

# Public Document Pack

## NOTICE OF MEETING



# COMMUNITIES OVERVIEW & SCRUTINY PANEL

will meet on

**MONDAY, 10TH JUNE, 2019**

**At 6.30 pm**

in the

**COUNCIL CHAMBER - TOWN HALL, MAIDENHEAD**

TO: MEMBERS OF THE COMMUNITIES OVERVIEW & SCRUTINY PANEL

COUNCILLORS CHRISTINE BATESON, GURPREET BHANGRA, JOHN BOWDEN,  
CLIVE BASKERVILLE AND HELEN PRICE

SUBSTITUTE MEMBERS

COUNCILLORS MAUREEN HUNT, GARY MUIR, LEO WALTERS, SIMON WERNER  
AND JON DAVEY

Karen Shepherd - Democratic Services Manager - Issued: FRIDAY 31 MAY 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](http://www.rbwm.gov.uk) or contact the Panel Administrator **Shilpa Manek** 01628 796310

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## AGENDA

### PART I

<u>ITEM</u>	<u>SUBJECT</u>	<u>PAGE NO</u>
1.	<u>ELECTION OF THE CHAIRMAN &amp; VICE CHAIRMAN</u>  To elect a Chairman and Vice Chairman for the Communities Overview and Scrutiny Panel for the Municipal Year.	
2.	<u>WELCOME FROM THE NEW CHAIRMAN</u>  The new Chairman to welcome the new Panel.	
3.	<u>APOLOGIES FOR ABSENCE</u>  To receive any apologies for absence.	
4.	<u>DECLARATIONS OF INTEREST</u>  To receive any declarations of interest.	5 - 6
5.	<u>MINUTES OF PREVIOUS PANELS</u>  To consider the minutes of the former Culture and Communities Overview and Scrutiny Panel held on 19 February 2019, Crime and Disorder Overview and Scrutiny Panel held on 6 February 2019 and the Sustainability Panel held on 22 January 2019.	7 - 20
6.	<u>TERMS OF REFERENCE FOR OVERVIEW AND SCRUTINY</u>  To note the relevant sections of the council constitution relating to Overview and Scrutiny.	21 - 56
7.	<u>PARISH COUNCIL REPRESENTATION ON THE PANEL</u>  To note the progress in appointing Parish Council representatives to the Panel.	57 - 58
8.	<u>WORK PROGRAMME 2019/20</u>  Panel to consider the forward work programme for 2019/20.	59 - 60
9.	<u>PARKWOOD LEISURE MANAGEMENT - CONTRACT YEAR 4 (2018) REPORT</u>  Panel to consider the presentation from Parkwood Leisure Management.	Verbal Report
10.	<u>ANNUAL REPORT - SPORTSABLE 2018 - YEAR 1 SLA FUNDING UPDATE</u>  Panel to note the report and presentation by SportsAble.	Verbal Report

11.	<u>BRAYWICK LEISURE CENTRE CAPITAL BID UPDATE</u> Panel to note the verbal report and presentation.	Verbal Report
12.	<u>ANNUAL PERFORMANCE REPORT 2018/19</u> Panel to note way forward for the Performance Report.	Verbal Report
13.	<u>FUTURE DATES</u> Panel to agree future dates of meetings.	



## 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 5

## CULTURE AND COMMUNITIES OVERVIEW AND SCRUTINY PANEL

TUESDAY, 19 FEBRUARY 2019

PRESENT: Councillors Gerry Clark (Chairman), Carwyn Cox (Vice-Chairman), Judith Diment, Julian Sharpe, Shamsul Shelim, Claire Stretton and Mohammed Ilyas

Also in attendance: Cllr E Wilson and Cllr S Rayner

Officers: Andy Jeffs, David Scott, David Cook, Suzie Parr and Angela Gallacher

### APOLOGIES FOR ABSENCE

Apologies for absence were received from Cllr Luxton, Cllr Ilyas attended as a substitute.

### DECLARATIONS OF INTEREST

There were no declaration of interest received.

### MINUTES

**Resolved unanimously: that the minutes of the meeting held on 31 January 2019 were approved as a true and correct record.**

With regards to the actions arising Cllr Stretton reported that the Director and Lead Member had contacted her that day providing updates. Details of the Braywick Leisure Centre were still outstanding and she would be meeting with the Lead Member and Director to discuss Norden Farm's SLA.

### WINDSOR LEISURE CENTRE

The Panel were addressed by a Windsor Leisure Centre (WLC) member. Mrs Driver informed that the WLC was always a positive and friendly establishment and one of the good things done was when the gym upstairs was extended and a spin studio that provided views over the river.

Four years ago Legacy Leisure were awarded the contract to run the borough leisure centres and although many had reservations she did not as it was expected that there would be investment. She was disappointed that she was wrong. They undertook many bad plans without consultation in an attempt to improve the WLC including moving the spin centre from room to room.

Mrs Driver reported that over the years she was aware that there had been many complaints and Facebook comments about the WLC. Local councillors had been informed yet the centre continued to decline. Mrs Driver had circulated by email many examples of complaints to Panel Members prior to the meeting.

Mrs Driver informed that reports that the issues contained within her email had been resolved were not true and that the problems continued. She said that Legacy were letting the council down, they were not delivering and adhering to their mission statement. The WLC reputation was at stake and fees were increasing whilst running costs were being reduced. She asked that the Panel took action to prevent continued failings.

The Head of Communities, Enforcement and Partnerships informed the Panel that he was aware of the concerns raised by Mrs Driver and that she was in contact with WLC manager.

The contract to run the Royal Borough Leisure Centres had been awarded on performance of outcomes rather than service specifications. The WLC had an excellent mix of facilities and had recently received additional capital investment.

The Panel were informed that the total number of users across all leisure centres had increased, however partially because Furze Platt school had been added to the provision. That said usage was up and the number of complaints had decreased. He was aware of comments made on social media, as highlighted by Mrs Driver, but they could only count complaints made to the Council.

He was aware that Mrs Driver had made complaints to the WLC manager and members of staff and appropriate responses had been made. The Project Lead responsible for leisure centres also had an overview of the performance of all centres within the borough and often made unannounced visits to all centres. The WLC was also a popular centre having users coming from outside the borough. He was happy to consider the points raised and welcomed Panel Member visiting the centre prior to considering any further action.

The Chairman said that there were a number of issues to be looked at; the contractual obligations, the offer being made, those issues which were management obligations for the centre and any issues raised via the council's complaints system. As a commissioning authority the Panel needed to be assured that contractual obligations were being monitored and met. The Panel would also wish to seek assurance that complaints made outside the Council's complaints system (those directed directly to the WLC) were being addressed appropriately.

Cllr Cox said that the Panel had been presented with information from one side of the argument but would need to hear from WLC and also have their contractual obligations available for consideration. It was also important to look at what monitoring had taken place. It was proposed that the Panel's April meeting be held at WLC and at that meeting the Panel could look at operational vs. management issues. The Panel needed to look at what Mrs Driver had presented and other complaints with what the WLC have to say in response to get a balanced view.

Cllr Stretton reported that she had previously raised concerns about the WLC and had been aware of issue back in 2015 when she was Lead Member. She was pleased that at last the issues were being looked at but felt Panel members should take un-announced visits to the centre rather than waiting for an announced visit in April 2019.

The Chairman said that he had asked for the WLC visit to be added to the Panel's work programme due to concerns raised and that he had asked for any concerns from ward members. At the time of adding this to the work programme there had been no concerns presented to him from users.

Cllr Shelim informed that as a ward member and had raised an issue about the centre last year but this had been addressed by the WLC. There should be focus on the long term strategy as the centre was very busy and one off repairs on equipment due to usage was expected.

Cllr E Wilson said that he did not usually receive complaints about the WLC until Mrs Driver had sent her information. Any complaints he received were usually about car parking for the centre. He said the question for the Panel if they wished to undertake further investigation should be around the contract and not management issues. He recommended that Panel Members should visit other centres and not just the WLC to see if there were wider issues across the contract. The Panel needed to consider what they wished to achieve from any review and to consider their role to review the strategic direction. It was important to look at the performance of the current contract before any further contracts were awarded.



Cllr Sharpe said it was important to look at the contract and deliverables before any future decisions were made.

The Lead Member thanked Mrs Driver for addressing the Panel and requested that her complaints be forwarded to her. The Council were spending £36 million on the Braywick LC and thus it was important to consider any concerns about contractual performance. There had been significant investment in the WLC including improved changing rooms and new flumes.

The Chairman thanked those for attending and presenting their concerns and that the leisure centre would be added to the work programme.

## SPORTSABLE

The Panel were informed that unfortunately SportsAble were not able to attend the meeting and that they would present at the next appropriate panel.

## REVIEWED & UPDATED LIBRARY POLICIES

The Panel reviewed updated library policies that included:

- Customer Care Standards
- Child Safety
- Displays and Exhibitions
- Access Policy
- Enquiries Standards
- Physical Presentation and Appearance Standards
- Public Computer WIFI and Internet Access Policy

The Library and Resident Contact Lead informed the Panel that the policies were reviewed every three years. The Libraries within the Royal Borough were well used with over 1million visits and over 68% of residents having library cards. The largest user group were residents aged between 16 to 24 years of age. There had been a full merger with customer services and cross training was provided.

Cllr Stretton mentioned that she had received concern from residents that since customer services had moved into libraries there was embarrassment when waiting to have private issue to be dealt with. The Panel were informed that there were private interview rooms and that when a customer was called all that should be heard is their name and not the issue being discussed. Training was in place and there had not been any complaints about this for some time.

Cllr Shelim praised the libraries and informed that his family were regular users, he asked about any concern with young users mixing with adults. The Panel were informed that safeguarding was taken very seriously and that it was important to have a safe place for all. Staff received safeguarding training that was regularly refreshed. Libraries also had users who may have mental health conditions and staff were trained to help them and deal with any issues that may arise. Libraries are a shared space and users should have consideration for others. There are areas for children that are kept safe places to be.

The Chairman mentioned that they were excellent policies but there could be better clarification around issues such as parental responsibilities to help protect staff and users. It should also be clear that with any safeguarding issues that they will be reported to the appropriate bodies. Cllr Cox agreed that the policies should try and avoid staff having a duty of care and thus being liable for users who should have parental supervision.

The Panel were informed that there had been incidents where a child had been left in a library whilst the parent went into town. Libraries were not day care centres and social services would be contacted if required.

The Panel noted the updated policies.

## THE OLD COURT-ONE YEAR ON

Martin Deny, Director The Old Court, attended the meeting to provide an update on the Old Court Windsor as it had been a year since the service level agreement had been agreed.

The Panel were informed that The Old Court was an historical building in Windsor that was opened as a performing art space in March 2018. The aim was to create a programme that was:

- Well reputed of high quality.
- Allow people of all ages from across the community access to inspiring, quality Arts programmes and practitioners.
- Inspired by and builds upon the unique history of The Old Court via meaningful arts participation for all ages.
- Include a wide range of creative arts including music, dance, photography, cinematography, theatre craft, design, literature etc.
- Make TOC Arts Centre the recognised community arts HUB in Windsor, Slough, Maidenhead and the wider area.
- Based upon lasting partnerships and relationships across the community that make the community more cohesive and bring about positive change.
- Utilising the facility and staff broad range of skills set to further develop.

The Panel were informed that 6 months after opening an external SWOT analysis was undertaken to identify strengths and opportunities as well as areas to develop to realise their education ambitions.

Part of the SWOT analysis informed that there had not been a cinema in Windsor for 35 years and so a partnership was undertaken with ND Cinema Ltd and Windsor and Eton Brewery. This provided a cinema and bar who both paid 20% of gross takings to support The Old Court community interest company. Other achievements in 2018 were:

- Refurbished building to a high standard, providing an Arts Centre which could serve the community professionally and to a high standard of performance of all kinds.
- 100 live events.
- Work with Armed Forces veterans and with the Homeless.
- Unique experiences such as Living Advent Calendar and Snowman with live orchestra.

Between March 2018 to February 2019 there had been 33640 attendees, a range of health and wellbeing classes with 17 classes per week and 1305 attendees per month. The facilities could also be hired with 24 community hires, 100 events marketed by the venue and 6 corporate hires.

The Panel were informed that for 2019 there were plans to increase the audience by better presentation of events, better marketing, developing its brochure and better use of social media. There would also be further development of its community and education programme and live cinema screenings such as the Royal Opera House.

Looking ahead the Panel were informed that there would be continued development of its school education plan and school engagement. There would also be work to target senior citizens as potential audiences and volunteers. The Panel were also shown a list of 19 existing community organisations that they had working relationships with. There was a list of

community programme ideas across all ages to help focus on youth, young and older adults. The future strategy included:

- Evening activity for young adults.
- Skill development and learning opportunity for all ages.
- Daytime / socialising opportunity for elderly.
- Activity pertinent to venue and local events and history.
- Activity which cross fertilises other parts of the programme e.g. volunteer training.
- Delivery through partnerships to reduce strain on staff.

The Panel were shown projected targets for the next two years for children, community projects and training.

Cllr Stretton asked how many staff the Old Court had and was informed that there were three in the office and a part time technical site manager. There was also a box office employee per show and that the cinema and brewery provided their own staff. With regards to volunteers these were currently used on a ad hoc basis for specific events.

Cllr E Wilson reported that over two years ago there had been the possibility that the centre would close, now they had been shown a comprehensive list of events. Residents had reported that they were elated about the cinema. Cllr Wilson asked about funding from the council and was informed that the annual grant was fundamental to the existence of the building. Grants remained crucial as they could not operate on income alone. The Council had invested about £500k with the £70k service level agreement. Cllr Wilson recommended that the Panel request that Cabinet continue to support The Old Court and that events in The Old Court and Norden's Farm be advertised in Around the Royal Borough.

Cllr S Rayner, as Lead Member, reported that she had been delighted with the work Martin Deny and his team had done. The Council's Capital investment had made a huge difference and there was continued support from grants.

The Panel noted the annual update.

### WORK PROGRAMME

The Panel noted the work programme to include Windsor LC, Braywick and Oaks LC. It was agreed that prior to a site visit to the Windsor LC the Panel would like to consult with the Lead Member, officers and Cllr E Wilson.

The meeting, which began at 6.30 pm, finished at 8.30 pm

CHAIRMAN.....

DATE.....

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## CRIME & DISORDER OVERVIEW & SCRUTINY PANEL

WEDNESDAY, 6 FEBRUARY 2019

PRESENT: Councillors Derek Sharp (Chairman), Cannon (Vice-Chairman), Marion Mills, Eileen Quick, John Story and Simon Werner

Also in attendance: Colin Hudson (LPA Comander), Parish Councillors Margaret Lenton (Wraysbury) and Pat McDonald ( White Waltham).

Officers: Andy Jeffs and Shilpa Manek

### APOLOGIES FOR ABSENCE

Apologies for absence were received from Councillor Bhatti.

### DECLARATIONS OF INTEREST

No Declarations of Interest were received.

### APPOINTMENT OF VICE CHAIRMAN

Councillor Sharp proposed Councillor David Cannon as the Vice Chairman, this was seconded by Councillor Story.

RESOLVED: The Vice Chairman of Crime and Disorder Overview and Scrutiny Panel would be Councillor David Cannon for the rest of the Municipal Year.

### MINUTES

The Part I minutes of the meeting held on the 6 September 2018 were agreed as a correct record after the following amendments:

- Add Councillor Mills to the attendance list as she was present.
- Councillor Werner questioned the one from last paragraph where he states that a Neighbourhood Action Group had recently been re-established in Windsor, he was referring to Pinkneys Green Neighbourhood Action Group, not Windsor.

**ACTION: Clerk to check the recording and amend minutes as appropriate.**

### BUDGET 2019/2020

Andy Jeffs, Executive Director, went through the Budget Report and highlighted everything that was in the remit of the Crime and Disorder Overview and Scrutiny Panel, The Panel was asked to note the contents of the report and make recommendations to Cabinet.

Councillor Werner commented that he was pleased to see additional investment in CCTV but had hoped that additional cameras were going to be added at Oaken Grove. Councillor Werner also commented that the Manifesto pledge was to increase the number of community wardens from 18 to 36, which was not being delivered.

Andy Jeffs, Executive Director, informed the Panel that there were 25 community wardens in the 2019/20 Budget and this included wardens that would be concentrating on the night time economy and anti-social behaviour. Officers had discussed the current requirements with the

then lead member and a smaller new team focussing on night time economy issues and anti-social behaviour was needed, and therefore, 36 community wardens were no longer required.

Other points discussed included the following:

- The £15K from Ascot Racecourse and whether this had already been received. Andy Jeffs confirmed that this was just in the process of finalising.
- There was £20K allocated for fly tipping in the Budget, was this amount sufficient. Andy Jeffs informed the Panel that these were additional funds to last year and CCTV had been installed in the most popular areas for fly-tipping. This was another further stage of work to further the initial work. The council were only responsible for council land. The private land owners were responsible for their own land and removal of any rubbish. South Bucks council had been very successful using spy cameras and giving out large fines to assist with the clearing. Fly-tipping had recently increased in the area, possibly as a result of the stringent conditions on the recycling sites. This was currently being looked at and the law could possibly change from it being a civil offence to a criminal offence. The local police had not seen an increase in reporting on fly-tipping. Andy Jeffs informed the Panel that officers had been liaising with South Bucks Council and this had assisted.
- Andy Jeffs reported that between Sunday 10 February and Wednesday 13 February, there would be a switch over to digital cameras and the analogue cameras would be decommissioned. However, some areas still would require hard wired connection as the signal was not strong enough to send the images across.
- Colin Hudson informed the Panel that there had been a number of successes in the area. There had been 100 arrests in the Thames Valley area, approximately 20 in RBWM for a variety of crimes. The Chairman informed the Panel that the new constable would be starting soon.
- Pat McDonald informed the Panel that he had recently been working closely with Thames Valley Police and it had been a fantastic and highly positive experience.

#### DATE OF FUTURE MEETINGS

The Chairman informed Members that the date of the next meeting was as follows:

16 April 2019 at 7pm

The meeting, which began at 7.00 pm, finished at 7.30 pm

CHAIRMAN.....

DATE.....

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## SUSTAINABILITY PANEL

TUESDAY, 22 JANUARY 2019

PRESENT: Councillors Marion Mills (Chairman), David Coppinger (Vice-Chairman), Derek Sharp, Lynda Yong and Simon Werner

Officers: Wendy Binmore, Naomi Markham and James Thorpe

Also in attendance: Will Hattersley, WhiffAway

### APOLOGIES FOR ABSENCE

Apologies for absence were received from Councillor Nicola Pryer.

### DECLARATIONS OF INTEREST

None.

### MINUTES

**RESOLVED UNANIMOUSLY: That the minutes of the meeting held on 8 November 2018 be approved.**

### OPEN FORUM

The Chairman stated the Panel continued to look for ways to reduce energy consumption. The new Energy Reduction Manager had hit the ground running since starting working at the Borough and would continue to keep up with energy savings initiatives.

### WATERLESS URINALS

Will Hattersley from Waterless Solutions by Elemental gave a presentation to Members on the benefits of using waterless urinals in Council buildings. He explained he originated from Australia and had lived in the UK for four years; water was a precious resource in Australia where they used tanks to preserve water and so, he had grown up with the lifestyle of preserving water. Will Hattersley stated men's urinals always bugged him due to the amount of water they used so he began working with Whiff Away to reduce the water used in public buildings.

Even through pricing regulation for water, there were still huge variants in the prices for water and urinals were the single biggest user of water per day with over 157,000 litres per day being used on average for four flushes per day. Will Hattersley continued to give his presentation which included the following key points:

- The WhiffaAway Group was founded in 1992, they invented the original waterless urinal in 1993, making it the world's first retro-fit. They now had in excess of 100,000 urinal installations across the globe.
- WhiffAway controlled the process from start to finish and were the only company to design, manufacture, install and maintain their waterless urinals.
- They had a nationwide network of qualified engineers and plumbers.
- One of their key USP's were their initial free site assessments. That was not just a count of the urinals in situ, they also determined compatibility with their retro-fit systems and any access issues to pipes for servicing.

- When retro-fit was not possible, they offered other options ranging from new bowls to alternative water saving options.
- Additionally. Their smart water metering was able to determine current water usage so that actual savings were fact rather than fiction.
- Everything they provided was backed up by their service and satisfaction guarantee.
- WhiffAway were happy to carry out free trials and they would not remove any urinals already fitted that were in good working order.
- Their traps were manufactured in Scotland.
- The traps used a one-way valve so the urine went down the valve and then the valve seals which stopped any smell.
- The device was patented and the seal worked with a cartridge which contained a green enzyme block which broke down the urine.
- The enzyme blocks were replaced quarterly and there was also a filter that captured any gum or hair to stop the device getting blocked.
- Their pipes were custom made and tested. Nothing would be removed that was needed and the Council could always revert back to using a water system if it chose to.
- WhiffAway provided three months' supply of cleaning product and they scheduled quarterly visits to carry out the service, replace cartridges and clear through the pipework; a flow test was also carried out.
- A report would be provided on how the system was working and if further cleaning was required. The cleaning products would also be replenished.
- Cleaning the system was a very simple process, using a spray and a wipe of the bowl every day. And then a deeper clean was to be carried out once a week.
- There were other systems out there but WhiffAway provided maintenance, replacement valves, cartridges etc.
- WhiffAway had installed sensors at Heathrow's T3 to show the water usage used. Heathrow were shocked to see how much water they used before WhiffAway installed their waterless urinals, compared to how much water they saved following installation.
- The waterless urinals were the Council's big opportunity to reduce water consumption and try and be greener.
- The bowls at the Town Hall were very easy to adapt.
- The Coach Park in Windsor had 12 urinals installed and WhiffAway could adapt those to waterless urinals.
- WhiffAway were unable to convert the bowls at Bachelors Acre but, they could work on a solution in the longer term.
- There was a long lead time on installation as WhiffAway needed to ensure the public and other stakeholders were happy before installation took pace.
- Will Hattersley proposed installing a water metre to measure usage over two months. If a considerable amount of water was being used, the waterless urinals could be fitted, monitor how they were working for up to eight weeks and then provide the Council with a report putting the case together for all toilets that would work using the WhiffAway system.

Will Hattersley confirmed if WhiffAway converted five urinals in the Town Hall, that would cost £120 per urinal. It was then £45 per service per urinal which included the cleaning products. It worked out much cheaper than running a water based system. Councillor Sharp asked if the system was available to buy. Will Hattersley responded it was available to buy but, he tried to steer people away from that option. Sainsburys had installed the WhiffAway system nationwide and had their own cleaning team carry out the maintenance, but it went wrong so Sainsburys asked WhiffAway to go back in and do the maintenance. He added that it would cost a little more for WhiffAway to carry out the maintenance but, it would not cost much more and it was an option.

Will Hattersley confirmed each green enzyme cartridge cost approximately £13 each. He stated it would be marginally cheaper for the Council to change the cartridges and carry out the maintenance in house but, it was not that much cheaper. Councillor Yong said speaking from a feminine perspective, when she walked passed men's toilets, it often smelled. If the WhiffAway system stopped that smell, then the costs would be worth it. Will Hattersley



confirmed there was a seven month lead time and if the Panel wanted to see what they were like, they were installed in Sainsburys. He added he could also offer a one-way valve for floor drains too which stopped smells getting up through the drains.

The Chairman asked if any other Council's had installed the WhiffAway system. Will Hattersley responded trials had been carried out in Bath and with Greenwich Leisure. Other customers included the Olympic Stadium, Fullers, Heathrow, PFP Leisure, as well as other independent restaurants. The Chairman asked if WhiffAway were working with old bowls, and a bowl was to get damaged, would that be at WhiffAway's expense. Will Hattersley stated all bowls would be surveyed and if they were needing to be replaced, that would be built into the price. However, if a new bowl was not required, but got broken by WhiffAway, the costs would be covered by WhiffAway. The bowls were cleaned before and after works were carried out.

Will Hattersley confirmed that bleach would damage the seal in a one-way valve and then the smell would return; that would be picked up during a service and the seal would be replaced. The valve would go white if bleach is used, but it was easily fixed. If it was a one off, WhiffAway would not charge for a replacement but, if it kept happening, the Council's own maintenance staff could change the valve. He added the cartridges used were also recycled so it was a much more environmentally friendly system.

The Chairman stated the concept was very interesting and thanked Will Hattersley for attending and giving his presentation.

### FOOD WASTE CADDY REPLACEMENT BAGS

Naomi Markham, Waste Strategy Manager, stated she had looked at the costs since the launch of the food waste recycling campaign started in 2015/16, and they came to £68,000. The campaign involved door knocking and distributing food waste bags to all houses. The current costs were £19,000 for replacement bags and her team were now carrying out a leaflet drop with a few bin bags per household at a cost of £28,000. Replacement bin bags were available at the libraries and that was the most popular way of residents obtaining their replacement food waste bin bags.

Councillor Coppinger stated he was disappointed that biodegradable bags could not be used as they could not be broken down by the processing plant. The Waste Strategy Manager responded the Council used an anaerobic digestion system which meant biodegradable bags did not break down as they needed oxygen. Also, biodegradable bags started breaking down very quickly which made it difficult for the bags to be collected as they would break very quickly. They were great for garden waste but not for food waste. The Waste Strategy Manager added that when the Council distributed replacement food waste bags, the team were informing people they needed to use plastic bags and not biodegradable bags. Plastic bags were not sent to landfill, they were recycled into energy.

- ❖ **Action** – the Waste Strategy Manager to circulate the food tonnage collected figures to the Panel.
- ❖ **Action** – the Waste Strategy Manager to explain in an email why biodegradable bags could not be used in food waste caddies and what happened to plastic bags that were used instead and circulate to the Panel.

### PLASTIC DEPOSIT RETURN SCHEME

Naomi Markham, Waste Strategy Manager, stated she had been working with Greenredeem who were carrying out a trial plastic deposit return scheme. The scheme could include drinks cartons, cans and glass. The government were looking into plastic return schemes and were possibly looking at implementing a similar scheme as seen in Europe. Greenredeem were trialling a system where plastic got deposited and a voucher would be issued. Greenredeem were working in schools and had a prototype vending machine installed. Some of the schools included Furze Platt, Manor Green, Woodlands Park, Riverside and Hilltop First School.

For every plastic bottle deposited, the school received 5p up to the maximum value of £2,000. The scheme encouraged children and their families to recycle and a letter had been sent to all schools in the Borough encouraging them to sign up to the scheme. The information pack sent to schools included letters to parents explaining the scheme, a webpage that showed a league table of schools and sign up packs.

Greenredeem were working with Plastic Oceans UK which was a UK charity trying to reduce plastic waste reaching the oceans. The scheme enabled schools to plan lessons around recycling that linked with the curriculum and got children more involved in recycling.

Grundon would collect the plastic that had been deposited and they worked with plastic processors which made the collected plastic into a new plastic product. Greenredeem were hoping to provide community based ideas and the Council had a meeting with Greenredeem scheduled for the week commencing 28 January 2019 to look at how ideas could be developed further. If the pilot scheme was successful, Greenredeem were aiming to expand the plastic deposit return scheme into areas with high footfall.

The Chairman said she knew the item was gaining ground, and there was no better way than to start with the Children. It was a great idea to introduce a league table to increase the competition which also increased levels of recycling. She added Grundon were hoping to obtain a government grant and they were also looking at other funding streams. If schools reached their £2,000 target, they could continue to recycle.

Councillor Sharp stated he was impressed with the pilot and that it was a great scheme and requested the Waste Strategy Manager provide an update on the pilot scheme and bring the figures from the schools league table back to the next Panel meeting.

- ❖ **Action** – The Waste Strategy Manager to provide an update on the update on the pilot scheme and bring the figures from the schools league table back to the next Panel meeting.

## PLASTIC REMOVAL FROM COUNCIL OFFICES

Councillor Coppinger stated the Motion to remove plastic from Council buildings came about through the work of Maidenhead Matters. The Borough was not trying to create a plastic free world, it was just trying to reduce single use plastics. He added the Council wanted to work with businesses across the Borough.

Maidenhead Matters encouraged all firms to allow people to refill their water bottles for free, particularly cafes, bars and restaurants. Councillor Coppinger had met with officers and agreed a programme of work to get plastics reduced, including to work with external businesses.

Members of the Panel noted and endorsed the Motion and also congratulated the Members that had worked across political parties to produce the Motion to remove single use plastics from Council buildings.

## CLOSURE OF SUSTAINABILITY PANEL AFTER MARCH 2019

Councillor Coppinger stated the Panel were aware that the number of Councillors were being reduced in the Borough in May 2019. That put a strain on Councillors that remained due to the number of meetings so, the decision was made at Full Council to merge meetings such as the Sustainability Panel or, run them externally. He added there would still be Cabinet responsibilities for sustainability in the Borough so it would not stop issues being worked on and officers would still be driving sustainability forward but, there would not be as many meetings.

The Chairman stated she was disappointed the meetings would cease but, it would not stop the work being done. The Energy Reduction Manager would continue to work on the energy reduction agenda and had lots of work to do. The Chairman added she would continue to have an interest in sustainability and would not be giving that up. She would continue to work with groups such as Maidenhead Matters and Greenredeem and she would not let the issues be dropped by the Council.

Councillor Sharp stated he felt it was a big mistake to discontinue the Sustainability Panel. The Panel was responsible for a lot of dramatic changes across the Council. Sustainability issues could not be scrutinised without a Panel. He understood the Council needed to make adjustments but, to remove the Sustainability Panel was a big mistake.

The Chairman stated the Council had changed their lights to LED lights, added Solar Panels to buildings as well as other large projects which had all started at the Sustainability Panel. However, moving forward, issues would still be scrutinised, but at other Panels and officers just needed to work out which scrutiny panel items would go to.

Councillor Werner said he was disappointed, he feared sustainability would be squeezed out and forgotten about. Yes, there would be scrutiny but, that would be part of a huge range of issues being scrutinised. Councillor Coppinger said if the Panel still felt that way after a period of time, he was happy to promote bringing the Panel back into existence. Councillor Werner said the opposition parties would encourage the Sustainability Panel being brought back. The Chairman stated if Members were re-elected in May, they could push the agenda as individual Councillors.

#### DATE OF FUTURE MEETINGS

The date of the next meeting was noted. Councillor Coppinger gave his apologies for the next meeting as he was unable to attend.

Councillor Yong shared some facts on textile recycling and asked the Waste Strategy Manager to provide an update on the Borough's recycling of textiles figures be brought to the next meeting. She stated it cost the UK economy £82m to send textiles to landfill and the Panel needed to keep the pressure on the Council and raise awareness on the impacts the clothing industry had on the environment.

The Key facts shared by Councillor Yong included:

- £82m - The amount it costs the UK economy a year for sending clothing and household textiles to landfill.
- 2050 - The year that the fashion industry will have used up 25% of the world's carbon budget.
- 500,000 - The number of tonnes of microfibres that are released into the oceans every year during clothes washing.
- 3% - The drop in EBIT margin companies can expect by 2030 if they do not invest in sustainability
  
- **Action** – The Waste Strategy Manager to provide Members with an update on textile recycling in the Borough and add a piece to raise awareness of textile recycling to the next edition of Around the Royal Borough.

The meeting, which began at 7.00 pm, finished at 8.15 pm

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:

<b>Committee and Membership</b>	<b>Role and Scope</b>
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&amp;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 &amp; 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"> <li>• to consider the effectiveness of actions undertaken by the responsible authorities on the Community Safety Partnership (‘CSP’);</li> <li>• 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.</li> <li>• 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</li> </ul>
<p>Infrastructure O&amp;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&amp;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"> <li>1 To consider the Council Plan and Key Decisions and to monitor performance against these plans</li> </ol>



	<p>2 To deal with petitions when referred to Overview &amp; 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 &amp; 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>(i) specific internal audit reports, as requested by the Panel, with the agreement of the S.151 Officer or Monitoring Officer.</p> <p>(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"> <li>(i) such national and local performance indicators as the Panel considers appropriate</li> <li>(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</li> <li>(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</li> </ul> <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"> <li>- Governance arrangements</li> <li>- any inspections or reviews undertaken in respect of partnership arrangements</li> </ul> <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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## A3 CO-OPTEEES

### 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.

## WORK PROGRAMME- COMMUNITIES OVERVIEW AND SCRUTINY PANEL

<b>DIRECTORS</b>	Andy Jeffs(Executive Director), Duncan Sharkey(Managing Director)
<b>LINK OFFICERS &amp; HEADS OF SERVICES</b>	David Scott, Ben Smith, Anna Robinson, Angela Gallacher

### MEETING: 5<sup>th</sup> SEPTEMBER 2019

<b>ITEM</b>	<b>RESPONSIBLE OFFICER</b>
Presentation by Chief Constable of Thames Valley Police	<b>Chief Constable John Campbell,</b> <i>Thames Valley Police</i>
Annual Complaints Report	<b>Nikki Craig,</b> <i>Head of HR and Corporate Projects</i>
Q1 Performance Update Report	<b>Anna Robinson,</b> <i>Strategy and Performance Manager</i>
Hostile Vehicle Mitigation & Programme Update	<b>David Scott,</b> <i>Head of Communities, Enforcements &amp; Partnerships</i>
Singular Use Plastics Report	<b>Andy Jeffs,</b> <i>Executive Director</i>
Braywick Leisure Centre Update	<b>David Scott,</b> <i>Head of Communities, Enforcements &amp; Partnerships; Kevin Mist,</i> <i>Community Project Lead</i>
Parks and Open Spaces Update Report ( including traveller hardening measures & new initiatives)	<b>Ben Smith,</b> <i>Head of Commissioning</i>
Desborough Suite redevelopment Proposal Report	<b>Barbara Richardson,</b> <i>MD of RBWM property Company</i>
Work Programme	Panel clerk
<b>TASK AND FINISH</b>	
TBC	

### MEETING: 28<sup>th</sup> JANUARY 2020

<b>ITEM</b>	<b>RESPONSIBLE OFFICER</b>
Annual Scrutiny Report- Draft	<b>Chairman &amp; Lead Officers</b>
Budget Report	Lead Officers & Finance
SportsAble Annual Report	<b>David Scott,</b> <i>Head of Communities, Enforcements &amp; Partnerships</i>
Parkwood Leisure- Annual Report (including Windsor Leisure Centre update)	<b>Kevin Mist,</b> <i>Community Project Lead</i>
Q2 Performance Update Report	<b>Anna Robinson,</b> <i>Strategy and Performance Manager</i>
Community Safety Support & MEAM - one year on progress update and report	<b>David Scott,</b> <i>Head of Communities, Enforcements &amp; Partnerships</i>
Braywick Leisure Centre Update	<b>David Scott,</b> <i>Head of Communities, Enforcements &amp; Partnerships; Kevin Mist,</i> <i>Community Project Lead</i>
Museum Services Update Report	<b>Suzie Parr,</b>

	<i>Museum and Arts Team Leader</i>
Work Programme	Panel clerk
<b>TASK AND FINISH</b>	
TBC	

**MEETING: 20<sup>th</sup> APRIL 2020**

<b>ITEM</b>	<b>RESPONSIBLE OFFICER</b>
Annual Scrutiny Report ( Final version for approval and submission to Full Council)	<b>Chairman &amp; Lead Officers</b>
Q3 Performance Update Report	<b>Anna Robinson,</b> <i>Strategy and Performance Manager</i>
Old Court Update Report	<b>Suzie Parr,</b> <i>Museum and Arts Team Leader</i>
Singular Use Plastics Update Report	<b>Andy Jeffs,</b> <i>Executive Director</i>
Braywick Leisure Centre Update	<b>David Scott,</b> <i>Head of Communities, Enforcements &amp; Partnerships; Kevin Mist,</i> <i>Community Project Lead</i>
SportsAble 2019 Annual Report	<b>David Scott,</b> <i>Head of Communities, Enforcements &amp; Partnerships</i>
Work Programme	Panel clerk
<b>TASK AND FINISH</b>	
TBC	