

NOTICE
OF
MEETING

**INFRASTRUCTURE OVERVIEW &
SCRUTINY PANEL**

will meet on

TUESDAY, 18TH JUNE, 2019

At 6.30 pm

in the

MAY ROOM - TOWN HALL, MAIDENHEAD

TO: MEMBERS OF THE INFRASTRUCTURE OVERVIEW & SCRUTINY PANEL

COUNCILLORS MANDY BRAR, WISDOM DA COSTA, PHIL HASELER,
ROSS MCWILLIAMS AND GURCH SINGH

SUBSTITUTE MEMBERS

COUNCILLORS JOHN BALDWIN, CHRISTINE BATESON, GURPREET BHANGRA,
JOHN BOWDEN AND NEIL KNOWLES

Karen Shepherd – Service Lead, Governance - Issued: 10 June 2019

Members of the Press and Public are welcome to attend Part I of this meeting. The agenda is available on the Council's web site at www.rbwm.gov.uk or contact the Panel Administrator **Wendy Binmore** 01628796251

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AGENDA

PART I

<u>ITEM</u>	<u>SUBJECT</u>	<u>PAGE NO</u>
1.	<u>APPOINTMENT OF CHAIRMAN AND VICE-CHAIRMAN</u> To appoint the Chairman and Vice-Chairman.	
2.	<u>APOLOGIES FOR ABSENCE</u> To receive any apologies for absence.	
3.	<u>DECLARATIONS OF INTEREST</u> To receive any Declarations of Interest.	5 - 6
4.	<u>MINUTES</u> To note the minutes of the Sustainability Panel held on 19 March 2019; the Highways Transport & Environment Overview & Scrutiny Panel held on 26 March 2019 and the Planning & Housing Overview & Scrutiny Panel held on 16 April 2019.	7 - 18
5.	<u>TERMS OF REFERENCE FOR OVERVIEW AND SCRUTINY</u> To note the relevant sections of the council constitution relating to Overview and Scrutiny.	19 - 54
6.	<u>MEMBER CALL IN - PROPOSED REVISIONS TO THE HIGHWAYS MAINTENANCE MANAGEMENT PLAN – 24 HOUR POTHOLE RESPONSE</u> To receive the above report.	55 - 58
7.	<u>WORK PROGRAMME 2019/2020</u> To note the Infrastructure Overview and Scrutiny Panel Work Programme.	59 - 60
8.	<u>FUTURE MEETING DATES</u> The dates of future meetings are to be confirmed.	

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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Public Document Pack Agenda Item 4

SUSTAINABILITY PANEL

TUESDAY, 19 MARCH 2019

PRESENT: Councillors Mills (Chairman), Sharp, Yong, Pryer and Werner.

Officers: David Cook and James Thorpe

APOLOGIES FOR ABSENCE

Apologies for absence were received from Cllr Coppinger.

DECLARATIONS OF INTEREST

None received.

MINUTES

Resolved unanimously: that the Part I minutes of the meeting held on the 22 January 2019 were approved as a correct record.

OPEN FORUM

The chairman reported that although she was disappointed that this was the last meeting of the Sustainability Panel the work carried out by the Council would continue.

Cllr Werner mentioned that if there was a change in administration following the election he would ask for the panel to be re-instated. The Chairman reported that the Lead Member was keen to continue with the work implemented by the Panel.

ON STREET CAR CHARGING POINTS

The Panel received a presentation from Ubitricity regarding the possibility of installing a residential on street electric vehicle charging solution.

The Panel were informed that ubitricity's 'SimpleSockets' were easily integrated into existing street lights and thus reducing the capital costs of EV charging provision and increasing the ability to install into residential areas. Where a resident did not have off street parking this provided a solution for AV charging without having to have cables across the pavement. The solution helps remove barriers to owning an electric vehicle.

There would be no requirement for planning permission as this was not required for retrofitting existing street lights, this had the benefit of allowing charge points to be installed using an 'on demand' approach and reducing the time to install.

It operated on a 5.8kw charge that was useful for overnight charging, the installation was discrete and in close proximity to the vehicle which made the solution ideal for residential areas. The sockets could also be removed and used in another location if it was under used or the resident moved home. They solution could also be installed into rising bollards if required.

The Panel were informed that EV charging could be done with a SmartCable on a residents own mobile power tariff or spontaneously with a standard charging cable by activating the charge point via a mobile phone using a QR code. The billing would be based on kilowatt hours.

The Panel were shown possible locations that could be used for a trial period, informed that it could be rolled out borough wide and were shown feedback from residents.

Cllr Werner informed that it looked like an excellent solution that reduced tripping hazards that other options had. He asked if there would be an issue as the responsibility for street lights had been contracted out and how much would it cost the council as the more installed the better for the company. The Panel were informed that they had worked with contractors who operated lampposts before so this was not an issue. With regards to costs it was about £2k compared to about £20k for free standing charging points. There would be pay as you go or monthly bills available for residents.

Cllr Sharp informed that he was an advocate of electric vehicles but he raised concern that if there were a number of charging sockets in a street in use they could blow the power supply and he also asked if it was possible for someone to unplug a charging cable to use in their car. In response the Panel were informed that when a car was locked the cable was also locked so it could not be removed when charging. There were provisions for unlocking them in an emergency. With regards to the power supply they had had no need to replace existing cables or any issues with power supply. When there was a lot of charger in use the amount of power drain could also be lowered or raised.

The Panel noted the presentation.

ENERGY STRATEGY 2019-2023, ENERGY POLICY AND PROJECT PLAN 2019-2020

The Panel received a presentation from MaidEnergy.

The Panel were informed that MaidEnergy were formed in 2010 as a Community Benefit Society (CBS) which was a democratic co-op that benefited the community and returns profits to it. RBWM granted MaidEnergy a £10k Social Enterprise seed funding to set up and then invested a further £10k in solar PV.

The operated across the borough, Runnymede and surrounding areas as necessary as this is where the 5 volunteer Directors lived or worked. There were 68 members across the UK who have invested in solar PV capital.

The companies objectives were to identify and design renewable energy projects for schools and community groups according to local interests and opportunity. MaidEnergy was one of 222 UK community energy organisations (total membership of 48,000)

The directors also run Our Community Enterprise which was a spin out of the Council which provides the Development and Funding service. MaidEnergy recently commissioned Our Community Enterprise to establish the current solar expansion project on the basis of payment by results.

The Panel were informed that so far the achievements had been:

- Two projects which had been crowdfunded in 2015 by £187k of long-term share investment; most had been used to buy 100kWp of solar PV on two sites which had secured government subsidies (Feed-in Tariff): Norden Farm Arts Centre and Magna Carta secondary school, Egham.

- MaidEnergy retains ownership of the solar PV and sold energy to the sites, at a lower price than grid providers. Over time, it was expected electricity prices to increase faster than inflation, so the savings made will increase year-on-year. If this proved wrong, they guaranteed not to charge sites more than the grid price.
- After 20 years the solar PV would have paid back all investment and panels were gifted to sites.
- Last year the first dividend payment of 2.5% was made, this year it would be 4%.
- Our two sites have generated 226MWhrs of solar energy.

The Panel were informed that at the end of March 2019 the government was ending the Feed-in Tariff, which made most solar installations viable. However, as a community group, MaidEnergy had the opportunity to register potential new sites by this date with Ofgem and use the next 12 months to plan and install. MaidEnergy had commissioned Our Community Enterprise to seek sites and project manage this.

MaidEnergy also aimed to launch multiple share offers for this half-megawatt programme during the Summer, totalling approx. £380,000.

The Panel were also informed that MaidEnergy was seeking to expand the pool of voluntary expertise and capacity by inviting more local environmentalists, engineers, communicators, community groups, students and future engineers of all backgrounds.

They were also a member of Community Energy South which among other renewables projects, is launching a pilot to supply solar power to Southern Rail services through the Riding Sunbeams project, a world first in powering electric trains directly from trackside solar power.

The Panel noted the presentation.

COMMUNITY SOLAR PRESENTATION

The Panel received an update on the Energy and Water strategy for 2019-2023.

The Panel were informed that the strategy had been shared with Members prior to the meeting and comments had been fed back. The plan strategy was for the next four years and had been written as a user friendly document that was not too cumbersome. The strategy was still in draft format so there was further opportunities to send in comments. It had been designed for the council to say it planned to do.

The Strategy set out plans to achieve a further 10% reduction in the Council's energy consumption, for next year this equated to a £100,000 reduction across all projects.

Cllr Werner said he was disappointed about the lack of ambition. There was a lot of talk about savings but there also needed to be more efforts into sustainability as an example to the rest of the borough. The targets could be more ambitious and there were no mention of the BLP or leisure centres that we owned. He also said that the RBWM Property Company should also be in scope.

Cllr Werner also said he felt the strategy should be longer in its ambitions and not just for four years. The Panel had previously looked at renewable green energy but it no longer seems the case.

The Panel were informed that when scoping the strategy it had been decided to set targets on those areas where we had data, we did not have energy usage for the leisure centres and they owned their own energy. The Chairman mentioned that there would be solar panels on

the Braywick LC. With regards to green energy this could be something the new scrutiny panel responsible for sustainability could look at.

The Panel were also informed that there had already been a lot of work undertaken to achieve a reduction of 15%. This made further reductions more challenging and hence we had to be realistic when setting targets.

Cllr Sharp asked that with regards to the water strategy what was happening with waterless urinals. The Panel were informed that they had previously received a demonstration on these and that further investigation would be undertaken on which one would be used for a trial. Further work would be undertaken on water usage in the town hall as well as the heating / cooling systems including making the best use of the BMS system.

The Panel recommended that the annual report should be presented to scrutiny in place of this panel.

UPDATE ON PLASTIC DEPOSIT RETURN SCHEME IN SCHOOLS

Due to unforeseen circumstances the presenting officer had been called away at late notice and could not attend the meeting.

WASTE FIGURES

Due to unforeseen circumstances the presenting officer had been called away at late notice and could not attend the meeting.

The meeting, which began at 7.00 pm, finished at 8.40 pm

CHAIRMAN.....

DATE.....

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HIGHWAYS, TRANSPORT AND ENVIRONMENT OVERVIEW AND SCRUTINY PANEL

TUESDAY, 26 MARCH 2019

PRESENT: Councillors Eileen Quick (Chairman), Maureen Hunt, Julian Sharpe, Shamsul Shelim, Edward Wilson (Vice-Chairman) and David Cannon

Officers: Wendy Binmore, Anna Robinson and Sue Fox.

APOLOGIES

Apologies for absence were received from Councillor Da Costa.

DECLARATIONS OF INTEREST

None.

MINUTES

RESOLVED UNANIMOUSLY: That the minutes of the meetings held on 23 January 2019 and 4 February 2019 be approved.

Q3 PERFORMANCE REPORT

The Strategy and Performance Manager, Anna Robinson, presented the Q3 Performance Report. The last report considered by the Panel was the Q1 report.

The Panel were informed that in November 2017 Cabinet approved the council's Performance Management Framework (PMF) of 25 key measures. Out of these 25 measures, five came under the remit of this Panel. Four of these had met or exceeded the target in the third quarter, whilst one measure was just short of target but within tolerance.

The target, 4.2.1 Percentage of household waste sent for reuse, recycling, had been reporting 'amber' since Q2. It was explained that the long hot summer had affected this measure as there was less green waste to recycle. Recycling rates for the Royal Borough remained higher than Wokingham and Bracknell Forest Council's rates whilst weekly bin collections remained in place. Marketing continued to be undertaken to remind residents and businesses to recycle.

Councillor Sharpe stated he was particularly worried about the level of recycling within the Royal Borough. The Royal Borough was doing very well, but he felt that the Council needed to take steps to improve levels of recycling across the Royal Borough. Residents were concerned about the level of waste, particularly plastic waste. He had asked local shop keepers how many plastic bags they gave out to their customers and he was staggered to discover in Ascot, shop keepers handed out approximately 4,000 plastic bags per month. The Royal Borough needed to do more to encourage people not to buy single use plastic. The Strategy and Performance Manager responded that the Council were implementing the new waste management contract and work would be undertaken with contractors to incentivise recycling.

The Chairman stated Windsor Library regularly ran out of food waste bags and she hoped residents were using them properly for their intended purpose. Sue Fox, Principle Commissioning Officer, responded that January 2019 saw the Borough's highest food waste collection to date.

Councillor E. Wilson stated recycling bags would be handed out at the Clewer Spring Clean. Recycling was something the Council did with people in partnership. Wokingham Council had only just started recycling food waste so the Borough was ahead of neighbouring Councils on this issue. The Council had to think about how it recycled within each ward as some did not recycle anything whilst other residents would focus on recycling only paper, or cans; the Council needed to work with residents on encouraging recycling.

The Chairman directed Members to the fly tipping target on page 22 of the agenda and requested more details. The Strategy and Performance Manager explained how the targets were set to make sure fly tipping incidents were not on the increase. With recycling, Q1 was above target and Q2 and Q3 were slightly lower with tolerances being tailor made for each situation.

The Principle Commissioning Officer confirmed that in order to reduce incidents of fly tipping, the Royal Borough had reduced the number of large bin sites which had reduced the number of fly tips. The Council were also looking at enforcement and how it could be made more robust. The new waste contractor would help with enforcement.

Councillor Shelim asked for CCTV to be installed in locations where fly tipping occurred regularly which might catch offenders. The Chairman stated she knew officers would check for addresses on items that had been fly tipped to try and catch the culprits. Councillor E. Wilson said CCTV had been installed at Sutherland Grange in Windsor and the first perpetrator prosecuted was from a very long way away. He added it was one thing to catch those people fly tipping, but it was another to actually prosecute; there needed to be a lot of evidence that would stand up in court which was why prosecution levels were quite low.

Councillor Cannon stated he was aware of the Royal Borough investing more money in more CCTV units. In his ward fly tipping had occurred where the names and addresses of items found were within the Royal Borough. Incidents had been reported to the Council but no feedback was ever received, this discouraged reporting. People did not report fly tipping as often as it occurred because they never received feedback on the outcome of their report. Residents felt nothing was being done about fly tipping when it was reported.

Councillor Hunt stated fly tipping was very difficult to enforce and successfully prosecute, even with CCTV footage. It cost the Royal Borough a lot of money to investigate when sometimes it was cheaper to clean up the site than go for a prosecution.

Councillor Cannon suggested perusing and investing in one prosecution to use as an example and deterrent to others. He also suggested that if CCTV recorded car registration numbers, the borough's enforcement officers could pay them a visit and warn them against fly tipping again. Councillor E. Wilson suggested officers published the number of successful prosecutions. The Principal Commissioning Officer confirmed that the Royal Borough was actively looking at various options and talking to the companies that specifically dealt with those issues.

Councillor E. Wilson stated that the target for the 'number of residents' parking schemes reviewed' was 90 and the Council had been asked for 98 parking schemes, he asked how many schemes had been implemented. The Principal Commissioning Officer stated the target related to the consultations and reviews of schemes which had taken place. There was a long list of schemes waiting for implementation that were being worked through. She added that a policy had been drafted on resident parking permit schemes as any resident could instigate a parking review, so the council would be asking residents to demonstrate the level of support for a potential scheme before a consultation could take place. The Strategy and Performance Manager stated officers would look to amend and enhance the measure's usefulness so the outcomes could be measured. Councillor E. Wilson requested Ward Members be informed of all requests for parking permit schemes in their areas. The Principal Commissioning Officer confirmed that all consultations relating to parking were published on the Council's website. Councillor Hunt stated there should be a minimum amount of people making a request before a consultation took place. The Principal Commissioning Officer said schemes would be drawn up by engineers and then it would go to consultation.

The Chairman and Vice-Chairman expressed their thanks on behalf of the Panel for officers' hard work and to the Clerk for the support provided during the time of the highways, Transport & Environment Overview & Scrutiny Panel.

- ❖ **Action** – The Principal Commissioning Officer to notify Ward Members of any requests for parking permit schemes in their wards.
- ❖ **Action** – The Clerk to add the draft Parking Permit Scheme Policy to the Work Programme for the Infrastructure Panel.

The meeting, which began at 6.30 pm, finished at 7.15 pm

CHAIRMAN.....

DATE.....

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PLANNING & HOUSING OVERVIEW & SCRUTINY PANEL

TUESDAY, 16 APRIL 2019

PRESENT: Councillors Richard Kellaway (Chairman), Maureen Hunt (Vice-Chairman), Malcolm Beer, Gerry Clark, Leo Walters and Julian Sharpe

Also in attendance: Councillor D Wilson

Officers: Jenifer Jackson, Victoria Goldberg & Nabihah Hassan-Farooq

APOLOGIES FOR ABSENCE

Apologies for absence were received from Councillor Dr L Evans.

DECLARATIONS OF INTEREST

None.

MINUTES

RESOLVED UNANIMOUSLY; That the minutes of the last meeting on the 29th January 2019, were approved as a correct and true record.

BOROUGH WIDE HERITAGE STRATEGY

Jenifer Jackson outlined the above titled item. The report sought the agreement of a brief for the development of a Borough wide Heritage Strategy and Action Plan Supplementary Planning Document as part of the Local Plan and emerging Borough Local Plan. The documents sought to identify and celebrate the importance of the Borough's heritage, provide strategies for its protection and enhancement and consider how best to interpret and harness this special resource for the benefit of the community, visitors and the local economy. Members were informed that a key element of the Council's future approach to the Borough's historic environment was contained within para 11.2.1 of the Borough Local Plan Submission Version and that this advised a Heritage Strategy Supplementary Planning Document (SPD) be produced and adopted to guide the implementation of the Council's Historic Environment Policies.

The Panel was informed that the SPD would intend to set out a clear strategy for the borough to guide conservation and heritage activities. The Borough has a unique and distinctive heritage which should be preserved and enhanced for present and future generations. Members were told that the historic environment was a valuable asset which had contributed to a broader strategic objective including economic development, good urban design and planning, provision of informal and formal education, development of skills and achieving sustainable development. It was noted that the strategy would flow from the development plan it will not be a planning policy document. The Heritage Strategy should provide a vision and key aims and objectives for the borough's heritage; it should be supported by a detailed Background and Action Plan document. It was highlighted that many local authorities already have Heritage Strategies, these tend to be varied in their approach and content and include lists of formally designated assets- listed buildings, conservation areas and scheduled ancient monuments. It was hoped that interested parties, local people, groups and other stakeholders together to generate a shared vision for the future of the borough's heritage and to provide priorities and proposals for how these would be implemented. Key aims of the Heritage Strategy would be to promote partnership and collaborative working between the councils, its partners and key stakeholders and to generate educations, cultural and economic benefits for the Borough as whole.

Members were informed that an appointed consultant would be required to provide a community led strategy document, and it was anticipated that it would cover a 15 year period although it would be designed so that it can be reviewed by the Council as part of a rolling programme. The issues and priorities identified will then be addressed through a number of agreed actions, such as projects, improvement schemes, guidance and events that would form part of the overall Action Plan. It was suggested that this would be designed to be reviewed and updated annually and that progress would be monitored through a steering group made up of stakeholders. The Panel was informed that it would be likely that in the long term the project would require a project officer and that Historic England had indicated that it may be willing to assist with the cost of such a post. It was anticipated that, if agreed, the project would go out to tender in May 2019 and following this the initial tender bids/responses would be assessed by officers and selected prospective consultants would then be interviewed. After this a council tract would then be awarded to the successful consultant.

Panel members were advised that the first three years of the project would be used to establish the Strategy and commence the first two years of the Action Plan with provision for the review and updating of the plan. Councillor Walter raised concern that he did not feel this piece of work was necessary and that it did not explain or protect heritage assets in great enough detail. It was discussed that this strategy would not become a planning policy. Councillor Walters felt that there was not enough importance placed upon this strategy for it to effectively protect and preserve any existing heritage assets. Councillor Beer stated that he had serious concerns with the Heritage Strategy not being a planning policy document and felt that it could destroy any legal authority and could be exploited by aggressive developers and planning inspectors at appeals and he stated that this could lead to a reduced adopted policy document with an unenforceable wish list. Councillor Beer also highlighted that he felt that there was a fundamental contradiction in the status of the strategy in the opening item 2.1 of the report which referred to the BLPSV para 11.2.1 advising that that the strategy would not be a planning policy document but that there were frequent references to this document becoming an SPD later in the report.

Members discussed the need to have consultant input moving forward and the resource needed for this piece of work to be carried out. Jenifer Jackson confirmed that a post would be needed in the future to fulfil this role but at the moment as the report outlined, trusted consultants were needed to carry out the substantive work relating to engaging with stakeholders and wider groups. Councillor Hunt stated that she was in agreement with the document and the position taken to look at emerging heritage assets across the borough. Victoria Goldberg confirmed that the document would be periodically reviewed and that the strategy had been suggested by Natural England as the borough was rich with heritage. It was outlined that a mineral rich site had been found in Datchet and that Anglo Saxon remains had been excavated and were unique to the borough. Ways in which these sites could be preserved and looked after were discussed and it was noted that this strategy went beyond Windsor with its historic heritage and would focus on the whole of the borough.

RESOLVED: That the Planning and Housing Overview and Scrutiny Panel endorsed the recommendations within the Cabinet report.

(Councillors Beer and Walters wished for their dissent to be placed on record).

Q3 2018/2019 PERFORMANCE REPORT

Anna Robinson, Strategy and Performance Manager outlined the above report. Members were told that the report sought to provide a summary of the Quarter 3 2018/19 performance of the council's performance management framework (PMF). It was noted that five of the six measures reported to the Planning and Housing Overview & Scrutiny Panel had met or exceeded their target (including one measure reported biannually) and one measure had fallen just short of target but remained within acceptable tolerance levels. It was highlighted that no measures had been reported as below target or outside of tolerance thresholds.

Members were informed that in November 2017 that Cabinet had approved the council's performance Management Framework (PMF) of 25 key measures aligned to its refreshed Council Plan with six strategic priorities over the plan period 2017-2021.

Members were shown the performance measures through the PMF system and were taken through each measure. The measures reported to the Planning and Housing Overview & Scrutiny Panel were as follows:

- 3.4.1. Number of Affordable homes- Green
- 3.5.1 Number of homeless preventions through council advice and activity- amber
- 3.5.2 Number of homeless households placed in temporary accommodation- green
- 4.1.3 Percentage of Major planning applications processed in time- green
- 4.1.4 Percentage of Minor planning applications processed in time- green
- 4.1.5 Percentage of "other" planning applications processed in time- green

The Panel was told that green meant that targets had been exceeded and performance was good, whilst red or amber meant that there were areas for improvement or that targets had not been met. Members discussed the amber measure for the number of homeless preventions through council advice and activity. Anna Robinson informed the Panel that Maggie Nelson, Interim Head of Housing Services was unable to attend and relayed information on her behalf which had been provided ahead of the meeting. Members were advised that the prevention numbers for Q1, 2 & 3 had all been slightly lower than the target set and were assessed as underperforming (amber). It was outlined that the target had not been met as the highest reason for homelessness approaches across the borough was the ending of assured short hold tenancies by private landlords. Members were informed that in accordance with the Homeless Reduction Act 2017, that the housing options officer's first aim in every case was to attempt to prevent the homelessness by speaking with the landlord to establish the reason behind the issuing of the notice and wherever possible, negotiate with them for the tenant to remain in the tenancy. It was highlighted that this would include assisting the tenant to make a payment arrangement if rent arrears had been accrued, acting as an intermediary for any tenancy related issues that the landlord may have been unhappy about, for e.g. the property not being properly looked after, garden being unkempt, delayed rent payments or the housing benefit not being in place.

The Panel was also informed that there had been changes in terms of statutory function by the HRA 2017 and that there was now a duty to prevent every case who approached the authority that was threatened with homelessness within 56 days as opposed to previously, where a house was considered to be threatened with homelessness only when they were within 28 days of eviction. Members were told that this had dramatically increased the number of cases where RBWM had a duty to prevent homelessness. It was highlighted that this duty existed regardless of whether the household met the priority need test or were intentionally homeless which in turn meant that there was a higher prevention case load per officer than previously. The Panel were told that moving forward into the financial year that there were a number of initiative for prevention action that could be utilised and were intended to help to increase the numbers of successful preventions. Members queried what these initiatives were and it was confirmed that there would be a "spend to save" fund set up within the budget to allow officers to access funds to enable prevention through innovative use of a one off payment from the fund., for e.g. where a landlord was unhappy that the tenant was not keeping the garden maintained and had become overgrown that the fund could be used for a one off garden tidy up on agreement that the tenant would continue to keep it tidy afterwards thereby removing the issue and enabling an extended tenancy to be issued by the landlord. Members were in agreement that this measure should be monitored closely and felt that the new initiatives for the financial year would be beneficial and helpful.

Councillor Beer highlighted that the delivery of affordable homes was not as high as it should be and was concerned that the traction of delivery was not high enough to meet demand. Jenifer Jackson advised that the affordable homes delivery measure was focused on delivery by housing associations in the area. It was confirmed that the Planning Authority was seeking

to achieve affordable homes on qualifying sites within policy Members asked for this to be clarified moving forward and felt that the performance report should be specific to RBWM performance and not partners, such as Housing Associations. It was confirmed that this was a reportable measure set by the MCHLG and that more information would be provided to explain that delivery of affordable homes for this purpose pertained to the delivery of homes by Housing Associations.

Members also discussed the announcement made by Central Government to abolish the s.21 notice seeking possession. Members felt that where there were grounds for removal that a s.21 should be allowed to be given but that they ultimately also had a duty towards private landlords and safeguarding their properties. Councillors Clark, Hunt and Walters declared that they were private landlords but that they had no prejudicial interest. Councillor Clark outlined that private landlords face many hardships with tenants and that the cost of gaining premises back is very costly for landlords where there had been a dispute between the tenant and landlord. It was felt by members that there should be protection for landlords and that the consultation had not looked at engaging with private landlords but primarily focussed on tenants.

At the conclusion of the report, members noted the contents.

VOTE OF THANKS

A vote of thanks was placed on record by the members of the Planning and Housing Overview & Scrutiny Panel for Councillor Richard Kellaway in his role as Chairman. Members thanked him for his contribution and commitment over the years and wished him success as he would not be standing for re-election in the upcoming elections.

A vote of thanks was placed on record for Councillor Malcolm Beer who had been an active member of the Planning and Housing Overview & Scrutiny Panel and would not be standing for re-election again at the upcoming elections.

The meeting, which began at 6.31pm finished at 19.40pm

CHAIRMAN.....

DATE.....

Part 1 A

Article 10 – Overview and Scrutiny Panels

10.1 Introduction

The Council has established 4 Overview and Scrutiny Panels which meet in public, subject to the Access to Information rules, to discuss and make recommendations on the development of the plans and strategies set out in Article 4 and on reports going to Cabinet and hold the Cabinet to account for its actions. The Overview and Scrutiny Panels also have a key role in considering other matters of local concern not necessarily just within the Council's areas of responsibility but affecting the Royal Borough and its communities.

10.2 Terms of reference

The Overview and Scrutiny Panels will together and singly discharge the functions conferred by Section 21 of the Local Government Act 2000 or regulations under Section 32 of the Local Government Act 2000. The Overview and Scrutiny Panels may appoint such sub-panels as they consider necessary or appropriate to carry out, effectively, its functions. Each sub-panel will be politically balanced, will produce Terms of Reference for agreement by the relevant Overview and Scrutiny Panel, including the period during which the sub-Panel shall meet, its membership and its proposals for investigation and reporting.

10.3 Role, Scope and Membership

10.3.1 Within its terms of reference, the Overview and Scrutiny Panels may:

- i) Review and/or scrutinise decisions to be made by Cabinet and made by it or actions taken in connection with the discharge of any of the Council's functions.
- ii) Make reports and/or recommendations to the full Council and/or the Cabinet in connection with the discharge of any functions.
- iii) Consider any matter affecting the area or its inhabitants.
- iv) Exercise the right to call-in, for reconsideration, decisions made in respect of which no steps have been taken to implement the decision.

10.3.2 The role, scope and membership of the individual Overview and Scrutiny Panels are described in Part 4B – Terms of Reference for Overview and Scrutiny:

10.3.3 The members of any Overview and Scrutiny Panel or any sub-panels shall not include the Mayor or any members of Cabinet.

10.4 Specific functions

a) Policy development and review.

The Overview and Scrutiny Panel may:

- i) Assist the Council and the Cabinet in the development of its budget and analysis of the draft plans to be submitted to Council under Article 4.
- ii) Conduct such necessary research and investigation in the analysis of the policy issues and the possible options for the plans to be submitted to Council as above.
- iii) Question relevant members of Cabinet and the relevant Director(s) about issues and proposals affecting the area.
- iv) Liaise with other external organisations operating in the area, whether national, regional or local, to ensure that the interest of local people are enhanced by collaborative working.

b) Scrutiny.

The Overview and Scrutiny Panels may:

- i) Review and scrutinise the decisions to be made by Cabinet and which have been made by the Cabinet and Council officers both in relation to individual decisions and over time.
- ii) Review and scrutinise the performance of the Council in relation to its policy objectives, performance targets and/or particular service areas.
- iii) Question members of the Cabinet and Directors about their decisions, whether generally in comparison with service plans and targets over a period of time, or in relation to particular decisions, initiatives or projects.
- iv) Make recommendations to the Cabinet and/or Council arising from the outcome of the Scrutiny process.
- v) Review and scrutinise the performance of the relevant bodies in the area and invite reports from them to address an Overview and Scrutiny Panel and local people about their activities and performance.
- vi) Question and gather evidence from any person or organisation (with that person/organisation's consent).
- vii) Consider any petitions to hold an Officer to account and to hear an appeal in relation to a petition.

c) Finance.

In carrying out its activities, the Overview and Scrutiny Panels will operate within such budget and allocation of officer time as the Council shall provide.

(d) **Annual report.**

The Overview and Scrutiny Panels will report annually to full Council on their workings and make recommendations for future work programmes and amended working methods if appropriate.

10.5 Proceedings of the Panels

The Overview and Scrutiny Panels will conduct their proceedings in accordance with the Overview and Scrutiny Procedure Rules set out in Part 4 of this Constitution.

10.6 Scrutiny Officer

As required by Law, the Council has designated a statutory “Scrutiny Officer” whose functions are to promote the role of the Council’s Overview and Scrutiny Panels, to provide support to them and their members and provide support and guidance to Council Members and Officers generally about the functions of the Overview and Scrutiny Panels.

PART 4 - OVERVIEW AND SCRUTINY

A - Purpose and Procedure Rules for Overview and Scrutiny

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A1 ARRANGEMENTS FOR OVERVIEW AND SCRUTINY

In accordance with the Local Government Act 2000 the Council must have at least one Overview and Scrutiny Committee.

The Council has established four Overview and Scrutiny Panels .The Terms of Reference for all Panels are specified in Part 4B.

Any Overview and Scrutiny Panel may appoint such sub-Panels as it considers necessary or appropriate to carry out, effectively, its functions. Each sub-Panel will be politically balanced, will produce Terms of Reference for agreement by the relevant Overview and Scrutiny Panel, including the period during which the sub-Panel shall meet, its membership and its proposals for investigation and reporting.

Any reference to an Overview and Scrutiny Panel in this Part shall mean any single Panel or a sub-Panel as appropriate. A reference to a Chairman shall mean any Vice Chairman when the Chairman is unavailable.

The 4 Overview and Scrutiny Panels meet in public, subject to the Access to Information rules, to discuss and make recommendations on the development of the Council's various plans and strategies, and on reports going to Cabinet and holds the Cabinet to account for its actions.

The Overview and Scrutiny Panels also have a key role in considering other matters of local concern not necessarily just within the Council's areas of responsibility but affecting the Royal Borough and its communities. Where included in the terms of reference the Overview and Scrutiny Panels also hold partner organisations to account.

In undertaking their role, the Overview and Scrutiny Panels will have the power to 'call-in' decisions of the Cabinet or any body or individual exercising executive powers.

The Corporate Overview and Scrutiny Panel will have responsibility for monitoring the budget allocated to Overview and Scrutiny each year.

Any Member of the Council may attend meetings of the Overview and Scrutiny Panels. Cabinet Members and Directors will be expected to attend when their Cabinet reports/proposals are being considered and will be entitled to participate (in a non-voting capacity) at the invitation of the Chairman.

At other times Cabinet Members will only be required to answer questions put by the Panel or to respond to call-in of a decision within their area of responsibility.

A2 WHO MAY SIT ON THE OVERVIEW AND SCRUTINY PANELS?

Any Member, except Members of the Cabinet and the Mayor, may be a member of the Overview and Scrutiny Panels. However, no Member may be involved in scrutinising a decision in which he/she has been directly involved.

A Member:

- a) Cannot sit on more than 2 Overview & Scrutiny Panels.
- b) Can only hold the position of Chairman or Vice-Chairman of one Panel.

A3 CO-OPTEES

a) General

The Overview and Scrutiny Panels shall be entitled to appoint a number of people as non-voting co-optees.

b) Education Representatives

The Adults, Children and Health Overview and Scrutiny Panel, when dealing with education matters, shall include in its membership the following voting representatives:

- a) one Church of England diocese representative;
- b) one Roman Catholic diocese representative;
- c) two parent governor representatives (One to represent the primary phase and one to represent the secondary phase).
- d) one representative from the Regional Schools Commissioner

This will apply when the Adults, Children and Health Overview and Scrutiny Panel or a sub-Panel of it, being part of the local education authority, and where the Panel's functions relate wholly or in part to any education functions which are the responsibility of the Cabinet. If the Panel deals with other matters, these representatives shall not speak or vote on those other matters, except so far as the Protocol on public speaking may apply to them.

The education representative may appoint a substitute equivalent to their qualification criteria, who may attend meetings in that capacity only:

- i) To take the place of the ordinary co-opted representative;
- ii) Where the ordinary education representative will be absent for the whole of the meeting; if the ordinary education representative arrives after the meeting has started, the appointed substitute representative shall continue and the

- ordinary education representative shall be present as a non-member of that body.
- iii) After notifying the Service Lead - Governance by 12.00 noon on the day of the meeting of the intended substitution.

c) Crime and Disorder

The Communities Overview and Scrutiny Panel may, in accordance with The Crime and Disorder (Overview and Scrutiny) regulations 2009 co-opt additional members to serve on the Panel subject to:-

- i) the person co-opted to serve shall not be entitled to vote on any particular matter, unless the Panel so determines.
- ii) the co-opted person's membership may be limited to the exercise of the Panel's powers in relation to Crime & Disorder.

The co-opted person shall not be a member of the Cabinet of the Council.

d) Parish Council representation on Communities Overview & Scrutiny

The Communities Overview and Scrutiny Panel shall include two further co-opted members when considering a matters of Crime and Disorder. These shall be one parish councillor representing each of the northern and southern parishes.

Co-optees and substitutes for either the northern or southern Parish Councils shall be appointed as follows:

- i. Vacancies are notified to each Parish Council by the Council
- ii. Parish Councils must submit in writing their nominations within 28 days of notification. Each Parish Council can only nominate one co-optee.
- iii. Each nomination shall include details of the proposed co-optee with a maximum 100 word supporting statement
- iv. Where more than one nomination is received then each Parish Council (in either the northern or southern Parishes) is then entitled to vote on the nominated candidates. The votes must be received within 28 days of notification.
- v. The nominee with the greatest number of votes shall be elected to the Panel as the co-optee. The nominee with the next highest number of votes shall be the substitute. In the event of a tie for either position the Chairman of the Panel shall select the nominee to be appointed as co-optee to the Panel.
- vi. If only one nomination is received for either the northern or the southern parishes, the nominee will automatically be appointed as co-optee

The Panel shall be permitted to change the process of appointment as it see fits and decide the exact methodology.

Each co-optee and substitute shall remain on the Panel for a maximum period of 4 years (providing Council re-appoints at each Annual Council meeting). In the event the co-optee is absent from 2 or more meetings in any one year then the Panel may pass a resolution to remove the co-optee from the Panel.

Where a co-optee resigns then the substitute shall take the place as the co-optee on the Panel for the remainder of the term if the Panel resolves to accept the substitute. Where the substitute elects not to take up the position on the Panel, then the Panel shall seek further nominations from the Parish Councils and steps a. to f. above shall be followed. Where a substitute position is vacant then the Parish Councils shall be requested to nominate further substitutes and the process in points i to vi shall be followed.

The parish council representatives to be required to liaise with relevant parishes on a regular basis.

A4 MEETINGS OF THE OVERVIEW AND SCRUTINY PANELS

- A4.1 Each Overview and Scrutiny Panel shall ordinarily meet four times a year and the first meeting being held within 30 days of Annual Council meeting. Further meetings will be called as determined in the Work Programme. In addition, extraordinary meetings may be called from time to time as and when appropriate.
- A4.2 Further meetings of an Overview and Scrutiny Panel may be called by the Chairman of the relevant Overview and Scrutiny Panel or by any Member of the relevant Panel upon notification to the Service Lead - Governance.

A5 QUORUM

The quorum for an Overview and Scrutiny Panel or sub-panel shall be one quarter of the total membership of the Panel (excluding co-optees) or 3, whichever is the larger.

A6 CHAIRING THE OVERVIEW AND SCRUTINY PANEL MEETINGS

- A6.1 The Chairmen of each Overview and Scrutiny Panel shall be appointed by that Overview and Scrutiny Panel.
- A6.2 At the first meeting of each Panel in each year, the first order of business will be to elect a Chairman and Vice-chairman.

A6.3 In the absence of a Chairman the Vice-Chairman can exercise the powers of the Chairman.

A7 WORK PROGRAMME AND BUDGET

A7.1 The Overview and Scrutiny Panels will be responsible for setting the work programme ('the Work Programme').

A7.2 In setting the Work Programme the Overview and Scrutiny Panels shall take into account the wishes of :

A7.2.1 Members on the relevant Panel;

A7.2.2 Members of the Council (including those not in the largest political group);

A7.2.3 the Cabinet; and

A7.2.4 residents.

A7.3 The Chairmen of the Overview and Scrutiny Panels shall invite representations for inclusion within the Work Programme from the groups in A7.2 within 60 days of Annual Council.

A7.4 The Chairman of the Overview and Scrutiny Panels must ensure that the Work Programme can be resourced within the budget and allocation of officer time to it. Accordingly, they shall submit the Work Programme for comment to Cabinet (in relation to executive functions) and Council (relating to Council functions) as part of its Annual Report for approval.

A7.5 The Overview and Scrutiny Panels will have to give regard to the following when considering any requests for work to be included on the Work Programme:

- i) The appropriateness and relevance of the subject matter of any request to the functions of the Council or matters impacting on the Borough;
- ii) The possible implications on services and available budgets;
- iii) Whether the matter could be incorporated with any other reviews currently being undertaken or proposed to be undertaken to avoid any duplication or conflicting outcomes;
- iv) The priority of the request for inclusion in the Work Programme and the effect the initiating of a review would have on the Panel's overall work programme.

A7.6 A matter for inclusion in the Work Programme can include issues such as:

- i) The decision-making process has not been correctly adhered to;
- ii) The Council's policy on a particular matter is not being achieved effectively or implemented effectively; or

- iii) There is a genuine concern about the performance of a particular service (whether a Council provided service or that provided by a third party); or
- iv) It is justified on the basis of Best Value; or
- v) It raises questions of significant executive matters appropriate to the Panel's terms of reference, and;
- vi) Also can include matters which affect the Council's area or residents.

A7.7 The Overview and Scrutiny Panel will not consider:

- i) Matters not relevant to Council business or to the Royal Borough.
- ii) Employee Industrial Relations, disciplinary or grievance matters.
- iii) Matters which are subject to formal or statutory appeal processes or are subjudice.
- iv) Individual cases, applications etc. such as in planning, licensing, housing, education etc.
- v) Matters which have been subject to a decision following a formal review within the previous 6 months.
- vi) Matters which have been considered and determined by the Overview and Scrutiny Panel or one of their sub-panels or the Council within the preceding 6 months.
- vii) Matters which are the subject of a current review by the Council.

A8 Requests for further work to Overview & Scrutiny

A8.1 Any Member may refer a local government matter to the relevant Overview and Scrutiny Panel to consider any matter relevant to the function of Overview and Scrutiny.

A8.2 Any "local government matter" referred to the Overview and Scrutiny Panel by a Member of the Council (Councillor 'Call for Action') must relate to the discharge of any function of the authority, or functions/services provided by partner organisations, affect all or part of the electoral area for which the Member is elected or any person who lives or works in that area, and

A8.3 The Call for Action should be an option of "last resort". In considering whether to refer to a matter in accordance with these provisions, Members must have regard to relevant guidance issued by the Secretary of State. A Call for Action will only be included on an Overview and Scrutiny Panel agenda if the Chairman of the relevant Panel, in consultation with the Monitoring Officer, is satisfied that:

- (i) the Member has made all reasonable efforts to resolve the matter via direct liaison with council officers and/or relevant partners; and
- (ii) the issue of concern is a matter in respect of which the Council has a statutory power or duty and is not precluded by adopted Council policy or legislation; and

- (iii) the issue of concern has a demonstrable impact on a part or the whole of the Member's ward

and accordingly information to support the above matters should accompany the Call for Action request.

A8.4 The Call for Action cannot be:

- a) any matter which is a local crime and disorder matter (within the meaning of section 19 of the Police and Criminal Justice Act 2006 (c.48)); or
- b) any matter relating to a planning decision; or
- c) any matter relating to a licensing decision; or
- d) any matter relating to an individual or entity in respect of which that individual or entity has a right of recourse to a review or right of appeal conferred by or under any enactment; or
- e) any matter which is vexatious, discriminatory or not reasonable to be included in the agenda for, or to be discussed at, a meeting of an Overview and Scrutiny Panel.

A8.3 An excluded matter does not fall within the description of (b) to (d) above if it consists of an allegation that a function for which the Council is responsible has not been discharged at all or that its discharge has failed or is failing on a systematic basis, notwithstanding the fact that the allegation specifies or refers to a planning decision, a licensing decision or a matter relating to an individual or entity in respect of which that individual or entity has a right of recourse to review or right of appeal conferred by or under any enactment.

A8.4 If the Chairman rejects the Call for Action the Member who made the request shall be provided with reasons for the decision.

A8.5 A valid Call for Action will be considered at the next ordinary meeting of the relevant Overview and Scrutiny Panel or at a special meeting of that Panel within 28 days of validation whichever is the sooner.

A8.6 The subject matter of the Call for Action will be the subject of a report from the relevant Executive Director, with such supporting information and evidence as is reasonably available. If the matter also or exclusively entails consideration of information held by another public body or partner, an appropriate representative shall be invited to the Overview and Scrutiny Panel meeting to provide that information, make representations and answer questions.

A8.7 The Call for Action will be considered by the Overview and Scrutiny Panel in public session unless consideration of the issues involves the disclosure of exempt or confidential information as defined by the Access to Information Procedure Rules of the Constitution.

- A8.8 The Member who referred the matter under A8.1 above may address the Overview and Scrutiny Panel in respect of the Call for Action for up to **10 minutes**.
- A8.9 The relevant Overview and Scrutiny Panel may also consider representations from any residents of the ward affected by the Call for Action, subject to the discretion of the Chairman.
- A8.10 If the Call for Action concerns issues that fall within the remit of the Cabinet, the relevant Cabinet Lead Member shall also attend the Overview and Scrutiny Panel to answer questions and make any representations.
- A8.11 The Overview and Scrutiny Panels shall also respond, as soon as its Work Programme permits, to requests from the Council and, if it considers it appropriate, the Cabinet, to review particular areas of Council or any activity of any third party who provides services to or on behalf of the Council.
- A8.12 When the matter has been considered, the relevant Overview and Scrutiny Panel shall report its findings and any recommendations back to the Cabinet and/or Council. The Council and/or the Cabinet shall consider the report of the Overview and Scrutiny Panel in accordance with the provisions of Rule 4 A11.

A9 Agenda Items for Overview & Scrutiny Panel.

- A9.1 Any Member of an Overview and Scrutiny Panel shall be entitled to give notice to the Service Lead - Governance that he/she wishes an item relevant to the functions of that Panel or a subpanel to be included on the agenda for the next available meeting of the Panel or sub-panel. On receipt of such a request the Service Lead - Governance will ensure that it is compliant with the requirements of rule A7.3 and A7.4 and within the terms of reference for the Panel. .
- A9.2 Any member of the Council shall be entitled to give notice to the Service Lead - Governance that he/she wishes an item relating to a Councillor Call for Action to be included on the agenda for discussions at a meeting of the relevant Overview and Scrutiny Panel. All such requests must relate to a "local government matter" and should not be an "excluded matter" as outlined in A7.5 above.
- A9.3 Any such request must be in writing and signed by the Member and be submitted to the Service Lead - Governance. It must give details as to the reason(s) why the request to have the matter considered has been made.
- A9.4 The Service Lead – Governance shall consult the Chairman of the relevant Overview and Scrutiny Panel to determine whether the

Councillor Call for Action or the Cabinet/Council request under the same criterion in A7.5 and A7.7 is valid.

A9.5 Where a meeting of the relevant Overview and Scrutiny Panel is already scheduled and the request has been received no later than 14 clear working days before the date of the relevant Overview and Scrutiny Panel (other than in cases of urgency and as agreed by the Chairman) then the Overview and Scrutiny Panel will consider the requests made and decide whether a review should be undertaken by it or by a sub-panel, including a panel established specifically to consider the matter referred to the Overview and Scrutiny Panel.

A9.6 Where no Panel is scheduled then the Service Lead - Governance will call a meeting of the relevant Panel within 28 days of receipt of the request.

A10 POLICY REVIEW AND DEVELOPMENT

- a) The role of the Overview and Scrutiny Panels in relation to the development of the Council's Budget and Policy Framework is set out in detail in the Budget and Policy Framework Procedure Rules.
- b) In relation to the development of the Council's approach to other matters not forming part of its policy and budget framework, an Overview and Scrutiny Panel may make proposals to the Cabinet for developments in so far as they relate to matters within their terms of reference.
- c) The Overview and Scrutiny Panels may hold enquiries and investigate the available options for future direction in policy development and may appoint advisers and assessors to assist them in this process. They may go on site visits, conduct public surveys, hold public meetings, commission research and do all other things that they reasonably consider necessary to inform their deliberations. They may ask witnesses to attend to address them on any matter under consideration and may pay to any advisers, assessors and witnesses a reasonable fee and expenses for doing so.

A11 REPORTS FROM OVERVIEW AND SCRUTINY PANELS

- a) All formal reports from subpanels of the Overview and Scrutiny Panels will be reported to the Overview and Scrutiny Panel before submission to the Cabinet or the Council except in special circumstances with the agreement of the Chairman or Vice-Chairman of the relevant Overview and Scrutiny Panel.
- b) Once the Panels have formed recommendations on proposals for development (or received recommendations from its subpanel), the relevant Overview and Scrutiny Panel will prepare a formal

report and submit it to the Service Lead - Governance for consideration by Cabinet (if the proposals are consistent with the existing budgetary and policy framework), or by Council as appropriate (e.g. if the recommendation would require a departure from or a change to the agreed budget and policy framework).

- c) If any of the Overview and Scrutiny Panels cannot agree on one single final report to the Council or Cabinet as appropriate, then this fact will be noted on the report, with a brief description of the areas of difference, and submitted for consideration by the Council or Cabinet.
- d) The Cabinet shall initially consider the report of any Overview and Scrutiny Panel within **one** month of it being submitted to the Service Lead - Governance. Council shall consider it at the next programmed meeting.

A12 MAKING SURE THAT OVERVIEW AND SCRUTINY PANELS REPORTS ARE CONSIDERED BY CABINET

- a) The agenda for Executive meetings shall include as an item any issues or reports received from Overview and Scrutiny Panels when required. The reports of the Overview and Scrutiny Panel shall be included at this point in the agenda
- b) Once Overview and Scrutiny has completed its deliberations on any matter, it will forward a copy of its final report to the Service Lead- Governance who, in accordance with the Constitution, will forward it to either or both the Cabinet and the Council for consideration, according to whether or not the report would have implications for the Council's Budget and Policy Framework. If the report is referred to the Council, a copy will also be sent to the Leader. The Cabinet will have **eight** weeks from the date it is copied to the Leader, in which to respond to the Overview and Scrutiny Panel's report and the Council shall not consider it within that period. The Cabinet's consideration shall be at a public Cabinet meeting where either the report is considered or if the Cabinet had already scheduled a report on the matter itself, the two can be considered together.
- c) When the Council meets to consider any referral from the Overview and Scrutiny Panel on a matter that would impact on the Budget and Policy Framework, it shall also consider the response of the Cabinet to the Overview and Scrutiny Panel.
- d) If the Cabinet, for whatever reason, fails to consider the Overview and Scrutiny Panel's report within eight weeks, it will be referred to Council for review and to make a recommendation to Cabinet.

- e) The Overview and Scrutiny Panels will in any event have access to the Cabinet's forward plan and timetable for decisions and intentions for consultation. Even where an item is not the subject of detailed proposals from an Overview and Scrutiny Panel following a consideration of possible policy/service developments, the Panel will be able to respond in the course of the Cabinet's consultation process in relation to any decision.
- f) Where the Cabinet has delegated decision-making power to a subcommittee of Cabinet, another individual Member of the Cabinet or an officer then the Overview and Scrutiny Panel will submit a copy of their report to him for consideration. The individual(s) with delegated decision-making power must consider the report and respond in writing to the Overview and Scrutiny Panel within four weeks of receiving it. A copy of the written response to it shall be sent to the Service Lead - Governance and the Leader. The individual may also be requested to attend a future meeting of the relevant Overview and Scrutiny Panel to present their response.

A13 RIGHTS OF OVERVIEW AND SCRUTINY PANEL MEMBERS TO DOCUMENTS

- a) In addition to their rights as Councillors, Members of the Overview and Scrutiny Panels have the additional right to documents, and to notice of meetings as set out in the Access to Information Procedure Rules in Part 8 of this Constitution.
- b) Nothing in this paragraph prevents more detailed liaison between the Cabinet and Overview and Scrutiny Panel as appropriate depending on the particular matter under consideration.

A14 MEMBERS AND OFFICERS GIVING ACCOUNT

- a) The Overview and Scrutiny Panels may scrutinise and review decisions made or actions taken in connection with the discharge of any Council functions. As well as reviewing documentation, in fulfilling the scrutiny role, it may require any Member of the Cabinet, the Head of Paid Service, Chief Officer and/or Deputy Chief Officer to attend before it to explain in relation to matters within their remit:
 - i) any particular decision or series of decisions;
 - ii) the extent to which the actions taken implement Council policy; and/or
 - iii) the delivery of services within their areas of responsibility in accordance with the Policy and Budget Framework.

and it is the duty of those persons to attend if so required.

- b) Where any Member or Officer is required to attend an Overview and Scrutiny Panel under this provision, the Chairman of the Panel will inform the Service Lead - Governance. The Service Lead - Governance shall inform the Member or Officer in writing giving at least ten working days' notice of the meeting at which he/she is required to attend. The notice will state the nature of the item on which he/she is required to attend to give account and whether any papers are required to be produced for the Panel. Where the account to be given to the Panel will require the production of a report, then the Member or Officer concerned will be given sufficient notice to allow for preparation of that documentation.
- c) Where, in exceptional circumstances, the Member or Officer is unable to attend on the required date, then the Overview and Scrutiny Panel shall, in consultation with the Member or Officer, arrange an alternative date for attendance to take place within a maximum of ten working days from the date of the original request.
- d) Members and Officers are required to assist the Panel's fully and should answer questions openly and honestly. However, questions should not be asked or answers given about matters that are exempt from the scrutiny request procedure. They may decline to answer only where they feel that a reply would be inappropriate or injurious for legal or confidentiality reasons. The Member or Officer should give a reason if they do decline to reply.
- e) Subject to the rules in respect of confidential or exempt information, all questions will be put and answered in public. However, it is presumed that a matter is not confidential unless there are demonstrable and justifiable reasons for it being so.
- f) Although a full account of their actions should be given, Officers' comments should be consistent with the principles of officer professionalism and political neutrality. Officers should not give their individual views or judgements on matters of political controversy or policy. In those instances the questions should be referred to the appropriate Cabinet Member to answer. However, Officers will be required to give their expert views on an issue under consideration if it is based on their qualifications, expertise or experience.
- g) The question process is an opportunity for Members of the Overview and Scrutiny Panel to obtain information or explanation about executive decisions on proposals and not to criticise or comment on judgement exercised or the conduct of the Member or Officer. The Scrutiny question must be confined to a question and should not include unnecessary or extraneous comment.

- h) The Overview and Scrutiny Panels cannot and should not act as a disciplinary tribunal and questions should not be directed to the conduct of individual Members/Officers. Questions should be asked in a manner that avoids negative or detrimental interrogation. There are other procedures in place for undertaking formal investigations of improper conduct by Members and officers. (See also the Member/Officer Protocol, Part 7D).
- i) All questions asked by a Member of a Panel must be directly relevant to the subject matter under consideration at that meeting and as outlined in the notice given to the Member or officer.
- j) The Member or officer must be allowed to reply without interruption and to submit any information they consider necessary, whether oral or written, in order to adequately respond to any questions.
- k) Supplementary questions may be asked but a question shall not be pursued once the Member/officer has indicated that they consider they have given a full and final reply and the Chairman is satisfied that they have done so.
- l) Questions and replies shall be recorded by the clerk at the meeting and, where considered appropriate, will be included within the formal minute or record of the meeting. The Chairman, a Questioner or the Member/officer may ask for confirmation of the note taken of any question or reply at the time the question is asked or the answer given or immediately afterwards.
- m) The Chairman of the Panel will decide at which point the asking of questions has been completed and will advise the Member/Officer that they are free to leave should they wish to do so. No debate will take place on any question or reply until all questions have been put and answered.
- n) Nothing in this protocol will prevent the normal attendance at the Overview and Scrutiny Panels of Members or officers to give advice, information or views as they would usually do, or prevent the Panel from inviting such attendance.

A15 ATTENDANCE BY OTHERS

- A15.1 The Overview and Scrutiny Panel may invite people other than those people referred to in Rule A14 above to address it, discuss issues of local concern and/or answer questions. It may, for example, wish to hear from residents, stakeholders and Members and officers in other parts of the public sector and shall invite such people to attend.

A15.2 Arrangements have been made to facilitate the scrutiny of matters relating to health and health services in accordance with the Health and Social Care Act 2001 and the attendance at meetings of appropriate health services' staff.

A15.3 Arrangements with significant partner organisations who deliver services to residents on behalf of or at the request of the Council may include provisions requiring senior officers of the partner organisation to appear before an Overview and Scrutiny Panel. The provisions of Rule A14 apply to such attendance.

A16 CALL-IN

- a) When a decision is made by the Cabinet, an individual member of the Cabinet, a committee of the Cabinet, or a Key Decision is made by an officer with delegated authority from the Cabinet, or under joint arrangements, the decision shall be published, including where possible by electronic means, and shall be available at the main offices of the Council normally within two working days of being made. Members of the Overview and Scrutiny Panel will be sent copies of the records of all such decisions within the same timescale, by the person responsible for publishing the decision.
- b) That notice will bear the date on which it is published and will specify that the decision will come into force, and may then be implemented, on the expiry of **5** clear working days after the publication of the decision, unless decision is called in under the provisions below. If a call-in is received within the 5 day period, implementation is deferred until the executive decision-taker has had the opportunity to re-consider the decision.
- c) During that period:
 - (i) Any 3 Members of the Council (one of whom must be a voting member of the relevant Overview and Scrutiny Panel within whose remit the decision falls); or
 - (ii) Any 5 Members of the Council

may sign a notice requesting that the decision is called in and submit the notice to the Service Lead - Governance to call-in the decision for scrutiny. The Service Lead - Governance shall then notify the decision-taker of the call-in. He/she shall call a meeting of the relevant Panel on such date after consultation with the Chairman of the relevant Panel, and in any case within 10 clear working days of the decision to call-in.

- d) Those Members requesting call-in should specify the reason for the call-in when making the request. Matters should only be subject to call-in when the decision is considered to be:

- i. contrary to the Policy Framework; or
- ii. not consistent with the authorised Budget.

Members should specify in the call-in the relevant part of the Policy Framework or Budget which the decision is considered to be inconsistent.

- e) At the meeting that the Call-in is considered, the relevant Panel will make one of the following decisions:
 - i. to take no further action, in which case the decision will take effect immediately;
 - ii. to refer the decision back to the decision-maker for re-consideration, setting out the nature of the Panel's concerns; the decision-maker must then re-consider the matter with a further 5 working days, taking into account the concerns of the Overview and Scrutiny Panel, before making a final decisions;
 - iii. to refer the matter to full Council, in which case paragraph (h) below will apply; or
 - iv. to refer the matter to a sub group of the Panel for further consideration and report back to the Panel within a specified period not exceeding 14 days, in which case the Panel will, at its reconvened meeting take one of the decisions set out above; if the Panel does not reconvene within 14 days or does reconvene but does not refer the matter back to the decision maker or to the full Council, the decision will take effect on the date of the reconvened Panel meeting or the expiry of that further 14 day period, whichever is the earlier.
- g) If, following an objection to the decision, the Overview and Scrutiny Panel does not meet in the period set out above, or does meet but does not refer the matter back to the decision making person or body, the decision shall take effect on the date of the Overview and Scrutiny Panel or the expiry of that further 5 clear working day period, whichever is the earlier.
- h) If the matter was referred to Council and the Council does not object to a decision which has been made, then no further action is necessary and the decision will be effective in accordance with the provision below. However, if the Council does object, it has no locus to make decisions in respect of an executive decision unless it is contrary to the Policy Framework, or contrary to or not wholly consistent with the Budget. Unless that is the case, the Council will refer any decision to which it objects back to the decision making person or body, together with the Council's view

on the decision. That decision making body or person shall choose whether to amend the decision or not before reaching a final decision and implementing it. Where the decision was taken by the Cabinet as a whole or a committee of it, a meeting will be convened to reconsider within 5 clear working days of the Council request. Where the decision was made by an individual, the individual will reconsider within 5 clear working days of the Council request.

- i) If the Council does not meet, or if it does but does not refer the decision back to the decision making body or person, the decision will become effective on the date of the Council meeting or expiry of the period in which the Council meeting should have been held, whichever is the earlier.
- j) **Exceptions to this procedure:-**
In order to ensure that call-in is not abused, nor causes unreasonable delay, certain limitations are to be placed on its use. These are:
 - i) That each Overview and Scrutiny Panel may only consider two call-in requests per Cabinet meeting and only in relation to the remit or service areas that the Panel is responsible for; and
 - ii) That Call-in can be invoked in respect to a decision only once.
 - iii) For the purposes of calculating how many 'call-ins' have been made by any one Panel, the call-in under Part 3B7 and Part 4 A16 will be taken together so that, for example, a call-in under either Part 3B7 or Part 4 A16 counts towards the two permitted under Part 4 A16 j).
 - iv) Where a matter has been referred to more than one Panel or where the matter may fall under the remit of more Panel, then it shall be considered by a single Panel as determined under rule A19.
- k) **Call-in and Urgency**

The call-in procedure set out above shall not apply where the decision being taken by the Cabinet is urgent. A decision will be urgent if any delay likely to be caused by the call-in process would seriously prejudice the Council's or the public interest. The record of the decision, and the notice by which it is made public shall state whether in the opinion of the decision making person or body, the decision is an urgent one, and therefore not subject to call-in. The Chair of the relevant Overview and Scrutiny Panel must agree that the decision proposed is reasonable in all the

circumstances and to it being treated as a matter of urgency. In the absence of the Chairman, the Mayor's consent shall be required. In the absence of both, the Head of Paid Service or his/her nominee's consent shall be required.

Decisions taken as a matter of urgency must be reported to the next available meeting of the Council, together with the reasons for urgency.

- k) The operation of the provisions relating to call-in and urgency shall be monitored annually, and a report submitted to Council with proposals for review if necessary.

A17 THE PARTY WHIP

When considering any matter in respect of which a Member of any of the Overview and Scrutiny Panels or one of its subpanels is subject to a Group instruction as to how to vote on the matter, the Member must declare the existence of the instruction and the nature of it before the commencement of the Panel's deliberations on the matter. The declaration, and the detail of the instruction shall be recorded in the minutes of the meeting.

A18 PROCEDURE AT OVERVIEW AND SCRUTINY PANEL MEETINGS

- a) Overview and Scrutiny Panels shall consider the following business:
 - i) Minutes of the last meeting.
 - ii) Declarations of interest (including whipping declarations).
 - ii) Consideration of any matter referred to the Panel for a decision in relation to call in of a decision.
 - iv) Receive reports from relevant Overview and Scrutiny Panels (or sub-panels)
 - v) Responses of the Cabinet to reports of the Overview and Scrutiny Panel.
 - vi) The business otherwise set out on the agenda for the meeting.
- b) Where a relevant Overview and Scrutiny Panel conducts investigations and detailed work (e.g. with a view to policy decisions), the Panel may also ask people to attend to give evidence at the Panel meetings, which are to be conducted in accordance with the following principles.
 - i) That the investigation be conducted fairly and all Members of the Panel be given the opportunity to ask questions of attendees, and to contribute and speak;
 - ii) That those assisting the Panel by giving evidence be treated with respect and courtesy; and

- iii) That the investigation be conducted so as to maximise the efficiency of the investigation or analysis.
- c) Following any investigation or review, the Panel shall prepare a report, for submission to the Cabinet and/or Council as appropriate and shall make its report and findings public.
- d) Where the relevant Overview and Scrutiny Panel considers a call-in request, the format of the meeting will be as follows:
 - i. After the Chair opens the meeting the members who asked for the decision to be called in will be asked to explain their reasons for the request and what they feel should be reviewed;
 - ii. on matters of particular relevance to a particular ward, ward division Members who are not signatories to a call-in have the opportunity to make comments on the call-in at the meeting, such speeches not to exceed five minutes each. Ward Members will take no further part in the discussion or vote. Ward Members must register their request to speak by contacting the Service Lead - Governance by 12 noon on the day prior to the relevant hearing;
 - iii. the relevant Lead Member for the portfolio (or holders if more than one is relevant) will then be invited to make any comments;
 - iv. the relevant Executive Director or his representative will advise the Panel on the background and context of the decision and its importance to achieving Service priorities;
 - v. Panel Members will ask questions of Members and officers in attendance; and
 - vi. the Lead Member(s) will be invited to make any final comments on the matterbefore the Panel votes on a decision.

A19 APPROPRIATE PANEL

Where a matter for consideration by an Overview and Scrutiny Panel also falls within the remit of one or more other Overview and Scrutiny Panels, the decision as to which Overview and Scrutiny Panel will consider it will be resolved by the Corporate Overview and Scrutiny Panel

A20 REPORTS TO THE COUNCIL WHERE THE KEY DECISION PROCEDURE IS NOT FOLLOWED

A20.1 Where an executive decision has been made and

(a) was not treated as being a key decision; and

(b) the relevant Overview and Scrutiny Panel are of the opinion that the decision should have been treated as a key decision,

the Overview and Scrutiny Panel may require the decision maker which was responsible for the decision to submit a report to full Council within such reasonable period as the Panel may specify.

A20.2 A report under paragraph A20.1 must include details of:-

- (a) the decision and the reasons for the decision;
- (b) the decision maker by which the decision was made; and
- (c) if the Cabinet are of the opinion that the decision was not a key decision, the reasons for that opinion.

PART 4 - OVERVIEW AND SCRUTINY

B - Terms of Reference for Overview and Scrutiny

B. Terms of Reference for Overview and Scrutiny Panels

B1 Terms of Reference

The Council will appoint four Overview and Scrutiny Panels will together and singly discharge the functions conferred by Section 21 of the Local Government Act 2000, regulations under Section 32 of the Local Government Act 2000 and subsequent amendments, Section 244 of the NHS Act 2006 the Police and Justices Act 2006, Local Government and Public Involvement in Health Act 2007 and the Local Democracy, Economic Development and Construction Act 2009.

Each Panel and any sub-panels shall be politically balanced in accordance with section 15 of the Local Government Act 2000.

B2 General role

The Overview and Scrutiny Panels may:

- i) Review and/or scrutinise decisions to be made by Cabinet and made by it or actions taken in connection with the discharge of any of the Council's functions.
- ii) Make reports and/or recommendations to the full Council and/or the Cabinet in connection with the discharge of any functions.
- iii) Consider any matter affecting the area or its inhabitants.
- iv) Exercise the right to call-in, for reconsideration, executive decisions made in respect of which no steps have been taken to implement the decision.
- v) Assist the Council and the Cabinet in the development of its budget and policy framework by in-depth analysis of the draft plans and policy issues to be submitted to Council.
- vi) Conduct such necessary research and investigation in the analysis of the policy issues and the possible options for the plans to be submitted to Council as above.
- vii) Question relevant Members of Cabinet and the relevant Chief Officers about issues and proposals affecting the area.
- viii) Liaise with other external organisations operating in the area, whether national, regional or local, to ensure that the interest of local people are enhanced by collaborative working.
- ix) Review and scrutinise the decisions to be made by Cabinet and which have been made by the Cabinet and Council officers both in relation to individual decisions and over time.
- x) Review and scrutinise the performance of the Council in relation to its policy objectives, performance targets and/or particular service areas.
- xi) Question Members of the Cabinet and Directors about their decisions, whether generally in comparison with service plans and targets over a period of time, or in relation to particular decisions, initiatives or projects.
- xii) Make recommendations to the Cabinet and/or Council arising from the outcome of the Scrutiny process.

- xiii) Review and scrutinise the performance of the relevant bodies in the area and invite reports from them to address an Overview and Scrutiny Panel and local people about their activities and performance.
- xiv) Question and gather evidence from any person or organisation (with that person/organisation's consent).
- xv) Consider any petitions referred to the Panel in accordance with the Council Petitions Protocol.
- xvi) Work to ensure that communities are engaged in the scrutiny process; and consider and implement mechanisms to encourage and enhance community participation in the development of policy options.

B3. Finance.

In carrying out its activities, the Overview and Scrutiny Panels will operate within such budget and allocation of officer time as the Council shall provide.

B4. Annual report.

The Overview and Scrutiny Panels will report annually to full Council on its workings and make recommendations for future work programmes and amended working methods if appropriate.

B5 Proceedings of the Panels

The Overview and Scrutiny Panels will conduct their proceedings in accordance with the Overview and Scrutiny Procedure Rules set out in Part 4A of this Constitution.

B6. Membership & Roles of Responsibility

The membership of the Panels is as set out in the following table. The Role and Scope of each Overview and Scrutiny Panel is set out in general terms within Article 10 of this Constitution. The specific role of scope for each relevant panel is as follows:

Committee and Membership	Role and Scope
Adults, Children & Health O&S Panel (5 members) Co-Optees - 2 voting church and parent governor representatives	The Adults, Children and Health Overview & Scrutiny Panel shall have powers to deal with routine matters within the functions relating to Adult Social Care, Adult Services general and Public Health Services. The Panel shall have the enhanced review and scrutiny powers in line with provisions in Health and Social Care Act 2012, including power of referral to the Secretary of State for Health. In the event of a proposed referral to the Secretary of State for Health, a report shall be submitted to Council for information, prior to submission.

for education matters only	<p>All matters relating to Children’s Services, Schools and Education generally.</p> <p>In addition to the Panel’s broad terms of reference, the Panel will be responsible for ensuring the local authority fulfils its safeguarding responsibilities, including child sexual exploitation. This needs to include children’s social care and education provision.</p>
<p>Communities O&S Panel (5 members)</p> <p>Co-Optees – 2 non voting representatives from the north and south parishes for Crime and Disorder matters only</p>	<p>All matters relating to the culture, environment, communities and crime & disorder within the Borough.</p> <p>In addition, when considering matters of crime and disorder the Panel’s main objective is to ensure that the Community Safety Partnership is held accountable for the discharge of its executive functions, to enable the voice and concerns of the public and its communities to be heard and drive improvement in public services. In addition to the Panel’s broad terms of reference as detailed above, the Panel will be responsible for the overview and scrutiny of the following:</p> <ul style="list-style-type: none"> • to consider the effectiveness of actions undertaken by the responsible authorities on the Community Safety Partnership (‘CSP’); • make reports or recommendations to Cabinet/Council with regard to those policies developed by the CSP and the effectiveness of the functions managed through the CSP. • to consider a number of issues in consultation with the relevant partners on the CSP which reflect local community need and make recommendations to Cabinet
<p>Infrastructure O&S Panel (5 members)</p>	<p>All matters relating to the provision of infrastructure, planning, housing, highways and transportation within the Borough.</p>
<p>Corporate O&S Panel (5 members)</p>	<p><u>Corporate Overview</u></p> <p>The Panel will be responsible for the overview and scrutiny of the following:</p> <ol style="list-style-type: none"> 1 To consider the Council Plan and Key Decisions and to monitor performance against these plans

	<p>2 To deal with petitions when referred to Overview & Scrutiny in accordance with the Council's Petition Protocol</p> <p>3 To consider the Council's annual budget</p> <p>4 To assist the Cabinet in the development of the Council's annual budget and to review and scrutinise budgetary management</p> <p>5 To prepare the annual report to Council.</p> <p>6 To issue the invite for scrutiny suggestions to the residents, members and the Cabinet.</p> <p>7 To determine the Overview and Scrutiny Work Programme</p> <p>8 The effective reporting and control of Council activities</p> <p>9 Key projects and their planning, implementation and delivery (where such projects do not relate to the remit of another Overview and Scrutiny Panel)</p> <p><u>Audit & Performance Overview</u></p> <p>(a) To consider and approve the Head of Audit and Investigation's Internal Audit strategy and plan, internal audit annual report and opinion, a summary of internal audit activity (actual and proposed) and the level of assurance it can give over the Council's Corporate Governance arrangements. To consider and approve the approach for the effectiveness of the Internal Audit system, note the outcome of the review and agree the conclusion.</p> <p>(b) To receive and consider:</p> <p style="padding-left: 20px;">(i) specific internal audit reports, as requested by the Panel, with the agreement of the S.151 Officer or Monitoring Officer.</p> <p style="padding-left: 20px;">(ii) A report from Internal Audit on treated concerns not implemented within a reasonable time scale.</p> <p>(c) To consider the External Auditor's annual letter, relevant reports and reports to those charged with governance including issues arising from the audited accounts.</p>
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	<p>(d) To consider specific reports as agreed with external audit and to comment on the scope and depth of external audit work and to ensure that it delivers value for money.</p> <p>(e) To consult on behalf of the Council with the Audit Commission, or any other relevant body, over the appointment of the Council's external auditor.</p> <p>(f) To commission work for internal and external audit as the Panel considers appropriate.</p> <p>(g) To receive an annual report and maintain an overview of the Council's Constitution in respect of contract and financial procedure rules</p> <p>(h) To review any issue referred to the Panel by the Managing Director or a Director or any Council body.</p> <p>(i) To receive an annual report on and monitor the effective development and operation of, risk management and corporate governance in the Council.</p> <p>(j) To monitor Council policies on "Raising Concerns at Work" and the anti-fraud and corruption strategy and the Council's complaints process, on at least an annual basis.</p> <p>(k) To oversee the production of the Council's Annual Governance Statement and to recommend its adoption.</p> <p>(l) To receive an annual report to consider the Council's arrangements for corporate governance and agreeing necessary actions to ensure compliance with best practice.</p> <p>(m) To receive an annual report on and consider the Council's compliance with, its own and other agreed published standards and controls.</p> <p>(n) To consider improvements to processes, people or systems which are necessary to achieve efficient and effective planning, delivery, control, reporting and governance of the Council's activities.</p> <p>(o) To review the annual statement of accounts, specifically to consider whether appropriate</p>
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	<p>accounting policies have been followed and whether there are concerns arising from the financial statements or from the audit that need to be brought to the attention of the Council and to approve the Statement of Accounts for inspection by the External Auditors.</p> <p>(p) To monitor the performance of the Council as a whole and in respect of particular services as the Panel or Cabinet may from time to time identify for service improvement.</p> <p>(q) To consider and agree and thereafter monitor the Council's Development Review Plan and make recommendations to deliver service improvement.</p> <p>(r) To monitor the Council's performance in respect of</p> <ul style="list-style-type: none"> (i) such national and local performance indicators as the Panel considers appropriate (ii) delivery of outcome improvement plans in respect of reviews undertaken and make recommendations on areas requiring service improvement and on setting targets to deliver such improvements (iii) the effectiveness of performance reporting to enable the Directors and Heads of Service, the Cabinet and the Overview and Scrutiny Panels to perform their management, governance and overview and scrutiny roles respectively <p>and make recommendations on areas requiring service improvement and on setting targets to deliver such improvements.</p> <p>(s) To consider and make recommendations in respect of external reviews and inspections of Council Services.</p> <p>(t) To monitor the partnership arrangements in which the Council is involved including but not restricted to:</p> <ul style="list-style-type: none"> - Governance arrangements - any inspections or reviews undertaken in respect of partnership arrangements <p>(u) To receive and consider reports on the Council's negotiations to agree Local Area Agreements (LAA) and to monitor performance towards achieving the agreed targets.</p>
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B7 Responsibilities of Members in Overview and Scrutiny

B7.1 Chairmen of Relevant Scrutiny Panels

Chairmen of Overview and Scrutiny Panels will:

1. Chair meetings of the relevant Overview and Scrutiny Panel;
2. provide strong, fair leadership and clear guidance to Members and officers in relation to Scrutiny functions;
3. have overall responsibility for the direction of scrutiny in the Council in their area of responsibility, and for ensuring that an appropriate annual scrutiny Work Programme is set;
4. continuously monitor and evaluate the relevance of the annual Scrutiny Work Programme;
5. review, challenge and question the implementation of agreed policy and service delivery, and make recommendations to the Cabinet and Council to improve policy, performance and service delivery;
6. develop a clear understanding of the terms of reference of their Panel, the scope and range of the areas for which it is responsible, and the Council policies in respect of those areas;
7. ensure the work of their committee contributes to the delivery of continuous improvement in services and implementation of best practice;
8. agree all agendas for scrutiny committee meetings, to take a lead in developing a forward agenda, and to ensuring it is adhered to;
9. meet on a regular basis and consult with relevant Members to advise them of progress in the work of their Overview and Scrutiny Panel, discuss issues arising from the scrutiny process, and note action being taken by the relevant Cabinet Members to address the concerns of their Overview and Scrutiny Panel;
10. seek to involve all Overview and Scrutiny Panel Members in the work of their Panel;
11. prepare and present the Panel's final report to the Overview and Scrutiny Panel and if required the Cabinet.
12. ensure that Scrutiny fulfils its audit and review function;
13. ensure that Cabinet Members are briefed at the appropriate time on significant issues, that is those that may
 - (a) impact on established policy.
 - (b) have major resource implications

- (c) be contentious

B7.3 Overview and Scrutiny Panel Members

All Members of the Overview and Scrutiny Panels will:

1. regularly attend meetings of the Overview and Scrutiny Panel or its Sub-Panels as appropriate;
2. play a major role in policy development and review;
3. hold the Cabinet to account as appropriate, to ensure continuous improvement in services by:
 - (i) reviewing and scrutinising the decisions made by and performance of the Cabinet and/or committees and Council Officers;
 - (ii) reviewing and scrutinising the performance of the Council in relation to its policy objectives, performance targets and/or particular service areas; monitoring performance against strategy;
4. scrutinise the effectiveness and performance of partnerships;
5. scrutinise the performance as appropriate of the third sector (voluntary and community) as a service provider;
6. respond to community calls for action where required;
7. contribute to regional scrutiny arrangements as appropriate, such as NHS, regional agencies;
8. to evaluate whether the policies, strategies and plans the Council has adopted are, over time, actually delivering the outcomes intended for local people;
9. to actively engage with the community and local organisations to obtain their views on issues or proposals affecting the area, and if appropriate encourage their attendance at Overview and Scrutiny meetings;
10. to ensure that the Scrutiny process contributes to the promotion of community well-being and that public services are responsive to the needs of the people;
11. to review and scrutinise the performance of external agencies, by developing a partnership approach through collaborative scrutiny methods;
12. to identify areas of policy or under-performance in need of improvement, seek expert support, and provide evidence, advice, recommendations and proposals for consideration by the Council or Cabinet;

13. to respond to any public questions (as and when) required at sessions of the Council; and
14. any other related duties, as assigned by the Chairman of the Overview and Scrutiny Panel.

Part 8 E

22 OVERVIEW AND SCRUTINY PANELS' ACCESS TO DOCUMENTS

22.1 Rights to copies

Subject to Rule 22.2 below, the relevant Overview and Scrutiny Panel will be entitled to receive within 10 clear days of request, copies of any document which is in the possession or control of the Cabinet or its committees and which contains material relating to:

- a) any business transacted at a public or private meeting of the Cabinet, its committees; or
- b) any officer making a delegated executive decision; or
- c) any decision taken by an individual member of the Cabinet.

22.2 Limit on rights

The relevant Overview and Scrutiny Panel will not be entitled to:

- a) any document that is in draft form;
- b) any part of a document that contains exempt or confidential information, unless that information is relevant to an action or decision they are reviewing or scrutinising or intend to scrutinise;
- c) or the advice of a political adviser

If determined that a member of an Overview and Scrutiny Panel is not entitled to a copy of the document or part of any such document, the decision maker must provide the Overview and Scrutiny Panel with a written statement stating the reasons for that decision.

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Report Title:	Member Call In - Proposed revisions to the Highways Maintenance Management Plan – 24 hour pothole response
Contains Confidential or Exempt Information?	No - Part I
Meeting and Date:	Infrastructure Overview and Scrutiny Panel 18 June 2019

www.rbwm.gov.uk



In accordance with Part 3 B7 and Part 4 A16 of the Constitution, the 30 May 2019 Cabinet decision relating to the item 'Proposed revisions to the Highways Maintenance Management Plan – 24 hour pothole response' has been called in for review by the Infrastructure Overview & Scrutiny Panel.

1. REASON(S) FOR CALL IN

1.1 The call-in notice, submitted on 6 June 2019, stated the following reasons for calling in the decision:

- 'The Recommendation (Decision) detailed in the paper does not reflect the report. It does not include the discretion of the inspector to negate the repair in favour of resurfacing.'
- 'There is insufficient detail regarding 'value for money', comparison with current rates, options considered and the justifications for spending £450k when we are looking to reduce the revenue budget by £4 million. Where are the funds coming from? What are the ramifications?'

2. MEMBERS CALLING IN THE REPORT

2.1 The call-in notice was signed by the following Members: Councillors W Da Costa, Hill, Jones, Davey and C Da Costa.

3. Panel Options

3.1 Having considered the Call-In the Overview and Scrutiny Panel may:

- Take no further action – if the panel decide that no further action is required the decision will take effect immediately;

OR

- Refer the decision back to the decision-maker – the panel can refer the item back to the decision maker for consideration (Cabinet in this instance) setting out the nature of the Panel's concerns; the decision-maker must then re-consider the matter within a further 5 working days, taking into account the concerns of the Overview and Scrutiny Panel, before making a final decision;

OR

- Refer the matter to full Council – if the matter is referred to full Council and the Council does not object to a decision which has been made, then no further action is necessary and the decision will be effective. However, if the Council does object, it has no locus to make decisions in respect of an executive decision unless it is contrary to the Policy Framework, or contrary to or not wholly consistent with the Budget. Unless that is the case, the Council will refer any decision back to the decision maker, together with the Council's view on the decision. That decision making body or person shall choose whether to amend the decision or not before reaching a final decision and implementing it. Where the decision was taken by the Cabinet as a whole or a committee of it, a meeting will be convened to reconsider within 5 clear working days of the Council request. Where the decision was made by an individual, the individual will reconsider within 5 clear working days of the Council request. If the Council does not meet, or if it does but does not refer the decision back to the decision making body or person, the decision will become effective on the date of the Council meeting or expiry of the period in which the Council meeting should have been held, whichever is the earlier.

OR

- Refer the matter to a sub group of the Panel for further consideration and report back to the Panel within a specified period not exceeding 14 days, in which case the Panel will, at its reconvened meeting, take one of the decisions set out above; if the Panel does not reconvene within 14 days or does reconvene but does not refer the matter back to the decision maker or to the full Council, the decision will take effect on the date of the reconvened Panel meeting or the expiry of that further 14 day period, whichever is the earlier.

4. APPENDICES

4.1 This report is supported by two appendices:

- Cabinet Decision 30 May 2019
- Cabinet report 30 May 2019- ['Proposed revisions to the Highways Maintenance Management Plan – 24 hour pothole response'](#) Electronic version only.

5. BACKGROUND DOCUMENTS

5.1 This report is supported by two background documents:

- Council Constitution – Part 4 A - Purpose and Procedure Rules for O&S
- Cabinet agenda – 30 May 2019

Appendix A

CABINET DRAFT MINUTES – 30 May 2019

PROPOSED REVISIONS TO THE HIGHWAYS MAINTENANCE MANAGEMENT PLAN – 24 HOUR POT HOLE RESPONSE

The Lead Member for Infrastructure, Transport Policy and Housing introduced the report that asked for a revision to the Highways Maintenance Management Plan to enable every carriageway pothole to be repaired within 24 hours.

The Lead Member informed that he was delighted to be presenting the report that fulfilled one of the administration's pledges of investing more than £50 million in RBWM highways and pavements over the next four years, fixing every reported pothole within 24 hours and introducing an inspection regime for every road every year. This was a 'Best in Berkshire Pot Hole Pledge'.

Cabinet were informed that this was an extension of the existing policy and that when a road was inspected if it was deemed that the condition of the road was such that resurfacing was more appropriate than fixing a pothole then this would take priority.

The proposals were being put to Cabinet as this was a key priority for residents and improvements would further enhance the boroughs infrastructure, benefiting cyclists and other road users.

Cllr Hill informed Cabinet that he felt that the recommendation should be amended as it a pothole was not being repaired within 24 hours due to the condition of the road than this was not fulfilling the pledge.

Cllr Hill supported improvement to the road infrastructure but noted that insurance claims were down and that the number of potholes currently not fixed within 24 hours was about 500 per year. He felt that adding an additional £450,000, equating to about £900 per pothole repair, was a lot of money when the council was overspent.

The Chairman informed that it was anticipated that there would be more reported potholes and following this increase we should reach a base level of repairs required due to adverse weather conditions. The main priority was to implement residents wishes and if further funding was required then a further report would be brought before members.

The Lead Member for Culture, Communities and Windsor informed that this was an excellent paper delivering what our residents wanted. She highlighted the new 'report it' section on the RBWM website that made reporting potholes and other issues easier.

Resolved unanimously: That Cabinet notes the report and:

- i) Approves a revision to the Highways Maintenance Management Plan to enable every carriageway pothole over 40mm, or footway defect over 25mm to be repaired within 24 working hours regardless of the category of road, at an additional annual cost of £450,000**

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Agenda Item 7

WORK PROGRAMME- INFRASTRUCTURE OVERVIEW AND SCRUTINY PANEL

DIRECTORS	<ul style="list-style-type: none"> • Duncan Sharkey (Managing Director) • Russell O'Keefe (Executive Director)
LINK OFFICERS & HEADS OF SERVICES	<ul style="list-style-type: none"> • Jenifer Jackson (Head of Planning) • Maggie Nelson (Head of Housing Services) • Anna Robinson (Strategy and Performance Manager) • Ben Smith (Head of Commissioning & Communities)

MEETING: 17th SEPTEMBER 2019

ITEM	RESPONSIBLE OFFICER
Annual Complaints Report	Nikki Craig, <i>Head of HR and Corporate Projects</i>
Q1 of 2019/20 & Q4 2018/19 Performance Update Report	Anna Robinson, <i>Strategy and Performance Manager</i>
CIL Review- Progress Update Report	Jenifer Jackson, <i>Head of Planning</i>
Housing Strategy	Russell O'Keefe, <i>Executive Director</i>
Updated 123 List (Schedule for new meeting- possibly November)	Russell O'Keefe, <i>Executive Director</i>
Work Programme	Panel clerk
TASK AND FINISH	
TBC	

MEETING: 3rd FEBRUARY 2020

ITEM	RESPONSIBLE OFFICER
Annual Scrutiny Report- Draft	Chairman & Lead Officers
Budget Report	Lead Officers & Finance
Q2 Performance Update Report	Anna Robinson, <i>Strategy and Performance Manager</i>
Maidenhead Masterplan	Russell O'Keefe, <i>Executive Director</i>
Work Programme	Panel clerk
TASK AND FINISH	
TBC	

MEETING: 7th APRIL 2020

ITEM	RESPONSIBLE OFFICER
Annual Scrutiny Report (Final version for approval and submission to Full Council)	Chairman & Lead Officers
Cycling Action Plan- Annual Progress Report	Ben Smith, <i>Head of Commissioning & Communities</i>
Q3 Performance Update Report	Anna Robinson, <i>Strategy and Performance Manager</i>
Work Programme	Panel clerk

TASK AND FINISH	
TBC	