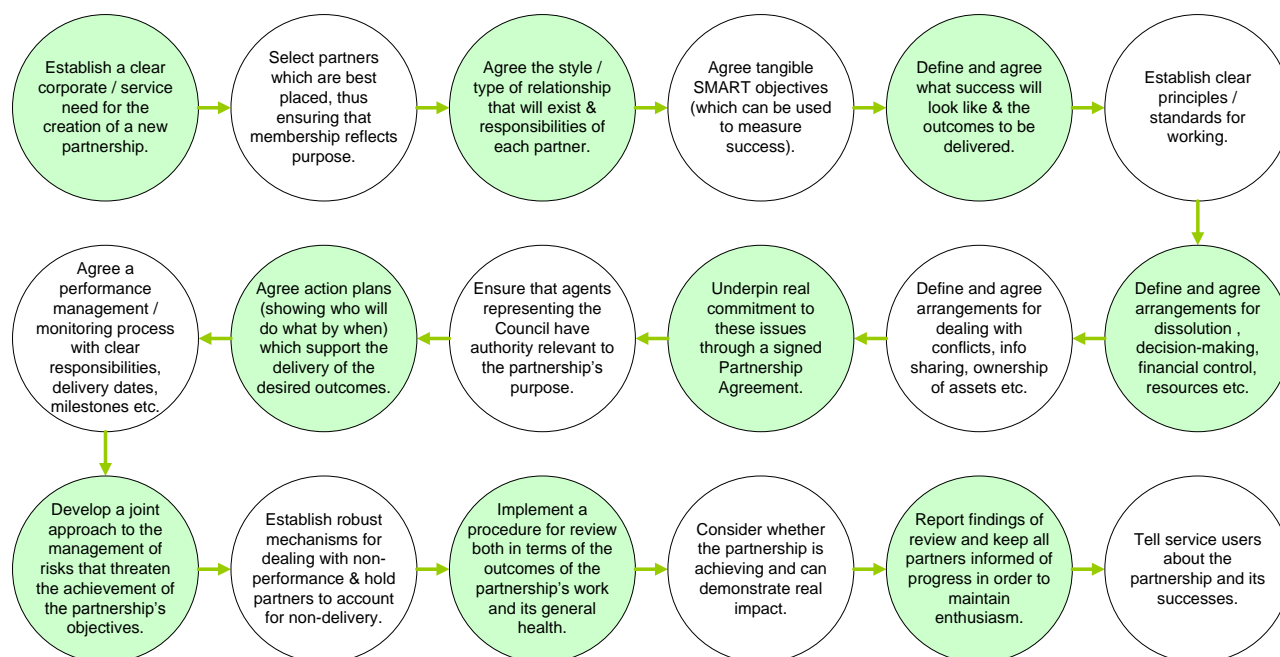
- Involving local people and community organisations in scrutiny activity of partners.
- Developing a dialogue with service providers and other stakeholders outside the council who interact with the partners.

- Taking up issues of concern to local people in respect to the partnership.
- Reviewing whether goals are being achieved by partners.
- Examining what can be done to solve problems and enhance performance and achievement.

Points to consider for setting up successful partnerships

Developing a successful partnership working relationship requires good planning, see diagram 1 for a partnership implementation flowchart.

Diagram 1: Partnership development flowchart



Points to consider

1. Legal power

The council should determine whether it has legal power to enter into the partnership arrangement and ensure there is no law or other provision that prevents the council from entering into the partnership arrangement.

2. Form of partnership

The Council should decide the legal status of the partnership. Specific advice should be taken to determine most appropriate form of partnership which include:

- **Informal arrangements** – which may be appropriate for matters such as specific initiatives with limited financial impact, knowledge sharing or temporary arrangements to cover an immediate problem.
- **Contractual arrangements** – with one party providing goods or services under contract to another authority or to residents either on a cost recovery or for profit basis.
- **Delegation of functions** – a delegation of functions (based on statutory powers rather than contract) to another authority.
- **Corporate/Joint Venture** – where two or more authorities (or a third party) establish a corporate vehicle (usually a company) as the vehicle for providing services back to themselves and/or to trade with a view to generating additional income.

- **Joint committee** – this model usually involves one authority hosting the service with the other collaborating partners contributing to costs incurred.
- **Local Authority Trading Company (LatCo)** – a company set up and wholly owned by the Council for the purpose of providing services back to the Council, undertaking a particular project and for the purpose of trading and generating an income for the Council.
- **Community Interest Company** – a not for profit company set up and either wholly owned by the Council or owned with other parties with the primary object of a social purpose or providing a benefit to the communities they serve.

3. Outcome indicators and measures of success

These are measures based on the actual outcomes the partnership is aiming to deliver i.e. they define what success will look like and can be used to determine the partnership's effectiveness and impact in achieving its strategic objectives. Outcome indicators or clear measures of success should be defined for each strategic objective.

4. Running the partnership

As a minimum, this should define arrangements for:

- General principles of conduct.
- Partners' roles / duties / responsibilities.
- Resource commitment for each partner.
- The ownership of assets.
- Decision making procedures.
- How the partnership will monitor and evaluate its activities.
- Meetings; notice and frequency of meetings; quorum rules; chairing arrangements; voting arrangements; and representation of other members.
- Information sharing principles / protocols.
- Organisational structure and reporting mechanism (how often, who reporting to and what reporting on).
- Performance management arrangements.
- How complaints will be handled.
- Member involvement (roles and responsibilities, democratic accountability, declaration of interests etc).

5. Financial matters

Where applicable, the governance framework should document:

- Partnership capital.
- Income and expenditure.
- Profits and liabilities apportionments.
- Grants and other sources of funding.
- Banking and financial arrangements.
- Accounting arrangements.
- Provisions for tax payments and VAT.

6. Other considerations

The governance framework should define:

- Arrangements for dealing with the media and other stakeholders.
- The circumstances necessary for the suspension, exclusion and removal of a partner.
- Arrangements for resolving conflicts and/or disputes.
- Procedures for whistle blowing / fraud etc.

- Right of access for appropriate audit bodies (Council's Business Assurance).

7. Dissolution

The Partner Agreement should define:

- Termination provisions.
- Exit strategy (including surpluses and mediation).
- Final reporting arrangements.
- Arrangements for informing funders and all stakeholders/service users at dissolution.

Appendix 3

Member's Social Media Protocol

PART 7 – THE CODES, PROTOCOLS AND ADVICE

I - Member's Social Media Protocol

MEMBER'S SOCIAL MEDIA PROTOCOL

Purpose of this protocol:

Social media is an increasingly important means of communication for individuals and businesses. The Council welcomes Members' increasing use of social media and aims to facilitate it by providing guidance regarding what is and is not acceptable. This protocol is intended to be read alongside the Code of Conduct for Members. As members might expect, **the fundamental principle is that the same standards of behaviour and conduct apply online as are required offline.**

What is social media?

'Social media' is the term to describe websites and online tools which allow people to interact with each other by creating their own content, for example blogs, videos or short messages such as including tweets.

On social media sites, users may share information, discuss opinions and/or create interest groups or pages: all means of building online communities and networks which encourage participation and engagement.

For the purposes of this policy Social Media also includes other forms of electronic communications such as email and 'direct/instant messaging'.

It is not a requirement that members must have a Facebook or Twitter account or use other forms of social media to contact their constituents. However if you are already using or planning to use social media in connection with your work as a Councillor, or are already using such media in your private capacity, these guidelines will be relevant.

Social Media can be used:

- To support councillors in performing their community leadership role
- To keep in touch with local views and opinions
- For political campaigning
- For campaigning on local issues

Types of Social Media:

- Blogging and microblogging on online journals. Twitter is an example of microblogging, where entries are limited to 280 characters
- Online Forums involve people with similar interests sharing information and opinions. Social networking sites facilitate connections between those who already know each other, often in a social context, but are increasingly used by businesses to promote their products or services- Facebook is an example
- Video and photo publishing involve sharing videos and photographs worldwide – Youtube, Periscope, Instagram and Flickr are examples.
- Email & messaging electronic communication usually from an individual to one or more recipients.

Be mindful that:

- The use of social media does not impose any legal or ethical burdens additional to those which govern all of your behaviour as a councillor.
- However while any form of communication is capable of being misunderstood, the rapidity and immediacy of social media exchanges can lend itself to problems.
- “Misfiring”, or being misunderstood, particularly where comments are perceived as being more controversial than intended, may lead to rapid and wide broadcasting of the seemingly controversial comment.
- Although social media lends itself to a conversational tone, posting comments is still publishing in the sense of creating a written record. Most pitfalls will be avoided if your online content is accurate, informative, balanced and objective.
- While councillors are free to communicate politically in appropriate contexts, you should be careful not to say anything that you wouldn’t be comfortable justifying at a public meeting.
- Be clear when you are communicating as a Councillor as opposed to a statement made in your personal capacity. You may wish to make it clear in your profile if it is a personal account however, any statement about Council business or policy will be considered as being in your capacity as a Councillor.

Legal issues:

- **Libel** – If you publish an untrue statement about a person which is damaging to their reputation, they may take a libel action against you. The same thing may happen if, for example, someone else publishes something libellous on your website, you know about it and don’t take swift action to remove it. A successful libel claim could result in the award of damages against you.
- **Copyright** – Placing images or text on your site from a copyrighted source (for example extracts from publications or photos), without obtaining permission, is likely to breach copyright laws. Therefore don’t publish anything you are unsure about, or obtain prior permission. Again, a successful claim for breach of copyright would be likely to lead to an award of damages against you.
- **Data Protection** – Do not publish the personal data of individuals unless you have their express permission.
- **Bias and Predetermination** –_if you are involved in making planning, licensing or other quasi-judicial decisions, do not say anything through social media (or indeed anywhere) that suggests you have completely and irrevocably made your mind up on an issue that is due to be formally decided upon. While your likely view on a particular application may be well known, you need to be able to show that you attended the committee or hearing prepared to take on board and weigh all the evidence and arguments, and were genuinely persuadable to a different view. If you weren’t, the decision may be later challenged as invalid. If a person has suffered some sort of detriment as a result of such an invalid decision, they may have a claim against the council for damages.

Social Media and the Code of Conduct for Members:

- Aspects of the Code of Conduct for Members will apply to your online activity in the same way as they do to any other written or verbal communication you may engage in. The key to whether your online activity is subject to the Code is whether you are, or even just appear to be, acting in your capacity as a councillor rather than as a private individual.
- Councillors can have “blurred identities”. This can happen where you have a social media account where you comment both as a councillor and as an individual. Although you may be clear in your mind that you are acting in a private capacity it may be less clear to others. This can also mean that your views can be taken as being those of your organisation or party (rather than you personally) when this may not be the case.
- One way of avoiding blurring the lines between your personal and councillor life, and avoiding some of the potential problems related to the Code of Conduct, may be to consider keeping your online accounts as a councillor separate from those where you communicate in a personal capacity. This isn’t a legal requirement but remains a decision for each member and some Members may find the convenience of having one account outweighs the advantages of separate accounts. The Monitoring Officer or the Council’s Communications Team can help you with more specific advice if needed.

You must promote and support high standards of conduct - do not use social media to make personal attacks or indulge in rude, disrespectful or offensive comments even if you are receiving such yourself. You should also be mindful not to publish anything that could reasonably be perceived as bringing yourself as a councillor, or the council in general, into disrepute, and in particular not to disclose any confidential information. While it is important that the Council conduct its business with openness, it is essential that councillors and employees are clear about what is confidential and ensure that relevant items remain confidential.

- **You must comply with equality laws** – do not publish anything that might be seen as racist, sexist, disableist, ageist, homophobic or antifaith.
- **You must not bully or intimidate anyone** – do not say anything, particularly if it is part of a series of similar comments about a person or on a theme that might be construed as bullying or intimidation, whether the comments relate to a council employee, a fellow-councillor or anyone else.
- **You must not use anonymous accounts** – the public expects its elected representatives to be candid and not hide behind anonymous or proxy accounts. Where you engage with public as a Councillor or on matters of importance effecting the Council or the Borough, then the public and the Council expects you to declare both your identity and your position as a Councillor.

Staying out of Trouble - Some Do’s and Don’ts

Some Do’s

- set appropriate privacy settings for your blog or networking site – especially if you have a private, non-political blog
- keep an eye out for defamatory or obscene posts from others on your blog or page and remove them as soon as possible to avoid the perception that you condone such views
- be aware that the higher your profile as an elected member, the more likely it is you will be seen as acting in your official capacity when you blog or network
- consider keeping your personal and elected member profile on social networking sites separate as a means of maintaining appropriate professional boundaries and clarity when you are commenting in a personal or councillor capacity.
- ensure you use council facilities appropriately; if you use a council provided blog site or social networking area, any posts you make will be viewed as made in your official capacity
- be aware that you will be seen as acting in your official capacity if you publish information that you could only have accessed by being an elected member
- be mindful of the potential for misunderstanding and miscommunication.
- feel able to make political points, but be careful about being too specific or personal if referring to individuals. An attack on individuals may be seen as disrespectful, whereas general comments about another party or genuine comments on policy are less likely to be viewed as disrespect.

Some Don'ts

- Blog in haste, particularly in circumstances where your judgement might be impaired; for example if you are tired or have consumed alcohol
- make unguarded statements which could lead to potential liability, or fail to take care when reporting or copying the comments of others
- post comments that you would not be prepared to make on paper or face to face
- use council facilities for personal or political blogs
- request or accept a Royal Borough of Windsor & Maidenhead Council employee or contractor providing services to the council as a “friend” on a social networking site where this suggests close personal association. For the avoidance of doubt, this does not apply to sites which are intended as a neutral, professional connections registry (such as LinkedIn.)
- use social media in any way to attack, insult, abuse, defame or otherwise make offensive or discriminatory comments about council staff, service users, their family or friends, colleagues, other professionals, other organisations, or the council
- publish confidential or exempt information that you may have learned or had access to as part of your role as an elected member. This includes personal information about service users, their families or friends or others e.g. contractors and council staff.
- Council related information: don't represent your personal views, or those of any political party or interest group you belong to, as being those of the council, on any social medium
- browse, download, upload or distribute any material that could be considered inappropriate, offensive, defamatory, illegal or discriminatory

Use of social media and mobile devices at meetings:

- Use mobile devices sparingly, discreetly and with common sense at meetings, for any matter that is not part of the agenda, being mindful of the impression you may be giving to others of proceedings.
- There may be occasions when texting or emailing between Councillors during meetings on matters relevant to the debate at hand may be valuable on the same basis as circulating paper notes to other Councillors. Mobile devices also enable Councillors to manage their busy lives when time is at a premium. However frequent use of these devices during meetings may give the public the impression that the councillor is not paying full attention to an item that is being discussed in a debate on a decision that is to be made.

Examples of the acceptable use of devices:

- reading and annotating meeting papers and background information relevant to that meeting;
- communicating with others at the meeting on matters relevant to the debate at hand; and
- sending and receiving urgent communications to/from home relating to domestic circumstances (e.g. childcare arrangements)

Avoid the following:

- using social media during quasi-judicial meetings or during the consideration of confidential or exempt items of business at meetings; and
- frequently checking emails and messages that are not related to the meeting; and
- extended periods of use which may suggest that insufficient attention is being paid to the meeting.

The Council wishes to encourage Members to use social media where doing so may assist you in performing your function. This guidance is intended to help Members avoid the legal and reputational risks inherent in this mode of communication. The Monitoring Officer and the Communications Team are happy to help Members by providing additional advice and guidance as appropriate. Training is also available to individual Members or Groups on the use of social media.

Appendix 4

Council Constitution

electronic copy only

Appendix 5 – Time & Cost Savings

Time Savings

The following table shows the projected reduction in panels meetings if the recommendations in this report are approved.

Meeting	No. of meetings under 2018/19 constitution	No. of meetings under proposed 2019/20 constitution
Access Advisory Forum	4	4
Achieving for Children Joint Committee	3	3
Adult Services & Health O&S Panel	6	0
Adult, Children's & Health Services O&S Panel	0	6
Audit & Performance Review Panel	8	0
Aviation Forum	4	4
Berkshire Pension Fund Panel	6	6
Borough wide DM Panel	13	13
Cabinet	13	13
Cabinet Briefing	13	13
Children's Services O&S Panel	7	0
Corporate Parenting	6	6
Corporate Services O&S Panel	7	6
Council	7	7
Communities O&S Panel	0	6
Crime & Disorder O&S Panel	6	0
Culture & Communities O&S Panel	6	0
Cycle Forum	4	0
Employment Panel	6	0
Employment & Member Standards Panel	0	6
Flood Group	4	4
Grants Panel	2	2
Health & Wellbeing Board	4	4
Highways, Transport & Environment O&S Panel	6	0
Infrastructure O&S Panel	0	6
Licensing Panel	4	4
Local Access Forum	2	2
Local Plans Working Group	0	0
Maidenhead Development Management Panel	13	13
Maidenhead Town Forum	3	3
Maidenhead Town Partnership Board	6	6
One Borough	4	4
Optalis Board	6	6
Parish Conference	3	3

Planning & Housing O&S Panel	6	0
Rights of Way & Highway Licensing Panel	4	4
Rural Forum	2	2
School Improvement Forum	3	3
Schools Forum	4	4
Standing Advisory Council on Religious Education	3	3
Sustainability Panel	6	0
Thames Valley Athletics Centre Trust / Mgmt Cttee	3	3
Tourism Development Forum	4	0
Windsor, Eton & Ascot Town Partnership Board	4	4
Windsor Rural DM Panel	13	13
Windsor Urban DM Panel	13	13
Windsor Town Forum	3	3
Total	244	202

This does not include those meetings arranged on an ad-hoc basis usually in respect to third party actions or requests such as Employment Appeals Panel, Constitution Sub-committee, PSPO Panel, Licensing Panel Sub-committee.

In summary, there is a reduction by 42 panel meetings which is **17%** of all scheduled meetings.

Cost savings

The following cost savings will be realised if the Boundary Review and the recommendations in this report are approved:

Cost Type	Basis of Saving	Total Saving (£)
Reduction by 15 members	15 x standard allowance of £8,143	122,145
ICT allowance by 15 members	15 x £250	3,750
Deputy Lead Members	9 x £2,443	21,987
Principal Members	4 x £12,215	48,860
Overview & Scrutiny Chairman SRA	Reduction by 3 x £6,107	18,321
Sustainability Panel Chairman SRA	1x£2,443	2,443
Rights of Way Panel Chairman SRA	1x£2,443	2,443
Total Savings		£ 219,949

These savings are based on 18/19 budgets. They do not include travelling costs of members (as this fluctuates from year to year) or the costs savings for the 17% reduction in meetings such as officer, printing, travel costs, refreshments and accommodation. These costs are often fixed and cannot be realised until further action is taken (for example, until use of a council building has been put to alternative use).

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Report Title:	Family Friendly Policy for Elected Members
Contains Confidential or Exempt Information?	NO - Part I
Member reporting:	Councillor Dudley, Leader of the Council
Meeting and Date:	Council 26 June 2018
Responsible Officer(s):	Alison Alexander, Managing Director
Wards affected:	All

REPORT SUMMARY

1. In July 2017, a Local Government Commission published a report looking at representation of women in elected roles and identifying ways in which representation could be improved. One area that was identified was the provision for elected Members to take maternity and other types of family friendly leave. Only 12 of the councils who responded to the Commission's request for information had policies in place for elected Members.
2. At present, around 20% of elected members in the Royal Borough are female and in order to increase diversity, the Independent Remuneration Panel is being asked to consider options to implement family friendly leave for elected Members including maternity, paternity, adoption, carers and shared parental leave.
3. The Panel will make recommendations to full council for consideration in order to amend the elected Members' allowance scheme as appropriate.

1. DETAILS OF RECOMMENDATION(S)

RECOMMENDATION: That Council notes the report.

2. REASON(S) FOR RECOMMENDATION(S) AND OPTIONS CONSIDERED

- 2.1 In July 2017, the Local Government Commission, with support from the Fawcett Society, published a report entitled 'Does Local Government work for women', looking at the representation of women in elected roles and identifying ways in which representation can be improved. One area that was identified was the provision for elected Members to take maternity and other types of family friendly leave. Only 12 of the councils who responded to the Commission's request for information had policies in place for elected Members.
- 2.2 Currently, the only family friendly provision for elected Members in the Royal Borough is a Dependants' Carers' Allowance for childcare or care for dependants on social/medical grounds to enable members to perform an 'Approved Duty'; see Appendix A.

- 2.3 At present around 20% of elected Members at the Royal Borough are female. With council elections scheduled for 2019, consideration is being given to action that the council can take now to encourage diversity amongst future candidates.
- 2.4 The potential introduction of paid family friendly leave for elected Members requires an options paper to be presented to the Independent Remuneration Panel. The panel would then write with recommendations to full Council in September 2018 for consideration in order to amend the elected Members' allowance scheme as appropriate.
- 2.5 The options paper prepared for the Independent Remuneration Panel will cover different types of leave including maternity, paternity, adoption, carers and shared parental leave.

Options

Table 1: Options arising from this report.

Option	Comments
To note that the Independent Remuneration Panel is asked to consider a range of options for family friendly leave, including maternity paternity, adoption, carers and shared parental leave, for consideration by full Council in September 2018 This is the recommended option	Consideration of implementing a wider range of family friendly policies for elected Members could encourage a wider range of people to stand for election.
The council does not consider widening the range of family friendly policies available for elected Members. This is not recommended	Not having a range of family friendly policies for elected Members may put off potential candidates from standing for election to the council.

3. KEY IMPLICATIONS

- 3.1 The key implications are in table 2.

Table 2: Key Implications

Outcome	Unmet	Met	Exceeded	Significantly Exceeded	Date of delivery
Recommendations of the Independent Remuneration Panel are considered by full Council.	N/A	25 September 2018	N/A	N/A	25 September 2018.

4. FINANCIAL DETAILS / VALUE FOR MONEY

- 4.1 There are no financial implications arising from this report. Any recommendations of the Independent Remuneration Panel which are approved by full Council in September 2018 may result in changes to the Members' Allowance Scheme.

5. LEGAL IMPLICATIONS

- 5.1 The council has the power to request consideration of options by the Independent Remuneration Panel.

6. RISK MANAGEMENT

- 6.1 N/A

7. POTENTIAL IMPACTS

- 7.1 N/A.

8. CONSULTATION

- 8.1 Comments from elected Members to the Independent Remuneration Panel will be included as part of the process.

9. TIMETABLE FOR IMPLEMENTATION

Table 3: Implementation timetable

Date	Details
July 2018	Independent Remuneration Panel considers options paper.
August 2018	Independent Remuneration Panel submits recommendation paper for full Council.
25 September 2018	Full Council consider recommendation paper.

- 9.1 Implementation date if not called in: Immediately.

10. APPENDICES

- 10.1 The appendices for this report are as follows:

- Appendix A – Extract from Members' Allowance Scheme.

11. BACKGROUND DOCUMENTS

- 11.1 N/A

12. CONSULTATION (MANDATORY)

Name of consultee	Post held	Date sent	Commented & returned
Cllr Dudley	Leader of the Council	15/06/18	15/06/18
Cllr Targowska	Principal Member for HR	15/06/18	15/06/18
Alison Alexander	Managing Director	15/06/18	15/06/18
Kevin McDaniel	Director of Children's Services	15/06/18	
Russell O'Keefe	Executive Director	15/06/18	
Andy Jeffs	Executive Director	15/06/18	18/06/18
Rob Stubbs	Section 151 Officer	15/06/18	18/06/18
Hilary Hall	Deputy Director Strategy and Commissioning	15/06/18	15/06/18
Elaine Brown	Head of Law and Governance	15/06/18	18/06/18
Louisa Dean	Communications	15/06/18	

REPORT HISTORY

Decision type: For information	Urgency item? No	To Follow item? No
Report Author: Nikki Craig, Head of HR and Corporate Projects, 01628 796627		

Appendix A

Extract from Members' Allowance Scheme

Dependants' Carers' Allowance

The Dependants' Carers' Allowance can be claimed by all Members who are the main carers of dependant relatives. The allowance will be paid where a Member requires care provision for a dependant relative or co-habitee to enable the Member to perform an Approved Duty (as defined in Schedule 2).

There are two categories of dependants:

- Childcare – i.e. children aged fifteen or less
- Care for dependants on social/medical grounds – i.e. elderly parents or disabled children/siblings who are dependant upon a Member.

The Dependants' Carers' Allowance may be claimed from the Council subject to the following conditions:-

- The allowance is payable for the length of the qualifying approved duty and can include travel time up to a maximum of one hour per claim.
- The total amount claimable per approved duty is capped at 4 hours and within any one week a maximum of 18 hours can be claimed.
- No claims are permitted for when dependent children are at school.
- The hourly rate payable will be as follows:
 - Childcare - to be paid at and indexed to the hourly minimum wage applicable to the age of the carer (who must be 16 years of age or over) or less for actual reimbursement.
 - Care for dependants on social/medical grounds – the hourly rate paid to be the Royal Borough's average hourly homecare charge.
- Councillors wishing to claim the allowance will need to complete a Dependants' Carers' Allowance claim form and sign a declaration that states:
 - the carer provided a babysitting/carer service to the Member in order that the Member could attend the meetings listed in the claim.
 - the carer is 16 years of age or over and not an immediate member of the claimant's family or person residing with the Councillor who has provided the care.

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