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NOTICE OF MEETING

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CORPORATE OVERVIEW & SCRUTINY PANEL

will meet on

WEDNESDAY, 15TH JANUARY, 2020

At 6.30 pm

in the

COUNCIL CHAMBER - TOWN HALL, MAIDENHEAD

TO: MEMBERS OF THE CORPORATE OVERVIEW & SCRUTINY PANEL

COUNCILLORS LYNNE JONES, JULIAN SHARPE, CHRIS TARGOWSKI (CHAIR),
LEO WALTERS (VICE-CHAIRMAN) AND SIMON WERNER

SUBSTITUTE MEMBERS

COUNCILLORS CLIVE BASKERVILLE, PHIL HASELER, GEOFF HILL,
SHAMSUL SHELMIM AND JOHN STORY

Karen Shepherd – Head of Governance - Issued: 7th January 2020

Members of the Press and Public are welcome to attend Part I of this meeting. The agenda is available on the Council's web site at www.rbwm.gov.uk or contact the Panel Administrator **Mark Beeley** 01628 796345

Accessibility - Members of the public wishing to attend this meeting are requested to notify the clerk in advance of any accessibility issues.

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AGENDA

PART I

<u>ITEM</u>	<u>SUBJECT</u>	<u>PAGE NO</u>
1.	<u>APOLOGIES FOR ABSENCE</u> To receive any apologies for absence.	-
2.	<u>DECLARATIONS OF INTEREST</u> To receive any declarations of interest.	5 - 6
3.	<u>CALL IN - MAIDENHEAD UNITED FOOTBALL CLUB - REQUEST FOR RELOCATION</u> To consider the above Call In.	7 - 10
4.	<u>LOCAL GOVERNMENT ACT 1972 - EXCLUSION OF THE PUBLIC</u> To consider passing the following resolution:- "That under Section 100(A)(4) of the Local Government Act 1972, the public be excluded from the remainder of the meeting whilst discussion takes place on the grounds that they involve the likely disclosure of exempt information as defined in Paragraphs 1-7 of part I of Schedule 12A of the Act"	-

PART II PRIVATE MEETING

<u>ITEM</u>	<u>SUBJECT</u>	<u>PAGE NO</u>
i.	<u>CALL IN - MAIDENHEAD UNITED FOOTBALL CLUB - REQUEST FOR RELOCATION</u> To consider the above Call In. <i>(Not for publication by virtue of Paragraph 3 of Part 1 of Schedule 12A of the Local Governmet Act 1972)</i>	11 - 12

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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Report Title:	Member Call In – Maidenhead United Football Club - Request for Relocation
Contains Confidential or Exempt Information?	Yes - Part II appendix C
Meeting and Date:	Corporate Overview and Scrutiny Panel – 15 th January 2020

In accordance with Part 3 B7 and Part 4 A16 of the Constitution, the 19th December 2019 Cabinet decision relating to the item 'MUFC – Request for Relocation' has been called in for review by the Corporate Overview & Scrutiny Panel.

1. REASON(S) FOR CALL IN

1.1 The call-in notice, submitted on 3rd January 2020 stated the following reasons for calling in the decision:

- We do not believe that the information provided within the Cabinet paper was sufficient to ensure that cabinet considered all elements and consequences regarding the decision.
- The benefit and detriment to the council regarding the transfer of land for an amount of £NIL has not been sufficiently articulated to ensure a considered decision. No details were presented regarding the benefits to RBWM for this transfer. There is no evidence presented that the land is of de minimis value. All land has value and it's uses can change over time.
- The benefits and detriment to other organisations on the site have not been sufficiently articulated within the paper to ensure a considered decision. There is no mention of SportsAble or the Rugby Club whereas the athletic club have only given initial thoughts. No details are in the report as to the possible consequences of the development on current leaseholders on Braywick Park and the residents they serve. It specifies 'Leases to be surrendered' but again no explanation of the impact on current users.
- No details are in the report detailing the affect of this development on existing users of the park such as dog walkers, children playing, walkers, casual runners and people just making use of the green spaces.
- The council should consider and articulate clearly the benefits and detriment to surrounding residents of the change of use.

- The consideration should include increased numbers accessing the area and the impact especially at times of current heavy usage (Saturday afternoons), both on current users and adjacent residents.
- There is little discussion regarding increasing the capacity of the current site or it's facilities to give MUFC the future it seeks.
- The cabinet paper seems to ignore the duty of RBWM to consider current users of Braywick (both formal and informal) and ensure they are not disadvantaged for the benefit of another cohort before making the decision to support the move of MUFC to Braywick Park. The call-in to scrutiny gives officers the opportunity to inform councillors and ensure that the decision has been taken with full knowledge of the impact.

2. MEMBERS CALLING IN THE REPORT

2.1 The call-in notice was signed by the following Members: Councillors Jones, Taylor and Hill.

3. Panel Options

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

- 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.

4. APPENDICES

4.1 This report is supported by three appendices:

- Appendix A - Cabinet Decision 19th December 2019
- Appendix B - Cabinet report 19th December 2019 - [MUFC - Request to Relocate](#) (Electronic version only, Part II appendix via M.G application.)
- Appendix C – Part II Cabinet minutes.

5. BACKGROUND DOCUMENTS

5.1 This report is supported by two background documents:

- Council Constitution – Part 4 A - Purpose and Procedure Rules for O&S
- Cabinet agenda – 19th December 2019

Appendix A

CABINET DRAFT MINUTES – 19th DECEMBER 2019

MUFC – Request for Relocation

The Leader of the Council and Chairman of Cabinet, Business, Economic Development and Property introduced the report regarding the request from MUFC for assistance with the relocation of the existing football stadium and associated buildings.

Cabinet were informed that they had been approached by the football club to see if the council could help them to relocate to another location to assist in their plans to expand and move up the leagues and provide additional sports facilities.

The RBWM Property Company had identified a site at Braywick Park that would be suitable depending on planning consent and the club demonstrating its economic viability of any move.

Cllr Price questioned that there was no additional information regarding the three existing tenancies that may be impacted by the plans, especially SportsAble. She was informed that this related to the Part II appendices.

The Deputy Leader of the Council, Resident and Leisure Services, HR, IT, Legal, Performance Management and Windsor said this was an excellent opportunity to bring a range of sporting activities on one site including the new leisure centre.

Resolved unanimously that: Cabinet notes the report and:

i) Approves the release of land identified at appendix D, for nil consideration, to enable the relocation of MUFC.

ii) Delegate's authority to Executive Director of Place, to negotiate draft legal agreements for the release of the land, subject to s.123 report, to be brought back to Cabinet for approval.

Agenda Item 5

By virtue of paragraph(s) 3 of Part 1 of Schedule 12A of the Local Government Act 1972.

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