

**AT A MEETING OF THE BOROUGH COUNCIL held as a Virtual Meeting access on Tuesday, 27th October, 2020**

**PRESENT:** The Mayor (Councillor Sayonara Luxton), The Deputy Mayor (Councillor Gary Muir)

Councillors John Baldwin, Clive Baskerville, Christine Bateson, Gurpreet Bhangra, Simon Bond, John Bowden, Mandy Brar, Catherine Del Campo, David Cannon, Stuart Carroll, Gerry Clark, David Coppinger, Carole Da Costa, Wisdom Da Costa, Jon Davey, Karen Davies, Phil Haseler, Geoff Hill, David Hilton, Maureen Hunt, Andrew Johnson, Greg Jones, Lynne Jones, Neil Knowles, Ewan Larcombe, Ross McWilliams, Helen Price, Samantha Rayner, Joshua Reynolds, Julian Sharpe, Shamsul Shelim, Gurch Singh, Donna Stimson, John Story, Chris Targowski, Amy Tisi, Leo Walters and Simon Werner

Officers: Kevin McDaniel, Russell O'Keefe, Karen Shepherd, Adele Taylor and Mary Severin

41. APOLOGIES FOR ABSENCE

An apology for absence was received from Councillor Taylor.

42. COUNCIL MINUTES

**RESOLVED UNANIMOUSLY: That:**

**i) The minutes of the meeting held on 28 July 2020 be approved, subject to the following amendment:**

- P. 40 to read ‘ Councillor *Shelim* agreed that there was a need to promote local businesses and look at how the town centres could receive increased footfall.....’**

**ii) The minutes of the extraordinary meeting held on 28 September 2020 be approved**

**iii) The minutes of the extraordinary meeting held on 14 October 2020 be approved**

43. DECLARATIONS OF INTEREST

Councillors Johnson, Bhangra, Cannon and Carroll stated that with regard to the Members' Allowances Scheme, they had each made it known on social media that they were predisposed to vote against any increases in Member Allowances. However they confirmed they would not make up their mind on the decision until they had heard all the debate on the item.

The Monitoring Officer confirmed there was no need for any councillor to declare an interest in relation to the Members' Allowances item.

44. MAYOR'S COMMUNICATIONS

The Mayor had submitted in writing details of engagements that the Mayor and Deputy Mayor had undertaken since the last meeting, which had been limited due to COVID-19. These were noted by Council

45. PUBLIC QUESTIONS

**a) Sunil Sharma of Furze Platt ward asked the following question of Councillor Carroll, Deputy Chairman of Cabinet, Adult Social Care, Children's Services, Health and Mental Health:**

The council's response to Covid-19 has been very good but cases have risen and what are we doing to buck the trend and deal with a second wave?

*Written response: Thank you for your question. It is true that the borough enjoyed a long period when cases of Covid-19 were low over the summer. Since the beginning of September, however, we have seen a rapid increase in the number of cases in the borough, largely driven through community transmission, and this increase has been mirrored nationally. Evidence suggests that the increase in infection is predominately due to household to household transmission, rather than within specific high risk settings.*

*The Royal Borough is currently rated at level 1 of the Government's alert system and whilst the rise in our number of cases has slightly abated, the potential for underlying infection remains extremely high. We are keeping the situation under constant review and any decisions on further restriction will be based on data, the expert advice of our public health professionals and liaison with government.*

*What we are doing, and this is our constant focus, is urging everyone to consider their actions, follow the guidance, and understand the risks around transmission to prevent the further spread of the virus within our community. Everyone has a role to play in this. Our comprehensive communications and engagement activity is focused on these five key messages:*

- 1. Wash your hands regularly*
- 2. Wear a face covering where appropriate*
- 3. Keep space between yourself and those not in your household – this is particularly important if you have visitors or if you visit other homes.*
- 4. Do not meet in a group of more than six, indoors or outdoors*
- 5. If you have symptoms, self-isolate and get a test.*

*We are also acutely aware of the critical importance of our local businesses and the vital need for them to be supported at all times. Hence why myself and Cllr Johnson have been making vigorous representations to Government on improved financial support packages, particularly should cases continue to rise and any future classification is needed. I have also been speaking with DHSC colleagues over the need for improved local test and trace support and capacity. We will continue to ensure these critical issues are understood as part of our local plan.*

Mr Sharma did not attend the meeting and had not submitted a supplementary question.

**b) Ed Wilson of Clewer and Dedworth West ward asked the following question of Councillor Johnson, Leader of the Council:**

What is the Council's vision for Old Windsor?

*Written response: The emerging Borough Local Plan sets out the Council's vision for future development within the whole Royal Borough. Old Windsor is planned to play an important role as a local centre, continuing to meet the day to day needs of its local population. In addition, the Neighbourhood Plan for Old Windsor was adopted last year following a local referendum. This Plan forms part of the Council's development plan and sets out the vision for Old Windsor to be a thriving large rural village for people to live and work. Future developments within Old Windsor will be considered against these overarching visions.*

By way of a supplementary question, Mr Wilson asked how often the council would provide updates to residents in Old Windsor on the progress being made on implementing the council's vision for their area?

Councillor Johnson responded that there was no prescribed formula for resident correspondence with regards to key milestones; this would in part be met by the council's broader corporate communications on the planning vision for Old Windsor but also any communications from ward councillors. In terms of overall vision, this would also be shaped by the vision for the borough which was to create a borough of opportunity and innovation. Opportunity focussed on improving performance across schools, encouraging sustainable economic growth and driving forward the post-COVID economy and employment agenda. Innovation included new technologies and the transformation agenda.

**c) Ed Wilson of Clewer and Dedworth West ward asked the following question of Councillor Hilton, Lead Member for Finance and Ascot:**

The recent CIPFA Report commissioned by RBWM (under 3.14) said that "expenditure avoided a prioritisation process to the benefit of one ward". Is this statement correct?

*Written response: The Royal Borough of Windsor and Maidenhead, Review of Financial Governance by CIPFA was published in June this year, debated at the June Cabinet and again at Corporate O&S on the 27<sup>th</sup> July. You refer to section 3 of this report, namely the Clewer and Dedworth Capital schemes that related to highways, joint sealing and resurfacing in the Clewer and Dedworth area of Windsor.*

*The Council sets an annual budget for roads resurfacing and, quoting from the report to Cabinet the Highways Team state that; "The Highways network is assessed each year for structural condition and skid resistance through machine driven assessments. The results from these surveys are used to formulate a priority list of schemes for each road class based on a condition rating. In addition, requests from Ward members, Parish Councils, Town Councils, residents and area inspectors are considered to determine local priorities."*

*An annual Highways and Transport Capital programme is published that details the roads where work is proposed including the cost with the total cost equating to the budget set. In case one of the schemes listed, for some reason cannot be carried out, it is usual for a reserve list of roads to be published. None of the Clewer & Dedworth schemes were included in the prioritised list and all of the schemes were within one*

*ward. This supports CIPFAs conclusion that the expenditure avoided a prioritisation process to the benefit of one ward.*

By way of a supplementary question, Mr Wilson commented that according to the council's website the Cabinet met on 24 May 2018 to discuss the highways and transport investment programme. The papers refer to the Clewer and Dedworth Neighbourhood Improvement Plan and clearly state 'officers have assessed these improvements on a technical basis to form the prioritised programme'. The papers then said the roads prioritised for improvement such as Dedworth Road were in Clewer North, Clewer East and Clewer South; that was three wards not one. It was clear from the borough's own public documents that these improvements were in fact prioritised and did not just affect a single ward. This flatly contradicted the CIPFA report and what Councillor Hilton had said in his reply. He asked if Councillor Hilton would take time to reflect on his response and have another go at answering his question.

Councillor Hilton responded that in his reply he had referred to a different Cabinet paper. This was the Cabinet paper that prioritised at that time, and was delivered by the highways team, the money to be spent on highways. There were two parts: one was the prioritisation and there was a separate document relating to some schemes in Dedworth. The items included in the prioritisation list were included by measuring skid resistance and surface structure but also from listening to ward councillors, parish councils and members of the public. Supplementary to that list was the list of roads in Clewer and Dedworth. That list did not go through that particular scheme. However valuable anyone would believe the schemes were, they missed the prioritisation process. This was critically important as it was part of the council's governance arrangements. Also if a series of councillors or residents had requested a road was included and it had been included if another £350,000 been added to the list of roads, they would rightly feel they had been cheated.

**d) Deborah Ludford of Oldfield ward asked the following question of Councillor Stimson, Lead Member for Climate Change, Sustainability, Parks and Countryside:**

Council has declared a Climate Emergency and states in its Environment and Climate strategy 'the quality of life and the role of the natural environment in creating great places is a critical part of the success of the borough economy, and to our residents' health and wellbeing'. Surely this is inconsistent with plans to build on the golf course?

*Written response: The Council is committed to ensuring Sustainable Development which is defined by the UN as ensuring development that meets the needs of the present without compromising the ability of future generations to meet their own needs. The UK Planning System seeks to achieve this outcome by balancing economic, social and environmental objectives.*

*It is important for quality of life and creating great places to have sufficient and affordable family housing and educational facilities to meet needs. The process for the Borough Local Plan has been extensive and concluded that the site is needed to meet housing demand and the assessment shows that the site makes a lower or no contribution to the five purposes of the Green Belt.*

*A comprehensive placemaking approach will enable any potential impacts to be mitigated. This requires, amongst other things, "a strategic green infrastructure*

*framework and network of green spaces to meet strategic and local requirements, including retention of existing green spaces and edges where possible and provision of new public open space in accordance with the Council's standards." In addition, there will be improved, safe pedestrian and cycle links between this site and the new leisure facilities and existing open space at the adjacent Braywick Park, which is proposed to be allocated as a strategic green infrastructure site to serve Maidenhead.*

*The Open Space Study, 2019 found that Maidenhead is well served by public parks and gardens, has excellent access to natural and semi-natural greenspace such as Windsor Great Park and Dorney Reach as well as sites within the town. Maidenhead Golf course was not assessed by the Open Space Study as it is not publicly accessible. The greenspaces created through the development of the allocated site will be publicly accessible and provide more areas of accessible green space for local residents.*

*The climate strategy sets out the important principle of biodiversity net gain. This will mean that developments coming forward will not only have to mitigate their impacts but bring forward improvements to enhance biodiversity. As part of the allocation, the requirements for any future development will help to create a sustainable, high quality new development with a strategic green infrastructure network across the site. Any potential impacts have been weighed against the many positive impacts of the development, including the provision of about 2,000 new homes on the golf course site alone, as well as the creation of public open space, biodiversity net gains and community facilities.*

By way of a supplementary question, Ms Ludford commented that the council had said it was committed to sustainable development which was defined by the UN as ensuring it met the needs of the present without compromising the ability of future generations to meet their own needs. Surely by building on the green space that was the golf course, the council was significantly compromising the future by taking away the opportunity to plant trees, grow food, harness biodiversity, improve soil management and have clean air to breathe.

Councillor Stimson responded that she understood the question. There was a need to think about future generations. The council was looking to build 2000 new homes in the area. There were over 50 parks in the borough. There was limited land to develop due to the floodplain. There was also limited safe pedestrian and cycle routes and access between the north and the south. The council needed to deliver biodiversity net gain and accessibility. The council wanted to innovate and deliver something better; at the moment there was a golf course which did not have fantastic biodiversity. The site would have 2000 homes but would also have biodiversity net gain and would be opened up for future generations.

**e) Deborah Ludford of Oldfield ward asked the following question of Councillor Stimson, Lead Member for Climate Change, Sustainability, Parks and Countryside:**

Biodiversity is under threat with 1 million species facing extinction. The golf course is rich in wildlife habitats, providing homes for protected and endangered species such as slow worms, bats, hedgehogs and badgers. How can our council justify the destruction of these habitats when we know continued biodiversity loss threatens the wellbeing of everyone?

*Written response: The climate strategy sets out the important principle of biodiversity net gain. This will mean that developments coming forward will not only have to mitigate their impacts but bring forward improvements to enhance biodiversity. As part of the allocation of the golf course, the requirements for any future development will help to create a sustainable, high quality new development with a strategic green infrastructure network across the site. Through the planning process, the council will ensure the important habitats are protected and new opportunities for sustainable development are taken forward.*

By way of a supplementary question, Ms Ludford commented that the response stated the planning process would ensure important habitats were protected. Surely the key role the significant area of green space played in providing a biodiversity habitat (it was not just a load of greens and bunkers) was that it also filtered pollution and absorbed carbon. This made every inch important for people as well as wildlife.

Councillor Stimson responded that she understood the passion of those who had called for a park to be built there. However there were limited places to build and a fair borough needed to be created for everybody. It was not possible to build in the floodplain therefore alternative sites needed to be identified. The council would be increasing biodiversity in other areas of the borough, such as Battlemead Common. Not all the trees on the golf course would be taken down. She was working with the planning department to come up with a plan to ensure biodiversity net gain. It was not a case of biodiversity and sustainability on one side and planning on the other side.

**f) Tina Quadrino of Pinkneys Green ward asked the following question of Councillor Coppinger, Lead Member for Planning, Environmental Services and Maidenhead:**

Building on brownfield land is more sustainable than building on greenfield sites, with buildings recycled wherever possible to reduce carbon emissions. With the RBWM environment and climate strategy in mind, what is the council doing to make sure this is prioritised in our borough, particularly in the wake of the coronavirus pandemic which will leave many more business premises vacant?

*Written response: The Borough Local Plan sets out the spatial strategy and prioritises development on sustainable locations and brownfield sites where possible to meet the housing needs of the Borough. Our recently adopted Recovery Strategy also sets out our approach to supporting communities and businesses through the coronavirus pandemic. We will continue to support businesses to help them maintain sustainable models, as well as working with landlords to develop pop-up and 'meanwhile' uses in our town centres for any vacant units. The strategy also sets out a longer term plan to develop strategies for the future of our town centres to ensure they continue to thrive in the future and our maintained as the focus of community activity as well as ensuring the long term economic success of the borough.*

By way of a supplementary question, Ms Quadrino commented that the response mentioned the housing needs of the borough but since the Borough Local Plan had been written the Objectively Assessed Need (OAN) for housing in the borough had been halved. The reference to the COVID recovery strategy stated that many organisations were actively reviewing office space requirements for the future therefore was it not logical that any remaining development should take place on

vacant brownfield sites? Why was the council still insisting on developing the green belt golf course site which would contravene both the themes of the recovery strategy and its commitment in the climate and environment strategy?

Councillor Coppinger responded that the trouble with the OAN was that it was not the figure the council was required to build. If the council did not put forward a plan with the right number, it would be immediately forced to go back to another number which was some 200 houses more. The government was currently consulting on a further increase that would take it into the 900s. Whilst it may have seemed excessive in relation to the OAN, it was the right number to use considering what may come forward. The council would always put brown field sites first. In a borough constrained by flood plain, green belt and Crown Estate land, it had to use every single bit of brown field it could.

**g) Tara Crist of Riverside ward asked the following question of Councillor Coppinger, Lead Member for Planning, Environmental Services and Maidenhead:**

Like the River Thames, the creation of a Great Park in Maidenhead would provide a major draw to people looking to live and visit here, bringing economic prosperity, as well as providing a healthier environment. Surely the short term gain from developing the golf course is not in the long term economic or environmental interest of our town?

*Written response: The process for the Borough Local Plan has been extensive and concluded that the site is needed to meet housing demand. The assessment shows that the site makes a lower or no contribution to the five purposes of the Green Belt. The development itself will bring forward a strategic green infrastructure framework and network of green spaces to meet strategic and local requirements, including retention of existing green spaces and edges where possible and provision of new public open space in accordance with the Council's standards. The development itself will support the creation of this green space as well as other infrastructure that will support the regeneration of Maidenhead, as well as potential for innovation in low carbon energy and heating infrastructure.*

By way of a supplementary question, Ms Crist commented that the golf club was already designated as green belt. It was the largest green space remaining close to Maidenhead town centre. Despite the manicured greens it was home to a wide diversity of woodland creatures such as woodpeckers, badgers, deer, owls and bats that relied on every one of the existing mature trees as well as the surrounding grassland. How could this living green space vital for animals and humans be valued as low value land?

Councillor Coppinger responded that the reason the site was chosen was because there was no more brown field available, but also, because of its position close to the town centre and services, it was an ideal site. Sites further away would lead to increase in people driving to get to the station and other services.

**h) Mark Loader of Oldfield ward asked the following question of Councillor Johnson, Leader of the Council:**

Will the planned development of Maidenhead Golf Course result in the removal of established trees? If so, is this consistent with RBWM's Climate and Environment

Emergency Strategy? These trees remove carbon emissions and will make an important contribution towards RBWM target of Net Zero emissions by 2050. They also help to improve air quality in the centre of Maidenhead.

*Written response: The climate strategy sets out the important principle of biodiversity net gain. This will mean that developments coming forward will not only have to mitigate their impacts but bring forward improvements to enhance biodiversity, which includes the impact on trees. As part of the allocation, the requirements for any future development will help to create a sustainable, high quality new development with a strategic green infrastructure network across the site.*

*As part of the strategy, we are also developing plans to increase tree cover across the borough. This includes the recent successful bid to the urban tree fund which will enable the borough to plant and establish 1,000 new whips spread across three sites in the borough. We will continue to explore similar opportunities to work with communities and stakeholders to take advantage of these opportunities to meet our target to be net zero as a borough by 2050 at the latest.*

By way of a supplementary question, Mr Loader commented that the council had declared a climate emergency. Mature trees and green space on the golf course made an important contribution to absorb atmospheric carbon and biodiversity. More trees were needed and those existing needed to be protected. Was removing trees consistent with the council's strategy to achieve net zero by 2050?

Councillor Johnson responded that as part of any development proposal for the golf course, the council would seek to minimise any loss of existing trees. The design work was yet to be done but when it started he would be glad of Mr Loader's input. In terms of the wider strategy, the council was looking to increase biodiversity including by increasing the number of trees planted across the borough to offset any potential reductions on site. There was a need to develop the golf course site to deliver much need homes as opposed to flats. He referred to a piece of research that showed the golf course was not included in the original green belt designation. There had been foresight of the need for potential expansion of the town. Only more recently was it included in green belt status. The council would be looking to maximise tree retention across the site and make a feature of it for the new families that would move in.

46. PETITIONS

Councillor Coppinger presented the following petition on behalf of Abigail Tinson, lead petitioner:

*We the undersigned petition the Royal Borough of Windsor and Maidenhead to Create Cycle Lanes Around Maidenhead For Safety, Health and Pollution Benefits*

Councillor Coppinger explained that he was delighted to present a petition on behalf of many residents of whom 785 had signed the petition. Since lockdown began and now a new phase of COVID had begun, an incredible demand for cycling had occurred, many people were taking the plunge and trying out cycling for the first time or since they were young, and of course they were also introducing their children to cycling. One of the main reasons there had been more cycling was because of quieter roads making it easier for people to cycle. To make sure people could continue to cycle cycling lanes needed to be introduced and not just for the athlete but for the average



family. This would mean less injuries caused by cars and reassurance for all road users that there was a designated road space for cyclists.

With the development of the new Braywick Leisure Centre this was a perfect time to invest in cycling lanes. Maidenhead train station now had an extremely large bike locking area which meant that more cyclists were expected. Councillor Coppinger thanked Abigail Tinson who had been the driving or 'cycling' force behind the petition

47. REFERRALS FROM OTHER BODIES

Members' Allowances Scheme

Members considered recommendations by the Independent Remuneration Panel on the Members' Allowances Scheme.

Councillor Johnson introduced the report and highlighted that the recommendations came from the council's Independent Remuneration Panel (IRP); they were not the recommendations of his administration. He proposed that Members debate all the recommendations and then vote on them collectively. This was seconded by Councillor Rayner.

Councillor Stimson commented that anything in the report that had the semblance of increasing costs should be rejected.

Councillor Hilton stated that given the financial situation and COVID, council staff had not received any increase in pay therefore the recommendations made no sense. He had no desire for his own allowances to be increased.

Councillor Jones agreed that in light of the financial situation of the council and what residents and staff were seeing at the moment, there were a number of recommendations she could not agree with. She asked whether deferral was an option.

The Monitoring Officer advised that if the item were deferred, the recommendations from the IRP would expire. It would involve considerable council resources to start the review process all over again.

Councillor Jones proposed amendments to each of the 23 recommendations, with the following comments, details of which were circulated to all councillors:

1. No, leave basic allowance as is. Given the financial situation of the council and the economy at the moment this was not the time for an increase. If the situation changed within the next 4 years then there was the option to revisit the recommendations.
2. Yes
3. Agree the basis for the Leader SRA @ 3 times basic
4. Agree maintain at 55% but on agreed rate as per note for 1
5. Agree maintain at 50% but on agreed rate as per note for 1
6. Agree maintain at 25% but on agreed rate as per note for 1
7. Agree be reset at 20% but on agreed rate as per note for 1
8. Agree
9. Agree

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10. Agree maintain at 20% but on agreed rate as per note for 1
11. Agree
12. Agree
13. Agree but reword to 25% of Leaders SRA to be split proportionately but on agreed rate as per note for 1
14. Agree
15. Agree
16. Agree
17. Agree
18. Agree
19. Agree
20. Agree
21. Agree
22. a) Agree – but deferred for 21/22 and brought back to council each year for decision on whether to go ahead dependent on situation b) Agree c) Agree d) Agree e) Agree
23. Agree apart from including Audit Panel to be implemented from 28<sup>October</sup> 2020 due to only having had 1 meeting.

Councillor Jones conclude that she was aware of the number of hours (at least 30 hours per week) that were carried out by Members and how this may be a barrier for some to be able to put themselves forward as councillors but her view was that this was not the time to address that issue.

Councillor Hill seconded the amendments proposed by Councillor Jones. He felt it would be entirely inappropriate for councillors to take an increase at this time.

Councillor Johnson commented he felt recommendation 13 was a sensible way forward. His view was that the status quo should remain in relation to the Basic Allowance and the subsequent SRAs, therefore any increases should be rejected.

Councillor Werner commented that these were scary times. People who had worked hard all their lives had lost their jobs; others were having their salary halved to keep their job. He did not see how any increase could be justified at this time. He agreed any increases to the Basic Allowance or any SRA should be rejected. Recommendation 13 would mean he would be the only person to take a significant cut in their allowance; he was very happy for that to be implemented.

Councillor Knowles commented that the quantifiable recommendations were all linked from the Basic Allowance and multiples thereof. He believed that all wished for the Basic Allowance to be frozen and therefore the later recommendations would be recalculated with no increase.

**RESOLVED: That full Council notes the report and:**

- i) **Having considered the 23 recommendations of the Independent Remuneration Panel, agrees that:**
  - ***1: The Basic Allowance payable in the Royal Borough of Windsor and Maidenhead should remain at its current level, £8143***

- **2: The Basic Allowance continues to cover the range of expenses as currently set out in the Members' Allowances scheme (paragraph 4 of Part 9A of the constitution)**
- **3: The SRA for the Leader should remain at £24,428**
- **4: The SRA for the Deputy Leader and Deputy Chairman of the Cabinet should remain at 55% of the Leader's SRA, £13,434**
- **5: The SRA for the other Lead (Cabinet) Members should remain at 50% of the Leader's SRA, £12,215.**
- **6: The SRA for the Chairmen of the Area Development Management Panels and the Licensing Panel should remain at 25% of the Leader's SRA, £6,107**
- **7: The SRA for the Chairmen of Overview and Scrutiny Panels be reset at 20% of the Leader's SRA, £4,886**
- **8: The SRA for the Chairman of the Audit and Governance Committee be set at 20% of the Leader's SRA, £4,886.**
- **9: The number of remunerated Chairmen in this category remains capped as follows:**
  - Area Development Management Panels: a maximum of 2
  - Overview and Scrutiny Panels: a maximum of 4
  - Licensing Panel: a maximum of 1
- **10: The SRA for the Chairman of the Berkshire Pension Fund Panel should remain at 20% of the Leader's SRA, £4,886**
- **11: The SRA for Members attending meetings of the Licensing and PSPO Sub-Committee be discontinued. The recommendation to backdate changes to May 2019 would not apply in this instance, i.e. any allowances already paid out since May 2019 would not need to be repaid**
- **12: The SRA for Members of the Appeals Panel be maintained at £33 per meeting up to three hours and £66 for meetings that last over 3 hours.**
- **13: The SRA for the Leader of the Main Opposition Group and Leader of Minority Opposition Groups (with at least 5 Members) be removed from the scheme and replaced with one SRA for Opposition Group Leaders of £6,107, to be split proportionately between Group Leaders based on the number of Members in each Group. The requirement for a minimum number of Members in a Minority Opposition Group to be reset to 3. If approved, the changes should take effect from 28 October 2020 rather than being backdated to May 2019.**

- **14: No SRA be introduced for Chairmen of Working Groups**
- **15: The 1-SRA only rule continues to apply in the Members' Allowances scheme**
- **16: A Co-optee Allowance should continue to not be included in the Member's Allowances scheme**
- **17: Subsistence Allowances should continue to not be included in the Members' Allowances scheme**
- **18: The current terms and conditions and the rates payable for Travel Allowances are maintained, subject to the amendments to Schedule 2 detailed in paragraph 100 of the IRP report**
- **19: The terms and conditions of the Dependants' Carers' allowance be maintained, subject to the following amendment:**

The total amount claimable per approved duty is capped at 5 hours and within any one week a maximum of 20 hours can be claimed to allow for reasonable 'settling in' time.

- **20: No changes be made to the section on Maternity, Adoption and Paternity Leave in the current scheme.**
- **21: No changes be made to the Civic Allowances or Mayor/Deputy Mayor SRAs contained in the current scheme.**
- **22: *The following allowances continue or be indexed (up to October 2024) at the following rates:***
  - **Basic Allowance, SRAs, Civic Allowances, and the Financial Loss Allowances:** updated annually in line with the average pay increase given to Royal Borough employees (and rounded to the nearest pound as appropriate). Any implementation of this index should continue to be applicable from the same date that it applies to officers. Deferred for 21/22 and brought back to full Council each year for decision on whether to go ahead dependent on situation.
  - **Mileage Allowance:** adjusted on the 1 April each year by reference to the HMRC AMAP (Authorised Mileage Allowance Payments) approved rates.
  - **Other travel:** will be reimbursement of actual costs taking into account the most cost effective means of transport available and the convenience of use.

- **Dependants' Carer's Allowance:** paid at the maximum hourly minimum wage applicable to the age of the carer (who must be 16 years of age or over) or, for carers of dependants on social/medical grounds, the Royal Borough's average hourly homecare charge
  - **The adjustments recommended above to be made each year for a period of up to 4 years (November 2020 to October 2024) without the need for a review by the Remuneration Panel, unless such a review is requested by the Panel or the Council.**
  - **23: The recommendations be implemented immediately and backdated to the start of the 2020/21 municipal year, with the exception of proposed changes to Licensing and PSPO Sub-Committee SRAs and those related to Opposition Group Leaders and the Chairman of the Audit and Governance Committee, which should be implemented from 28 October 2020.**
- ii) **Where changes to the Members' Allowance Scheme are approved, delegates authority to the Monitoring Officer to amend the scheme in the council's constitution.**
- iii) **Where changes to the Members' Allowance Scheme are approved that increase the costs of the Members' Allowance Scheme, the Head of Finance be delegated authority to amend the budget for 2020/21 and subsequent years as appropriate.**

All Members present voted unanimously for the above resolutions, with the following abstentions: Recommendations 8 and 23 – Councillor Bateson; Recommendation 13 - Councillor Jones. As all the amendments were approved, it was agreed that there was no need for a further vote on the recommendations as a whole.

Councillor Rayner thanked the members of the Independent Remuneration Panel for the valuable work they had undertaken during the review.

#### Constitutional Amendments

Members considered a number of constitutional amendments.

Councillor Johnson explained that the recommendations related to the pension fund and the council's relationship with Achieving for Children.

Councillor Bond commented that putting the words 'pensions' and 'governance' together was a soporific combination, but was important as pensions were based on salary, and if there was any deficit employers had to make it up over time. The fund was worth £2bn. The Local Government Pension Scheme (LGPS) one of the top ten funded schemes in the world.

It was always instructive to listen to the Chair of investment sub-committee because Councillor Hilton was the person with experience of the investment side. The recommendations proposed laying down a layer of governance. Members of the sub-

committee were all Conservative councillors on the parent body therefore the Panel was not losing any individual or their experience.

The proposals were based on an independent governance review undertaken in February and March. There was a lot of detail for the Panel to follow through on. No doubt the author was paid the going rate for his expertise and time spent. It was great that he could attend the recent Panel meeting and give a dispassionate outsider's view.

Councillor Bond's own journey started in May, when he had attended an Overview and Scrutiny meeting, one of the first after the reopening for meetings. He had heard about the adverse ISA 260 auditor's report and the review, and had thought 'I'm on the Pension Panel aren't I, why don't we know about any about this?' The report was also mentioned in the CIPFA finance and governance report in the summer, so he then started asking to see review.

When the review and recommendations were presented to the Panel a couple of weeks previously, Councillor Bond's reaction had been twofold: this was a positive first step towards good governance, transparency and accountability, and it told the council what it knew already. Councillor Bond commented that perhaps those councillors who served before May 2019 would say something similar of the CIPFA report itself, that it told them something they already knew. This begged the question: could effective scrutiny have got the council to the same place, a thought for all backbench councillors to ponder for the future.

Councillor Sharpe commented that the proposals were good news from a governance perspective for the pension fund. Adding a Pension Fund Manager was good as this had been a role lacking for a number of years. The proposals also rationalised the way the fund was managed and administered to bring more transparency.

Councillor W. Da Costa highlighted that the Royal Borough of Windsor & Maidenhead was the administering authority for the Royal County of Berkshire Pension Fund. RBWM therefore had a statutory duty to maintain the Fund in accordance with The Public Services Pension Schemes Act 2013, associated Local Government Pension Scheme (LGPS) Regulations and wider pension legislation. Sadly, over the last 10 years, perhaps more, the conduct had been remiss in many areas resulting in an adverse ISA260 report issued on 6 December 2019 which recommended that an independent review of Pension Fund governance should be undertaken.

This review had been conducted and the changes in governance were those recommended by the independent reviewer, they more appropriately aligned responsibility and authority which was mismatched in the previous arrangement. Councillor W. Da Costa welcomed them and urged all to approve them. However, whilst some of the governance issues had started to be addressed much more work was needed to ensure open and transparent governance, more open and effective scrutiny and that good decisions were being taken in line with modern best practice.

As the operation of the Pension Panel fell outside the remit of the Executive under the Local Government Act 2000, it was vital that the operation of the panel was apolitical and completely collegiate where all members were equal. To ensure this Councillor W. Da Costa suggested that the chair should be not be a member of the administration. Heavy investment was needed in training of panel members so that they could pilot

the plane through the stormy weather the multibillion pension fund faced. More openness was needed with regard to scrutiny and allowing members of the public, and employees and their representatives, to ask questions.

The council could not afford to be complacent with the responsibility as the lives and retirements of too many people depended on the fund.

Councillor Rayner commented that she had attended a recent Pension Fund Panel meeting and she had been impressed at how they were addressing the issues. It was a robust panel and she recommended the report.

Councillor Johnson welcomed the contributions made by Members during the debate. The recommendations would strengthen the internal processes and also outcomes including the ability to make flexible but robust decisions.

Councillor Hilton confirmed that the recommendations were agreed by the Pension Fund panel at its meeting on 19 October 2020, as this had taken place after the full Council agenda had been published.

It was proposed by Councillor Johnson, seconded by Councillor Rayner and:

**RESOLVED UNANIMOUSLY: That full Council notes the report and:**

- i) Following the recommendation by the Berkshire Pension Fund Panel at its meeting on 19 October 2020, approves amendments to the constitution detailed in Appendix A in relation to the governance structures of the Berkshire Pension Fund.**
- ii) Approves amendments to the constitution detailed in Appendix B, and notes the proposed terms of reference of the AfC Ownership Board as detailed in Appendix C, in relation to the governance structures of Achieving for Children. Changes to the constitution to be made subject to subsequent agreement to the governance changes by London Borough of Richmond and Royal Borough of Kingston Upon Thames during November and December 2020 respectively.**
- iii) Delegates authority to the Monitoring Officer to update as appropriate and publish the council constitution.**

#### Approval of Additional Capital Schemes

Members considered approval of a number of additions to the capital programme.

Councillor Hilton explained that as full Council approved the capital programme in February each year as part of the budget setting process, any changes in-year required full Council approval. Six capital schemes were covered in the report; Members would be familiar with the details as the schemes had all been debated and approved at Cabinet in July or September 2020.

Councillor Jones asked if any other schools than Larchfield required safeguarding improvements and whether or not this was a priority. She also asked if she was right that the council was originally going to pay the Braywick Leisure Centre scheme out of funds but now S106 money and grant funding was available.

Councillor Price requested a definition of the term 'fully funded'.

Councillor Hilton commented that if other schools required safeguarding works, the Lead Member for Children's Services would be aware. He confirmed that in relation to Braywick, nothing had changed and the funding sources were as reported in the July financial update. He clarified that the term 'fully funded' meant that external funding that fully covered the costs of a particular scheme. Councillor Hilton highlighted that the scheme relating to Bisham General Refurbishment included a virement; this involved money that would have been spent by the council being moved to within the school's responsibility.

Councillor Johnson welcomed the continued investment in schools and transportation, to drive forward economic growth in the long term. The new leisure centre trust was taking great strides despite difficult conditions. He commented that any future schemes would be considered in a conservative climate. The days of large scale spending on capital projects not fully funded were long gone.

Councillor Hilton concluded that any future schemes would require a business case supporting any funding.

It was proposed by Councillor Hilton, seconded by Councillor Johnson and:

**RESOLVED UNANIMOUSLY: That Council approves the following capital schemes:**

- i) A capital budget addition of £110,000 for Safeguarding works at Larchfield Primary School.**
- ii) A fully funded capital budget addition of £500,000 for SEND Special Provision**
- iii) A virement of £200,000 from the Secondary Expansions Risk Contingency to Bisham General Refurbishment.**
- iv) A fully funded capital budget addition of £87,000 for a Wider Area Growth Study.**
- v) A fully funded capital budget addition of £140,000 for the Emergency Active Travel Fund.**
- vi) A fully funded capital budget addition of £381,000 for design and construction changes to Braywick Leisure Centre.**

#### Corporate Parenting Annual Report 2019/20

Members considered the 2019/20 Annual Report on Corporate Parenting.

Councillor Carroll explained that he was presenting the report as Chairman of the Corporate Parenting Forum. Corporate Parenting was the collective responsibility of the council and its partners. The Corporate Parenting strategy had been refreshed in 2019 in partnership with Kickback and endorsed by full Council. The strategy outlined four key priorities:

- Working together with young people, councillors, professionals and partner services;



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- Listening to our children and young people and act on their views and ensuring they know what to expect from us;
- Ensuring all professionals and elected members are aware of their corporate parenting responsibilities;
- Supporting and encouraging our Children in Care and Care Leavers to achieve their full potential.

The Forum brought together elected Members and partner organisations with some of the Children in Care. One of the most positive aspects was that the children controlled the agenda; one example was an activity to simulate being a child in care when all forum members had their personal belongings removed and locked away for the duration of the meeting. The seriousness with which corporate parenting was taken was recognised in the latest Ofsted report, which also commented on the excellent format of meetings and that the children felt confident to speak their mind.

Councillor Tisi congratulated the officers, Lead Member, committee members and young people who had worked hard over the last two years to develop the forum. She had found it to be a refreshing change from other more formal meetings. The meeting was now held in an informal room, all participants tried to avoid using jargon and the young people drove the agenda. The young people spoke up and forced the councillors and officers to question their motions and actions.

Councillor Clark echoed the comments by Councillor Tisi. It was a privilege to be involved in the Forum. He encouraged all councillors to look at their responsibilities as a corporate parent and attend a meeting. As Chairman Councillor Carroll had done an excellent job. All agreed the forum was progressive and open and a vehicle for positive change.

Councillor Davey suggested all councillors be invited to the proposed awards ceremony. He asked for the Appendix to the report to be circulated to all councillors.

Councillor C. Da Costa commented that the forum was progressive and truly cross-party. The young people involved were very impressive and a credit to the borough. She encouraged all councillors to get involved and get to know them.

Councillor Price commented that she had responded to the open invitation to all councillors and attended a Kickback meeting. She had been very impressed at how self-assured the young people were. She urged others to attend a Kickback or Forum meeting.

Councillor Carroll thanked all the Members of the forum, including the officers who did a tremendous job at supporting the young people.

It was proposed by Councillor Carroll, seconded by Councillor Tisi and:

**RESOLVED UNANIMOUSLY: That full Council notes the annual report from the Corporate Parenting Forum**

### 48. POLITICAL BALANCE

Members considered the political balance on the council.

Councillor Werner explained that he supported the paper which was required given the recent change. He understood it was not for debate at the meeting, but he commented that he would be looking for all panels to have an odd number of members. In the example of the Constitution Sub Committee this had a membership of 4 which meant the Conservative group had a majority of 2 seats, whereas if it had a membership of 3 the Conservative Group would have a majority of 1. He requested that consideration be given by Councillor Johnson to increase the membership to 5 to allow both Opposition Groups to be represented.

Councillor Johnson commented that the review was required given the recent change in party membership. He responded to Councillor Werner's request to say that he was not minded to agree at the current time.

It was proposed by Councillor Johnson, seconded by Councillor Cannon and:

**RESOLVED UNANIMOUSLY: That Full Council notes the report and approves the amended political balance for the council as detailed in Tables 1 and 2.**

49. MEMBERS' QUESTIONS

- a) **Councillor Davey asked the following question of Councillor Coppinger, Lead Member for Planning, Environmental Services and Maidenhead:**

With reports of thousands of plots of land across the UK with existing planning permission but no activity by builders, could you tell us how many homes have been given planning permission in RBWM that haven't started building yet?

*Written response: The planning regime has very limited influence over the rate at which developers choose to build out planning permissions. However, The Council publishes annually an Authority Monitoring Report which sets out this information. In 2018/19 there were 785 net new dwellings granted planning permission which was a significant increase from the previous year when 344 net new dwellings were granted permission. As of 31 March 2019 there were 1,558 outstanding, unimplemented housing commitments. This figure can vary year on year due to it taking into account large permissions which may have only recently been granted permission.*

*The net completions figures for each year show a more realistic picture of the rate of dwelling completions within the Borough. Over the last ten years there has been a marked increase in the rate of housing completions each year in the Borough. In 2010/11 there were only 190 net completions. There was a significant rise in 2014/15 when 514 dwellings were completed and the upward trend continued to 2018/19 when 705 net dwellings were completed.*

By way of a supplementary question, Councillor Davey thanked Councillor Coppinger for the clear response and commented that the number of 2000 homes felt familiar. He felt confident that the public questioners were not so confident with the replies from the Lead Members earlier in the meeting. He asked how could anyone argue that a builder could do more for biodiversity than nature itself. The BLP Inspector had questioned the government predictions of 16,000 versus 14,500. How this would be played out could be seen on YouTube on 9 December. He suggested that AL21 be moved to please his residents. On AL13 (the golf course) he suggested building ten homes at a cost of £1m each, and selling them for £5m. This would sort out the deficit

whilst retaining the majority of the golf course and maximising biodiversity. If each property was hard wired there would be no need for 5G to disrupt nature.

Councillor Coppinger responded that he had got quite lost and did not see the relevance of 5G. He was happy to wait for the inspector's decision; he felt that it would be exactly where the council wanted it to be. He thought that all of the things put forward would be accepted by the Inspector.

**b) Councillor Larcombe asked the following question of Councillor Cannon, Lead Member for Public Protection and Parking:**

Residents and businesses in my Ward have been seriously affected by flooding three times since the Jubilee River opened in 2002. You announced in August that the River Thames Scheme Channel 1 was stalled due to lack of funding. Furthermore maintenance of the local land drainage infrastructure is almost non-existent. Can you explain precisely how we got into this position?

*Written response: Council considered a report on 26th September 2017 and resolved the following:*

- *£10m, split over four years, is added to the capital programme commencing 2020/21 (subject to delivery of the full scheme).*
- *There is an agreement in principle of paying a flood levy of up to £500,000 per annum to the Environment Agency as a contribution to the operating and maintenance costs (subject to new legislation being enacted to make provision for this)*
- *A delegation to the Head of Finance in conjunction with the Lead Member for Finance to develop and introduce a flood levy be approved*

*In the period from September 2017 to date, scheme development has continued and costs / funding sources have altered. The project is a multi-agency project led by the Environment Agency who are responsible for commissioning the design, development, construction, maintenance and management of the project. There are a range of funding sources, including financial contributions from Central Government; Thames Regional Flood and Coastal Committee; Thames Water and partner Local Authorities.*

*The contribution required from the Royal Borough is £52.7m. Contributions have been paid since 2015/16 and a further contribution of £10m approved from 2020/21 onwards - the balance to be funded is £41.275m.*

*The financial position of many Local Authorities (including the Royal Borough) has altered significantly since 2017. However, the Council decision was made openly and transparently in September 2017 with due consideration of the prevailing financial situation at that point in time.*

*The current position is that borrowing a further £41.275m is unaffordable and the borrowing costs are considered unacceptable. This position may be reconsidered if a secure mechanism was in place to increase income to fund the borrowing costs. Whilst other mechanisms may be considered, reliance on the change in legislation to apply a flood levy over and above core Council Tax is considered the only viable route to provide confidence that income can be secured.*

*With respect to securing the change in legislation, despite a verbal commitment and lobbying, the legislative change has not been enacted.*

*The Royal Borough remains committed to the River Thames Scheme, subject to securing a suitable mechanism to fund the borrowing costs. At council on 27th February 2020, '... the Leader repeated the position...that we support the scheme, have committed £10M and will precept the balance if allowed...'*

*In parallel with the above we continue to work with the Environment Agency on alternative local solutions. In addition, approved revenue and capital funding is in place to deliver local improvements and essential maintenance to local infrastructure.*

By way of a supplementary question, Councillor Larcombe stated that the RTS was announced as fully funded in October 2019. The .gov website suggested that this was still the case. Now, for the want of £42m, the RTS Channel 1 was at a standstill; there was no money and all knew why. Since 2002 RBWM had benefitted from the construction and operation of the Maidenhead, Eton and Windsor flood alleviation scheme and in particular the currently damaged Jubilee River. All had heard about the north/south divide. Councillor Larcombe felt that there was an east/west divide. People in his remote ward had yet again been marginalised and disadvantaged. In the absence of RTS Channel 1, he asked in which year would the alternative local solutions and essential maintenance to local infrastructure give the undefended downstream villages the same level of flood protection enjoyed by Maidenhead?

Councillor Cannon responded that it was Surrey County Council who had stated the scheme was fully funded in their section; simply repeating this did not correct it. In relation to the way forward the EA was the lead agency and it was working with them that would provide additional defences. Discussions were underway on flood alleviation to defend both the Old Windsor and Datchet, Horton & Wraysbury wards. In due course those matters would be brought before the local flood forum and residents.

50. MOTIONS ON NOTICE

Motion a

Councillor McWilliams introduced his motion. He explained that it felt a long time since he, along with Councillors Carroll, W. Da Costa and Tisi, got together to put aside party political differences to put together a motion that set out practical steps to address the public debate around race and racism. The public debate on the issue often included reflections on the country's history, the structures within public institutions and relations with different cultures and communities. When traversing this huge tapestry of issues it was all too easy to engage in debate about the very fabric of society and creating practical steps to advance change was sometimes more challenging.

The motion tackled this hugely important matter soberly and with clear positive outcomes in mind. Collecting high quality diversity data to compare to local demographics would enable the council to ask meaningful questions on whether there were any perceived or actual barriers to people from diverse backgrounds applying for roles. It may be that there was no issue but if there were perceived or actual barriers they could be tackled by having a greater understanding of the data. The council

already collected some data; it was hoped the motion would take this to the next stage.

Engaging in regular equality and diversity training was a standard part of corporate and public institution life. There was no reason that these same standards should not be applied to councillors. Members were required to undertake training on a number of issues and ensuring any potential barriers to opportunity were addressed was hugely significant. It was also important to understand the country's history in all its complexity, as a nation with a history dating back millennia, there were some dark chapters as well as inspirational ones. Slavery was a stain on the country's history yet it was the Royal Navy and the British government that put an end to the slave trade. The history of empire was also complex and countless academic tomes had sought to understand its full impact. The motion asked all to encourage the fullest possible understanding of the nation's history.

Councillor McWilliams hoped that all would support the motion to take practical steps to ensure the council was responding reasonably and with due consideration to concerns expressed around race and racism in the recent public debate.

Councillor W. Da Costa explained that he wanted to hold up a mirror of best practice. The fight for justice and equality went on from one generation to the next. Today it was the turn of this generation and the council to push further back the boundaries of inequality and injustice. Racism existed; structural inequalities existed. A rudimentary comparison of the ethnicities of councillors with ONS data for RBWM and surrounding councils indicated, amongst other things, that Black people were not just massively underrepresented at Council but the situation was getting worse.

This motion being presented was propitious as the Lawrence Report entitled, "An Avoidable Crisis" had been published earlier in the day, led by Baroness Doreen Lawrence, mother of the late Stephen Lawrence.

The report called for an urgent need for action to tackle health inequalities, plug the gaps in data and end structural racism through training, education, and engagement. In particular the Lawrence report called for;

- A Race Equality Strategy, developed with Black, Asian and minority ethnic communities and with the confidence of all those it affected.
- A national strategy to tackle health inequalities
- Equality impact assessments to be used much more effectively to shape and inform policy, and policymakers to tackle structural racism with their decisions.
- The publicity of ethnicity pay gaps to mirror gender pay gap reporting.
- Diversity of the school curriculum to ensure it included Black British history, colonialism and Britain's role in the transatlantic slave trade. This did not deny the wonderful things the country had achieved.
- A strategy with clear targets to close the attainment gap at every stage in a child's development

The proposed motion covered most of the key suggestions in the Lawrence Report, with the exception of the equality impact assessments recommendation.

With this motion, the council would demonstrate it was taking action with a sense of urgency. It would allow the council to plug the data gaps, and identify issues, annually, including health inequalities, that needed addressing. It would help make great progress on ironing out structural racism through appropriate training and education. It would also create a forum, a conference, where people could be listened to and people could learn from each other.

Councillor W. Da Costa felt that the process was as important as the outcome. It would be iterative with progress steered by a cross party group. It would give people an opportunity to speak and be heard, most notably through a conference to be held in the borough. The council would reach out to experts and residents especially from the BAME communities to help reach high levels of attainment and excellence.

Enthusiastic officers, who had already done some work on the issues, had advised Councillor W. Da Costa that it would be possible to apply for external funding and S106 to be able to deliver the project and pay for some expertise and consultancy.

Councillor W. Da Costa commented that this was a chance to subtly change the structures within RBWM to help ensure that injustices did not happen and to ensure that all worked together; a social biodiversity with all the ensuing benefits. The motion would start the work on tackling racism. Councillor W. Da Costa challenged others to bring future motions to tackle EQIAs and other protected characteristics.

Councillor W. Da Costa proposed an amendment to recommendation ii to allow for greater flexibility to choose the correct types of mandatory training:

- Introduce mandatory *training such as* unconscious bias training for councillors and officers....'

Mandatory training would help the council achieve consistent and excellent standards of decision making and actions.

Councillor McWilliams accepted the amendment.

Councillor Tisi thanked Councillor McWilliams for his willingness to work collaboratively on the motion. For some people in the room who might be privileged not to face discrimination in their everyday lives, it might be possible to ignore the level of inequality in society or that institutions were run in ways that disadvantaged whole groups of people. Research showed that Black boys were three times more likely to be permanently excluded from school; job applications with white sounding names were called to interview far more often than those with Asian or African sounding names. Black women in the UK were five times more likely to die during pregnancy and childbirth than white women. It could not be ignored that structural racism was embedded with society. As an organisation, the Royal Borough should hold itself to the highest possible standards and be seeking racial equity for its employees, Members and residents. The motion offered some practical initial steps. Education was one of the best tools available. The lives and achievements of Black people

should be celebrated through exhibitions and events. The council should help residents to understand the nation's colonial past, however uncomfortable this may be. The library service already did excellent work with their reading recommendations to promote books by Black authors and on the subject of racism. Members must set an example and educate themselves through appropriate training to avoid micro-aggressions of the kinds she had sadly witnessed at council meetings such as people repeatedly mixing up people names, as well as allowing exploration of larger issues such as the lack of diversity in councillors. It was vital to ask the difficult questions and learn from the lived experiences of others. The proposed summit would be an excellent opportunity to do this. Supporting the motion was not about ticking a box and moving on, but a commitment to start a conversation about inequality in the borough.

Councillor Hunt stated that she believed the motion had been put forward with the best intentions. It went without saying that all consciously agreed about the beginning of the motion. The council already had a Code of Conduct, a Constitution and the Equality and Diversity Act.

In relation to the first recommendation, Councillor Hunt commented that there was already a voluntary constructive Diversity Network Meeting and a staff mandatory e-learning module. In relation to mandatory unconscious bias training, she had looked this up. The Chartered Institute of Personnel and Development had said *'Unconscious bias has become a much more popular topic over recent years, but it doesn't necessarily follow that you can reduce bias and prejudice by explaining the psychology of it [to people]. In some cases, it can unleash it.'* The report highlighted an 'extremely limited' evidence base for unconscious bias training leading to positive change in employee behaviour. Carmen Morris, of 'leadership diversity and inclusion strategy for business' had said *'By its very nature, unconscious bias training can let the perpetrator of racism off the hook. After all, can someone really be blamed for something that they do unconsciously? It's like blaming someone for snoring in their sleep!'* It was important to remember that unconsciousness was not sub-consciousness. A report by the People Management company highlighted an 'extremely limited' evidence base for unconscious bias training leading to positive change in employee behaviour, concluding that diversity training *'doesn't usually show a sustained impact on behaviour and emotional prejudice, and alone is not sufficient to create a diverse and inclusive organisation. If some people come away from unconscious bias training with a message that 'it's all unconscious, so it's not really my fault and everyone's got unconscious bias', then that can increase bias.'*

Based on the above Councillor Hunt stated that she had found no useful argument for annual mandatory unconscious bias training.

In relation to Britain's colonial past and slavery, Councillor Hunt commented that Britain was a great empire and brought a lot to other countries and colonies. Slavery was a different issue, it went on all over. What should be encouraged was teaching about the slavery that was going on today. It was far more important that people learnt about slavery happening today, to help those people affected. Councillor Hunt stated she was finding it hard to vote for the motion.

Councillor Coppinger commented that when he had first seen the motion he had had to think carefully about his response. He thought back to his childhood and had never realised there was an issue because everyone had looked like him and had spoken like him, but then he had thought further. His recent antecedents had been immigrants and had come over in 1837. His grandmother's first job was a servant in a big house in London. She hardly spoke any English because her first language was

Welsh. He hoped they were all fairly treated and given equal opportunities. Two of his best friends met at university and had been together for over 25 years and brought up two fine children. There was nothing wrong with that but had they been treated fairly because they were men? Councillors, as representatives of a mixed race, mixed gender, mixed age community must make every effort to ensure that everyone was treated equally. It should also be understood that what was once done may not be acceptable today but that it was a very different world then and there were many good things done quite often by the same people. He fully supported the motion.

Councillor Price commented that when she had read the Motion she had been disappointed, because if the council was going to do something about bias and training she expected it to cover all protected characteristics within the Equality Duty, which had brought together all anti-discrimination legislation some ten years ago. Councillor Price reminded all of the protected characteristics: age, disability, gender reassignment, pregnancy and maternity, marriage and civil partnerships, race, religion or belief, sex and sexual orientation.

The Equality Duty ensured that all public bodies, such as the council, played their part in making society fairer by tackling discrimination and providing equality of opportunity for all. It ensured that public bodies considered the needs of all individuals in its day to day work, in shaping policy, delivering services, and in relation to its employees.

The Equality Duty had three aims. It required public bodies to have due regard to the need to:

- eliminate unlawful discrimination, harassment, victimisation and any other conduct prohibited by the Act;
- advance equality of opportunity between people who share a protected characteristic and people who do not share it; and
- foster good relations between people who share a protected characteristic and people who do not share it.

To deliver this by adhering to the law, the council required knowledge and Councillor Price suspected all did not have that knowledge. Training was needed. The motion before Members was the first step in tackling one of the nine protected characteristics but she implored that Members and officers alike received the necessary training to cover all nine protected characteristics as soon as was practical. She understood there was an appointment of an officer imminent with the remit of ensuring the council complied with the requirements of the Equality Duty and she urged that training was high on the agenda for all. She urged that the implementation of the motion was not a standalone but formed part of a coherent education and training programme relating to all nine protected characteristics within the Equality Duty.

Councillor Rayner highlighted that the libraries and museum team already took part in Black History Month; there was a display on at the moment. The council already had expanded the employee diversity data it collected including on gender, sexual orientation and other diversities. This was published in a comprehensive work profile, the last time in September 2020. It had been published on the council website and available for scrutiny. The council had launched its Diversity Inclusion Network in October which was open to all council staff to join. The network had already held two



meetings and planned to undertake a staff survey. Officers already completed a mandatory unconscious bias training at induction and as an annual refresher.

Councillor Walters commented that he would love to support the motion but he could not as he felt it was unnecessary. The Equality Act 2010 was in place and all had signed up to it. The motion originally put by Councillor McWilliams was perfectly acceptable as it followed the law; however the one before Members now had a lot of amendments. Councillor Walters commented that he was probably one of few who had experienced the twilight of the colonial era as he was in the British Army in northern Nigeria. There were over 1000 Nigerian troops and a mixed mess. Councillor Walters referred to a Nigerian Regimental Sergeant Major, a Hausa tribesman, who had cried when the British left because he could see what was going to happen, the eventual the Biafran war. Councillor Walters commented, in relation to the third recommendation, that the organisation was already open to all. It also referred to celebrating the achievements of people of colour. Councillor Walters questioned why this was just restricted to people of colour; he felt this was discrimination itself. He felt it was isolating and unnecessary and divided people rather than creating unity. It was also an opportunity for people to be vexatious in their accusations and referred to two examples he had experienced. He felt he got on well with everyone in the borough; there was no need for the motion. Councillor Walters also raised concern about the financial cost of the proposals.

The Mayor announced that the 30 minute limit on the debate had been reached, therefore no other speakers would be allowed. She asked the proposer, Councillor McWilliams, to sum up.

Councillor McWilliams commented that there were no direct costs arising from the motion as the data was already being collected and training was available. External funding would be sought for the conference proposal. The important element was how the data already collected was analysed and this is what the motion sought to advance. Councillor McWilliams highlighted that the amendment he had accepted ensured flexibility in relation to training to get the best course possible. He agreed with Councillor Hunt that teaching of modern day slavery was also very important. He agreed with Councillor Walters that all groups should be celebrated but there was a specific community that had done a lot for RBWM and seeing how that work could be championed was a good thing. Members could bring motions relating to other groups if they so wished.

It was proposed by Councillor McWilliams, seconded by Councillor W. Da Costa and:

**RESOLVED: That this Council will:**

- i) Collect high-quality diversity data including conducting annual workplace surveys to analyse progress being made against Equality Objectives (2018 - 2022), including how well the organisation and Members reflect the demographic makeup of RBWM and the UK, and to identify steps to improve any disparity; findings will be reviewed and scrutinised at Corporate O&S and by members of the public.**
- ii) Introduce mandatory training such as unconscious bias training for councillors and officers, and encourage teaching and learning about Britain's colonial past and slavery; the Members' Code of Conduct will be amended to include a requirement to complete an annual training session.**

- iii) **Write to the Secretary of State for Education asking for a more ambitious national educational standard on issues of race and gender equality, and inviting him to attend an RBWM-hosted Gender & Race Equality Conference, where residents and employers can talk and share ideas on the importance of having high-quality diversity data; creating an organisation open to all; identifying the challenges and celebrating the achievements of people of colour in RBWM.**

| <b>Motion a (Motion)</b>       |         |
|--------------------------------|---------|
| Councillor John Baldwin        | For     |
| Councillor Clive Baskerville   | For     |
| Councillor Christine Bateson   | For     |
| Councillor Gurpreet Bhangra    | For     |
| Councillor Simon Bond          | For     |
| Councillor John Bowden         | Abstain |
| Councillor Mandy Brar          | For     |
| Councillor Catherine del Campo | For     |
| Councillor David Cannon        | For     |
| Councillor Stuart Carroll      | For     |
| Councillor Gerry Clark         | For     |
| Councillor David Coppinger     | For     |
| Councillor Carole Da Costa     | For     |
| Councillor Wisdom Da Costa     | For     |
| Councillor Jon Davey           | Abstain |
| Councillor Karen Davies        | For     |
| Councillor Phil Haseler        | For     |
| Councillor Geoffrey Hill       | For     |
| Councillor David Hilton        | For     |
| Councillor Maureen Hunt        | Against |
| Councillor Andrew Johnson      | For     |
| Councillor Greg Jones          | For     |
| Councillor Lynne Jones         | Abstain |
| Councillor Neil Knowles        | For     |
| Councillor Ewan Larcombe       | For     |
| Councillor Sayonara Luxton     | Abstain |
| Councillor Ross McWilliams     | For     |
| Councillor Gary Muir           | Abstain |
| Councillor Helen Price         | For     |
| Councillor Samantha Rayner     | For     |
| Councillor Joshua Reynolds     | For     |
| Councillor Julian Sharpe       | Abstain |
| Councillor Shamsul Shelim      | Abstain |
| Councillor Gurch Singh         | For     |
| Councillor Donna Stimson       | For     |
| Councillor John Story          | For     |
| Councillor Chris Targowski     | For     |
| Councillor Amy Tisi            | For     |
| Councillor Leo Walters         | Against |
| Councillor Simon Werner        | For     |
| <b>Carried</b>                 |         |

Motion b

Councillor Werner introduced his motion. He commented that residents had been rightly disappointed with the performance of many of the council's contracts, the waste contract in particular had been stressful. During such uncertain times the council required flexibility rather than being locked into contractual arrangements that were costly to change. There was a strong argument that whoever delivered the service was fully accountable and the council needed to be able to retain control over services, offering local training and employment opportunities and to prevent council funds leaking out of the borough. The motion was not suggesting that all services should be brought in house. It was about creating an atmosphere in which informed decisions could be made about insourcing rather than just paying lip service to the idea. The motion was also not about ideology but about practical responses to the issues the council faced, and following the evidence of many studies that showed the benefit of this approach. It could be argued that during the 1990s outsourcing was the right approach as local government was seen as costly and inefficient compared to private companies. However Councillor Werner felt this was no longer true. Local government was now perfectly capable of driving efficiencies through insourced services. Research had demonstrated that there were huge benefits for the council in being able to exercise more control and flexibility in the delivery of services. Councillor Werner stated that the issues with the waste contract in recent weeks demonstrated that outsourced services were not necessarily the answer to bad customer service and efficiency.

The council could build up the skills necessary to make insourcing bids. The council had previously had officers with those skills who had moved over to commissioning. The council always seemed to be replacing staff and there was a current vacancy for a Director. This would be an opportunity to get back on board the skills to put together bids and provide direct services. Councillor Werner commented that he had deliberately not put a timetable in the motion for going back over all the current contracts. This would allow a proper schedule to be written within officer resources. For the sake of the reputation of the council, the services residents received and efficiencies, the council must back a serious approach to in-house bids. The motion would also send a message that the council backed its staff to deliver its own services.

Councillor Baldwin seconded the motion.

Councillor Del Campo commented that she believed all ward councillors would have experienced problems; in her ward there were problems of plants growing from storm drains and sewage deposited on gardens. Whilst action was now being considered, it had taken 18 months to get to that position, which was not good enough for residents. A resident had also taken over the maintenance of some vacant beds by sowing wild flowers. Councillor Del Campo questioned how the situation had arisen when the council was paying money for contracts. The motion would set the wheels in motion to properly review the effectiveness of outsourced contracts.

Councillor Hill stated that he supported the motion for the simple reason that the council needed to decide where core expertise lied. The council had lost sight of this. The clue was in the name, the council was the planning authority and the highways authority and had responsibility for education and adult social care. These were very serious responsibilities and therefore he felt a very high level of expertise should be kept within the borough. He was worried about overspending on outsourced contracts; the highways service had not been great since it had been outsourced.

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Councillor Hilton commented that Councillor Werner had made a number of statements that did not stand the test of scrutiny. He accepted comments in relation to the waste contract but the most significant companies that provided services for residents were Achieving for Children (AfC) and Optalis; the council was a partner in both. Together they represented £60m, or 70%, of spend on services. In the past 6 months Ofsted had rated AfC as 'Good'; this had been a move from 'Requires Improvement' in a relatively short space of time, a significant achievement for which the staff were to be congratulated. In a separate inspection the youth offending team had also been rated as 'Good'. The council did not sit on its hands, for example it had considered the CIPFA recommendation to undertake a review of delivery options for children's services and adult social care. A report had been submitted to Cabinet in July 2020 that looked at a number of delivery options including transfer to an in-house service. The report had concluded that continuing with the current arrangements was the best option in both cases. Councillor Hilton concluded that the council had already analysed the delivery models for the most significant services and published the results. He did not see any evidence supporting the principles of in house delivery and would therefore not be supporting it.

Councillor Singh welcomed the positive motion. He had seen the chaos and frustration in his ward resulting from the difficulties with the waste contract. Residents living in blocks of flats in the town centre had not had waste picked up for weeks or months, leading to potential fire risks and hygiene issues. The problems had taken up valuable officer and Member time to rectify. This was a huge invisible cost to the borough. Whilst outsourcing was an option, it should not be the default for the council. It was ultimately the council's responsibility and ambition to provide excellent value for money services for residents.

Councillor Johnson assured Members that there was no ideological presumption in favour of outsourcing over other options. Every contract was evaluated on the benefit of quality versus cost. He accepted that more focus was needed on contract management and scrutiny. He called on all Members to play their part in contract scrutiny. He agreed that all future contracts would be reviewed as part of an ongoing value for money exercise. For existing contracts at the point of renewal, the council would seriously consider the best option for the service, whether that be continued outsourcing or bringing it back in-house.

Councillor Reynolds commented that the motion did not propose bringing everything back in house. Instead it sought to place in house bids on the same footing as external market solutions. He highlighted that Project Centre used to be part of the council, with council employees, before the service was outsourced and allowed to receive profit from the council taxpayer. In-house services would not necessarily cost more but would provide greater accountability.

Councillor Brar commented that residents in her ward had not been pleased with the waste service recently. The motion did not say that all services should be brought back in house, just that they be looked at one at a time. She commented on highways issues including drains full of muck, water going into garages and weeds in the drain.

Councillor L. Jones commented that it was right to put in-house solutions on the same level because the strategy did say there was a preference for external market solutions. There was no doubt that some of the external market solutions had been very successful, others had not.

Councillor Sharpe stated that he did not believe the motion was the right motion for what was trying to be achieved. There was a wide-eyed innocence on some people's behalf about what could be achieved internally in a council of the borough's size.

Councillor Clark referred to the council's Commissioning Strategy 2019-24. At point 3, it stated *'It is important to state that the commissioning process is one that can and should be used for all services providing a systematic approach to determining the best way of optimising cost and outcomes but it does not automatically assume that the outcome of commissioning is outsourcing or alternative delivery models. There is no predetermination as to the outcome of how services are delivered, which could be in-house, contracted, voluntary or other provision'*. Councillor Clark therefore felt the motion was spurious and misleading.

Councillor Knowles commented that broadly speaking all seemed to agree with the principle that the in-house option should be looked at. In the cases of both AfC and Optalis which were shared community interest companies, there was an element of both in-house service and outsourcing. The problem that CIPFA had found with the model was that agreement was needed from a wider basis of people to make changes. In the awarding of contracts there had to be an evolutionary process. Once a contract was awarded there was nothing wrong with running other models alongside to enable a comparison to be made at set points. This would give informed hindsight. The motion was a clear strategic proposition that would better serve the council and its residents.

Councillor Stimson expressed her gratitude to Councillor Coppinger who had stepped in as Lead Member to deal with the waste contract issues. She highlighted that providing a waste service was an incredibly specific skill. The role was very complex and it was not something the council would want to take on itself.

Councillor Davey commented that he could not see anything wrong with the wording of the motion; it was common sense. In relation to the waste contract he felt a step back should have been taken rather than trying to reinvent the system.

Councillor Baldwin commented that the commissioning strategy was an estimable document that he recommended all should read. The motion before Members was a very modest motion and he was puzzled by the apparent rancour by which it had been received by some Members. The motion did not seek to usurp any of the prerogatives of the majority, nor did it seek in any substantial way to rewrite the commissioning strategy. It was mostly just common sense. Councillor Clark referred to the purpose of the motion being misleading and had quoted extensively from paragraph 3.3. of the strategy but completely ignored the redundant sentence the motion sought to have removed, on paragraph 3.2 which said *'Whilst the current preference is to seek external market solutions, this was not the only priority'*.

Councillor Werner commented that he was disappointed that some of the speakers had not agreed to support the motion. He had deliberately put it forward as a non-party political motion. He emphasised that the motion was not saying everything should be insourced automatically. He was talking about taking a serious look at each area and getting the skills together to put forward sensible in-house bids. Without proper in-house skills to put together the bids it could not be argued that insourcing was being taken seriously. It was not reasonable to argue that insourcing was not a

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real option when it was not resourced. He had suggested how it could be resourced. Some people had moved over to commissioning and would have the skills of putting together the bids. There was also a vacancy for a Director. Councillor Werner suggested adding the ability to put together in house bids to the skill set of what the council was looking for in this post. This would show the council was taking the issue seriously for the benefit of both residents and the council's finances.

The Monitoring Officer confirmed that the rules in the constitution required that the debate finish at the end of the 30 minute period and no more speakers be taken other than the proposer of the motion.

Upon being put to the vote, the motion fell.

| <b>Motion b (Motion)</b>       |         |
|--------------------------------|---------|
| Councillor John Baldwin        | For     |
| Councillor Clive Baskerville   | For     |
| Councillor Christine Bateson   | Against |
| Councillor Gurpreet Bhangra    | Against |
| Councillor Simon Bond          | For     |
| Councillor John Bowden         | Against |
| Councillor Mandy Brar          | For     |
| Councillor Catherine del Campo | For     |
| Councillor David Cannon        | Against |
| Councillor Stuart Carroll      | Against |
| Councillor Gerry Clark         | Against |
| Councillor David Coppinger     | Against |
| Councillor Carole Da Costa     | For     |
| Councillor Wisdom Da Costa     | For     |
| Councillor Jon Davey           | For     |
| Councillor Karen Davies        | For     |
| Councillor Phil Haseler        | Against |
| Councillor Geoffrey Hill       | For     |
| Councillor David Hilton        | Against |
| Councillor Maureen Hunt        | Against |
| Councillor Andrew Johnson      | Against |
| Councillor Greg Jones          | Against |
| Councillor Lynne Jones         | For     |
| Councillor Neil Knowles        | For     |
| Councillor Ewan Larcombe       | For     |
| Councillor Sayonara Luxton     | Against |
| Councillor Ross McWilliams     | Against |
| Councillor Gary Muir           | Against |
| Councillor Helen Price         | For     |
| Councillor Samantha Rayner     | Against |
| Councillor Joshua Reynolds     | For     |
| Councillor Julian Sharpe       | Against |
| Councillor Shamsul Shelim      | Against |
| Councillor Gurch Singh         | For     |
| Councillor Donna Stimson       | Against |
| Councillor John Story          | Against |
| Councillor Chris Targowski     | Against |
| Councillor Amy Tisi            | For     |
| Councillor Leo Walters         | Against |
| Councillor Simon Werner        | For     |

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**Rejected**

The meeting, which began at 6.18pm, finished at 9.42pm.

Chairman.....

Date.....