

# Public Document Pack

Head of Governance: Karen Shepherd: (01628) 796529

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

YOU ARE HEREBY SUMMONED TO ATTEND the Meeting of the Council of the Royal Borough of Windsor & Maidenhead to be held as a **Virtual Meeting - Online access** on **Tuesday, 27 October 2020 at 6.15 pm** for the purpose of transacting the business specified in the Agenda set out hereunder.

Dated this Monday, 19 October 2020



Duncan Sharkey  
Managing Director

Rabbi Dr Jonathan Romain will say prayers for the meeting.
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## A G E N D A

### PART I

1. APOLOGIES FOR ABSENCE

To receive any apologies for absence

2. COUNCIL MINUTES

To receive the Part I minutes of the meeting of the Council held on 28 July 2020, and the Extraordinary meetings of the Council held on 28 September 2020 and 14 October 2020.

(Pages 9 - 66)

3. DECLARATIONS OF INTEREST

To receive any declarations of interest

(Pages 67 - 68)

4. MAYOR'S COMMUNICATIONS

To receive such communications as the Mayor may desire to place before the Council

(Pages 69 - 70)

5. PUBLIC QUESTIONS

- a) **Sunil Sharma of Furze Platt ward will ask 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?

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

What is the Council's vision for Old Windsor?

- c) **Ed Wilson of Clewer and Dedworth West ward will ask 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?

- d) **Deborah Ludford of Oldfield ward will ask 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?

- e) **Deborah Ludford of Oldfield ward will ask 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?

- f) **Tina Quadrino of Pinkneys Green ward will ask 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?

**g) Tara Crist of Riverside ward will ask 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?

**h) Mark Loader of Oldfield ward will ask 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.

*(The Council will set aside a period of 30 minutes to deal with public questions, which may be extended at the discretion of the Mayor in exceptional circumstances. The Member who provides the initial response will do so in writing. The written response will be published as a supplement to the agenda by 5pm one working day before the meeting. The questioner shall be allowed up to one minute to put a supplementary question at the meeting. The supplementary question must arise directly out of the reply provided and shall not have the effect of introducing any new subject matter. A Member responding to a supplementary question will have two minutes to respond).*

6. PETITIONS

To receive any petitions presented by Members on behalf of residents.

*(Notice of the petition must be given to the Head of Governance not later than noon on the last working day prior to the meeting. A Member submitting a Petition may speak for no more than 2 minutes to summarise the contents of the Petition).*

7. REFERRALS FROM OTHER BODIES

To consider referrals from other bodies (e.g. Cabinet):

i) MEMBERS' ALLOWANCES SCHEME

To consider the above report  
(Pages 71 - 104)

ii) CONSTITUTIONAL AMENDMENTS

To consider the above report  
(Pages 105 - 126)

### iii) APPROVAL OF ADDITIONAL CAPITAL SCHEMES

To consider the above report  
(Pages 127 - 130)

### iv) CORPORATE PARENTING ANNUAL REPORT 2019/20

To consider the above report  
(Pages 131 - 144)

## 8. POLITICAL BALANCE

To consider the above report  
(Pages 145 - 150)

## 9. MEMBERS' QUESTIONS

- a) Councillor Davey will ask 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?

- b) Councillor Larcombe will ask 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?

*(The Council will set aside a period of 30 minutes to deal with Member questions, which may be extended at the discretion of the Mayor in exceptional circumstances. The Member who provides the initial response will do so in writing. The written response will be published as a supplement to the agenda by 5pm one working day before the meeting. The questioner shall be allowed up to one minute to put a supplementary question at the meeting. The supplementary question must arise directly out of the reply provided and shall not have the effect of introducing any new subject matter. A Member responding to a supplementary question will have two minutes to respond).*

## 10. MOTIONS ON NOTICE

- a) By Councillor McWilliams**

Recognising the Office for Democratic Institutions and Human Rights statement on racism & xenophobia: "Prejudice or hostility towards a person's race, colour, language, nationality, or national or ethnic origin...Intolerant discourse in the media or from politicians can lead to increased racist sentiments towards

migrants and other minorities, including in the form of scapegoating," this Council resolves to:

- 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 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) By Councillor Werner:**

Following the profound disappointment many residents have experienced with service delivery shortcomings across a range of contracts awarded to external partners by recent administrations, it is long overdue time that the burgeoning evidence supporting an in-house delivery model is given more serious and sustained consideration.

This Council:

- i) Will abandon its preference, quoted in the Principles of Commissioning, to seek external market solutions.
- ii) Will, for each delivery model analysis going forward, undertake a serious study of an in-house solution and publish the results.
- iii) Will carry out a retrospective study on all active outsourced contracts to compare their value to an in-house delivery model and publish the results.

*(A maximum period of 30 minutes will be allowed for each Motion to be moved, seconded and debated, including dealing with any amendments. At the expiry of the 30-minute period debate will cease immediately, the mover of the Motion or amendment will have the right of reply before the Motion or amendment is put to the vote).*

11. LOCAL GOVERNMENT ACT 1972 - EXCLUSION OF PUBLIC

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 item 11 on the grounds that it involves the likely disclosure of exempt information as defined in Paragraphs 1-7 of part I of Schedule 12A of the Act"

**PRIVATE MEETING – PART II**

12. MINUTES

**(Not for publication by virtue of paragraph 3 of Part 1 of Schedule 12A of the Local Government Act 1972)**

To receive the Part II minutes of the Extraordinary meeting of the Council held on 28 September 2020  
(Pages 151 - 154)

## COUNCIL MOTIONS – PROCEDURE

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

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

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

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

- The mover of the Motion has a right to reply at the end of the debate on the Motion, immediately before it is put to the vote.
- At the conclusion of the debate on the Motion, the Mayor shall call for a vote. Unless a named vote is requested, the Mayor will take the vote by a show of hands or if there is no dissent, by the affirmation of the meeting.
- If requested by any **5** Members the mode of voting shall be via a named vote. The clerk will record the names and votes of those Members present and voting or abstaining and include them in the Minutes of the meeting.
- Where any Member requests it immediately after the vote is taken, their vote will be so recorded in the minutes to show whether they voted for or against the motion or abstained from voting

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

## **Closure Motions**

a) A Member who has not previously spoken in the debate may move, without comment, any of the following Motions at the end of a speech of another Member:

- i) to proceed to the next business;
- ii) that the question be now put to the vote;
- iii) to adjourn a debate; or
- iv) to adjourn a meeting.

b) If a Motion to proceed to next business is seconded, the Mayor will give the mover of the original Motion a right of reply and then put the procedural Motion to the vote.

c) If a Motion that the question be now put to vote is seconded, the Mayor will put the procedural motion to the vote. If it is passed he/she will give the mover of the original motion a right of reply before putting his/her motion to the vote.

d) If a Motion to adjourn the debate or to adjourn the meeting is seconded, the Mayor will put the procedural Motion to the vote without giving the mover of the original Motion the right of reply

## **Point of order**

A Member may raise a point of order at any time. The Mayor will hear them immediately. A point of order may only relate to an alleged breach of the Council Rules of Procedure or the law. The Member must indicate the procedure rule or law and the way in which he/she considers it has been broken. The ruling of the Mayor on the matter will be final.

## **Personal explanation**

A Member may make a personal explanation at any time with the permission of the Mayor. A personal explanation may only relate to some material part of an earlier speech by the Member which may appear to have been misunderstood in the present debate. The ruling of the Mayor on the requirement of a personal explanation will be final.



**AT A MEETING OF THE BOROUGH COUNCIL held as a Virtual Meeting on Tuesday, 28th July, 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, Helen Taylor, Amy Tisi, Leo Walters and Simon Werner

Officers: Adele Taylor, Russell O'Keefe, Mary Severin, Duncan Sharkey, Andrew Vallance, Karen Shepherd, Ian Motuel, David Cook, David Scott and Adrien Waite

19. APOLOGIES FOR ABSENCE

None received.

20. COUNCIL MINUTES

Councillor Baldwin requested the meeting be told the reason given by the Mayor for not accepting an urgent motion submitted by Councillor Brar. The Mayor agreed to circulate the details to all Members the following day.

Councillor Knowles proposed an amendment to the minutes to refer to the fact that the Mayor had told Councillor Hill to leave the meeting. He commented that the constitution required a vote to be taken to remove a Member. The Managing Director explained that a vote had not been necessary as Councillor Hill had left the meeting of his own accord. However, Members were able to amend the minutes as they saw fit. Councillor Davey seconded the amendment, commenting that it should also be added in that he had been removed from the meeting.

It was proposed by Councillor Knowles, seconded by Councillor Davey, and:

**RESOLVED: That the minutes of the meeting held on 23 June 2020 be approved, subject to the addition of the following at the appropriate point:**

- ‘Councillor Hill was ejected from the meeting by the Mayor for poor behaviour’
- ‘Councillor Davey was ejected from the meeting by the Mayor for poor behaviour’

<b>Minutes amendment (Amendment)</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

COUNCIL - 28.07.20

Councillor Stuart Carroll	Abstain
Councillor Gerry Clark	Abstain
Councillor David Coppinger	For
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	For
Councillor Maureen Hunt	No vote recorded
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	For
Councillor Gary Muir	Against
Councillor Helen Price	For
Councillor Samantha Rayner	Against
Councillor Joshua Reynolds	For
Councillor Julian Sharpe	For
Councillor Shamsul Shelim	Abstain
Councillor Gurch Singh	For
Councillor Donna Stimson	Abstain
Councillor John Story	Against
Councillor Chris Targowski	Against
Councillor Helen Taylor	For
Councillor Amy Tisi	For
Councillor Leo Walters	For
Councillor Simon Werner	For
<b>Carried</b>	

Councillor Baldwin raised a point of order with the Mayor that during a named vote, Members should only state whether they were 'for' or 'against' the proposal, or 'abstaining'. No other comment should be made. The Mayor agreed and stated that all should comply with this for future votes.

21. DECLARATIONS OF INTEREST

Councillor S Rayner declared a Disclosable Pecuniary Interest in the item 'Joint Central and East Berkshire Minerals and Waste Plan' as her family owned land that would be affected by the proposals in the plan. She left the meeting for the duration of the debate and vote on the item.

22. 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.

23. PUBLIC QUESTIONS

a) **Adam Bermange of Boyn Hill ward asked the following question of Councillor Johnson, Leader of the Council:**

Does the Leader of the Council believe he owes a fiduciary duty to the Secretary of State for Housing, Communities and Local Government in relation to the latter's powers under Schedule 1, Sub-Paragraph 2(5)(c) of the Housing and Regeneration Act 2008 and, if so, will he urgently write to the Ministry to disclose fully the findings of the CIPFA investigation?

Written response: *The review of financial governance that was undertaken by CIPFA and the results of that review are publicly available on our website and therefore available for anyone who wishes to view the information contained within it.*

Mr Bermange stated that he did not have a supplementary question, but would contact Councillor Johnson offline.

**b) Adam Bermange of Boyn Hill ward asked the following question of Councillor Cannon, Lead Member for Public Protection and Parking**

Would the Lead Member confirm the current legal and contractual basis for parking enforcement within self-administered Residents' Parking Zones and whether it is the Council's intention to withdraw enforcement in those streets that decline to become designated as Council-administered schemes? If so, when?

Written response: *The Parking Principal will be writing to all administrators of self-administered schemes during July and August advising of the 2 options which are available from April 1 2021.*

*These options are:*

- 1. Become a council administered scheme and apply the relevant permit fees*
- 2. Request the removal of the scheme, remove the permit parking restriction and for enforcement to cease*

*Self-administered schemes form part of the Traffic Regulation Order relating to a particular area. The same order and conditions also apply to Royal Borough administered schemes. The difference between self-administered and Royal Borough schemes is that permission is granted by the Royal Borough to the administrator of self-administered schemes to set local scheme rules including the number of permits permitted per household.*

*In the Traffic Regulation Order the definition of permit includes the wording "any other body with Councils approval and permission". This definition is applicable and covers self-administered schemes.*

By way of a supplementary question, Mr Bermange thanked the Lead Member for taking the time to provide his comprehensive answer, which provided some much-needed clarity.

Having spoken with a number of residents who served as administrators for their streets Mr Bermange commented that, whilst some had fully constituted associations to assist decision making others, such the one in Laburnham Road, Boyn Hill, had only informal arrangements.

Mr Bermange asked if the Lead Member could therefore commit to providing council assistance to those schemes in consulting and holding referenda, where required, and would he also consider extending the opportunity to decide on the future of schemes to those currently under council control too?

Councillor Cannon responded that all schemes, at any stage, were subject to residents' consent. If the majority of any residents in a scheme wished to change it, that just had to be brought to the attention of the parking team and then the council would look to make the changes. Schemes were only put in at resident's request; if the majority no longer wanted a scheme it could be adjusted or removed. A formal process was not needed, it could be done easily by letter or petition.

**c) Ed Wilson of Clewer and Dedworth West ward asked the following question of Councillor Rayner, Lead Member for Resident and Leisure Services, HR, IT, Legal, Performance Management and Windsor**

Will the Lead Member provide details of the demise of the Legacy Leisure Trust and outline the governance arrangements of Leisure Focus.

Written response: *Parkwood Leisure entered into a contract with RBWM to operate our Leisure Centres with effect from January 2015, and the day to day operation of the centres has been delivered by their charitable arm Legacy Leisure since that contract began.*

*Following the closure of the leisure centres across the country with effect from 21 March 2020, as the result of guidance from Government responding to the COVID19 pandemic, Parkwood Leisure gave notice to the Borough to terminate their contract with RBWM as they considered Force Majeure applied and as such they did not consider it possible for the Centres to generate the income necessary to continue to pay the contract concession fee to RBWM.*

*Although the Borough rejected the notice to terminate at the time it was served, after taking legal advice, and considering the wider impacts on the leisure market across the county, and the ongoing impacts on Parkwood Leisure and their operations, the Borough recognised Parkwood could give a valid termination in June, and it would be better to negotiate ad managed contract termination and transfer.*

*The Legacy Leisure Trust has not ceased to operate but it was agreed that the contract between RBWM and Parkwood Leisure would come to a managed end, as the alternative proposal Parkwood offered, was not considered value for money for RBWM.*

*A range of options were therefore investigated and reviewed and the most advantageous option identified was to create a new Charitable Incorporate Organisation (CIO) who could take on the contract to the run the leisure centres when the contract with RBWM ends. This CIO has been established and is Leisure Focus.*

*A managed transfer by means of a Business Transfer Agreement have been prepared to deal with the contractual issues, and a new contract will commence on 1<sup>st</sup> August when the contract with Parkwood Leisure ends on 31<sup>st</sup> July 2020.*

*Leisure Focus Trust is a Charitable Incorporated Organisation (CIO) which is regulated by the Charity Commission; the details for Leisure Focus Trust can be found via the link provided below.*

<https://apps.charitycommission.gov.uk/Showcharity/RegisterOfCharities/CharityFramework.aspx?RegisteredCharityNumber=1190095&SubsidiaryNumber=0>

*As a CIO, Leisure Focus Trust is completely independent from the Council.*

*The relationship between Leisure Focus and the Council is governed by a contract between the parties. The Contract is a concession contract where the Council has outsourced the management of its leisure facilities to Leisure Focus Trust who have the right to run the leisure centres and retain the revenue (subject to the payment of a fee to the Council).*

*The Contract with Leisure Focus Trust will contain various mechanisms in terms of how the Council will maintain governance in respect of monitoring and reporting of the Leisure Services, these will include:*

- *Monthly review Meetings with the Council's Contract Manager;*
- *Quarterly review Meetings with the Council's relevant Director or Head of Service;*
- *Attendance by the Trust at meetings of elected Members to review contract performance and to present service development plans as part of the annual service planning process.*

*This arrangement reflects the arrangements that have worked well for the last five years.*

Mr Wilson was not present therefore his supplementary question was read out by officers:

Thank you for taking the time to reply to my question and for providing the background to the demise of the council's arrangement with Parkwood Leisure.

The Council's press release failed to mention this point or the associated action taken by Parkwood. Will the Lead Member confirm that Parkwood have agreed to meet all of their payments to the council up to the transfer to Leisure Focus?

Councillor Rayner responded that the council and Parkwood had finished their negotiations and everything had been agreed. If there were any further questions, Mr Wilson was welcome to write to Councillor Rayner and she would ensure he received a response.

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

For the sake of transparency will the Royal Borough provide the terms of reference for the review of financial governance that it requested from CIPFA?

Written response: *The document provided (see below) sets out the agreed process for the Review of Financial Governance undertaken by CIPFA.*

Mr Wilson was not present therefore his supplementary question was read out by officers:

Thank you for taking the time to reply to my question and for confirming that the Royal Borough did not issue or agree a term of reference for his report.

Given the absence of such a document how can residents be assured that the CIPFA report was comprehensive, robust and met the objectives set by the Managing Director who commissioned it?

Councillor Johnson responded that he was able to give full assurance that the document was indeed comprehensive, robust and was in line with the objectives set. The document had been considered once already by Cabinet, and also by Overview and Scrutiny the day before during an in-depth and rigorous debate. Cabinet would again consider the report including any recommendations from Overview and Scrutiny at its meeting later in the week. CIPFA was a well-regarded organisation and had been eminently helpful in uncovering historical irregularities.

**e) Andrew Hill of Boyn Hill ward asked the following question of Councillor Johnson, Leader of the Council.**

Why were Members not informed in the Council report of July 2019 that surveyors Knight Frank had, in March 2019, given an Existing Use Value (EUV) for the Nicholson Shopping Centre (excluding hope value) of £18m?

Written response: *Thank you for your question.*

*This is not something the Council has had access to until recently where it was referenced in the planning information, as part of the Financial Viability Assessment.*

*This is an existing use valuation, commissioned by Denhead (the company set up by Arelli and Tikehau), that covers the Nicholsons shopping centre including the ownerships of Denhead relating to their freehold interest in the site and their long leasehold interest until 2135 on the whole shopping centre site which included the income producing assets, in addition to the part of freehold that the Council owns.*

Denhead purchased their freehold and the long leasehold interest of the whole site from the receivers of Vixcroft (Maidenhead) Ltd.

The long leasehold (115 years remaining), also includes the ability for them to develop the whole site, without permission being unreasonably withheld from the freeholder (the council).

In regards to the Council's freehold interests they were valued via an independent valuation (a section 123 report) by Lambert Smith Hampton and the conditional contract that was negotiated with Denhead for their sale is in line with that. From the information we have seen in the Financial Viability Assessment it is also in line with that. The Knight Frank Valuation is not in the public domain, but would have been used to support the Financial Viability Assessment.

By way of a supplementary question, Mr Hill commented that the council still owned the freehold land of 50% of the Nicholson's shopping centre. In February officers informed Council that in March 2019 all the land had been essentially considered worthless, using the technical term 'de minimus'. In the same month an Existing Use Valuation of the land by objective surveyors Knight Frank put a capital figure of £18m on the shopping centre. The land appeared to be either worthless or worth £18m. This was before anyone considered an Alternative Use Valuation when it was redeveloped as luxury flats. Did the Lead Member agree with him that it was now in the public interest that all the 2009 valuation documents be transparently published?

Councillor Johnson responded highlighted that this related to a live planning application and he did not wish to undermine any potential discussions in relation to the applicant's viability assessment or officers' analysis of that. Discussions were ongoing in the lead up to the determination of the planning application. The FVA would provide a core document in terms of its assessment of the land value and as a guide marker for discussions on other issues such as developer contributions and affordable housing.

**f) Andrew Hill of Boyn Hill ward asked the following question of Councillor Coppinger, Lead Member for Planning and Maidenhead:**

During any pre-application meetings for major developments, is it standard protocol for officers to advise applicants that the approved tall building policy in the Maidenhead Area Action Plan (para 3.40) limits maximum building heights to 12 storeys in order "to respect the size and compact nature of Maidenhead and respect visibility from the surrounding countryside to the existing level"?

*Written response: It is standard practice to reference the adopted Maidenhead Town Centre AAP, including its policy on tall buildings, if relevant to the scheme in question. It is also standard practice, for pre-application advice to refer to emerging policy, evidence base work and other material considerations. While emerging policies have limited weight at this time, they set out the Royal Borough's strategic intentions for sites within Maidenhead Town Centre and are relevant when advising on major schemes.*

By way of a supplementary question, Mr Hill commented that The Landing was approved despite being far higher than the local plan's maximum height of 12 storeys. Since then the unadopted 2019 RBWM Tall Buildings Policy stated that the maximum height of one landmark building would be 19 storeys. Did the words 'no more than 19 storeys' in the policy mean the LPA would not approve any building in the borough that was higher than 19 storeys?

Councillor Coppinger responded it was difficult to make statements when there was a live planning application. It was not his role to pre-empt or guess what officers would decide to do.

24. PETITIONS

Councillor Brar explained that under Part 7G, 24 of the constitution, the lead petitioner had asked her to present the petition to the Head of Service via the Petitions Officer:

*Urgently introduce traffic calming measures and upgrade existing crossing point to a controlled crossing at Maidenhead Road near the railway bridge, introduce a new controlled crossing point on Switchback Road adjacent to the shops and reduce speed limit and install cameras/calming measures*

This would be the last full Council for several months and this matter was too urgent to delay unnecessarily. She called upon the Head of Service to convene the earliest possible meeting including the Lead Member for Transport and Infrastructure, the lead petitioner, herself and the two ward Councillors, so that an agreement could be reached.

That 2205 residents from across the borough had signed was testament to the impact that the death of Max Simmons had upon us all. It was not possible to undo the tragic events of 21 of December 2019, nor could a beloved son be returned to a grieving family. However, the council could act with all urgency to ensure that on or before the first anniversary of his death, the safety improvements called for had been completed. The council had recently been mired in controversy and scandal. Members had been assured that fresh starts were to be made and new leaves would be turned good. Councillor Brar suggested that this should be an early example of what could be achieved when all pulled together: residents, officers, opposition councillors, majority councillors, lead members and all the way up to the Leader of the Council himself.

25. REFERRALS FROM OTHER BODIES

2019/20 Annual Reports from the Overview and Scrutiny Panels

Members considered the annual reports of the four Overview and Scrutiny Panels.

Councillor Werner commented that he had raised an issue at the Overview and Scrutiny Panel the previous day that scrutiny was failing to achieve all it could do. He saw from the reports that administration control of the Panels was absolute; the choice of Chairman was whipped and the agenda was completely controlled by the Chairman so that any issues the opposition wanted to raise were squashed. The report from the Corporate Overview and Scrutiny Panel did not include the opposition's constant requests for close monitoring of the budget. As it was the opposition in previous meetings that had challenged the finances of the council, it seemed important to give the opposition the ability to insist on items appearing on agenda. Apart from a couple of notable exceptions, scrutiny was not working well. He would like to see a root and branch review of the scrutiny process and how the independence of the Panels could be secured going forward.

Councillor Davey highlighted a number of sections from the constitution:

- A7.3 The Chairmen of the Overview and Scrutiny Panels shall invite representations for inclusion within the Work Programme from the groups in A7.2 within 60 days of Annual Council.
- A7.2 In setting the Work Programme the Overview and Scrutiny Panels shall take into account the wishes of members & residents.

Councillor Davey questioned whether the current year's Chairmen (Councillors Hunt, Bowden and Targowski) had invited representations for inclusion as the new year had started on 26 May 2020. Councillor Singh had reached out to Members across the



floor for representation on 6 July 2020. He was aware of an announcement to residents the previous year and had been assured it would be done as a generic announcement by the Communications team.

Councillor Davey felt that residents would like to be reassured that the scrutiny panels, especially the Chairmen, did actually know and had read the rules in Part 4 of the constitution. They were after all paid for their service, the Vice Chairmen received no remuneration. It would be good to know that they were being professional in their approach and addressing the various points that had been raised.

Councillor Jones commented that Overview and Scrutiny Panels were able to instigate in-depth investigations into policy and performance issues. Topics were chosen in consultation with officers, partners and members of the public, with the view of making recommendations on a particular policy or service area. They had a scope, terms of reference, a final report and a response from Cabinet. The report from the Corporate Overview and Scrutiny Panel under 'Topics Scrutinised' just provided a link to the meetings of the Panel. The lack of scrutiny of topics was a concern of Councillor Jones. She would like to see a page on the website listing the scrutiny reviews and their outcomes. Haringey council had a very good template.

Councillor Price welcomed the change in the constitution requiring each of the four Panels to produce an Annual Report for Council to note. This should enable Panels to improve their important role whilst ensuring all Members, as well as the public, appreciated their essential work. She welcomed that the Members' survey results had been published but was shocked that of the 20 Panel Members, fewer than 15 responded. She questioned whether Members appreciated the importance of the Panels in effective governance.

Councillor Price wanted to highlight some points, drawing on the four individual reports, the survey results and her year's experience of being a Panel Member and attending and speaking at other Panels. She highlighted the importance of receiving all necessary paperwork in good time to allow Panel Members to consider issues robustly. This should happen without exception, but it had not, and has thus prevented the Panel from discharging its responsibilities in an effective manner. To receive key documents merely hours before a meeting was unacceptable.

She agreed that the Task and Finish Groups should focus on policy creation rather than simply receiving briefings. There was a wasted opportunity highlighted in the Infrastructure Overview and Scrutiny Panel regarding the Homeless project, which was set up to look at good practice elsewhere but only received briefings from officers.

She strongly supported improving chairing skills. This was key for the Panels to operate effectively, and she believed such training should be compulsory, including a clear understanding of the terms of reference, and the importance of following the agenda. She had been shocked at a Panel Chairman allowing a Lead Member to make a political speech of many minutes. Chairmen needed to understand the role of and who were their co-optees.

Councillor Price welcomed a Scrutiny Handbook so that best practice could be identified and followed. She had formed the impression some Panel Members just did not understand the scrutiny process and seemed reluctant to ask questions or challenge. Scrutiny training needed to be delivered alongside the Handbook. Training on local government/council finances was also needed. She noted that not one Panel

appeared to have considered its constitutional responsibility in “assisting the Cabinet in the development of the Council’s annual budget and to review and scrutinise budgetary management”. She urged Panels to consider this in the current year’s programme and report back. She supported the proposal for an exclusive meeting to discuss the Budget Report, together with the need to schedule more than four meetings a year.

Councillor Price supported the recommendation for a separate Audit Panel, and if the Chairman/Vice Chairman did not have a financial background then training would become paramount to ensure they discharged their duties effectively. The Chairmen and Vice Chairmen were voted in every year. She had not realised that there would be so many changes; only one Chairman was now the same Chairman as the previous year. Rather than relinquish responsibilities once the outgoing Chairman was informed they would not continue she recommended that the outgoing Chairman continued responsibilities until the new Chairman was elected, to ensure a smooth transition from one municipal year to the next.

In conclusion, Councillor Price commented that the Constitution laid down an excellent overview and scrutiny process; a ‘Ferrari’. However, just like a Ferrari required a well-trained and experienced driver and a team of support, the council was bumping along a bit like driving an ‘old banger’. Training and a willingness to be self-critical was needed. She questioned whether the council would have ended up in such a dire financial situation if the Panels had been operating effectively over the previous years.

Councillor Hunt explained that she was now Chairman of the Adults, Children and Health Overview and Scrutiny Panel. She referred Members to pages 91-122 of the constitution clearly stated everything to do with the Panels. As Chairman she would automatically send this to all Members before the next meeting as a refresh. This was something that had been done in the past.

Councillor Johnson commented that the role of Overview and Scrutiny was taken very seriously in the authority, especially in the post-CIPFA age. The CIPFA report and its recommendations, including those from the Corporate Overview and Scrutiny Panel, would be discussed by Cabinet later in the week. As Chairman of Cabinet he would reserve some of his responses to that meeting. Overview and Scrutiny had two key functions: to hold the administration to account and to develop policy ideas. He had seen some sparks of good ideas but he had not seen all that many thought provoking and innovative suggestions come forward. There was an opportunity collectively for Members to raise their game so that the council would be on the front foot and able to respond to the huge challenges that lay ahead in the post-pandemic world. The notion of training, which he was discussing with the other Group Leaders, was something that should be explored for all Members in terms of process and the duty to uphold the correct guidance to residents, particularly in relation to public health.

Councillor Baldwin commented that the point about training came up each year in the surveys that Members were asked to take. He was delighted to hear that the Leader of the Council was taking the issue seriously. He had attended Panels that had clearly demonstrated that all participants could be better trained.

Councillor Johnson responded that he was happy to speak with the other Group Leaders and the Managing Director in relation to what additional support could be put

in place, including from the Local Government Association and other associated bodies.

Councillor Sharpe commented that he had attended Panel meetings in which there had been robust and challenging debate. He welcomed further training so that all understood the role of Overview and Scrutiny

It was proposed by Councillor Targowski, seconded by Councillor Sharpe, and:

**RESOLVED UNANIMOUSLY: That full Council notes the 2019-20 annual reports of the four Overview and Scrutiny Panels.**

#### Counterparty List Addition

Members considered the addition of Leisure Focus Trust to the Council's approved Counterparties list as recommended by Cabinet at its meeting on 25 June 2020.

Councillor Hilton explained that the maximum loan value would be £350,000. He commented that Members would be aware that Parkwood would cease to manage the borough's leisure centres; all details were included in a Part II report to Cabinet on 25 June. That report proposed that management should be taken over by a Charitable Incorporated Organisation (CIO) to be named Leisure Focus. The initial contract was on a 2-year plus 1-year basis. Detailed advice was taken at the time on the structure and a council officer would sit on the board.

The proposal of a loan of £350,000 for one year would provide the trust with sufficient working capital. It would be subject to a legally binding loan facility and monitoring by the S151 officer and would be subject to interest charges.

Councillor Del Campo commented that given the council was asked to agree a new credit line, it would be good to understand the governance arrangements. The governing documents allowed for a maximum of six trustees with only one appointed by the council and five community trustees appointed by the charity. There was therefore room for three more. It would be helpful if Members could be advised on plans for recruitment of additional trustees, especially those with a strong background in finance.

Councillor Knowles asked if the buffer fund had been based on previous cashflow and was it economically sufficient given very little income would be forecast.

Councillor Rayner explained that four trustees had been appointed to the trust including Sue Anstis who was prominent in the world of women's sport, Adrien Moorhouse, a well-known athlete who also ran a management consultancy, Toby Wheeler, a local resident and the Director of Place. The trustees had a range of expertise to take the project forward. The sum of £350,000 was based on the cashflow projection by the trust.

Councillor Baldwin commented that the administration was placed in a near-impossible situation by circumstances entirely beyond their control. Officers in a very short period of time did an incredible job on behalf of residents. He commended their work.

Councillor Johnson thanked Councillor Baldwin for his positive comments. Officers and Lead Members had indeed done fantastic work to turn the situation around. He hoped the new entity would be a success. In the long term he believed it would be but commented that the duty fell on everyone to encourage people to use the facilities, within public health guidelines.

Councillor Hilton wished all leisure centres well; he hoped the prospect of Braywick on the horizon would encourage people to use the facilities. He thanked Councillor Baldwin for his kind words that were very apt. He also thanked Councillor Rayner who had demonstrated that she was on top of her brief.

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

**RESOLVED UNANIMOUSLY: That Council notes the report and endorses the actions proposed:**

**i) Approves the addition of Leisure Focus Trust to the list of the Council's approved Counterparties with a maximum sum to be lent of £0.35m.**

26. CONSTITUTIONAL AMENDMENTS - AUDIT AND GOVERNANCE COMMITTEE

Members considered a proposal that the audit oversight functions currently undertaken by the Corporate Overview and Scrutiny Panel be transferred to a separate Audit and Governance Committee.

Councillor Price commented that she supported the proposal. She asked what were the necessary skills of the Chairman and Vice Chairman?

Councillor Johnson responded that the core skills were financial ones, with the ability to robustly and accurately challenge and without fear or favour, hold the council to account, and also to propose and initiate suggestions to strengthen the council's overall position of robust governance. It was for exactly this reason that his recommendation included a Vice Chairman who was a leading member of the opposition.

Councillor Bond commented that CIPFA had recommended the potential of an independent Chairman, however he acknowledged that getting in that sort of expertise would be a challenge. Other authorities with a separate audit function had Chairmen appointed from the majority party. The proposal was part of wider changes. The financial controls covered governance and people so for example an officer capital programme board had been established. He believed the council now had the right people in place in the roles of S151 officer and Head of Finance.

Councillor Jones commented that she had been part of the Constitution Review Working Group and had at that time spoken against merging the audit functions with Overview and Scrutiny. She had also been advocating the return to a separate committee for some time. She was therefore pleased with the proposal. She commented that the final recommendation read as though the Monitoring Officer could

update the constitution when they wished and how they wished and she felt that the wording should be tightened.

Councillor Johnson confirmed that the delegation referred expressly to the changes detailed in the report and he was therefore happy for the recommendation to be amended to clarify this point.

Councillor Price commented that she had been unable to find the completed Equality Impact Assessment on the website. The Managing Director confirmed that it had been published to the website and a link would be sent to Councillor Price.

Councillor Rayner commented that she felt it was a great idea to separate the audit function out. The Corporate Overview and Scrutiny Panel was doing a fantastic job but the workload was very heavy.

Councillor Johnson referred to the CIPFA report; it had been clear that this was one of their key recommendations. His personal view was that, in hindsight, it was perhaps not the best thing to have removed a separate Audit Committee.

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

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

- i) Approves amendments to the constitution detailed in Appendix A to establish an Audit and Governance Committee.**
- ii) Appoints Councillor Bateson as Chairman of the Audit and Governance Committee and Councillor L. Jones as Vice Chairman of the Audit and Governance Committee for the remainder of the municipal year.**
- iii) Meeting dates for the remainder of the municipal year be set as:**
  - 14 September 2020**
  - 9 November 2020**
  - 16 February 2021**
- iv) Notes the terms of reference of the Cabinet Transformation Sub-Committee detailed in Appendix B.**
- v) Delegates authority to the Monitoring Officer to update and publish the council constitution in line with the recommendations in the report.**

27. COMMUNITY GOVERNANCE REVIEW - WINDSOR TOWN COUNCIL

Members considered approval of a Terms of Reference for a Community Governance Review for the unparished areas of Windsor.

Councillor Rayner explained that the area of Windsor in question included part of Eton and Castel, part of Old Windsor, Clewer & Dedworth East and Clewer East. The total electorate was 22,493. An e-petition to undertake a review had been started in September 2019. To require a council to undertake a review required a petition by 7.5% of the electorate of the area. At its close, the e-petition had 36% of the necessary 7.5% of signatures, but hard copy signatures had yet to be submitted. The council recognised there was an appetite for a review to take place therefore it was

proposed that a Working Group be established to submit final recommendations to full Council by July 2021.

Councillor Johnson commented that it gave him great pleasure to second the report. At the end of May he had given a very firm statement of intent that such a report would be brought forward. It would be improper of him to load the device by giving his own views on the merits of the proposition but he looked forward to seeing the recommendations from the Working Group. He confirmed that the Working Group would be chaired by Councillor Shelim. He understood that the time scales were longer than some may have wished, if possible the council would look to compress them.

Councillor Wisdom Da Costa stated that he was honoured to speak wholeheartedly in favour of the motion to set up a governance review with the ambition to create a Windsor Town Council. The campaign had been led by a steering group of local residents from across the whole town, from the town centre, to the ancient boroughs of Clewer, Dedworth and Spital, all united by a common ambition to bring more localised representation to the historic town.

Town or parish councils were the tier of local government that were closest to the electorate. In total there were some 10,000 parish or town councils in England alone. Windsor had a proud history of local representation since 1172 when a council was formed to discuss matters arising between the town and the crown, this representative body stood in various forms until the Local Government Act of 1972. This Act replaced Cookham Rural District Council, Eton Urban District Council, Windsor Borough Council and Windsor Rural District Council. Of the many towns within RBWM, now only central Maidenhead and the whole of Windsor were left without town or parish representation. The council must address the inequality of democracy.

Most parish councils lacked the capacity to undertake the provision of public services and therefore concerned themselves with local environmental, community and amenity issues. In 2018 the National Association of Local Councils submitted a report entitled 'Points of Light'. Should the motion be successful, he suggested all members of the governance review committee familiarise themselves with the report, as it highlighted the work Parish and Town councils had undertaken.

There were some 270 more parish and town councils than in 2005, supported by the current Conservative Government and the preceding coalition and Labour Governments. This included town councils established in Weymouth and Christchurch in 2019.

The challenge when discussing a new council was the issue of funding. There were 32000 residents in Windsor, each paying a levy called a parish precept, despite having no such representation of where this money was spent. The current levy was on average £36 a year which amounted to a total of circa £650,000. This should be earmarked for the town, however it went into the central pot, with no tracking of how the money was spent. There was also the extra income, often in the hundreds of thousands of pounds, by way of S106 and CIL contributions from building developments in the town, which should be spent on Windsor, but which were lost to non-parished areas.

When setting up a town council there were running costs, such as the provision of a town clerk and other operational costs. These needed to be mitigated against the income streams to ensure the viability of the project. The proposed Governance Review committee should liaise with the Windsor Town Council steering group to understand in more detail their plans for generating increased revenue streams through the formation of a Town Guild, an idea that would bring philanthropy to the modern age, to run alongside the Town Council, generating funds for local charities in addition to supporting the local ambitions of residents and businesses.

Councillor Da Costa wanted Members to consider a number of issues:

- To familiarise themselves with the national guidance, so they could engage with the principal authority with an understanding of the process it must follow and the criteria that should inform its decisions;
- To reciprocate a working relationship with all impacted ward Councillors during a review.
- To produce a definitive list of groups to be consulted, from across Windsor;
- To involve the National Association of Local Councils (NALC) and the County Association of Local Councils (CALC), for advice and guidance on the process.

Councillor Davies stated that she was delighted to support the motion to set up a community governance review to consider the formation of a new town council for Windsor. Creating a town council for the unparished parts of Windsor would restore local governance, something that the town previously enjoyed for over seven hundred years and the value of which the existing parish and town councils across the borough continued to ably demonstrate.

Liberals had always believed power should be devolved to the lowest practical level and believed establishing a Town Council would provide a clear and distinct voice for Windsor. As both Councillor Rayner and Councillor W. Da Costa had alluded to, residents from across the whole town had come together to further this aim, including Councillor Tisi and herself who promised to ask residents if they wanted a Windsor Town Council in their election pledges.

She paid tribute to the collegiate spirit in which the Windsor Town Council Steering group had proceeded, led by Richard Endacott and initially chaired by the late Dee Quick, also a former mayor of the Borough. In this spirit, she looked forward very much to working with the Community Governance Review Working Group to shape a future Town Council for Windsor and she urged Members to support the motion.

Councillor Coppinger commented that, as Lead Member for Maidenhead, many councillors and residents had asked him why he was not following in parallel. This was very much new territory for the council and mistakes may be made along the way. He wanted to learn from them. He hoped that in due course he would be able to make a similar presentation for Maidenhead.

Councillor Rayner commented that the Windsor community was very proud and passionate; it was now an opportunity for everyone to have their say on its democratic future.

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

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

- i) Approves the Terms of Reference document set out as Appendix A which will formally commence the community governance review process considering the formation of a new town council for Windsor.**

28. JOINT CENTRAL AND EASTERN BERKSHIRE MINERALS & WASTE PLAN - PROPOSED SUBMISSION

Members considered approval of the Proposed Submission Central and Eastern Berkshire Joint Minerals and Waste Plan.

Councillor Coppinger explained that it had been some years since work had commenced on the plan, but it was now ready for the final stage. It did not form part of the Borough Local Plan but it was critical to the council's ability to meet future demand for building.

Councillor Coppinger commented that the council was on track with the responses to the Inspector on the Borough Local Plan and he was confident that in the Autumn the final stage of examination in public would take place, possibly in a virtual capacity, with adoption by next spring or summer.

The council was required to produce a Minerals and Waste Plan. The council had been working with neighbouring authorities to produce a joint plan supported by Hampshire Council. The plans had been through four rounds of public consultation. A further round of consultation was now required on the proposed final submission, for six weeks from 3 September 2020. The plan would run until 2036. It did not override the normal planning process which could still override or change a future application.

Within the borough a number of sites were promoted for sand and gravel and two had been assessed for allocation. These were Horton Brook and Poyle Quarry. Several others had been rejected including Ham Island and Bray Village; Water Oakley had already received planning approval. It was unfortunate that two areas, Bray and Horton/Wraysbury, because of geological factors would always be the 'go to' places for sand and gravel. This did not meet the expected requirement so the plan proposed a broader process called an 'area of search' across the whole area of the plan so that other suitable sites could be brought forward over time.

Councillor Coppinger explained that waste was equally as important, and three sites had been identified:

- Berkyn Manor for recovery of dry recyclables
- Horton Brook for aggregate recycling
- Stubbings compound for green waste transfer

Star Works in Knowl Hill, albeit in Wokingham, was put forward but had not been allocated although of course it could be put forward in future via a planning application. There were other possible options going forward such as industrial estates. It was also recommended that the sites are reserved for waste so that they could not be used for anything else. The last proposal was to take an operator's previous performance into account when future applications were made. All four authorities would be running the process in parallel and it was expected that the final



plan would be submitted to the Secretary of State towards the end of the year, followed by an examination in public and adoption in Spring 2021.

Councillor Werner highlighted that the Hindhay quarry in Pinkneys Green was on the safeguarding list for waste processing and concrete crushing. The noise and dust created was very antisocial. The number of lorries travelling to the site also affected local residents. Complaints were made to Summerleaze on a periodic basis after which things improved for a while, but it always returned back. He asked whether further planning permission would be needed as a result of the site's inclusion in the report and if so, would that allow the council to be stricter on issues of noise, dust and lorry movements or were they covered for concrete crushing until 2036.

Councillor Wisdom Da Costa commented that there were lots of good things in the plan but he had a number of concerns in his role as Co-Deputy Chairman of the Climate Change Working Group. On page 10 of the report, there was no mention or inclusion of RBWM's aim to achieve net-zero carbon by 2050. Carbon emissions and methane emissions from the permafrost in the arctic continued to increase and would accelerate climate change. None of these things were reflected in the plan. He therefore suggested the review date be amended, to include the possibility of an annual review in relation to some of the severe factors.

The section on Strategic Plan Objectives talked about striking a balance, which he felt was right. However as with the NPPF, Members needed guidance on what was the preferential balance and the default position. He agreed with the creation of high quality, resilient habitats and ecological networks. When looking how to help mitigate the causes of and adapt to climate change, it was great to see recognition of the need to build in resilience to climate change but it was missing the key objective of demonstrating net zero emissions by a target date, whether that was 2030 or 2050. There needed to be an agreement on metrics to enable assessment of all assets and from a financial, carbon emissions and biodiversity perspective.

Mineral extraction would require transportation by road. Nationally, transport caused 40% of Carbon emissions but, there was no discussion of decarbonising the vehicles transporting minerals. Nationally land use comprised 10% of Carbon emissions therefore there was a need to demand Carbon offset. There was a need to move away from landfill because Methane from landfill was 80 times more powerful than Carbon Dioxide on a 20 year timescale. Councillor Da Costa asked whether it was a legal requirement to focus on sand, gravel, chalk and clay. He believed the government would produce a green plan at some stage therefore there was a need to move to plant based resources. He asked if the plan should be flexed to include water as a resource, or land or plant based resources as the country moved to a green economy.

Councillor Larcombe commented that he felt his ward of Datchet, Horton and Wraysbury was being victimised. Datchet already had one quarry due for landfill and Horton had two working quarries. Wraysbury had gravel pits that had been taken over by leisure facilities. Where one gravel pit was filled with waste it was a disaster zone for years. There was also a waste handling site in Wraysbury that brought in hundreds of lorries each day. Now more quarrying and waste handling operations were being proposed. He was not happy and nor would his residents be; he felt that six weeks was not long enough for the consultation, particularly for parish councils.

Councillor Brar commented that she had received emails from residents of Bray ward about the noise and traffic issues from the gravel plant in that ward.

Councillor Bateson commented that if sufficient dwellings were to be built to meet the needs of the growing population, both the land and materials were needed. The report was critical to ensure sufficient sand and gravel was available with waste processing facilities for a growing population.

The Monitoring Officer confirmed that there was no conflict of interest for Members of the Development Management Panel in taking part in the vote as it related to the consultation document, not any application that would come to the Panel.

Councillor Cannon commented that he was another ward councillor for Datchet, Horton and Wraysbury, along with the Deputy Mayor. Ward Councillors were engaging with the parish councils who were very well sighted and in a good position to put their representations forward within the six week period.

Councillor Baldwin commented that Councillor Cannon had been referring to the ability of residents in his ward to make a contribution. He pointed out that Councillor Cannon had been a principal factor in denying Councillor Larcombe the opportunity to contribute to the discussion on the Horton and Wraysbury Neighbourhood Plan a few weeks previously.

Councillor Carole Da Costa suggested that the country and the borough should be looking at different types of building materials that were more ecologically sound.

Councillor Coppinger commented that he was happy to take up the planning issue raised by Councillor Werner outside the meeting. He explained that the plan was due to be reviewed every five years. As the climate change strategy developed, the plan could be changed. The plan included the fact that transport methods other than lorries were being looked into. The plan also included a robust monitoring framework. The council wished to move away from landfill. In response to Councillor Larcombe's comments, he highlighted that he had stated at the start that his ward, alongside Bray, got a poor deal. However there was a need to build houses for the children of the future and unfortunately those areas contained large mineral reserves. He was aware of the concerns in Bray ward referred to by Councillor Brar. The planning permissions were already granted and as they replaced another site there was no increase in vehicle movements. Innovative material use was developing over time, for example there was a cork house in Eton. The plan would be reviewed every five years; up until then every tonne of sand and gravel would be needed to build houses.

It was proposed by Councillor Coppinger, seconded by Councillor Bateson, and:

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

- i) Approves the Proposed Submission Central and Eastern Berkshire Joint Minerals and Waste Plan at Appendix A (along with the supporting documents and revisions to the Policies Map) for publication for a statutory six-week representations period to commence on 3 September and close on 15 October 2020;**

- ii) Approves the formal submission of the Proposed Submission Central and Eastern Berkshire Joint Minerals and Waste Plan and all supporting documents to the Secretary of State for independent examination; and
- iii) Delegates authority to the Head of Planning, in consultation with the Lead Member for Planning and Maidenhead, to make any minor amendments necessary to the Proposed Submission Central and Eastern Berkshire Joint Minerals and Waste Plan and supporting documents prior to the commencement of the representations period.

Councillor Rayner declared a Disclosable Pecuniary Interest in the item and took no part in the debate or vote.

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

Carried

29. MEMBERS' QUESTIONS

**a) Councillor Larcombe asked the following question of Councillor Rayner, Lead Member for Resident and Leisure Services, HR, IT, Legal, Performance Management and Windsor**

What procedural changes will be made to ensure that Members are able to put their questions (including a supplementary if required) and receive answers at Council Meetings?

*Written response: At the last Council meeting in June 2020, Members debated a number of changes to the constitution, including amendments to procedural rules at full Council. It was agreed that all Member questions would be dealt with by way of a written answer, published the day before the meeting. Written responses allow for fuller answers to be given as they are not time limited, and for more questions to be dealt with in an efficient way, assisting agenda management.*

*Publication of the written response in advance also gives the questioner significant time in advance of the meeting to review the response and consider a suitable supplementary question; time that was not previously available when questions were answered in person at the meeting. The right to ask a supplementary question remains, with the caveat that a maximum time of 30 minutes is available for supplementary questions to be dealt with. Any supplementary questions not dealt with after 30 minutes will be dealt with by way of a written response. All written responses will be published alongside the minutes of the meeting so a full public record is maintained. In exceptional circumstances, the Mayor retains the right to extend the time period.*

*However, Members do not need to wait until a full Council meeting to ask a question of a Lead Member. I, along with my Cabinet colleagues, am happy to receive questions from Members from across the political spectrum at any time on my portfolio areas.*

In response Councillor Larcombe commented that he only brought questions to full Council to get straight, honest answers put to Members

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

When did the Flood Liaison Group last report to the Council?

*Written response: The Terms of Reference for the Flood Liaison Group were refreshed and unanimously approved at their meeting on 31<sup>st</sup> July 2019. The Terms of Reference do not include any provision to report to Council.*

By way of a supplementary question, Councillor Larcombe commented that there was a channel in Wraysbury that had not had water running in it properly for over a year because it was filled with builders' rubble. He had reported it a year ago but nothing had been done. On the basis that the council had a Flood Liaison Group meeting in a couple of weeks' time he would save his questions for the Chairman of that meeting.

**c) Councillor Hill asked the following question of Councillor Johnson, Leader of the Council:**

On Saturday 14th March 2020 at the Weir Opening you gave a public commitment that the Waterways project would be completed., A4 Underpass, Chapel Arches access and boat storage, Chapel Arches lowering the hard invert, Library Boat Launching Ramp & GWR Sewer Crossing are yet to be scheduled. Can you inform council when these matters will be addressed.

Written response: *Thank you for your question to me in relation to the future of the Maidenhead Waterways Project. As you are undoubtedly aware the council has long been a strong supporter of the project and its long-term objective to fully restore water flow and accessibility within both channels. In addition to that support, the council has also facilitated significant capital investment into the scheme, culminating most recently with the aforementioned weir opening back in March.*

*As I believe I stated in my speech that day, the project as delivered to date has resulted in the creation of a fantastic asset for the town, and one it can rightly be proud of. I also stated that it still remains our long-term aspiration to complete the circular route through the restoration of the Moor Cut as and when future funding sources become available.*

*As I'm sure that you are further aware, this is very closely linked to the unlocking of future regeneration opportunities which can be used to partially fund the work. However, these opportunities are very much dependent upon broader economic factors, as well as planning policy, and as such I am unable to give any indication as to likely dates.*

*With regards to Chapel Arches and the boat storage, this is a commitment we have previously made and one I am keen to see delivered. The lowering of the hard invert is still open for discussion, however, as with all of this we must be mindful of the new economic reality we find ourselves in post COVID and ensure that every penny of taxpayers' money is spent wisely, reflective of the fact that it must be underpinned by a sound business case.*

By way of a supplementary question, Councillor Hill commented that Councillor Johnson had only replied to three elements of the question. Three points that still required an answer were: the flooded footpath under the A4, the library boat launching ramp and the GWR sewer, all of which needed to be fully operational before York Stream could commence. He also asked if the Lead Member realised that the planning consent was granted in 2015 with 5 years to complete. If this could not be done, it would require fresh planning consent for more cut and before other funding could be unlocked.

Councillor Johnson responded that it was a difficult situation. The world had change immeasurably since 2015. The flooded footpath under the A4 was a valid point which would continue to be addressed. The GWR sewer was slightly out of the control of the council but needed to be addressed. The sticking point was the boat ramp provision and the cost of it given the potential impact on the council's own development scheme. He was awaiting a detailed impact assessment. If the planning consent expired this was a reality that would have to be faced as every penny of taxpayer money had to be spent wisely.

**d) Councillor Davey asked the following question of Councillor Coppinger, Lead Member for Planning and Maidenhead:**

With finances under incredible pressure, if all the projects in Maidenhead town centre were generating CIL and S106 revenues, what would the future revenues for those properties given planning permission be? Also the Nicholson Centre, should it be given permission?

Written response: *We of course seek to maximise contributions from developments in Maidenhead town centre to fund infrastructure but this needs to be balanced with other requirements such as affordable housing. We are only able to collect CIL and S106 based on the CIL regulations and guidance on planning obligations. Each S106 agreement must be negotiated on a case by case basis by officers taking into account viability of the development and the tests set out in the regulations which state that planning obligations must be:*

- *necessary to make the development acceptable in planning terms;*
- *directly related to the development; and*
- *fairly and reasonably related in scale and kind to the development.*

*As you are aware, the council's adopted CIL Charging Schedule has a zero rated CIL for Maidenhead Town Centre. This decision was taken as a result of the advice prepared by the council's viability consultants and following a public examination determined by an independent inspector. A CIL charge can only be levied if there is evidence that development would generally still be viable if CIL was charged and the assessment assumes all other policy requirements (including full affordable housing) are met.*

*The council cannot just make a decision to charge CIL and apply it immediately. We would need to go through the process of developing and consulting on a new evidence base and charging schedule then appoint an independent examiner to hold an examination in public. As context for the timescales, the council agreed its draft charging schedule in November 2015 and it was adopted in September 2016 which demonstrates the timescales involved.*

*The recent changes in the CIL regulations in September 2019, allows more flexible use of S106. Officers are seeking to use this approach to secure developer contributions on a site by site basis and we will be seeking appropriate contributions from all sites coming forward in the town centre.*

By way of a supplementary question, Councillor Davey commented that he had spoken to Councillor Coppinger the day before about gravel. He asked if Councillor Coppinger was saying that, like Spaghetti Junction, the estimate of £24m cited by numerous sources was about right?

Councillor Coppinger responded that he did not know.

**e) Councillor Davey asked the following question of Councillor Stimson, Lead Member for Environmental Services, Climate Change, Sustainability, Parks and Countryside:**

How much extra is it costing RBWM each month to go back to weekly bin collections and how does this fit with the aims of the climate strategy?

Written response: *The council temporarily moved to alternate week collections for waste and recycling directly in response to the coronavirus crisis, including the impact on resources and the supply chain, to ensure that a core service could operate. The contract payments have been made in full during that period even though the service delivered was adapted to suit the situation. This was as a direct instruction from government and applies to all RBWM contracts and those for councils across the country. This was set out in the Cabinet Office Procurement Policy Note - Supplier relief due to COVID-19 - Action Note PPN 02/20 - March 2020.*

*The council's policy is to deliver a weekly collection for waste and recycling, which is how the contract is set out and priced. We do not have a mandate to continue with alternate week collections once it is deemed sensible and low risk to return to the normal service. During lockdown we have seen residents recycling more as a percentage of their overall waste. We hope to continue and build on this positive behavioural change for the environment.*

*Going forward we will look at all aspects of the climate change agenda including waste collections and disposal, however any changes considered in the future would need to be subject to a clear process, including consultation and decision making.*

By way of a supplementary question, Councillor Davey highlighted that the Lead Member had said residents had been recycling more as a percentage of their overall waste. It would be interesting to see the actual report when available as to how much of this so-called recycling was rejected by the recycling plant as it was contaminated with general waste, sending the actual disposal costs through the roof.

There was an understanding in the world of psychology that it took three months to change behaviour. Would it not have been better to run the programme for longer so as to help with the education of residents? They were asking questions of how can we do things better; now they could simply forget and go back to easy street ensuring RBWM remains middle of the road on 44% .

Councillor responded that Serco put in a bid based on the Target Operating Model for weekly collection. They could not be held to account until that model was in place.

**f) Councillor L. Jones asked the following question of Councillor Rayner, Lead Member for Resident and Leisure Services, HR, IT, Legal, Performance Management and Windsor:**

Can the Lead Member clarify the role of the 'Chair' of Full Council (the Mayor) in ensuring 'full and effective debate and decision making by the Council with the overriding aim of promoting confidence in the council by the public.'

Written response: *I would like to begin with the full wording in the constitution from which the excerpt you have quoted is taken, as this adds context:*

*The Mayor or any person presiding as Chairman over a meeting shall conduct and make decisions in relation to the business of the meeting always in an objective, non-political and reasonable manner with the intention of achieving the efficient and orderly conduct of the meeting, facilitating full and effective*

*debate and decision-making by the Council with the overriding aim of promoting confidence in the Council by the public.*

*However, it is incumbent on all Members, not just the chairman or Mayor, to ensure their conduct during all types of council meetings promotes 'full and effective debate and decision-making.....with the overriding aim of promoting confidence in the Council by the public'.*

*The public see us as councillors collectively, they don't differentiate poor behaviour and as we are elected by residents we should set an example in our behaviour worthy of their trust they put in us. The Mayor has to ensure the meeting is conducted to this high standard, it is incumbent upon us all to behave in a respectful manner during the meeting and debate.*

*As many Members will know, chairing any meeting can be difficult and there needs to be understanding from all those participating in a meeting that it is also their responsibility to assist those chairing a meeting by being polite, addressing their remarks to the chair – it's not a conversation – and respecting the decision of the chair.*

*The constitution states:*

*The Mayor may consult any officer present with the aim of compliance with Rule C7.2 and the Members in attendance shall not speak during such consultation. The Mayor or any person presiding as Chairman shall (subject to Rule C27) have the final decision on any rule or procedure in this Part including compliance with Rule C7.2.*

*At full Council the Mayor is supported by the Managing Director, Monitoring Officer and Head of Governance who will all provide advice and guidance on interpreting the constitution, but ultimately the Mayor's decision is final and that should be respected by all Members.*

By way of a supplementary question, Councillor Jones asked if the Lead Member believed that closure motions on agenda items where no debate has taken place and Members wished to hear others views before voting restricted the full and effective debate and decision-making and confidence in the council.

Councillor Rayner responded that she believed each debate and each motion had to be taken on its own merits and could not give a generalised answer that would be appropriate in every circumstance. Members had to follow procedure and the Mayor's ruling was final under the constitution.

**g) Councillor Knowles asked the following question of Councillor Clark, Lead Member for Transport and Infrastructure:**

In 2019 the then Leader of the Council announced a trial of streetside EV charging points involving 3 units which were to be placed on Alma Road in Windsor along with a number of free trial EV for use by residents. When can we expect the results of this trial to be published?



Written response: *The electric vehicle charging points in Alma Road, Windsor were installed in partnership with 'Connected Kerb' who also provided three electric vehicles to local residents on a short-term free 'trial' basis to promote use and awareness.*

*I have recently received an evaluation report from 'Connect Kerb' which is encouraging and shows levels of usage significantly higher than the industry average. In addition, three of the six drivers who took part on the short-term vehicle trial have now elected to lease electric vehicles.*

*As you will be aware we have committed through the draft Climate Strategy to increase electric vehicle charging capability in the borough. As part of this we will be adopting standards for electric vehicle charging in new developments as well as identifying a partner and funding model to deliver sufficient charging points to meet demand.*

*I am happy to share the results and the case study information with Councillor Knowles which will be part of our future thinking on electric vehicles.*

By way of a supplementary question, Councillor Knowles commented that it was interesting the borough had so few EV points considering it was an affluent society, to encourage more use. He would be glad to receive the results and asked if they could be shared with Councillor Stimson and the Climate Change Working Group so it could have a bearing on future strategy.

Councillor Clark responded that the council was doing its best to encourage the further uptake of green vehicles in the borough, and it was looking hard at the technology and infrastructure needed to deliver against targets. They would be ambitious and would liaise with both environmental and planning strategies.

**h) Councillor Bond asked the following question of Councillor Johnson, Leader of the Council.**

Will the pension fund governance review mentioned in the CIPFA report and 2019/20 audit plan be made available in advance of an action plan (as has happened with the CIPFA report itself) to help RBWM's Pension Fund committees comply with s106 (1) (b) of the LGPS (Amendment) Regulations 2015 to "ensure the effective and efficient governance ... of the Scheme"?

Written response: *The pension fund governance review is still being finalised but will be shared with relevant committees prior to a finalised action plan being agreed as well as engaging with broader members of the pension fund overall.*

*The 2019/20 audit plan has already been considered by the Corporate Overview and Scrutiny Panel at their May meeting alongside the audit plan for the main RBWM accounts. They are the committee who hold the responsibility for considering the external audit of the accounts. That plan details the scope and remit that our external auditors (Deloitte) have and how they carry out their work. The paper is available on the public website here:*

<https://rbwm.moderngov.co.uk/documents/s31644/Royal%20County%20of%20Berkshire%20Pension%20Fund%20-%20FINAL.pdf>

By way of a supplementary question, Councillor Bond commented that given the recognition that everything was not right elsewhere, it would be good to crack on with the governance review. If CIPFA had taught the council anything about financial review it was that governance was important. He asked if the relevant committees he had in mind the Berkshire Pension Fund Panel and Board as they had an obvious interest in good governance and Cabinet at the end of August. The Pension Panel should itself be accountable to full Council as the administering authority.

Councillor Johnson responded that comments were very valid and he agreed with the first part of the supplementary question. On the latter part he would come back with a written response, but felt it was definitely worthy of consideration.

Written response: *tbc*

30. MOTIONS ON NOTICE

Motion a)

Councillor Werner introduced his motion. He hoped that it would be debated in the same spirit shown by residents in their response to the COVID-19 crisis: no thought of political advantage, personal prestige or winning and losing. There was much the council could learn from their example. From every corner of the borough there had been a surge in volunteerism and offers of help: personal, financial and material. New organisations had sprouted up at every level. In his own ward he had seen many examples of generosity and neighbourly support and he was sure this was the case across the borough. If all that Members did was consider the past, this would be a betrayal of that selflessness. The challenge was to harness and nurture this spirit of community and build on the hard work of officers. It was an opportunity to open every aspect of council policy to newcomers. If the legacy of COVID-19 was allowed to be a body count, recriminations and scapegoating the council would have failed to learn the lesson. He asked the Leader of the Council to second the motion. He had been shown an amendment, which he was happy to accept.

The amendment to recommendation iii) was confirmed as:

*Also publicly recognises the skill, dedication, professionalism, and tenacity with which our officers, partners including Optalis and Achieving for Children, those across the wider health and social care sector, teachers, and other public bodies, including the police, army and various response units, have co-ordinated these efforts for the benefit of all of our residents, businesses and visitors alike.*

Councillor Johnson thanked Councillor Werner for putting forward the motion and reaching across the political divide to seek consensus. He thanked all Members for their support, dedication, tenacity, hard work, endurance and approachability during the COVID-19 crisis. All councillors had stepped up to play a leadership role in their respective communities. He also thanked all officers, partners and volunteers. To capture that legacy would be one positive out of an awful situation. The council's attention must now turn to recovery and rebuilding the borough both in economic and societal perspective. In his role as Lead Member for economic development he stated that it was vital the council did all it could to secure people's jobs and create new opportunities.

Councillor Baldwin welcomed the note of genuine shared interest and co-operation for the benefit of residents. His own small role was mostly around directing traffic in and out of Queen Street. One morning he had met with the Leader of the Council who had been very welcoming and supportive of the efforts on behalf of Foodshare Maidenhead. The council had seen thousands of acts of selflessness, courage and fortitude by community leaders in the many organisations.

Councillor Davey stated that he would like to support the motion and simply asked people to be kind to each other, especially as the new normal for most people, with traffic flow back to 70-80% pre-COVID-19, was to head for the shops and quickly put on a mask for 20 minutes, do their shopping and get back home to their loved ones.

For those that had been isolating for the last 3-4 months, watching their support networks move on so now they had to go it alone. Added to the stress of being locked up for so long, they were now dealing with impatient strangers wearing masks who just wanted them to hurry up, doubling and trebling their stress levels. At 48 it was no big deal but at 84 it was; he saw it every day at work. Councillor Davey asked all to think on and be kind.

Councillor Stimson commented, in the spirit of volunteerism, she wanted to thank officers and the community for their extraordinary efforts. The climate change strategy would be calling for volunteers. She had agreed to 'pay it forward' with 150 days of no alcohol to support Maidenhead United's charity appeal.

Councillor Wisdom Da Costa commented that the West Windsor Hub had spent over £18,000 on food shopping, including for some who could not afford to pay for it themselves. Volunteers included those on furlough, the unemployed and the retired. It had been good to see the community come together. Officers had been fantastic, in particular the Head of Communities, the Managing Director and the Director of Adults, Health and Commissioning and their teams.

Councillor Carole Da Costa commented that the COVID-19 virus had been awful but she had seen some amazing things as a result. When it came to the community, there was no place for political parties. She had worked with members of the administration including Councillor Rayner. Councillor Da Costa wished to raise the profile of the community wardens who had been phenomenal.

Councillor Carroll commented that the level of volunteering had been awesome to see. In his Lead Member role he had had the privilege to work with colleagues in the NHS, Public Health England, Children's Services and Adult Social Care. He sincerely thanked the Director of Adults, Health and Commissioning and her team in Adult Social Care for their work including co-ordinating PPE equipment and testing with the NHS. He also thanked the Director of Children's Services and his team for their remarkable job in co-ordinating with all the schools and keeping at-risk and vulnerable children safe.

Councillor Brar commented that in Cookham 38 groups were supporting the vulnerable and elderly. She felt it had brought the community together.

Councillor Knowles explained that he had been a telephone mentor for an elderly neighbour who had also been shielding. He had said that the sense of community reminded him of wartime. Old Windsor had had practice at dealing with natural

disasters so the village hub was quick to move into action. Councillor Jones and Jane Dawson, the Parish Chairman, had been outstanding in community leadership.

Councillor Singh highlighted three groups in his ward: Maidenhead Magpies, the Islamic Trust and Maidenhead Mosque and the Shanly Foundation.

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

**RESOLVED UNANIMOUSLY: This Council;**

**i) Offers a vote of thanks to the residents of the Royal Borough, the vast majority of whom, whilst facing very difficult personal sacrifices and restrictions to liberty, have diligently followed both letter and the spirit of the emergency legislation brought in to protect public health during the Covid-19 global pandemic;**

**ii) Acknowledges the extraordinary courage and commitment to community shown by many thousands of residents, individually, through neighbourhood groups and with our charitable partner organisations, throughout this terrible time;**

**iii) Also publicly recognises the skill, dedication, professionalism, and tenacity with which our officers, partners including Optalis and Achieving for Children, those across the wider health and social care sector, teachers, and other public bodies, including the police, army and various response units, have co-ordinated these efforts for the benefit of all of our residents, businesses and visitors alike.**

The meeting was adjourned for a comfort break at 8.48pm; Members returned at 8.53pm.

Motion b)

Councillor McWilliams explained that he was withdrawing his motion and would be resubmitting a new one to the next meeting to focus on the third point about tackling racism in the borough.

Motion c)

Councillor Knowles introduced his motion:

This Council amends the calendar of council meetings to establish monthly full Council meetings from this meeting forward until further notice. If there is insufficient business to transact those monthly meetings may be cancelled if required.

He explained that there had been a disrupted schedule of council meetings due to the COVID-19 crisis. He felt that as the situation had changed since the calendar of meetings was set earlier in the year, it made sense to review it. It would be better to have more meetings that could be cancelled if they were not needed. It would also give a better spread of business.

Councillor Hill seconded the motion.

Councillor Baldwin commented that he was confident that the motion would pass given the letter he had read on 9 July from the Chief Whip that pointed out the justification for his closure motions at the previous meeting had been the pressure of business and a crowded agenda.

Councillor Davey commented that he had not been impressed when he had attended his first Overview and Scrutiny meeting and the Chairman had said he wanted it to be over by 9.00pm.

Councillor Johnson explained that the administration was not able to support the motion. In terms of full Council meetings this municipal year, the council was about even in terms of catching up with meetings, putting side Annual Council. However, he announced his intention to convene an Extraordinary full Council meeting in September 2020 to discuss the issue of Maidenhead Community Centre.

In response to Councillor Baldwin, Councillor Bhangra commented that in his role as Chief Whip he did not tell Councillors how to vote.

Councillor Jones commented that she found it difficult when meetings were added in at the last minute therefore she would prefer if they were scheduled in advance.

Councillor Reynolds commented that it made sense to increase the number of full Council meetings to ensure each meeting did not go on to a late hour. The latest meeting he had attended was 11.45pm. Many councillors had full time jobs. He felt it important not to restrict people in becoming councillors because of late meetings. It was also important not to quickly rush through items because they happened to be late on the agenda.

Councillor Clark commented that it was important to have proper debates and to be seen to be holding them. There was a need to limit the number of meetings in terms of giving access to the public. If Members were careful and precise in their debates business could be transacted more efficiently. It was important to stick to the point and not grandstand. It was self-control that was needed rather than additional meetings.

Councillor Carole Da Costa commented that for someone who was registered as disabled, to sit through meetings that lasted four or five hours could be uncomfortable and painful. It was important that all types of people could be councillors; long meetings were not very inclusive.

Councillor Haseler commented that the key thing was good time management. The last meeting was appalling with the questions that were not succinct. There were now time slots allotted which would help.

Councillor Wisdom Da Costa commented that more people should have the opportunity to be a councillor; by scheduling more meetings it would be possible to ensure they ended at a reasonable time to encourage all types of people to put themselves forward as candidates.

Councillor Singh supported the idea of more frequent but shorter meetings. He welcomed the idea of an extraordinary meeting to discuss the Maidenhead Community Centre as the organisation was in limbo and had been promised a seamless transition.

Councillor Price commented that long meetings were difficult at the end of a very busy day. Members were asked to keep to the business on the agenda but it does not always happen as people wanted to be seen to be speaking even if they were repeating what had already been said. That was a reality that had to be accepted. She supported the proposal on the grounds of equality.

Councillor Tisi commented that it would be lovely if the business could be raced through in one or two hours but this would mean there would be no effective opposition or right of reply.

Councillor Johnson commented that he was happy to discuss the issue with Group Leaders.

Councillor Baldwin raised a point of order in relation to the right of reply. Earlier he had been referred to twice by the Leader of the Council and Chief Whip. Neither of them satisfactorily addressed the issues he had raised.

It was confirmed that the Mayor would allow personal explanations if they were brief and pertinent to the points raised. Councillor Baldwin reiterated that he did not feel that his question had been answered.

Councillor Hill commented that the issue being discussed was about democracy, not about time or getting through meetings efficiently. It was about democracy being done and being seen to be done by residents. Members needed to be able to debate freely without time constraints. There were two choices: work late into the night as Members had done in the past, or hold more frequent meetings. There had been uproar in the public domain at what happened at the last meeting, for which he had played a part. He urged the use of closure motions be stopped because it was infuriating and did no-one any good in the public eye. He welcomed the announcement about the Maidenhead Community Centre.

Councillor Knowles concluded that it was common sense to schedule more meetings to allow better programming of business and better debate. For all the reasons stated including equality and inclusion he proposed the motion.

Upon being put to the vote, the motion fell.

<b>Motion c (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	For
Councillor Gerry Clark	Against
Councillor David Coppinger	Against
Councillor Carole Da Costa	For
Councillor Wisdom Da Costa	For

## COUNCIL - 28.07.20

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 Helen Taylor	For
Councillor Amy Tisi	For
Councillor Leo Walters	Against
Councillor Simon Werner	For
<b>Rejected</b>	

### Motion d)

Councillor Taylor introduced her motion. She explained that she wished to amend her motion to remove recommendation iii as she understood it would not be appropriate.

Councillor Taylor explained that on 23 March 2020 the UK had followed its European neighbours into lockdown. It was an unprecedented move and came with a great cost, but it was necessary to protect people from greater harm. Now, as the borough headed into the recovery phase, it was important to be mindful that things would take time to get back to any kind of normality in daily lives and in town centres. There was a need to adapt.

It was known, from previous experience that the farmers market, street markets and events like Maidenhead Festival brought a wonderful variety of stalls to the high streets. There was enough space for social distancing and being outside would give shoppers confidence whilst creating a unique shopping opportunity to bring people back into the town centre.

The market would be based around crafts: jewellery, cushions, candles, bags etc. so would offer something different to the existing markets and the majority of stores. During lockdown many people turned to arts and crafts to give themselves something to do whilst on furlough. Councillor Taylor explained that her full time job was at a fabric wholesaler and she heard every day retailers talking of the increase in business that was ongoing. This market could both cater for crafters as well as the finished

products. The space in the pedestrian area could be used. The council already had an excellent team who did an incredible job organising town events. As the borough headed into the regeneration phase, the market would continue to bring footfall into the town centre. It was within the council's gift to make the town shine.

Councillor Stimson commented that as the ward councillor for St Mary's with a town due to be demolished in a large part on the western side, it would be wonderful to use the space better. During COVID-19, a lot of people had used crafts as both for fun and to earn an income. She had spoken to the Town Centre Manager about location. It would not be complicated or take income away from others. If it worked in Maidenhead it could be transported to other areas.

Councillor Hill supported the motion as he represented Maidenhead. It would help to give the town an identity.

Councillor Haseler thanked Councillor Taylor for bringing the motion forward as it was a great idea. He hoped it would bring people into the town centre.

Councillor Bowden commented that he was grateful for the removal of the reference to Windsor which already had three markets: a food market, a framers market and a crafts market.

Councillor agreed that there was a need to promote local businesses and look at how the town centres could receive increased footfall. Some suggestions included varying the opening times of businesses including late opening. This would even out the spread of people for social distancing. It would also give the chance for those who worked 9-5 to shop at other times rather than just shopping online. There was a need to rethink the strategy of parking in town centres. If free parking was allowed after 6pm it would encourage people to come to the town centre and relieve illegal parking. The main focus should be to support existing business and he was unsure how this motion would achieve this. All were behind increasing footfall but based on this concern he would abstain.

Councillor Sharpe commented that this was one small step for Maidenhead. Business clearly were right down in many areas of the borough and the council would need different strategies to attract people back. More actions would be needed to support businesses throughout the borough.

Councillor Davey commented that he understood why the third recommendation had been withdrawn. Windsor already had markets although he thought the one on the railway station was closed at the moment. The council needed to be looking to support local businesses so the first recommendation was very relevant for everywhere. He had been promoting the museum and the petition that had been opened. There would be many things the council could do, small or big. The council needed to look at how businesses could raise the levels of money they need to pay the rent. He did not see the sense in closing down the tourist office.

Councillor Carole Da Costa supported the motion as she had been a crafter for a long time. She had had a lot of discussions with entrepreneurs and therefore she felt that pop up shops and markets were the way to go forward in the recovery period.



Councillor Reynolds commented the motion was getting at the importance of bringing people back to the high street and supporting local business. Maidenhead already had a lot of markets and events that brought people into the town centre. He also highlighted the work of Craft Co-op bringing craft people together and showing them how to commercialise their skill.

Councillor Price highlighted that local business were not just in the town centres. She had read a tweet earlier from Councillor Singh that was helpful as it talked about the £10 government incentive to eat out. She felt there was more the council could do to promote government schemes rather than just focussing on town centres.

Councillor Bateson commented that she felt the motion was good for the whole of the borough not just Maidenhead as markets brought people in to the town centre so they would also visit the shops.

Councillor Singh stated that he supported the sentiment of supporting local businesses. Established businesses in the town had been struggling therefore government incentives were welcomed. It would have been nice to have been consulted on the motion as one of the ward councillors. He highlighted that another area for focus was King Street.

Councillor Davies commented that she was disappointed that Windsor had been taken out of the motion because she did not think there was room to be complacent post-COVID-19. Residents had approached her with a good idea to combine online and high street shopping. The Windsor Town Forum had discussed a Christmas market which would be a big draw alongside the castle projections. She would like to discuss the idea further with Councillor Taylor.

Councillor Taylor responded that she would be happy to speak to Councillor Davies about her resident's ideas. She confirmed that the reason the third recommendation had been removed was that she had been advised that retailers in the town would not have been in favour.

In advance of the vote, the Mayor reminded all that when voting they should only state 'For', 'Against' or 'Abstain'; no other comments should be made.

It was proposed by Councillor Taylor, seconded by Councillor Stimson, and:

**RESOLVED: That this Council:**

- i) Recognises the need to promote local businesses and think of inventive ways to help them as well as bringing much needed footfall into our Town Centres.**
- ii) Agrees the possibility of a new Artisan Street Market will be pursued, with the view to holding quarterly if successful. This will include local businesses from around the borough.**

<b>Motion d (Motion)</b>	
Councillor John Baldwin	No vote recorded
Councillor Clive Baskerville	For
Councillor Christine Bateson	For
Councillor Gurpreet Bhangra	For

COUNCIL - 28.07.20

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	For
Councillor Karen Davies	For
Councillor Phil Haseler	For
Councillor Geoffrey Hill	For
Councillor David Hilton	For
Councillor Maureen Hunt	For
Councillor Andrew Johnson	For
Councillor Greg Jones	For
Councillor Lynne Jones	For
Councillor Neil Knowles	For
Councillor Ewan Larcombe	For
Councillor Sayonara Luxton	For
Councillor Ross McWilliams	For
Councillor Gary Muir	For
Councillor Helen Price	For
Councillor Samantha Rayner	For
Councillor Joshua Reynolds	For
Councillor Julian Sharpe	For
Councillor Shamsul Shelim	Abstain
Councillor Gurch Singh	For
Councillor Donna Stimson	For
Councillor John Story	For
Councillor Chris Targowski	For
Councillor Helen Taylor	For
Councillor Amy Tisi	For
Councillor Leo Walters	For
Councillor Simon Werner	For
<b>Carried</b>	

Motion e)

Motion e was not debated as it was no longer required.

**AT AN EXTRAORDINARY MEETING OF THE BOROUGH COUNCIL held as a Virtual Meeting - Online access on Monday, 28th September, 2020**

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

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

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

Also in attendance: Barbara Richardson (MD RBWM Property Company)

31. APOLOGIES FOR ABSENCE

Apologies for absence were received from Councillors Bateson, W. Da Costa, L. Jones and Reynolds.

32. DECLARATIONS OF INTEREST

Councillor Singh declared a personal interest in the item 'Community Options – Maidenhead' because one of the Trustees of Maidenhead Community Centre was a neighbour and acquaintance. He would take part in the discussion and vote on the item.

33. PUBLIC QUESTIONS

**a) Andrew Hill of Boyn Hill ward asked the following question of Councillor Johnson, Leader of the Council:**

The MCC submitted an Asset of Community Value nomination on May 11th 2020. By law the site MUST be designated or refused ACV status within 8 weeks. Was the RVS site designated an ACV (or not) under regulation 7 of the Assets of Community Value (England) Regulations 2012, and on what date?

*Written response: Thank you for your question Mr Hill. There has been a delay in determining the application. An apology was provided to MCC as their email with the application was not picked up for a number of weeks due to staff being refocused on to the Council's response to COVID 19. Subsequent to that due to the existence of a development agreement and planning permission relating to the site specialist legal advice has had to be commissioned to support determination of the application. We are sorry for the delay and the application will shortly be determined.*

By way of supplementary question, Mr Hill referred to paragraph 2.12 of the report where it stated that the ACV application was being considered in line with the relevant

legislation yet in the written response to his question it was stated that this was not true and in fact regulation 7 had been breached. Worse still, it appeared that Councillor Johnson intended to go on defying the statutory deadline. Section 5 of the report (legal implications) did not inform Members of the statutory breaches. Mr Hill asked why this was the case and why had RBWM decided not to comply with all statutory requirements?

Councillor Johnson responded by restating that the reason the application had not been determined in the required timescale was due to the reallocation of resources to tackle the more immediate issue of COVID-19. The council would be determining the application in line with its statutory obligations. Although this was delayed, it did not mean the council would not pay regard to the due process going forward. It was also fair to say that the council had arrived at a solution which would be discussed later in the agenda; the question was somewhat academic given the information now in Part I.

**b) Andrew Hill of Boyn Hill ward asked the following question of Councillor Johnson, Leader of the Council:**

It is outrageous that the location for the proposed centre is “part 2” confidential. Councillors gave planning consent conditional on the understanding that Countryside would enter a legal contract for MCC's move: to pay £650,000 to improve the Desborough Suite. Is Countryside still obliged to pay £650,000 (s106), and what community facilities will it be spent on?

*Written response: Thank you for your question Mr Hill. The proposed location was Part II so that the confidential discussions with the relevant parties could be completed. As soon as we can, this information will be made available in Part I.*

*Countryside are required to pay the contribution of £650,000 for improving the Desborough Suite or such other community scheme located within 5km of the development that has similar objects and purpose of use of the Desborough Suite in line with the S106. The Council will determine how this is best used in line with the S106 and we are currently considering that as part of our wider work to improve the town.*

By way of supplementary question, Mr Hill commented that in reports published earlier that day the intention was to move the youth centre from 4 Marlow Road even though seven days earlier the council had been consulting on retention of the youth centre on the same site because it was close to rail and bus links. He asked whether the council had potentially rendered that consultation unlawful and would he commit to holding a third consultation on the youth and children's centres and put the £650,000 windfall into saving the children's and youth centres?

Councillor Johnson responded that both parts of the question suggested Mr Hill did not wish to see the relocation go smoothly. He assured Mr Hill that full consideration had been given to the current consultation on youth service provision. The youth service currently used 4 Marlow Road as its office base and to deliver some sessions; when the family hub consultation began it was with the view that some of this service would continue to be delivered from the site. In recent weeks however, following discussions with the Property Company and as noted in the report, the opportunity to support the community option fitted in well with the strategy to refocus council services on vulnerable groups and shared locations. Therefore the council looked forward to discussion of options with MCC in due course on how to take this forward in a

collaborative approach. Further work to confirm office space to deliver sessions in the centre of Maidenhead was needed, and this was dependent on the outcome of the family hubs consultation.

34. MAIDENHEAD COMMUNITY CENTRE PETITION

Members considered the following petition:

*We the undersigned petition The Royal Borough of Windsor and Maidenhead to Stop RBWM demolishing Maidenhead Community Centre and moving us to an inadequate temporary site!*

The Director of Place explained that the York Road development, the first of the Council's regeneration projects, required vacant possession of Phase II and Phase III, for these to proceed.

Phase II was currently occupied by Maidenhead Community Centre (MCC), with a head lease held by Royal Voluntary Service (RVS) and the freehold interest held by the council. The council had been in negotiations with both RVS and MCC regarding the surrender of the head lease and the relocation of MCC to an alternative facility.

The Part II report on the agenda set out a proposed way forward so that phase II of the York Road regeneration scheme could progress and the future location of MCC could be secured. The proposed way forward would involve MCC moving to 4 Marlow Road, Maidenhead. This would be a site in line with the requirements they had indicated and would not involve a move to a temporary site.

Jack Douglas, lead petitioner, explained that in late 2016 RVS had advised that the building would close. He ran a small church that used a room at the site. He had been aware the site was earmarked for development but the building would now be mothballed. It was felt that it would be a shame to simply board the building up therefore RVS had been asked if volunteers could run the facility. MCC had therefore been set up as a charity in 2017. The community centre had flourished; prices were kept low but over £100,000 of income had been raised. Given the level of demand for the building it would be a shame if what had been built up would be knocked down with the building. Several years and two petitions later, the same question was still being asked. During the three years of meetings with the council discussions had been friendly and constructive however financial constraints and the pandemic meant a solution had been difficult to find. An earlier offer of a temporary location followed by a permanent site had been considered deeply but it had been felt that a temporary move would have resulted in the destruction of the services provided. Mr Douglas provided a personal example of the difficulties of moving to a temporary location. Moving a whole community centre and leaving it in limbo for two years would not have worked. He believed the council cared about the services provided and that the petition had been heard. The opportunity of 4 Marlow Road had now arisen and Members would be asked to vote to put their trust in MCC. He believed that trust would be repaid by making full use of the site for the community for many years. He thanked the residents who had signed the petition, the council for providing the hearing and to those councillors in St Mary's ward and beyond who had worked tirelessly behind the scenes to find a solution.

Councillor Stimson, ward councillor, commented that she could not see any reason why all councillors would not support the proposal. The community centre was sustainable as it already existed in one venue. She had spoken to Mr Douglas about any concerns or anxieties; he had identified accessibility for the vulnerable and parents who needed to drop children off for evening sessions. Volunteers did an incredibly difficult job and a temporary move would risk volunteers going elsewhere.

Councillor Singh, ward councillor, congratulated Mr Douglas and the trustees for keeping the issue at the top of the agenda. They had been resolute in two petitions and he was delighted that councillors were listening. It was great that the facility would remain in the town centre and in his ward. He endorsed the proposals and hoped all would vote for them.

Councillor Werner commented that the proposals were fantastic, but came after years of anguish for the users of the community centre, leaving them in limbo. Councillor Werner suggested that he had the perfect solution in relation to the relocation of youth services. He had been campaigning to save the Pinkneys Green youth centre which was on a fantastic site with excellent parking. This would be the perfect site to move youth provision from 4 Marlow Road. Councillor Werner asked if the various clubs that used the existing sports hall would still be able to do so if the site was run by MCC. Parking was limited therefore he asked if there was any potential for this to be expanded. He also questioned, if all Members voted to move MCC to 4 Marlow Road and residents felt 4 Marlow Road should retain the youth provision, which decision would take precedence?

Councillor Werner felt the quality of the EQIA was thin and looked like a 'tick box' exercise had been carried out. He felt it should include a list of consultees and their responses, and the evidence of the council's decision.

Councillor Davey commented that many councillors were volunteers so knew the difficulties. His question was why had it taken two petitions to get this far? The issue should have been dealt with earlier. If a petition was considered and commitments made, even if changes were needed, the original commitment should be met without the need for a second petition. He also felt the issue of the groups spending £100,000 of resident money on refurbishing the old building should be built into the deal going forward.

Councillor Coppinger commented that he had first visited the site as the previous Lead Member for Adult Services and had been very impressed with the volunteers. However the site was run down and needed work. The proposals were therefore a leap forward. The only problem with the current premises was that so many of the users needed assistance and there were only two or three parking spaces on site. The site at 4 Marlow Road would provide far more spaces. He expected all would support the proposals.

Councillor Walters commented that he was sure all would support the plans. He asked for clarification if the space at 4 Marlow Road currently was currently a vacant possession.

Councillor C. Da Costa commented that she was a great supporter of work in the community and she did not want to slow down the permanent rehoming of the MCC, however she had concerns about the family hub consultation. She wanted to protect

the borough from any further judicial review therefore she wanted reassurance that the family hub consultation would not be impacted by the proposal. She also asked for reassurance for the current users of 4 Marlow Road that they would either still have access or that they would be adequately re-housed.

Councillor Hill commented that he had been intimately involved with both petitions and the campaign. He was grateful to the Leader and officers for bringing the opportunity forward. All could benefit from the new site.

Councillor Johnson stated that the meeting marked a milestone in the administration delivering on its commitments. He paid strong tribute to Councillor Hill for facilitating a meeting with Mr Douglas. During that meeting it had struck him what a fantastic asset the existing centre was to Maidenhead, and the entire borough. It became clear to him that for the MCC to survive in the long term they needed the right accommodation. His predecessor had made a proposal to move the MCC to a new space in Block B of the York Road regeneration scheme. Earlier that year, he had considered another option involving a temporary relocation to the Desborough Suite followed by a permanent move to the new Nicholson's Centre. He had reflected on feedback on that proposal and had therefore looked for an alternative long-term solution. He was delighted to recommend to Council, with the endorsement of the Cabinet and the entire administration, the proposal for a permanent move to 4 Marlow Road. At the Council meeting back in July he had explained that he was not simply going to wait for a trigger number of signatures to have been collected. He wanted to move forward with certainty, purpose and clarity to give a long term future for the MCC and allow the regeneration schemes to continue. Councillor Johnson explained the recommendation in Part II related to the financial elements.

The Director of Children's Services explained that the consultation for family hubs was an ongoing and live consultation. The question before Members would enable Members to make a decision in the best interests of the residents of Maidenhead. The decisions that would flow from the family hubs consultation would need to take such a decision into account. As the consultation was live there was no need to restart it. What was important was that the consultation on family hubs talked about the services the council delivered. The council looked forward to conversations with MCC about the delivery of essential services the consultation identified the council needed to continue to run, ensuring they remained available to service users as referred to by Councillor C. Da Costa. The second question was from where the council would propose to run its base youth services. The council had a number of office locations around Maidenhead and the team could be based in any of those buildings; there would be no issue in terms of delivery of youth services. Children's Services, being guided by the decision by full Council, would then make recommendations on proposals for family hubs that would come forward at the end of October.

Councillor Price requested clarification as she had thought that the consultation on family hubs was complete and people could not contribute any more in light of the new information. In the consultation 4 Marlow Road was recommended to be retained. She was concerned about the validity of the consultation process as what people were originally consulted on had now changed. She was concerned about the potential for another judicial review and the costs and further delay.

The Director of Children's Services responded that one of the key purposes of a consultation process was that anybody could bring forward a different idea from that

which was originally proposed. The original consultation did include a proposal to maintain 4 Marlow Road for youth provision. This proposal had now been brought to the attention of Children's Services. The formal consultation process had now closed; a range of inputs had been received. This proposal would be another one of those representations for officers to consider. He would be guided by the view of all the councillors in the meeting on the proposal to use 4 Marlow Road in a different way. He believed that was in the intent of the law on consultations. He obviously could not say whether a judicial review would be launched but he believed it was in the spirit of consultation to listen to an opportunity that had come up since the consultation had started.

**RESOLVED UNANIMOUSLY: That Council notes the report and debates the petition.**

35. LOCAL GOVERNMENT ACT 1972 - EXCLUSION OF PUBLIC

**RESOLVED UNANIMOUSLY: 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 item 6 on the grounds that it involves the likely disclosure of exempt information as defined in Paragraphs 1-7 of part I of Schedule 12A of the Act.**



**AT AN EXTRAORDINARY MEETING OF THE BOROUGH COUNCIL held as a Virtual Meeting - Online access on Wednesday, 14th 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, Helen Taylor, Amy Tisi, Leo Walters and Simon Werner

Officers: Adele Taylor, Mary Severin, Duncan Sharkey, Karen Shepherd, Tracy Hendren and Andrew Vallance

Also Present: Barbara Richardson, MD of the RBWM Property Company

37. APOLOGIES FOR ABSENCE

None received

38. DECLARATIONS OF INTEREST

None received

39. PUBLIC QUESTIONS

**a) Andrew Hill of Boyn Hill ward asked the following question of Councillor Hilton, Lead Member for Finance and Ascot:**

Table 4.18.2 of the approved February 2020/21 budget included a line for the "Estimated Year End Reserves" for the next five years. What are the equivalent five figures for Estimated Year End Reserves under the (para 5.1) base savings assumptions of this evening's paper, and why is it not explicitly shown in the appendices?

Written response: *The MTFs published with the Budget in Feb 2020 supported the budget for the financial year 2020/21 and gave an indication of the assumed financial outlook for the following 4 years. When setting the budget the S151 officer has to report on the robustness of the estimates made for the purposes of the calculations and the adequacy of the proposed financial reserves, which leads to showing the figures for estimated year end reserves in the paper in February 2020.*

*The paper before Council tonight is effectively the start of the formal budget setting process for the financial year 2021/22 and consideration of the medium term financial outlook for the following four years. It lays out the assumptions that we are making around levels of funding we are likely to receive from national government alongside assumptions we are making at this time around inflation factors, service levels and*

*potential on-going impacts that the current global pandemic is having on our financial sustainability.*

*The statement from the S151 is not required at this time, specifically because the council is not being asked to set a budget, but asked to agree the framework within which the council is working to manage its resources.*

*The main changes from the MTFS in February 2020 are the assumptions being revised for current circumstances. As detailed in the report there are significant changes as a result of the impact of COVID-19 on Council finances, in-year impacts have been regularly reported via cabinet budget monitoring reports this year and will continue to be for the rest of the year. There are also changes around some of the timing of revisions to how local government finances are calculated, again detailed in the report. Importantly, the revised MTFS indicates the Gap between Income and expenses that the budget will need to accommodate.*

*The 2020/21 budget is proving robust and the financial issues the Council now faces are as a result COVID 19 that has had a devastating effect on Councils up and down the Country.*

By way of a supplementary question, Mr Hill commented that the budget report in February had included the next five years of yearend general reserves were broadly £6m, £2m, then 'blank', 'blank', 'blank'. The MTFS was described as 'revised' but Councillor Hilton had also said he did not need to present the revised year-end figures at this stage, referring to projections of shortfalls. He asked how Members could understand if the requested savings would result in balanced budgets unless they could see that in the context of projected year-end reserves. He therefore asked if Councillor Hilton had been provided with revised year-end figures for the next five years by officers, when coming up with the proposals?

Councillor Hilton responded that the report and table was predicated on, in the first year, the council meeting the minimum reserve level. The council was obligated in law to produce a balanced budget. Taking the £6.5m, if you wished to you could calculate what the reserves might be going forward if no further savings were made in those years. This was effectively what the strategy described. The document was not a MTFS sitting alongside a budget, it was a revision of the strategy to allow the council to understand what the gap was between income received and expenditure predicted. Mr Hill's question was trying to compare apples and pears.

**b) Andrew Hill of Boyn Hill ward asked the following question of Councillor Hilton, Lead Member for Finance and Ascot:**

Under the proposed principles, there are many uncosted and vague suggestions. For example, under paragraph 6.17 what specific assets are being considered for sale, and under paragraph 7.5 what "immediate service reductions or cessations" are you actively considering?

Written response: *The paper before Council tonight is effectively the start of the formal budget setting process for the financial year 2021/22 and consideration of the medium term financial outlook for the following four years. It lays out the assumptions that we are making around levels of funding we are likely to receive from national government alongside assumptions we are making at this time around inflation factors, service*

*levels and potential on-going impacts that the current global pandemic is having on our financial sustainability.*

*This paper is not the Council's budget which is why it does not include costed information at this stage on proposals around specific asset sales or specific service reductions that have not already been agreed in prior years. This is a revision of assumptions to allow the Council to then understand the financial parameters within which it needs to work to set a balanced budget for 2021/22.*

*The draft budget will be presented at the December cabinet meeting and that will include fully costed proposals for any changes to services that will then be subject to public consultation and engagement. The full draft budget will be considered in January by the Council's scrutiny panels as part of that engagement process prior to the final proposed budget, incorporating any changes following that consultation process to be considered at Cabinet and then full Council in February.*

*We also await information on our financial settlement from Central government, the date of which has not been confirmed, but we are anticipating this between November and December. The outcome of this will mean we will have to revise some of the assumptions that we have made in this paper if they prove to be different from those that we have made. There is information included within the report to highlight this.*

*All council services are being asked to consider and model options to meet the identified financial gap over the medium term and that work is on-going.*

*In relation to your question about specific assets for sale, an Asset Management Review & Action Plan was approved by Cabinet in June 2020. This identified a number of assets, that in principle could be either sold or redevelopment. Further work is being undertaken by the Asset Management and Property Company teams, to bring back to Cabinet Investment reports for approval. This will only be done once all due diligence has been completed, and an understanding of the financial returns can be debated and then any implications included in the MTFs or revise previous assumptions.*

By way of a supplementary question, Mr Hill commented that he was quite surprised by principle 7 given there was a law under which the council could seek to raise Council Tax above the gap by democratic consent under a referendum. The council was nonetheless proposing to lobby government for an increase of the cap. He therefore asked what percentage RBWM would be lobbying for the cap to be or was it proposing that it should be scrapped altogether.

Councillor Hilton responded that the decision had not yet been made. Government would make its own mind up as to what it chose to do. The council had made representations both via officers to the Ministry and through the Leader to MPs and Ministers. The council had advised government of the council's financial position; other councils had done the same although they may have had vastly different financial statuses. It was down to government to decide what it would do if anything to assist councils in any way they may choose to. The council had not asked for anything and had no expectation of change.

**c) Kirsty Brooks of Furze Platt ward asked the following question of Councillor Rayner, Deputy Leader of the Council, Resident and Leisure Services, HR, IT, Legal, Performance Management and Windsor:**

Please stop incorrectly describing cultural services as 'discretionary' and 'nice to have extras'. Could you comment on your plans for the library and how you would provide its alternative services should you decide to close it. Free computer and internet access, books and learning possibilities are essential for the mental health of all and employment prospects for low income residents.

Written response: *The Royal Borough is aware that the provision of a Library Service is in fact a statutory duty, governed by the Public Libraries and Museums Act 1964. This states that local council in England have a statutory duty to provide a comprehensive and efficient library service for all people working, living or studying full-time in the area who wish to make use of it.*

*We have been working hard to ensure that we can re-open our two main libraries, in Maidenhead and Windsor, in a way which protects both customers and staff during these difficult times. As well as the click and collect, select and deliver and home visiting services initially offered we have also now extended the service to re-open browsing and pc/internet access on a bookable basis. While we are ever mindful of changing government guidelines we have no plans to remove this access at this time and any permanent changes to the service would have to be subject to a public consultation and engagement exercise.*

*The Medium Term Financial Strategy will always make a differentiation between statutory and discretionary services as it highlights that fact that as a Council we have to be mindful of our legal duties to provide certain services and at a very minimum we have to show how we can afford to run those services at safe levels. We are very aware that the distinction between discretionary and statutory services should not place a judgment on their relative importance and in fact the inter-relationship between those services is also important.*

By way of a supplementary question, Ms Brooks commented that Councillor Johnson was quoted in the Windsor Observer as saying: "The transformation strategy will spread quickly to the library service because I do think there's an opportunity to really start thinking the unthinkable." She asked what was the unthinkable he wanted to start thinking about, specifically in relation to the libraries?

Councillor Rayner responded that libraries were a statutory service and therefore any change would require consultation. The service had already started delivering in different ways as a result of COVID-19, such as through Facebook, and had been incredibly successful. The online digital offer had seen significant take-up. As the council was facing a change in its finances it was looking to see how services could be delivered differently.

40. MEDIUM TERM FINANCIAL STRATEGY 2021/22 - 2025/26

Members considered a revised Medium Term Financial Strategy (MTFS).

Councillor Hilton introduced the report. He explained that the report set out the council's MTFs for the next five years and contained the key economic assumptions that would form the basis of next year's budget. The paper was not the council's next budget but detailed the opportunities and constraints within which it would start the process of building the budget.

In normal times the 2020/21 MTFs would inform the 2021/22 budget setting process but such was the impact of COVID-19, which had increased council costs and reduced income from parking, leisure and commercial properties, that a revised MTFs had been drafted. However, this merely was a revision to that which Council had approved in February. It was an update which reflected the reality of the impact of COVID-19 and the near doubling of the gap between income and expenses that the budget would need to accommodate.

When setting the budget for 2020/21, councillors were made aware of the imperative of sound fiscal controls and strong governance arrangements. Members were well-acquainted with important measures introduced with CIPFA's help. These included: increased transparency, improved quality of financial reporting, more rigorous scrutiny by establishing a separate Audit & Governance Committee, and an action plan to deliver CIPFA's recommendations in full.

Alongside this, the 2019/20 outturn report showed that the transformation programme was working, delivering excellent services and savings in-year of £1.7m. If it were not for COVID-19 the far-reaching reforms and dedicated officer team had delivered a remarkable £2.9m positive variance by month 4 of the current budget. What no-one could have foreseen was the devastation that the global pandemic would cause; the loss of life had been tragic and the economic damage devastating.

In preparing for the budget, the finance team had been working closely with MHCLG and the Leader of the Council had been in regular correspondence with MPs and Ministers to make them aware of the scale of the challenge the council faced.

Preparations for the 2021/22 Budget were underway and the paper set out the assumptions around levels of funding likely to be received from national government, inflation factors, interest rates, capping levels and potential on-going impacts of COVID-19 on the council's financial sustainability.

Some national changes around local government funding had been delayed including the Comprehensive Spending Review (CSR). Officers had made their best judgements on the impact of the delays. Later this year confirmation of the financial settlement from government was expected. This could lead to the revision of some of the assumptions that had been made in the paper.

Against this background of uncertainty, the MTFs was presented to allow the council to best understand the financial parameters within which it needed to work to set a robust balanced budget for 2021/22.

The strategy assumed that by the end of the financial year reserves will be above the minimum level. In month 4 reserves were predicted to be £2.7m. However, it was anticipated that recovery of income through the government's 'Sales, Fees and Charges' compensation scheme would allow the council to meet the minimum reserve level.

All council services were being asked to consider and model options, aligned to the council's priorities, to meet the identified financial gap over the medium term and that work was on-going. The draft budget would be presented at the December Cabinet meeting and would include fully costed proposals for any changes to services, this would then be subject to public engagement and consultation. The draft budget would be considered in January by the council's scrutiny panels prior to the final proposed budget, incorporating any changes following that consultation, to be considered at Cabinet and then full Council in February. The paper was just the start of engagement, consultation and hard work to ensure the best outcome that would put the council on a financially sustainable footing.

Councillor Baldwin commented that the document was of profound importance to residents, partners and employees of the borough, with implications that were in some cases immediate and some lasting for many years. Beneath the soft words contained lied a truly gruesome set of realities. He questioned how the report had arrived at full Council with such little fanfare. Part 8C, rule B1 of the constitution set out the way such matters should be progressed: *'The Council is responsible for agreeing the authority's policy framework and budget, which will be proposed by the Cabinet.'*

An element of the budget was the proposed MTFs yet it had not been brought to full Council following a referral from Cabinet. Bypassing Cabinet was more procedural chicanery by the administration. The Council meeting was not properly able to question officers or look at what alternatives were considered and discarded. As each councillor could only speak for 5 minutes, effective scrutiny was rendered impossible. Councillor Baldwin moved an amendment under Part 2C 14.6A i) of the constitution to 'Refer the matter to an appropriate body for reconsideration'. Councillor Werner seconded the amendment.

Councillor Hilton stated that he did not accept the amendment and commented that he felt there had been a total misunderstanding of the document. No decisions were being made, the report asked Members to note the report and approve the revised strategy. If no decisions were being made, he did not see what the problem was. The document set out clearly and transparently the parameters the council would use when setting the budget.

Councillor McWilliams commented that the irony of the amendment was that it was taking up time that could be spent debating the main item. Full Council was a great forum to debate the item. The report had been publically available in advance and the process was therefore transparent.

Councillor Knowles commented that it was right to raise the issue if it was not constitutionally correct to bring the report directly to Council. He questioned, if no decisions were required, why Members were there and being asked to vote.

Councillor Stimson highlighted that the process was transparent. The administration wanted to share with the whole of the council what the current situation was. Usually it was in trouble for not giving out information early enough, yet in this instance there was criticism for bringing information early.

Councillor L. Jones commented that it would be helpful for Members to understand what they would be voting for; the recommendation did ask for Appendix A to be

'approved'. There was a decision to approve therefore it would help if an explanation was given as to the reason Members were being asked to approve the revised strategy.

Councillor Johnson commented that he thought the report was quite straight forward and the explanation given by Councillor Hilton in his introduction was clear. Only a few weeks ago the Opposition had called for more Council meetings yet were now lambasting the administration for bringing the document to a specially convened meeting to debate a very important issue. The Opposition was suggesting that the report should go to a crusty backroom committee first and then come to a Council meeting at an unscheduled future point in time rather than this evening discussing the size of the gap, agreeing on the updated MTFs and agreeing that the gap was the savings target. He did not believe this had been done before; the reason it was being done now was the unique situation of needing to find savings. There was no hidden agenda, the report had been brought to Council to enable Members to debate the report and note the revised figures in the MTFs.

Councillor Walters commented that the report appeared to be helpful guidance as to what the council was trying to do in difficult circumstances. It would be absurd not to have a vote. Councillor Sharpe echoed the comments of Councillor Walters; he was astonished at the turn of the debate.

The Director of Resources and S151 Officer explained to Members that the principles in the MTFs were agreed in February 2020 as part of the budget setting process. This would be agreed again as part of the budget in February 2021. The report before Members asked for a reconfirmation of the principles being accepted by full Council. No changes had been proposed to the principles therefore the report had not gone through Cabinet. The report was an update of the assumptions based on the principles Members agreed in February 2020. This would allow officers to bring forward a draft budget for public consultation based on the confirmed assumptions. Anything to do with the budget and policy framework had to come to full Council; it could not be a Cabinet decision. Members were being asked to note the changes in assumptions made as a result of COVID-19 and changes in local government financing.

Councillor Price questioned the timetable set out as she had thought it had been agreed by Corporate Overview and Scrutiny Panel that the Panels would look at the budget at their November/December meetings.

The Managing Director confirmed that the draft budget would become public in late November/early December. A pre-session for Overview and Scrutiny Panel Members would be held; the formal consultation process would then take place in January.

Councillor Werner commented that the words 'muddled' and 'confused' summed up the way the council was being run at the moment. It was clear the council needed to follow the rules it had set out for itself. Councillor Hilton had said there was no decision required yet Members were being asked to approve the revised MTFs. Overview and Scrutiny Panel meetings allowed for in-depth analysis; full Council was not the place to do this when each councillor only got 5 minutes to speak.

Councillor Baldwin stated that he had listened to all the contributions and he thanked the Director of Resources for her explanation. He commented that things would have

run more smoothly if the explanation had been communicated to Members in advance. Were his amendment to succeed, the crusty backroom committee referred to by Councillor Johnson would be the Cabinet. In light of the explanation provided by the Director of Resources, he agreed to withdraw his amendment. Councillor Werner, as seconder, also agreed to withdraw the amendment.

Members returned to debating the substantive motion.

Councillor Del Campo stated that according to the borough's own equality policy, EQIAs were a tool to ensure due regard was given to equal opportunities when making a decision and they should be carried out whenever a service, policy of function was planned, changed, or removed. The borough regularly published EQIAs and had a duty to residents to do them well. This meant using them as a tool well in advance to shape strategy. It was therefore important that the Overview and Scrutiny Panels and Cabinet had an opportunity to review them in advance, especially in relation to savings proposals which often impacted the most vulnerable in society. Councillor Del Campo therefore felt it was vital that the council engaged with stakeholder groups such as the Disability and Inclusion Forum.

Councillor Del Campo referred Members to paragraph 11.1 of the report that stated an EQIA would be produced for the February 2021 full Council. This would not allow enough time for consideration. She therefore proposed an amendment to include an additional recommendation:

'This Council agrees that a full EQIA be made available in time for Cabinet and the Overview and Scrutiny Panels to consider in their November/December meetings as outlined in the 2021/22 draft budget build timetable'.

Councillor Price seconded the amendment.

Councillor Hilton stated that he did not accept the amendment. He explained that the Opposition would have an opportunity in the November timeframe to comment on the proposals. If detailed EQIAs for each item were undertaken and then following input they were not taken forward, that work would then be wasted. The real key was in the body of the MTFs in that a full EQIA would be presented with the budget.

Councillor Baldwin commented that either a full EQIA was undertaken or it was not, there was not an option of a partial EQIA. Members had been dealing with late EQIAs for months. EQIAs were documents that went to the heart of being a public servant.

The Managing Director explained that a full EQIA differed from a screening assessment. A screening looked at potential impacts and determined if a full EQIA was required.

Councillor Price commented that she was concerned if an EQIA was not produced during the process and considered at the right time, it would not be possible to say the process was robust or the impact of decisions had been considered. This could result in the borough being exposed to costly, time-consuming and reputation-damaging legal challenge. Councillor Price referred to the publication 'Making fair financial decisions - Guidance for decision-makers' by the Equality and Human Right



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Commission. It was known from the hints of the cuts that they would affect people in the characteristic groups.

Councillor Del Campo commented that she took away from the debate that if the council showed people proposals too soon they might want to make changes and this would be a bad thing. She felt this would actually be a good thing. The sooner people were involved who were likely to be affected the better.

Upon being put to the vote, the amendment fell.

<b>MTFS - EQIA Amendment (Amendment)</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	Abstain
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 Helen Taylor	For
Councillor Amy Tisi	For
Councillor Leo Walters	Against
Councillor Simon Werner	For
<b>Rejected</b>	

Members returned to debating the substantive motion.

Councillor Werner commented that the MTFS was meant to give the council a framework for setting the budget and ensured this was done in a way that was sustainable. This meant councillors needed to know that what was being agreed would enable the council to maintain a healthy balance sheet. At the very least Members needed to be sure that it did not set the council up to exhaust its dwindling reserves. The lack of a balance sheet made it impossible to make an informed decision. He could not support the proposal without vital information. At the budget debate earlier in the year he had suggested a number of areas be looked at which were still not included. For example, bringing more services in-house, an increasing trend in local government. Councillor Werner highlighted that CIL in Maidenhead was still at 0%, which was a disgrace given all the town centre development. If this was changed it could generate millions of pounds but was not included in the principles. The principles talked a lot about selling assets to pay down debt which he supported as a fiscal hawk. However council assets, in particular land, could also benefit the council by generating revenue. This vitally important principle was not referred to in the MTFS. The MTFS looked like a rewind of the old financial mistakes that had been made over the years with just a gloss of respectability by bringing it to Council. He had used the analogy of the budget being like the Titanic heading towards an iceberg. The analogy no longer worked; it was now more like the Titanic kept being built and kept crashing into yet more icebergs. He wanted the administration to stop and think, and sort out the problems caused by financial mismanagement.

Councillor L. Jones thanked the finance team for producing an honest report that set out the constraints and significant challenges the council faced. Members were asked to note the report and approve Appendix A. The report set out that despite many other councils having experienced a more serious erosion of their reserves (the COVID pandemic having had a greater effect) the borough's position was more acute than other councils due to the low level of reserves. The reserves were barely adequate to cover current risks and insufficient to cover the future funding shortfall in 20/21. She therefore agreed with Principle 1, an adequate level of reserves. The council needed to ensure it was never in the position again of having to make changes that potentially could have a damaging impact on service delivery.

Councillor L. Jones also agree with Principle 2, to raise council tax in line with Government limits. Given the need to reduce costs and increase income within the base budget to cover the gap of over £8m next year and £8m over the next 5 years, it was left with no option but to increase council tax by its maximum. Whilst she agreed with a 'low council tax' model it must not be at the expense of providing adequate services. That was where the council went wrong previously and why it was now in debt and looking at severe reductions in services.

Councillor L. Jones agreed with Principle 3, Optimise Income Generation but the council should aspire to increase income from assets and not from the sale of assets. Selling for short term gain should only be done in the most extreme of cases. There was no Capital strategy before Members so she was not in a position to understand or agree with the principle.

In relation to Principle 4, enhanced scrutiny of capital investment, Councillor L. Jones stated she would like confirmation that a review of business plans of current investments into regeneration was taking place to ensure they were robust post-COVID. There had been a number of changes therefore she would need to know, for

instance, the assumptions regarding investing in parking were robust. For example, would there be the season tickets to support commuter car parks and would car parks need to be sited in the town centre to encourage easier access to retail. In relation to housing, with people working from home would there be a move away from flats without outside space towards greener areas. Did the council need to revisit social housing to understand whether an invest to save programme would benefit the council financially and the residents by providing needed homes.

Councillor L. Jones agreed with Principle 5. She also agreed with Principle 6 but reiterated that the sale of assets could be seen to be a short term benefit. The council's borrowing in the past to pay for its Capital schemes could not continue and she welcomed a more prudent approach to how much debt was carried.

Councillor L. Jones supported Principle 7 but if it were the only process the government gave councils to raise taxes above the cap then the possibility of going to the residents for a mandate to raise council tax above the cap and maintain/enhance services should be included.

Councillor L. Jones concluded that she was making the suggestions in the hope they would be taken into account as Members worked together to reverse some of the impact of the decision-making taken over the last 7 years and the effect of COVID. She was still not sure about approving the MTFs. If Members were being asked to approve it to aid budget discussions then that was ok, but if as CIPFA described it was a framework bringing together all known factors regarding capital then there were assumptions made around capital that may have changed and would have an impact on the budget.

Councillor Knowles echoed the comments of Councillor L. Jones. He was particularly concerned about the basis of some of the assumptions but he was acutely aware things were changing rapidly. Although Appendix A identified shortfalls, a more 'big picture' view was needed of current investments and the impacts of the BLP as it went through the process. He accepted the general thrust of the report and its candid view of the medium term risks. In addition to the Principle 7 suggestion by Councillor L. Jones he suggested if the council was going to lobby central government for an increase in the cap, it would be a good idea if it had an idea of the necessary percentage needed going forward. This would give balance to any outcome desired and avoid it looking like a begging bowl. He supported inclusion of a council tax referendum option; it may be unpleasant but it would be a failing not to look at every possibility. Residents should have the option to decide between an increase in council tax and the retention of services or no increase and acceptance of a reduction in services. The borough had a high approval rating for its services prior to the last election therefore residents should have a choice. A referendum would create a non-partisan mandate to empower the administration and create a team effort.

Councillor Hill commented that the public were aware the finances were in a poor shape prior to COVID to weather any storm. It was time for the administration to come clean about the impact of reducing council tax and the effects on services. For many years the Opposition cautioned against continuing to cut council tax, all to no avail. The report should include a referendum with the electorate to ask for a larger increase than was legally allowed. Residents deserved better than sneaking behind the scenes to do secret deals with the government.

Councillor Stimson commented that she was now more informed about the council's finances than she had been when first elected. It was interesting that Band D council tax was still not back at the same level as in 2010/11 therefore in many ways Councillor Hill was right that 10 years of cuts in council tax was the reason for the problem. The council now had a good financial team and was acting in an open and transparent manner. The report was before Members to say there was a need to slim down a council already cut to the bone. The administration was looking to work with other Members on this. This was an opportunity to work together to provide residents with a good council and services going forward.

Councillor W. Da Costa thanked the Director of Resources and her team for an honest, if short report. He wished to ask three questions:

- Given that the Medium Term Plan was an important part of the sound financial and operational management for any organisation, why was an Extraordinary meeting needed to review it and why was this not programmed, twice yearly, in pre-planned Council meetings.
- It was known that, due to COVID and other irregularities that the assumptions, income levels and cost bases included in the 2020/21 budget and the presented MTFs in Appendix A were now not correct but, the principles were more or less appropriate. Why were Members not approving the principles and just noting the already out of date figures in appendix A.
- What provision had been made in the strategy for building in borough-wide climate resilience, decarbonisation and habitat and biodiversity restoration. These items threatened the very existence of residents and the future.

Councillor W. Da Costa requested that an environment and climate principle be added to the MTFs in time for the 2021/22 Budget process including the key priorities, notably to building in climate resilience, decarbonisation of heat and transport, and restoration and protection of habitat and biodiversity in the borough.

The council was in a bleak place due to poor financial management according to CIPFA, with low reserves, low levels of income and an increasing cost and service requirement due to pension deficit, children and adult services, high levels of borrowing costs, COVID issues etc. Things were only going to get worse, with COVID costs, uncertain funding from government, an economic downturn and further income loss affecting residents. The council could not cut costs anymore. It had already cut £60m since 2010 and there was a further £8m of funding cuts to come this year and next, and a further £18m of cuts was needed over the next 5 years. The officer core was completely hollowed out so the council lacked the number of officers and range of competencies to face the future.

The answer, and the elephant in the room, was found on page 18. Not only would council tax need to be raised by the maximum allowed but it sought greater flexibility to increase council tax. There was a need to challenge the administration and be courageous, honest, principled and collaborative. Residents needed to be told how much council tax would need to increase and the consequences if it was not.

Councillor Rayner highlighted that the report clearly showed how much needed to be saved to balance the books, this was the reason a balance sheet was not needed. She thanked the Director of Resources and her team. She also thanked residents for their compassion during the COVID-19 pandemic and she highlighted the work of the Libraries and Residents service during this time. Two major milestones had been

reached: the opening of the Braywick leisure centre and the modern workplace scheme allowing all officers to work from home.

Councillor Bond thanked all those who had produced the report, which would have been difficult at a time of uncertainty. He commented that there were several mentions of the government in the report. At the start of the lockdown government support had been prompt, as was the council in passing on business grants etc. He remembered the dedication of council staff answering questions over the Easter bank holiday weekend. The government's reimbursement formula of 75% of 95% of lost income was announced in July yet there was not yet full clarity on the amount or timing and how this may reduce the £18m of cumulative savings needed. There was also the multi-year Comprehensive Spending Review and perhaps wisely the report did not put too much store on this happening in the remainder of the year.

Another example of uncertainty was that in July Cabinet had received a report of a review of Optalis and AfC. It mentioned possible additional costs for both that were subject to negotiation with third parties. There was no reference to them in the report. Councillor Bond was unsure if they would be revenue or capital items but if they were subject to negotiation their absence may be because the amounts were therefore unknown. This was another reminder that there are 'known unknowns' and the council should 'expect the unexpected'.

Councillor Bond had been struck by how low current rates were. The short term interest rate assumption was 0.6%, down from 1.5% in February, and inflation had dipped to almost zero. For councils the general measure of the long term interest rate was the Public Works Loan Board but West Berkshire Council was doing hypothecated borrowing at 1.2% over five years and Plymouth had done an interest rate swap to convert short term borrowing to fixed borrowing at around 1%. The latter felt a bit too good to be true, but perhaps the 'yield curve' was flattening and longer term rates were moving closer to short term rates. There may be an opportunity to lock in current low rates. Interest rates were important given the council's level of debt. Whilst council borrowing had been increasing in recent years, the average was 91% of annual revenue, this council's was higher at 200% though not top of the league.

Councillor McWilliams highlighted that the actions taken following the CIPFA report to address the previous problems relating to financial governance and mismanagement had put the council in a strong place to deal with the current problems. To suggest problems were now a result of something that had been addressed earlier in the year was absurd.

The BBC recently reported potential budget gaps across local government would surpass £1.7bn; Hampshire (£80m); Camden (£54m) Leeds City (£53m); Croydon (£49m); Derbyshire (£45m) Dorset (£43m) Nottingham (£39m); Manchester City (£100m), Slough (£18.9m). This was a financial storm never seen before in local government finance. The pressures of COVID-19 came on top of over ten years of government bearing down on local government efficiencies. The government may provide a cocktail of additional grant funding payments, flexibility around council tax, reorganisation and local efficiencies to meet the challenge. There was no silver bullet and the report set that out well. Councillor Johnson was lobbying MPs and Ministers on the reckoning for local government finance that was on the way.

Councillor McWilliams felt that council tax flexibility was long overdue. Local democracy was strong enough at putting an end to any administration that started to increase tax for 15% or 20% year on year; this would be dealt with at the ballot box. RBWM would be hosting the first public budget consultation of its kind in the council's history, where there would be an opportunity to present to the public the assumptions behind the budget, the council's best efforts at squaring the choices and challenges ahead and giving the opportunity to residents to say if there was a particular element of the budget that was not liked, what would they replace it with or change it.

Councillor Price commented that anyone would support services but she had concerns about some of the assumptions, for example maximising income. Despite the significant savings made in the current year, the council was now aiming to save a further £10.5m next year. This meant £10.5m of less service. Councillor Price thought that by now all efficiency savings had been exhausted as that had been a mantra for many years. How would the £10.5m hole be filled? It could be by generating more income. That had been said for many years therefore she questioned why the council thought it would be any better at doing so now when the future economy looked poor. Would the RBWM Property Company continue with its social responsibility to provide affordable housing? The latest set of accounts showed a turnover of £850,000 which generated profits after tax of £200,000. This was a profit ratio of 24% therefore Councillor Price questioned whether this was going to be the council's saviour.

The report starkly informed Members that measures would likely include a significant proportion of service reductions or cessation. This was confirmed in the press by a quote by Councillor Johnson that cuts would fall on discretionary services. Library services were not a discretionary service. The public questioner asked about what would happen to the discretionary services but she did not get an answer. Council's had a duty to provide a statutory library service to all. She highlighted the variety of discretionary services provided including storytime, school visits, Bookstart bags, summer reading challenges, wi-fi access and IT support. It was these activities which made libraries the heart of the community. Only last month the Cabinet approved a Transformation Strategy to build a community-centric borough of opportunity and innovation. Councillor Price questioned how this could be delivered if all the community-focussed activities were axed. Councillor Price concluded by asking for clarification about the assumption about when the BLP would be delivered.

Councillor Carroll thanked the Director of Resources, the finance team and the Lead Member for a very clear and substantive report. The council was dealing with an unprecedented pandemic and it was important this was firmly put into context. As Councillor McWilliams highlighted, 9 in 10 councils across the council were facing financial peril. This was not a deception, it was a fact. It was not grubby to have a process which sought to get a fair deal for all local government. That was the point of having a central government and local government who worked together. Councillor Carroll commented that Councillor Hill had been a member of the party that had pushed for aggressive council tax reductions. The past was the past and it was now time to work together.

Councillor Hill used his right of reply to explain that he had argued for a higher council tax and had been thrown out of the Cabinet as a result. The current situation was a result of poor financial mismanagement and an obsession with low tax. The failure to get rid of the leadership when it was challenged by himself and other councillors was another issue. There was a failure to lay the facts before residents and admit the

mistakes of the past. He would be prepared to vote for a referendum but it was not on the table.

Councillor W. Da Costa used his right of reply to refer to comments by Councillor McWilliams that he had misled the electorate. He explained that his comment related to the CIPFA report which specifically said that the council faced an uncertain future because of a lack of financial governance, debt collection issues and poor decision making. He was not misleading residents as this was all in the CIPFA report.

Councillor Larcombe commented that the position for the borough was more acute than many other councils due to the historically low level of reserves which were barely adequate to cover current risks and insufficient to cover future projected shortfalls. A word had been missed out: accountability. He asked whoever was prepared to answer, how did the council end up with such low level reserves.

Councillor Davey commented that it had been interesting listening to the discussion. It was apparent that the situation had been created by ten years of financial mismanagement. Proposals were now being made to slim down the council when he had thought there were plans to employ more people. Better financial management would have seen reserves built up to better take on the stresses and strains of today, rather than putting all the eggs in one property basket.

Councillor Johnson commented that no one should underestimate the gravity of the financial situation. There had been lengthy discussion on the causes but the most immediate challenge related to COVID-19. He felt that some people may not be fully aware of what was going on both financially and socially in the wider world. He thanked the limited number of Opposition councillors who had acted like statesmen at the meeting. The value around sound money articulated by some in the Independent group was one he shared and welcomed.

Councillor Johnson commented that at the budget meeting in February it had only been the Conservative party that had had a credible and deliverable plan to restore sound finances and controls in the authority. Had it not been for COVID-19, it was more likely than not that an underspend would have been delivered by year-end. Even with COVID-19 it was credible that a balance budget would be achieved. This would be a tremendous achievement in the context of a lot of other authorities. The report reset the financial situation in light of the reality of COVID-19. In the budget, which would include some painful cuts, he would be calling for the freedom to recover; the freedom to set the trajectory for future sustainable economic growth. The government had yet to release the technical consultation as to whether a referendum would be needed or not. There were many questions. Tax rises were possible; all would have to pay for the cost of COVID. The administration had a credible vision to get out of the situation. The budget timetable through Cabinet, Overview and Scrutiny and full Council would set out a clear vision. He could see no alternative proposed by the Opposition.

Councillor Hilton highlighted that it was the responsibility of the S151 Officer to comment on the robustness reserves. As Lead Member in 2008/09 and 2009/10 he had been advised that reserves below £5m were sufficient. The world had now changed and he understood the importance of adequate reserves. CIPFA had been asked to come into the council and give their view. The administration had acted upon all the recommendations. As a result of these actions, the council had been able to

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deliver at the end of last year savings of £1.7m associated with transformation. Without COVID-19 savings of £1.9m would have been delivered this year.

Councillor Hilton concluded by thanking the finance team and Corporate Leadership Team for working together to put the report together and delivering the sound financial management that had been demonstrated.

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

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

**i)The Medium Term Financial Strategy set out in Appendix A.**

<b>MTFS (Motion)</b>	
Councillor John Baldwin	Against
Councillor Clive Baskerville	Against
Councillor Christine Bateson	For
Councillor Gurpreet Bhangra	For
Councillor Simon Bond	Against
Councillor John Bowden	For
Councillor Mandy Brar	Against
Councillor Catherine del Campo	Against
Councillor David Cannon	For
Councillor Stuart Carroll	For
Councillor Gerry Clark	For
Councillor David Coppinger	For
Councillor Carole Da Costa	No vote recorded
Councillor Wisdom Da Costa	No vote recorded
Councillor Jon Davey	Abstain
Councillor Karen Davies	Against
Councillor Phil Haseler	For
Councillor Geoffrey Hill	Against
Councillor David Hilton	For
Councillor Maureen Hunt	For
Councillor Andrew Johnson	For
Councillor Greg Jones	For
Councillor Lynne Jones	Abstain
Councillor Neil Knowles	Against
Councillor Ewan Larcombe	Against
Councillor Sayonara Luxton	For
Councillor Ross McWilliams	For
Councillor Gary Muir	For
Councillor Helen Price	Against
Councillor Samantha Rayner	For
Councillor Joshua Reynolds	Against
Councillor Julian Sharpe	For
Councillor Shamsul Shelim	For
Councillor Gurch Singh	Against
Councillor Donna Stimson	For
Councillor John Story	For
Councillor Chris Targowski	For
Councillor Helen Taylor	Abstain
Councillor Amy Tisi	Against



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Councillor Leo Walters	For
Councillor Simon Werner	Against
<b>Carried</b>	

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## MEMBERS' GUIDE TO DECLARING INTERESTS IN MEETINGS

### Disclosure at Meetings

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

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

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

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

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

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

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

### Prejudicial Interests

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

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

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

### Personal interests

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

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

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## MAYOR'S COMMUNICATIONS

Sadly, due to the ongoing Covid-19 pandemic and social distancing measures, many of the traditional local events have had to be cancelled this summer. However, the Deputy Mayor and I have continued to support the Royal Borough community and residents as best we can virtually. We have also carried out the following engagements since the last Council meeting:-

- Supported the Aktiveyes mini golf tournament at Braywick and presented the trophy
- Led the flagraising at the war memorial, Town Hall, Maidenhead for Merchant Navy Day
- Watched part of the WAMCF annual interfaith cricket tournament and presented trophies
- Accepted the keys of the new Braywick Leisure Centre in Maidenhead and toured the building
- Visited the Cookham Art Trail exhibition at Norden Farm Centre for the Arts
- Officially opened Intoku, Pan Asian and Sushi café in Windsor
- Chaired/attended Extraordinary Council meetings
- Attended several charity meetings with Thames Hospice
- Attended virtual meeting of Spoore Merry Rixman Foundation and the Pooles and Rings charity
- Participated in the “meeting” of the Royal Albert Institute Trust
- Attended the Lord Lieutenant’s Awards for SERFCA (South East Reserve Forces Cadets Association)
- Opened the new Pavilion Café at the Clewer Memorial Park

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Report Title:	<b>Members' Allowances Scheme</b>
Contains Confidential or Exempt Information?	No - Part I
Lead Member:	Councillor Johnson, Leader of the Council
Meeting and Date:	Full Council 27 October 2020
Responsible Officer(s):	Duncan Sharkey, Managing Director and Karen Shepherd, Head of Governance
Wards affected:	All

www.rbwm.gov.uk



## REPORT SUMMARY

1. The Independent Remuneration Panel (IRP) for the Royal Borough of Windsor and Maidenhead has undertaken a full review of Member allowances, following the end of the latest four year period of indexation.
2. The IRP's report (attached as Appendix A) details a number of recommendations to amend the Members' Allowances Scheme for consideration by full Council.

## 1. DETAILS OF RECOMMENDATION(S)

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

- i) Considers the 23 recommendations of the Independent Remuneration Panel set out in paragraph 2.3**
- 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.**

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

### Options

**Table 1: Options arising from this report**

<b>Option</b>	<b>Comments</b>
To consider proposed amendments to the scheme to update and clarify the allowances payable to Members <b>This is the recommended option</b>	Members can approve, amend or reject any of the recommendations of the IRP
Do nothing	The review is required as the latest four year period of indexation has ended, therefore Members should consider the recommendations of the IRP

- 2.1 Local authorities are required to appoint an Independent Remuneration Panel (IRP) to advise Council on the terms and conditions of their Scheme of Members' Allowances. No changes may be made to the scheme unless the IRP has first considered the matter and reported to Council. The only exception is in relation to annual indexation adjustments and then only for up to four years without an IRP report.
- 2.2 The review was initiated in November 2019 but delayed due to the impact of COVID-19. The IRP has made 23 recommendations for amendments to the scheme, summarised below. The IRP report, including detailed explanation and rationale for the recommendations, is attached as Appendix A.
- 2.3 Recommendations of the IRP:
- RECOMMENDATION 1: The Basic Allowance payable in the Royal Borough of Windsor and Maidenhead is set at £8,260
  - RECOMMENDATION 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)
  - RECOMMENDATION 3: The SRA for the Leader be set at £24,780
  - RECOMMENDATION 4: The SRA for the Deputy Leader and Deputy Chairman of the Cabinet be set at 55% of the Leader's recommended SRA, £13,629
  - RECOMMENDATION 5: The SRA for the other Lead (Cabinet) Members be set at 50% of the Leader's recommended SRA, £12,390.
  - RECOMMENDATION 6: The SRA for the Chairmen of the Area Development Management Panels and the Licensing Panel be set at 25% of the Leader's recommended SRA, £6,195
  - RECOMMENDATION 7: The SRA for the Chairmen of Overview and Scrutiny Panels be reset at 20% of the Leader's recommended SRA, £4,956
  - RECOMMENDATION 8: The SRA for the Chairman of the Audit and Governance Committee be set at 20% of the Leader's recommended SRA, £4,956.
  - RECOMMENDATION 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



- RECOMMENDATION 10: The SRA for the Chairman of the Berkshire Pension Fund Panel be set at 20% of the Leader's recommended SRA, £4,956
- RECOMMENDATION 11: The SRA for Members attending meetings of the Licensing Panel 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
- RECOMMENDATION 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.
- RECOMMENDATION 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 £6,195, 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.
- RECOMMENDATION 14: No SRA be introduced for Chairmen of Working Groups
- RECOMMENDATION 15: The 1-SRA only rule continues to apply in the Members' Allowances scheme
- RECOMMENDATION 16: A Co-optee Allowance should continue to not be included in the Member's Allowances scheme
- RECOMMENDATION 17: Subsistence Allowances should continue to not be included in the Members' Allowances scheme
- RECOMMENDATION 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
- RECOMMENDATION 19: The terms and conditions of the Dependents' 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.
- RECOMMENDATION 20: The Panel recommends that no changes be made to the section on Maternity, Adoption and Paternity Leave in the current scheme.

- RECOMMENDATION 21: No changes be made to the Civic Allowances or Mayor/Deputy Mayor SRAs contained in the current scheme.
- RECOMMENDATION 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.
  - 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.
- RECOMMENDATION 23: The recommendations be implemented immediately and backdated to the start of the 2020/21 municipal year, with the exception of proposed changes to Appeals Panel SRAs and those related to Opposition Group Leaders which should be implemented from 28 October 2020.

### 3. KEY IMPLICATIONS

**Table 2: Key Implications**

<b>Outcome</b>	<b>Unmet</b>	<b>Met</b>	<b>Exceeded</b>	<b>Significantly Exceeded</b>	<b>Date of delivery</b>
Members' allowance scheme in the constitution updated as appropriate	Scheme not updated	Scheme updated	n/a	n/a	November 2020

<b>Outcome</b>	<b>Unmet</b>	<b>Met</b>	<b>Exceeded</b>	<b>Significantly Exceeded</b>	<b>Date of delivery</b>
Statutory notice placed in a local newspaper	Statutory notice not placed	Statutory notice placed	n/a	n/a	November 2020
Payroll amended with updated allowance payments	Members do not receive updated and backdated allowance payments	Members receive updated and backdated allowance payments	n/a	n/a	November 2020 onwards

#### **4. FINANCIAL DETAILS / VALUE FOR MONEY**

- 4.1 Where a Councillor holds more than one of the positions attracting a Special Responsibility Allowance as specified in Schedule 1 of the Members' Allowance Scheme, the Councillor will only be eligible to receive one such allowance; the sum to be paid to be the highest eligible allowance.
- 4.2 If all 23 recommendations made by the IRP were approved by full Council, £7,626 would need to be added to the Members' Allowances budget. Although the recommendations, if accepted, would be backdated for the financial year 2020/21 there would currently be sufficient budget available in-year due to the number of Members holding posts, and one councillor covering more than one role (and therefore only claiming one Special Responsibility Allowance). The increase in budget required would however need to be included in future years' budgets as part of the budget setting process.

#### **5. LEGAL IMPLICATIONS**

- 5.1 The Local Authorities (Members' Allowances) (England) Regulations 2003/1021 require the Council to:
- (a) have regard to a report issued by the Independent Remuneration Panel prior to making any amendments to the allowance scheme;
  - (b) ensure that a copy of the report is made available for inspection by the public; and
  - (c) publish in one or more newspapers circulating in its area, a notice which—
    - (i) states that it has received recommendations from an independent remuneration panel in respect of its scheme;
    - (ii) describes the main features of that panel's recommendations and specifies the recommended amounts of each allowance mentioned in the report in respect of that authority;

## 6. RISK MANAGEMENT

- 6.1 The Council is required to have regard to recommendations of the IRP before making any changes to the Members' Allowances Scheme.

**Table 3: Impact of risk and mitigation**

<b>Risks</b>	<b>Uncontrolled risk</b>	<b>Controls</b>	<b>Controlled risk</b>
Amendments made to the Members' Allowance Scheme without consideration of IRP recommendations	MEDIUM	Full Council presented with detailed recommendations from the IRP	LOW

## 7. POTENTIAL IMPACTS

- 7.1 Equalities. Equality Impact Assessments are published on the [council's website](#). An EQIA screening form has been completed; a full EQIA is not considered to be required.
- 7.2 Climate change/sustainability. No impacts have been identified.
- 7.3 Data Protection/GDPR. No impacts have been identified.

## 8. CONSULTATION

- 8.1 All Members were given the opportunity to complete an online survey on the Members' Allowance Scheme in January 2020 and submit further representations to the IRP in July/August 2020. The IRP invited a number of Members to meet with them (virtually) to discuss issues in detail during August 2020.

## 9. TIMETABLE FOR IMPLEMENTATION

- 9.1 The IRP has recommended that the amendments be implemented immediately and backdated to May 2020 where appropriate.

**Table 4: Implementation timetable**

<b>Date</b>	<b>Details</b>
27 October 2020	Full Council consideration of IRP recommendations
November 2020	Members' Allowance Scheme in the constitution updated as appropriate
November 2020	Statutory notice placed in a local newspaper
November 2020 onwards	Members receive updated and backdated allowance payments as appropriate

## 10. APPENDICES

10.1 This report is supported by one appendix:

- Appendix A – The Eleventh Report of the RBWM Independent Remuneration Panel.

## 11. BACKGROUND DOCUMENTS

11.1 This report is supported by two background documents:

- [Equality Impact Assessment screening form](#)
- The current [Members' Allowances Scheme](#) (Part 9 A of the council constitution)

## 12. CONSULTATION (MANDATORY)

Name of consultee	Post held	Date sent	Date returned
Cllr Johnson	Leader of the Council	9/10/20	19/10/20
Cllr Rayner	Deputy Leader of the Council, Lead Member for Resident and Leisure Services, HR, IT, Legal, Performance Management and Windsor	9/10/20	12/10/20
Duncan Sharkey	Managing Director	6/10/20	7/10/20
Russell O'Keefe	Director of Place	6/10/20	
Adele Taylor	Director of Resources/S151 Officer	6/10/20	8/10/20
Kevin McDaniel	Director of Children's Services	6/10/20	
Hilary Hall	Director of Adults, Health and Commissioning	6/10/20	8/10/20
Andrew Vallance	Head of Finance	6/10/20	
Elaine Browne	Head of Law	6/10/20	6/10/20
Mary Severin	Monitoring Officer	6/10/20	7/10/20
Nikki Craig	Head of HR, Corporate Projects and IT	6/10/20	7/10/20
Louisa Dean	Communications	6/10/20	7/10/20
David Scott	Head of Communities	6/10/20	7/10/20
Lynne Lidster	Head of Commissioning - People	6/10/20	6/10/20

### REPORT HISTORY

<b>Decision type:</b> Council decision	<b>Urgency item?</b> No	<b>To Follow item?</b> No
Report Author: Karen Shepherd. Head of Governance, 01628 796529		

**A Review of  
Members' Allowances  
For the  
Royal Borough of  
Windsor & Maidenhead**

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**The Eleventh Report**

**by the**

**Independent Remuneration  
Panel**

**Air Vice-Marshal Andrew Vallance  
(Chairman)  
Chris Stevens  
Karnail Pannu**

**September 2020**

## EXECUTIVE SUMMARY

Recommended Schedule of Allowances	Nos	Ratio	Payable per Allowance	Sub Total Payable
<b>Basic Allowance</b>	41	n/a	£8,260	£338,660
<b>Special Responsibility Allowances</b>				
Leader	1	n/a	£24,780	£24,780
Deputy Leader	1	55%	£13,629	£13,629
Deputy Chairman of Cabinet	1	55%	£13,629	£13,629
Other Lead/Cabinet Members	7	50%	£12,390	£86,730
Chairmen Development Management Panels	3	25%	£6,195	£18,585
Chairman Licensing Panel	1	25%	£6,195	£6,195
Chairmen Overview and Scrutiny Panels	4	20%	£4,956	£19,824
Chairman Audit and Governance Committee	1	20%	£4,956	£4,956
Chairman Pension Fund Panel	1	20%	£4,956	£4,956
Leaders of Opposition Groups (shared; see detail)	1	25%	£6,195	£6,195
Mayor (SRA only, not incl. Civic Allowance)	1	n/a	£3,060	£3,060
Deputy Mayor (SRA only, not incl. Civic Allowance)	1	n/a	1,020	£1,020
Members of Appeals Panels	NA	Meetings up to 3 hours	£33	n/a
		Meetings over 3 hours	£66	n/a
<b>Subtotal SRAs (not incl. Appeal Panels)</b>	-	-	-	<b>£203,559</b>
<b>Total (Basic plus SRA, not incl. Appeal Panels)</b>	-	-	-	<b>£542,219</b>

The Panel also recommends that changes be made to the allowances schemes as follows (see report for full detail and rationale):

#### Discontinued SRAs

The following SRAs be discontinued:

- Licensing and PSPO Sub Committee

### **Chairmen of Statutory Committees**

The SRA for the Chairmen of Overview and Scrutiny Panels be reset at 20% of the Leader's recommended SRA, therefore £4,956.

The SRA for the Chairman of the Audit and Governance Committee be set at 20% of the Leader's recommended SRA, therefore £4,956.

### **Leaders of Opposition Groups**

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 an SRA for Opposition Group Leaders of £6,195, to be split between Group Leaders based on the number of members in each Group. The requirement for a minimum number Members in a Minority Opposition Group to be reset to 3.

### **The Dependants' Carers' Allowance**

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.

### **Indexation**

In accordance with the '4 year rule' (2003 Regulations 21. (1) (e)) the indexation of allowances should run for the maximum period of 4 years, until October 2024.

### **Implementation**

The recommendations contained in this report be implemented immediately and backdated to the start of the 2020/21 municipal year (subject to comments detailed in the main report).



**Independent Remuneration Panel:  
A Review of Members' Allowances  
For the  
Royal Borough of Windsor & Maidenhead  
The Eleventh Report  
September 2020**

**Introduction: The Regulatory Context**

1. This report is a synopsis of the deliberations and recommendations made by the statutory Independent Remuneration Panel (the Panel) appointed by the Royal Borough of Windsor & Maidenhead (RBWM) to advise the Council on its Members' Allowances scheme.
2. The Panel was convened under *The Local Authorities (Members' Allowances) (England) Regulations 2003 (SI 1021)* (the 2003 Regulations). These regulations, arising out of the relevant provisions in the *Local Government Act 2000*, require all local authorities to maintain an independent remuneration panel (also known as an IRP) to review and provide advice on the council's Members' Allowances Scheme. This is in the context whereby full Council retains powers of determination regarding Members' allowances, both levels and scope of remuneration and other allowances/reimbursements.
3. The Panel was convened to undertake a full review of the scheme, as the previous period of indexation had ended in December 2018. At that time, it had been agreed that a full review should not take place until at least 6 months after the May 2019 local elections. Given the reduction in councillors from 57 to 41 as a result of a Boundary Commission Review, it was important that the review took into account any subsequent changes in councillor workload and responsibilities. The Panel therefore initiated the review process in November 2019.

**Terms of Reference**

4. The Panel was given the following terms of reference, namely to make recommendations on:

- I. The amount of Basic Allowance that should be payable to the elected Members and the expenses it includes
- II. The categories of Members who should receive a Special Responsibility Allowance (SRA) and the amount of such an allowance
- III. The amount of Co-optee allowances where applicable
- IV. Terms and conditions for the Travel and Subsistence Allowances
- V. Terms and conditions for Dependants' Carers' Allowance
- VI. Whether the allowances should continue to be adjusted in line with the average pay increases negotiated through the National Joint Committee for Local Government Employees or with reference to any other index or none
- VII. The implementation date for the recommendations of the Panel
- VIII. The Civic Allowances

## **The Panel**

5. The Royal Borough of Windsor & Maidenhead reconvened its Panel and the following Members were appointed to carry out the independent allowances review, namely:

- Air Vice-Marshal Andrew Vallance CB OBE MPhil FRAeS  
Served in the RAF for 38 years, and from December 2004 to February 2017 was Secretary of the UK's Defence Press and Broadcasting Advisory Committee (now known as the Defence and Security Media Advisory Committee). Between 2009 and 2019 he was also Chairman of the Services' Sound and Vision Corporation, and is currently Chairman of the Ascot Arts Society, President of 459 (Windsor) RAF Air Cadets and is actively involved in his local church of St Michael and All Angels, Sunninghill, in addition to several local charitable bodies.
- Chris Stevens  
Was born in Sunningdale, schooled at Windsor Grammar and has lived in Windsor for the past 39 years. He worked at The Sun for 30 years where he was Assistant Editor, and is now Senior Sub-Editor at the Daily Mail. Married with two daughters, he is a keen supporter of the Alexander Devine Children's Hospice Service.
- Karnail Pannu  
Chairperson of Windsor and Maidenhead Community Forum, President of the local Sikh temple and a governor of Newlands Girls' School. He has served as member of Housing Solutions, the Royal Borough's Standards Board as independent member for 18 years, a governor of East Berks College and Berkshire College of Agriculture for 8 years each. He taught for 37 years in Buckinghamshire.

6. The Panel was supported by Karen Shepherd, Head of Governance, and Elaine Browne, Head of Law, at the Royal Borough of Windsor and Maidenhead.

## **Process and Methodology**

### **Evidence Reviewed by the Panel**

7. The Panel met at the Town Hall, Maidenhead, on 7 November 2019 to receive refresher training on allowance reviews. Following the training the Panel agreed a timetable for the review to take place during the first half of 2020.
8. In January 2020, an online survey was issued to all Members to seek their views on all aspects of the Members' Allowance Scheme; 30 Councillors completed the survey.
9. The Panel met again at the Town Hall, Maidenhead on 29 January 2020 to consider the responses to the survey. Following discussions, the Panel requested to meet with a number of councillors to discuss issues in further detail. Interviews were scheduled for March 2020 but were subsequently delayed due to the outbreak of COVID-19. The Panel met virtually on 5 August 2020 to hold the postponed Councillor interviews.
10. Given the length of time since the original Member survey, all Members were contacted via email and given a further opportunity to submit written representations to the Panel in July/August 2020.
11. The Panel held their final (virtual) meeting on 26 August 2020 to consider the evidence and finalise the recommendations. The Panel took into consideration the written submissions from Members, verbal comments made during the interviews in August 2020 and also reviewed relevant written information, such as council and committee meeting schedules, benchmarking data, statutory guidance, etc<sup>1</sup>. The Panel meetings were held in private session to enable the Panel to meet with Members and Officers and consider the evidence in confidence.

### **Benchmarking - the RBWM comparator group of councils**

12. The Panel has reviewed and evaluated the evidence and representations within a comparative context. In particular, the Panel has benchmarked the scope and levels of allowances paid in the Royal Borough of Windsor and Maidenhead against those paid in a comparator group of councils utilised for benchmarking purposes. The latest data set available to the Panel was the South East Employers 2019 annual survey of Member Allowance Schemes.
13. The Panel had access to data for all types of authorities across the south east, but focused on unitary authorities, including the five other Berkshire unitary authorities, for the comparator group:

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<sup>1</sup>See Appendices 1 & 2 for further details

- a. Wokingham
  - b. West Berkshire
  - c. Bracknell Forest
  - d. Reading
  - e. Slough
  - f. Medway
  - g. Isle of Wight
  - h. Milton Keynes
  - i. Portsmouth
  - j. Southampton
  - k. Brighton and Hove<sup>2</sup>
14. In making its recommendations, the Panel has not been driven by the levels of allowances paid across the comparator authorities, but it was deemed important to understand how the issues under review have been addressed elsewhere, i.e., what is the most common and good practice. Moreover, the Panel felt that it was important to place the Royal Borough of Windsor and Maidenhead Members' Allowances Scheme in a comparative perspective.

## **Principles and Key Messages**

### **The purpose of a Members' Allowances scheme**

15. The representations made to the Panel varied widely, with some Members expressing the view that the level of allowances payable under the current scheme did not fully compensate the work and responsibilities undertaken by Members and were not enough to attract a wide variety of candidates. However, the Panel was mindful that the prime purpose of Members' allowances schemes was not to 'attract' candidates for Council. Member allowances were never intended to be paid at full 'market rates', otherwise they would have to be at a level so high as not to be publically acceptable. If elected Members were standing for and remaining on the Council due to financial appeal it would run contrary to the public service ethos. As expressed by a number of interviewees, the desire to serve local communities and residents is the prime motive for being a Councillor.
16. The policy intention behind the requirement to establish a Members' Allowances scheme for all English councils is to enable and facilitate Members' roles and responsibilities as far as practically possible while taking into account such factors as the nature of the council, local economic conditions and good practice. Thus the Panel has sought to recommend a scheme that seeks to minimise financial barriers to public service so as to enable a wide range of people to become a Councillor without incurring undue personal financial cost.

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<sup>2</sup> See Appendix 3 for more details.

### **Royal Borough of Windsor & Maidenhead Members' Allowances Model**

17. The comparative data used by the Panel showed that the Basic Allowance currently paid was slightly below average, with a number of Special Responsibility Allowances slightly above average for the comparator group. The Panel took the opportunity to discuss this in some depth and concluded that any upward revision of allowances should therefore be relatively marginal.
18. The Panel also took into account that, unlike many other councils, RBWM committee vice chairmen are not paid an SRA. Thus the total paid out in allowances was not excessive in the comparative context.
19. It is also noted that in the Royal Borough of Windsor and Maidenhead a Member can draw down one SRA only, regardless of the number of remunerated posts a Member may hold. As there are usually Members who hold more than one remunerated post then all the available SRAs do not usually get paid. By maintaining the one SRA principle, it means that the marginal increases in most SRAs arising out of the Panel's recommendations would be limited.

### **The Scheme in the current context**

20. During the last full review in 2015, the Panel had highlighted that its recommendations were made in the context of the specific governance model at the Royal Borough of Windsor and Maidenhead at the time, characterised by being strongly Member-driven with a plethora of executive associated roles.
21. In the intervening years, the Panel had undertaken interim reviews resulting in a number of significant changes to the scheme. These changes reflected the revised governance model at the council, including a slimmed down executive, following a full review of the constitution in 2018. SRAs that had been deleted from the scheme in May 2019 included:
  - Principal Members
  - Deputy Lead Members
  - Chairman of the Rights of Way and Highway Licensing Panel
  - Chairman of the Audit and Performance Review Panel
  - Chairman of the Sustainability Panel
22. Given the significant amendments to the scheme since May 2019, the Panel were of the opinion that the current review should aim to update the scheme so that it reflected the current governance model, rather than look to undertake a fundamental restructure.
23. The Panel noted that since the last review in 2015, both the Basic Allowance and all SRAs had increased marginally following indexation. As per the scheme, this was in line with the average pay increase given to

Royal Borough employees. The Panel noted that there had been no officer pay increase for the current financial year.

24. In all their deliberations, the Panel were very mindful of the financial context. The Royal Borough, as with all local authorities, had been significantly affected by the COVID-19 crisis in terms of a loss of income relating to services such as parking and leisure, and increased costs in areas such as adult social care. At the time of the review, it was not clear what, if any, funding would be provided by central government to local authorities in the following financial years to address the financial impacts of the crisis.

## **Recommendations - the Basic Allowance**

### **Recalibrating the Basic Allowance**

25. In arriving at the recommended Basic Allowance in 2015 the Panel followed the formulaic approach as laid out in the 2003 Statutory Guidance (paragraphs 67-69) which recommends the consideration of three variables - namely time, public service and worth of remunerated time. If the Panel 'recalibrated' the Basic Allowance by repeating the formulaic approach but updated the variables to take into account the most recent data available it would give the following values:

- Time required to fulfil duties: 132.0 days per year
- Public Service Discount: 49%
- 2019 Rate of Remuneration: £122.70 per day

### **Time to fulfil duties for which the Basic Allowance is paid**

26. The Basic Allowance is primarily a time-based payment (see 2003 Statutory Guidance paragraph 10). In the 2015 review the Panel utilised 129.6 days per year as the minimum required input from a Member to fulfil those duties for which the Basic Allowance is paid, including preparing for and attending meetings: both formal and informal, addressing constituents' concerns, representing and engaging with local communities, external appointments and other associated work including telephone calls, emails and meetings with officers.
27. The most up-to-date information available on what is a reasonable time expectation for which the Basic Allowance is paid comes from the 2018 Local Government Association Councillors Census. Data supplied to the Panel showed that Councillors in unitary councils who hold no positions of responsibility report that they put in on average 22.0 hours per week on "council business". This equates to 132.0 days per year based on a 48 week working year and an 8 hour working day - the same working year/day used in 2015.

28. Thus, the Panel for the purposes of recalibrating the Basic Allowance for this review has updated the expected time input from Members to the equivalent of 132.0 days per year.

### **The Public Service Discount (PSD)**

29. The Public Service Discount (PSD) recognises the principle that not all of what a Councillor does should be remunerated – there is an element of public service. This principle is realised by discounting an element of the expected time inputs associated with the Basic Allowance. In 2015 the Panel used a figure of 49%.
30. The proportion of 49% is at the top end of the spectrum used by Panels in England, typically ranging from 33% to 50%. The Panel therefore considered whether this should be amended, given that the 2018 Census of Councillors shows that 47% of all work undertaken by all English Councillors<sup>3</sup> is either:
- "Engaging with constituents, surgeries, enquiries"
  - "Working with community groups"
31. In determining the appropriate PSD to use in the current review, the Panel took into account responses in the Member survey. This showed that although there were a few respondents who felt the PSD was either 'too high' or 'too low', a significant majority of 75% stated that they felt it was 'about right'. In addition, the Panel asked questions about the PSD in the interviews and concluded that there was no overwhelming evidence to amend the PSD.
32. However, before it finalised its deliberations the Panel considered the recalibration of the Basic Allowance using a number of variables including the options of 47% and 49% (see paragraph 36).
33. In conclusion, the Panel agreed to maintain the PSD of 49%. Thus, of the expected time input of 132.0 days per year 49% of that time, or 64.68 days per year, are deemed public service, leaving 67.32 remunerated days per year.

### **The rate of remuneration**

34. In 2015 the Panel used a rate of remuneration that most closely reflected the typical earnings of Members' constituents: £120 per day, the median gross daily salary for all full time employee jobs in RBWM as published by the Office of National Statistics (ONS) in its 2014 Annual Survey of Hourly Earnings (ASHE).

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<sup>3</sup>See [Census of Local Authority Councillors 2018](#), (LGA), Chart 3, page 5, on average all Councillors spend 10.3 hours per week on dealing with constituents and community groups, out of a total weekly input of 22.0 hours per week. Data is not broken down for unitary councils in this instance.

35. The latest statistics showed that the median gross daily salary for all full time employee jobs in RBWM was £131<sup>4</sup> as published by the Office of National Statistics (ONS) in its 2019 Annual Survey of Hourly Earnings (ASHE).
36. For comparison, the Panel noted that the figure for the Royal Borough of Windsor and Maidenhead (£131) was substantially higher than the equivalent figure for the south east: £122.70. The figure for the south east was still higher than any other UK region (excluding London).<sup>5</sup>
37. Before it finalised its deliberations in relation to the Basic Allowance, the Panel calculated potential figures using the formula *(time required to fulfil duties - PSD) x rate of remuneration* based on a number of variables as discussed in paragraphs 25-35:
- 132.0 days minus 47% PSD, multiplied by £131 per day = £9,165
  - 132.0 days minus 49% PSD, multiplied by £131 per day = £8,819
  - 132.0 days minus 47% PSD, multiplied by £122.7 = £8,584
  - 132.0 days minus 49% PSD, multiplied by £122.7 = £8,260
38. In determining the appropriate figures to use in calibrating the Basic Allowance, the Panel was mindful of the council's financial context as detailed in paragraph 24, and took into consideration representations made to it during the interviews in August 2018 on the appropriateness of any increase in the costs of the allowance scheme at this time.
39. The Panel considered that an argument could potentially be made to use any of the calculations in paragraph 36 but concluded that the Panel's recommendation should reflect the lowest possible figure based on credible statistics. The Panel also noted that although it was required to use the formulaic approach in recommending a Basic Allowance, the full Council was not bound by these requirements and could opt to modify the recommendation or even reject an increase outright.
40. The Panel decided to re-set the rate of remuneration to £122.70 per day resulting in a recalibrated Basic Allowance of £8,260.
41. In comparison to the other Berkshire unitary authorities a Basic Allowance of £8,260 would be the second highest. However, in comparison to all

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<sup>4</sup>See [ASHE, 2019](#), Figure 8 - Median weekly pay - gross - for full time employee jobs in the RBWM. This shows the weekly figure to be £655.00 and divided by 5 working days equals £131.00 per day. The ONS advises that the median is a more accurate measure of average earnings due to a handful of high earners and large number of employees earning the minimum wage or just above it.

<sup>5</sup>See [ASHE, 2019](#), Figure 6 - Median weekly pay - gross - for full time employee jobs in the south east. This shows the weekly figure to be £613.50 and divided by 5 working days equals £122.70 per day



unitary authorities in the south east who completed the survey, it would remain lower than the average.

42. For the purposes of this review the Panel has been guided by the recalibrated Basic Allowance of £8,260.
43. The Panel reviewed the detail contained in paragraph 4 of the current scheme:

*This [Basic] allowance is intended to recognise the time each Councillor spends on their work, and associated costs which includes all Council related telephone calls (including calls on mobile phones) broadband costs, postage and stationery, routine travel (such as meetings with Ward residents) and subsistence costs and other incidental costs, such as office equipment for home use.*

44. The Panel noted that due to the COVID-19 situation all council meetings were being held virtually and therefore Members were using their home broadband on a more regular basis for council work. However it was also noted that Members were consequently not incurring travel costs or spending time travelling to and from meeting venues
45. The Panel was content that the current wording in paragraph 4 of the scheme was appropriate, but that any future review should include a more detailed examination of the costs of digital communications.
46. **RECOMMENDATION 1: The Panel recommends that the Basic Allowance payable in the Royal Borough of Windsor and Maidenhead is set at £8,260.**
47. **RECOMMENDATION 2: The Panel further recommends that 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).**

### **Special Responsibility Allowances - the Leader's SRA**

48. The Panel noted that currently the Leader's SRA (£24,428) was slightly above average compared to the unitary authorities benchmarking group.
49. Looking at the role of Leader of the Council in the Royal Borough of Windsor & Maidenhead, it remains the fact that the Leader's overall commitment, regardless of the individual, was not explicitly a full time role, but requires a significant time commitment.
50. In common with all Leaders, the Leader of RBWM since the implementation of the relevant sections (in 2011) of the Local Government and Public Involvement in Health Act 2007 now holds all executive powers and the discharge of these functions. It is the Leader who chooses the

Cabinet and assigns their portfolios and the extent of delegations. The Panel were aware that the two former Leaders had undertaken a very 'hands on' role. The current Leader was employed full time in a private capacity, but was still required to commit a significant amount of time to the role of Leader of the Council.

51. The Panel received no evidence to suggest the multiplier of 3 in calculating the SRA for the Leader of the Council should not continue.
52. Consequently, the Panel proposes the Leader's SRA be set at 3 times the recommended Basic Allowance (£8,260), which equates to £24,780.
53. **RECOMMENDATION 3: The Panel recommends that the SRA for the Leader be set at £24,780.**

### **Arriving at the other SRAs**

54. In arriving at the other recommended SRAs the Panel continued with the pro rata approach as set out in the 2003 Statutory Guidance (paragraph 76). In most cases the current ratios as expressed as a percentage of the Leader's SRA have been maintained, except where there is a case to reset the original ratio.

### **The Deputy Leader and Deputy Chairman of the Cabinet**

55. The Panel noted, with some surprise, that the somewhat unique set up of having both a Deputy Leader and a Deputy Chairman of Cabinet continued at the Royal Borough of Windsor and Maidenhead. The Panel noted that the Leader had currently only appointed a further 6 Cabinet Members when a total of a further 7 would be possible under the legislation. The Panel acknowledged that it had no remit to advise on the number of Lead Members however felt that if all 7 positions had been appointed to, it would have been more likely to take a different view on the need for both a Deputy Leader and Deputy Chairman of Cabinet to receive an SRA higher than that of a Lead (Cabinet) Member.
56. The Panel noted that currently the Deputy Leader SRA (£13,434) was slightly above average compared to the unitary authorities benchmarking group. However, the Panel received no evidence to suggest the figure of 55% in calculating the SRA for the Deputy Leader of the Council and Deputy Chairman of Cabinet should not continue.
57. **RECOMMENDATION 4: The Panel recommends that the SRA for the Deputy Leader and Deputy Chairman of the Cabinet be set at 55% of the Leader's recommended SRA, £13,629.**

### **The other 7 Lead (Cabinet) Members**

58. The Panel noted that currently the Lead (Cabinet) Member SRA (£12,215) was slightly above average compared to the unitary authorities benchmarking group. However, the Panel received no evidence to suggest the figure of 50% in calculating the SRA for the Lead (Cabinet) Member SRA should not continue.
59. **RECOMMENDATION 5: The Panel recommends that the SRA for the other Lead (Cabinet) Members be set at 50% of the Leader's recommended SRA, £12,390.**

### **The Chairmen of the main Statutory Committees**

60. Currently, the Chairmen of the main statutory committees each receive an SRA, originally set in 2008 at 25% of the Leader's SRA, as follows:
- 2 Area Development Management Panels £6,107
  - 1 Borough-wide Development Management Panel £6,107
  - 4 Overview and Scrutiny Panels £6,107
  - 1 Licensing Panel £6,107
61. The Panel noted that currently the Overview and Scrutiny Panel Chairmen SRA and the Licensing Panel Chairman SRA were above average compared to the unitary authorities benchmarking group. However the DM Panel Chairman SRA was slightly below average compared to the unitary authorities benchmarking group.
62. It was also noted that in a number of the comparator authorities, the allowance schemes included SRAs for Deputy Chairmen of statutory committees, which was not the case at the Royal Borough of Windsor and Maidenhead.
63. The Panel received no evidence to suggest the current ratio of 25% for Chairmen of Development Management Panels and the Licensing Panel required resetting.
64. The Panel were aware of the recommendations contained in the CIPFA report on governance at the Royal Borough of Windsor and Maidenhead, including the establishment of a separate Audit and Governance Committee. The Panel took into account a variety of feedback from a number of Members on the appropriateness of (and if appropriate a suitable level for) an SRA for the Chairman of the Audit and Governance Committee.
65. The Panel considered that the workload had not changed but was now spread across 4 O&S Panels and 1 Audit and Governance Committee rather than the previous 4 O&S Panels. The Panel therefore considered the simple addition of an equivalent SRA at 25% for the Chairman of the

Audit and Governance Committee would be disproportionate. The Panel noted that the average SRA for the Chair of an Audit Committee in the unitary authorities benchmarking group was £3,749.

66. The Panel therefore considered resetting the percentage for Overview and Scrutiny Panels to be 20% and setting the percentage for the Audit and Governance Committee to also be 20%.
67. **RECOMMENDATION 6: The Panel recommends that the SRA for the Chairmen of the Area Development Management Panels and the Licensing Panel be set at 25% of the Leader's recommended SRA, £6,195.**
68. **RECOMMENDATION 7: The Panel recommends that the SRA for the Chairmen of Overview and Scrutiny Panels be reset at 20% of the Leader's recommended SRA, £4,956.**
69. **RECOMMENDATION 8: The Panel recommends that the SRA for the Chairman of the Audit and Governance Committee be set at 20% of the Leader's recommended SRA, £4,956.**
70. **RECOMMENDATION 9: The Panel also recommends that 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**
71. The Panel received a significant amount of feedback from Members in relation to the SRA for the Chairmen of the Borough-wide DM Panel, the majority of which suggested an SRA was inappropriate as the Panel had held no meetings since May 2019.
72. The Panel were appraised of the current interim arrangements regarding Development Management Panels that had been put in place in light of the COVID-19 situation, and noted the situation was due to be reviewed in December 2020. The Panel was content to make the recommendations detailed in the paragraphs above until the review was completed, commenting that if the structure of 2 Area DM Panels and 1 Borough-wide DM Panel was simply reinstated, the Panel would be minded to review the allowances for this area of the scheme.

### **The Chairman of the Berkshire Pension Fund Panel**

73. The Chairman of the Berkshire Pension Fund Panel currently receives an SRA of £4,886, 20% of the Leader's SRA. The Panel received no evidence to suggest the figure of 20% in calculating the SRA should not continue.

74. **RECOMMENDATION 10: The Panel recommends that the SRA for the Chairman of the Berkshire Pension Fund Panel be set at 20% of the Leader's recommended SRA, £4,956.**

#### **The Members of the Licensing and PSPO Sub Committee**

75. Currently Members sitting on a Licensing and PSPO Sub-Committee are paid an SRA of £33 per meeting (for meetings up to a maximum of three hours in length) or £66 per meeting (for meetings over 3 hours in length). The function of the Sub Committee relates primarily to the discharge of functions under the Licensing Act 2003 and Gambling Act 2005, including considering applications for premises licenses where there has been an objection, and reviews of premises licences. The Sub Committee comprises any 3 Members drawn from the full Licensing Panel and meets as and when required.
76. At the last full review in 2015, the Panel recommended that the SRA be removed from the allowance scheme on the basis that the original rationale for the SRA had significantly weakened. Following the introduction of the Licensing Act 2003, all licensed premises were required to reapply for a license and the Sub Committee was meeting frequently. The number of Sub Committee meetings had significantly decreased over time, and the Panel noted that this continued to be at a very low level (four meetings had been held since May 2019). The reality is that Members sitting on Licensing and PSPO Sub Committees are not undertaking a greater role than Members of the Development Management Panels in discharging a statutory regulatory function. Licensing Sub Committee work can be regarded as part of the regulatory role that all Members can reasonably expect to carry out and for which the Basic Allowance is payable.
77. Despite the recommendation to remove the allowance at the 2015 review in 2015, this was not accepted by full Council and therefore the allowance had continued to be paid. The Panel reiterated their recommendation that the SRA should be removed from the allowance scheme.
78. **RECOMMENDATION 11: The Panel recommends that the SRA for Members attending meetings of the Licensing Panel 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.**

#### **Members of the Appeals Panel**

79. Currently Members sitting on an Appeals Panel are paid an SRA of £33 per meeting (for meetings up to a maximum of three hours in length) or £66 per meeting (for meetings over 3 hours in length). These Panels

consist of 3 Members drawn from any elected Member across the Council and meet as and when required. Appeals Panels mainly meet to consider

- School Transport Appeals - to consider and determine appeals against decisions made by officers under delegated powers relating to applications for home to school transport and discretionary awards.
  - Appeals in relation to the refusal to grant, suspension or revocation of Private Hire or Hackney Carriage Driver or Vehicle Licences.
80. In comparison to the Licensing and PSPO Sub Committee, the Appeals Panel meets on a regular basis (15 meetings since May 2019). Where possible, Panels aim to deal with 2-3 appeals in a single sitting, thus making each meeting fairly substantial.
81. Ironically while the potential membership of Appeals Panels is wider than for Licensing and PSPO Sub Committees the reality is that the work of the Appeals Panel falls on a small coterie of Members, namely those who are available and willing to undertake mandatory training and then sit on an Appeals Panel. Consequently the Panel considers this SRA should be continued with the levels maintained at £33 per meeting up to 3 hours and £66 for meetings that last over 3 hours.
82. **RECOMMENDATION 12: The Panel recommends 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.**

#### **The Leader of the Main Opposition Group and Minority Opposition Group[s]**

83. The Panel noted that currently the Leader of the Main Opposition Group SRA (£4,886) was below average compared with the unitary authorities benchmarking group. The current Leader of Minority Opposition Groups (minimum 5 Members) SRA (£1,221) was also slightly below average compared to the unitary authorities benchmarking group.
84. The Panel recognises that regardless of the size of the Opposition there are a number of roles to undertake. For instance, Group Leaders still have to scrutinise and challenge budget and policy proposals. Indeed, the importance of a properly resourced Opposition is enshrined in the 2003 Regulations (5. [2b]) by the requirement to pay an SRA to at least one Member who is not a member of the controlling group, where the council is divided into political groups and one or more from the administration.
85. The current allowance scheme provides for an SRA of 20% of the Leader's SRA to the Leader of the Main Opposition Group and 5% of the Leader's SRA for the Leader of any minority Opposition Group (with a minimum of 5 Members). It also includes the caveat that :

*where there are two or more Opposition Groups of equal size, the [Leader of the Main Opposition Group] allowance to be divided equally among the Opposition Group Leaders*

86. The Panel was aware of the changes in the overall number of Opposition Members from a low of 3 in 2015 to the current total of 19, comprising two Opposition Groups (10 Liberal Democrats; 8 Local Independents) and one Independent Member. The caveat detailed in paragraph 85 did not account for a situation, such as was currently the case, where there were two Opposition Groups of similar but not equal size.
87. The Panel considered that the overall budget (25% of the Leader's SRA) for Opposition Group Leaders should be maintained but should be more equitably split between Group Leaders. The Panel therefore recommend that the current Opposition Group Leader SRAs be removed and only one SRA be included in the scheme of £6,195, paid to Opposition Group Leaders proportionate to the relative number of Members in each Group. The caveat that if there were two or more groups of equal size the allowance would be split equally, would remain. The requirement for a minimum number of Members in a Minority Opposition Group be reduced to 3.
88. If the recommendation were implemented, this would mean the current Leader of the Main Opposition Group would receive an SRA of £3,442. The Leader of the Minority Opposition Group would receive an SRA of £2,753.
89. **RECOMMENDATION 13: The Panel recommends that 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 £6,195, 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.**

#### **Working Group Chairmen**

90. The Panel considered whether Chairmen of Working Groups should receive an SRA. The Panel received no evidence to suggest an SRA should be payable for such roles, which were often time-limited and in a number of cases were undertaken by the Lead (Cabinet) Member for the subject area, and could therefore be considered as covered by the Lead (Cabinet) Member SRA.
91. **RECOMMENDATION 14: The Panel recommends that no SRA be introduced for Chairmen of Working Groups.**

### **Confirmation of the 1-SRA only rule**

92. The 2003 Regulations do not prohibit the payment of multiple SRAs to Members, but as per good practice, the Royal Borough of Windsor & Maidenhead has adopted a 1-SRA only rule. In other words, regardless of the number of remunerated posts individual Members hold they can only be paid 1 SRA. Moreover, this cap on the payment of SRAs to Members means that posts are not simply sought out for financial reasons; i.e. collecting remunerated posts does not enhance remuneration. Indeed, the logic of the 1-SRA only rule is that it helps to spread such posts around more. It also makes for a more transparent allowances scheme and acts as a brake on the total paid out each year in SRAs, as in practice it will be highly unusual if all SRAs are paid out annually, resulting in a saving to the council.
93. **RECOMMENDATION 15: The Panel recommends that the 1-SRA only rule continues to apply in the Members' Allowances scheme.**

### **Co-optee Allowances**

94. The Panel noted that there were a number of co-optees on Council committees and panels (mainly Overview and Scrutiny Panels) but no evidence was received during the review to suggest the roles merited a Co-optee Allowance.
95. **RECOMMENDATION 16: The Panel recommends that a Co-optee Allowance should continue to not be included in the Member's Allowances scheme.**

### **The Allowances for expenses**

#### **The Subsistence Allowance**

96. The Royal Borough does not provide for a Subsistence Allowance for Members whether they are attending an approved duty within or outside its boundaries. No evidence was received to suggest this should be revised.
97. It was noted that refreshments had been withdrawn from all council meetings from April 2020.
98. **RECOMMENDATION 17: The Panel recommends that Subsistence Allowances should continue to not be included in the Members' Allowances scheme.**



## **Travel Allowances**

99. No evidence was received to suggest a need to revise the current terms and conditions and rates payable for travel allowances.
100. However, the Panel considered a number of minor amendments to the list of approved duties for the payment of Travelling Allowances (Schedule 2 in the current scheme) proposed by the Head of Governance to provide clarity and transparency. Amendments are shown as tracked changes below:

*Approved Duties for the purpose of paying the Travelling Allowances are as follows:-*

*For all Councillors in receipt of a Special Responsibility Allowance*

- *All duties carried out in connection with that responsibility*

*For all Councillors:*

- a) *Meetings of the full Council*
- b) *Attendance as a voting Member at Cabinet, Committee, Panel, Forum, working groupparty, Task & Finish Group or steering group set up by the Council, Cabinet, Committee or Panel which is properly established by the Council, Cabinet, Committee or Panel and formally and properly convened (i.e. there is a resolution to this effect).*
- c) *Attendance as a non-voting Member to discuss the Member's own motion that has been referred to Cabinet/Committee/Panel by the Council;*
- d) *Attendance at meetings of a Committee or Panel when the Councillor concerned is not a Member of that Committee or Panel but is attending to represent the views of the Ward on a specific matter relating to that Ward.*
- e) *Attendance at meetings of any other body as the fully authorised appointee, representative or nominee of the Council or on any committee or Sub-Committee of such body (excluding an appointment as a School Governor).*
- f) *Attendance at a meeting of any association of authorities of which the Council is a member as the Council's appointed representative which includes meetings of any committee or Sub-Committee of that body.*
- g) *Attendance as the Council's appointed representative at meetings of any external organisation ('outside body'), its Committees or Sub-Committees (except where such organisations pay the Councillor's expenses)*

- h) Attendance at a meeting, briefing, training and development session or event (other than those excluded below) at the invitation of a Director, Head of Service or their named nominee.

*Members cannot claim allowances for the following type of meetings:*

- *Political group or party meetings.*
- *School Governing Bodies*
- *Events primarily of a social nature*
- *Meetings with Ward residents (covered by Basic Allowance)*

101. **RECOMMENDATION 18: The Panel recommends that 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 above.**

#### **The Dependants' Carers' Allowance (DCA)**

102. The Panel considered feedback that the allowance should include reasonable 'settling in' time, in addition to the time a Member would be in attendance at, or travelling to/from, a Council meeting. It was also noted that some recent full Council meetings had lasted around four hours.
103. The Panel took into consideration that at the current time all council meetings were being held virtually due to the COVID-19 situation, therefore very few claims were being submitted for travel or DCA allowances. However at some point in-person meetings would take place and the allowance scheme should be updated as appropriate.
104. The current scheme stated:
- The total amount claimable per approved duty is capped at 4 hours and within any one week a maximum of 18 hours can be claimed.*
105. The Panel felt that the cap should be extended to 5 hours per approved duty and a maximum 20 hours per week. The extension of the cap to 5 hours would allow for 30 minutes 'settling in' time at either end of the claim for the vast majority of meetings.
106. The Panel were of the opinion that widening the scope of the allowance would enable individuals with different personal circumstances to undertake the role of councillor, thereby supporting democracy as people from different backgrounds would be more inclined to consider being a candidate.
107. **RECOMMENDATION 19: The Panel recommends that 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.**

### **Maternity, Adoption and Paternity Leave**

108. The scheme had been updated in September 2018 following the Ninth Panel report to full Council. The Panel noted that the Royal Borough of Windsor and Maidenhead had been one of the first council's to expand its allowances scheme to include 'family friendly' policies such as shared parental leave. The Panel received no evidence to suggest changes should be made to this element of the scheme.
109. **RECOMMENDATION 20: The Panel recommends that no changes be made to the section on Maternity, Adoption and Paternity Leave in the current scheme.**

### **The Mayoral and Civic Allowances**

110. While not formally within the remit of the 2003 Regulations the current Civic Allowances that are payable to the Mayor and the Deputy Mayor of the Royal Borough are included in the scheme for transparency and indexation purposes.
111. The Civic Allowances are paid under the Local Government Act 1972 (sections 3.5 and 5.4) not as remuneration but to meet the expenses of holding the offices of Mayor and Deputy Mayor of the Royal Borough. Not all the Civic Allowance is paid directly to the Office holder, a proportion is held by the Mayor's Office to pay a number of expenses directly on their behalf.
112. The Mayor and Deputy Mayor also receive SRAs (£3,060 and £1,020 respectively) as part of the Members' Allowances scheme. The SRAs were introduced in May 2017 following the Eighth Panel report to full Council, to acknowledge the fact that chairing Council meetings was a significant responsibility and to broaden the appeal of the position of Mayor from a wider range of Members.
113. The Panel received no evidence that either the Mayoral or Civic Allowances should be amended.
114. **RECOMMENDATION 21: The Panel recommends that no changes be made to the Civic Allowances or Mayor/Deputy Mayor SRAs contained in the current scheme.**

## **Indexation**

115. In accordance with the '4 year rule' (2003 Regulations 21. (1) (e)) the Panel confirmed that the indexation of allowances should run for the maximum period of 4 years, until October 2024.
116. **RECOMMENDATION 22: Consequently the Panel confirms and recommends that the following allowances continue to 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.
  - **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.

## **Implementation**

117. The Panel had begun the review in November 2019, with the anticipation that a report would be submitted to full Council in April 2020. The COVID-19 situation had delayed the review by a number of months and in any case the April full Council meeting had been cancelled. If a report had been considered in April 2020, the likely recommendation would have been for any changes to the scheme to be implemented for the new municipal year starting May 2020. Therefore the Panel recommend that, if approved, the recommendations be implemented with immediate effect and backdated to May 2020 (with the exception of proposed changes to Appeals Panel SRAs and those related to Opposition Group Leaders as detailed above).
118. **RECOMMENDATION 23: The Panel recommends that the**

**recommendations contained in this report be implemented immediately and backdated to the start of the 2020/21 municipal year, with the exception of proposed changes to Appeals Panel SRAs and those related to Opposition Group Leaders which should be implemented from 28 October 2020.**

## **Appendix One**

### **Members who met (virtually) with the Panel**

Cllr Johnson	Leader of the Council
Cllr L. Jones	Leader of the Minority Opposition Group
Cllr Rayner	Deputy Leader of the Council, Lead Member for Resident and Leisure Services, HR, IT, Legal, Performance Management and Windsor
Cllr Stimson	Leader Member for Climate Change, Sustainability, Parks and Countryside
Cllr Werner	Leader of the Main Opposition Group

### **Members who responded to the online survey and/or provided a written representation**

Cllrs Baldwin, Baskerville, Bhangra, Bond, Bowden, Brar, Cannon, Carroll, Clark, C. Da Costa, W. Da Costa, Coppinger, Davies, Davey, Del Campo, Haseler, Hilton, Hunt, Johnson, G. Jones, L. Jones, Larcombe, McWilliams, Price, Rayner, Singh, Stimson, Targowski, Taylor and 1 anonymous.

## **Appendix Two**

### **Information Received by the Panel**

1. [The Local Authorities \(Members' Allowances\) \(England\) Regulations 2003](#)
2. New Council Constitutions: Guidance on Regulation for Local Authority Allowances
3. IRP [Terms of reference](#) (contained in Part 6 of the RBWM Constitution)
4. [Current Members' Allowances scheme](#) (Part 9A of RBWM Constitution)
5. [Previous IRP reports](#)
6. Statutory publication of RBWM allowances and expenses paid to and claimed by Members [2019/20](#)
7. [Current Panel Memberships](#) (Part 9B of RBWM Constitution)
8. Schedule of Council meetings 2019/20
9. [Role Profiles](#) (Part 9C and addendum of RBWM constitution)
10. [Council Plan 2017-2021](#)
11. [Boundary review context](#) (LGBCE Summary report)
12. [Budget context](#) – financial update reports to Cabinet
13. Comparative data (South East Employers 2019 Members Allowances survey including unitary authorities summary) – see Appendix 3
14. [2018 LGA Councillors Census](#) showing mean hours per week by council type and positions held
15. [Office of National Statistics, 2019 Annual Survey of Hourly Earnings](#)
16. [CIPFA Review of Governance at RBWM](#)

## Appendix 3

## Extract from South East Employers 2019 Members' Allowances survey – unitary authorities summary

Allowance 2019/20	Basic Allowance	Leader	Deputy Leader	Cabinet Member	Chair Audit Cttee	Chair Licensing Cttee	Deputy Chair Licensing Cttee	Planning Cttee Chair	Deputy Chair Planning Cttee	O&S Cttee Chair	Deputy Chair O&S Cttee	Chair/ Civic Mayor	Deputy Chair/ Civic Mayor	Opposition Group Leader	Deputy Opposition Leader	Group Leader
Bracknell Forest Council	£8,687.00	£28,954.00	£17,372.00	£15,926.00	£2,201.00	£5,626.00	£553.00	£7,239.00	£723.00	£5,791.00	£0.00	£12,703.00	£4,234.00	£9,651.00	£965.00	£0.00
Brighton & Hove City Council	£13,002.00	£32,505.00	£19,503.00	£0.00	£4,876.00	£11,377.00	£975.00	£11,377.00	£975.00	£0.00	£0.00	£9,752.00	£1,950.00	£11,377.00	£6,501.00	£6,501.00
Isle of Wight Council	£8,011.08	£16,022.16	£10,013.85	£8,011.08	£3,204.43	£2,403.32	£0.00	£6,408.86	£1,602.22	£8,011.08	£1,602.22	£5,607.76	£1,602.22	£1,602.22	£0.00	£785.40
Medway Council	£10,421.00	£31,263.00	£20,842.00	£15,632.00	£7,295.00	£0.00	£0.00	£12,505.00	£5,211.00	£10,421.00	£3,647.00	£13,874.00	£6,991.00	£12,505.00	£6,253.00	£6,253.00
Milton Keynes Council	£10,710.00	£31,212.00	£15,606.00	£11,444.00	£5,722.00	£8,323.00	£0.00	£8,323.00	£0.00	£4,682.00	£0.00	£11,444.00	£5,722.00	£645.00	£0.00	£645.00
Portsmouth City Council	£11,175.00	£20,115.00	£0.00	£7,823.00	£3,911.00	£3,911.00	£0.00	£3,911.00	£0.00	£2,794.00	£0.00	£7,823.00	£1,118.00	£6,705.00	£0.00	£2,235.00
Reading Borough Council	£8,220.00	£18,500.00	£11,300.00	£9,500.00	£3,039.00	£6,076.00	£1,074.00	£6,076.00	£1,074.00	£0.00	£0.00	£9,200.00	£2,400.00	£6,076.00	£0.00	£3,039.00
Royal Borough of Windsor and Maidenhead	£8,143.00	£24,482.00	£13,434.00	£12,215.00	£0.00	£6,107.00	£0.00	£6,107.00	£0.00	£6,107.00	£0.00	£3,060.00	£1,020.00	£4,886.00	£0.00	£1,221.00
Slough Borough Council	£7,779.00	£20,224.00	£14,156.00	£11,123.00	£3,033.00	£3,033.00	£1,011.00	£5,056.00	£1,684.00	£7,080.00	£1,415.00	£7,626.00	£2,990.00	£6,067.00	£0.00	£0.00
Southampton City Council	£12,636.00	£25,272.00	£0.00	£12,636.00	£6,318.00	£6,318.00	£0.00	£6,318.00	£0.00	£6,318.00	£0.00	£0.00	£0.00	£9,477.00	£0.00	£0.00
West Berkshire Council	£7,697.00	£19,242.00	£11,545.00	£9,622.00	£2,887.00	£2,887.00	£0.00	£4,810.00	£0.00	£4,810.00	£0.00	£5,773.00	£1,155.00	£7,697.00	£0.00	£1,902.00
Wokingham Borough Council	£7,784.00	£20,000.00	£0.00	£10,000.00	£2,500.00	£2,500.00	£0.00	£5,000.00	£0.00	£5,000.00	£0.00	£7,420.00	£1,960.00	£7,500.00	£0.00	£0.00



Report Title:	<b>Constitutional Amendments</b>
Contains Confidential or Exempt Information?	No - Part I
Lead Member:	Councillor Johnson, Leader of the Council
Meeting and Date:	Full Council 27 October 2020
Responsible Officer(s):	Duncan Sharkey, Managing Director / Adele Taylor S151 Officer / Director of Resources / Hilary Hall, Director of Adults, Health and Commissioning / Mary Severin, Monitoring Officer
Wards affected:	All

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## REPORT SUMMARY

1. Changes to the governance structures of council committees require amendments to the council constitution; the power to make such changes resides with full Council.
2. Members are therefore asked to consider amendments to the council's constitution to reflect changes to the governance structures of Achieving for Children (AfC) and the Berkshire Pension Fund.

## 1. DETAILS OF RECOMMENDATION(S)

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

- i) Subject to 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.

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

### Options

**Table 1: Options arising from this report**

Option	Comments
Approve the changes to the constitution detailed in Appendices A and B.	The amendments in the updated constitution will promote best

Option	Comments
<b>This is the recommended option</b>	practice and confidence in decision making.
Modify the changes proposed in Appendix A and B and approve modified changes.	Members may wish to propose and consider amendments to the recommended changes.
Do not approve the changes detailed in Appendix A and B	The constitution will not promote best practice.

## Berkshire Pension Fund

- 2.1 The Royal Borough of Windsor & Maidenhead (RBWM) is the Administering Authority for the Royal County of Berkshire Pension Fund (RCBPF).
- 2.2 On 1 June 2018, the Pension Panel as Administering Authority, in accordance with the Government’s requirement to pool Local Authority investments, entered into an Advisory Management Agreement (AMA) with the Local Pensions Partnership (Investments) Limited (LPPI), uniquely passing management of the Fund’s assets to LPPI.
- 2.3 An adverse ISA260 report issued on 6 December 2019 recommended that an independent review of Pension Fund governance should be undertaken. The resulting independent report has been used to inform a wider restructure of the governance of the Pension Fund detailed in Appendix A.
- 2.4 The intention of the proposed constitutional changes is to better reflect the responsibilities placed upon RBWM Elected Members appointed to the Pension Fund Panel in their role as ‘quasi-trustees’ to the Fund. Post pooling, the 5 appointed Members remain responsible for
- setting the Fund’s Investment Strategy (and producing and publishing the Fund’s Investment Strategy Statement);
  - agreeing and publishing the Fund’s Funding Strategy Statement;
  - setting the allocation of assets across the various investment types managed by LPPI;
  - receiving performance reports from LPPI and challenging their performance on each occasion the Panel meets; and
  - ensuring that the Administering Authority meets its statutory obligations under the LGPS Regulations and associated legislation when it comes to the administration and wider governance of the of the Scheme;
- but are no longer responsible for taking investment decisions and appointing, or terminating, the employment of investment managers.
- 2.5 The proposed deletion of the Berkshire Pension Fund Panel Sub-Committee (otherwise known as the Investment Group) reflects the change in responsibilities resulting directly from the Panel’s decision to transfer the management of the Fund’s assets to LPPI as outlined in paragraph 2.2 and 2.4 above.
- 2.6 A robust governance structure is imperative to ensure that the Administering Authority meets all of its statutory obligations. Failure to secure an acceptable

level of governance could lead to sanctions being imposed on RBWM by the Pensions Regulator as the Administering Authority for the Pension Fund.

### **Achieving for Children**

- 2.7 AfC was initially established by the London Borough of Richmond and the Royal Borough of Kingston Upon Thames to undertake and provide a range of services on behalf of the Members to children and young people. The two authorities entered into an Inter Authority Agreement (IAA) on 31 March 2014. On 1 August 2017 RBWM was admitted to the Company as a new member and entered into an IAA with the other members and AfC. The three councils established a Joint Committee to agree and assess the operation and performance of the Company.
- 2.8 A governance review was carried out between 2019 and 2020, leading to the recommendation that the Joint Committee terms of reference be amended to cover dispute resolution purposes only.
- 2.9 Band 3 reserved matters, previously decided on by the Joint Committee, will be transferred to the RBWM Cabinet. In the London Borough of Richmond and Royal Borough of Kingston Upon Thames the functions will transfer to the relevant committee as both councils operate a committee system.
- 2.10 A Deed of Variation to the IAA has been developed by officers for relevant departments across the three councils.
- 2.11 In addition to the changes to the terms of reference of the Joint Committee, a Stakeholder Ownership Board will sit as required. The role of the Ownership Board is not a decision making body but a forum to define strategic direction and review AfC's business performance in the previous year.

### **3. KEY IMPLICATIONS**

**Table 2: Key Implications**

<b>Outcome</b>	<b>Unmet</b>	<b>Met</b>	<b>Exceeded</b>	<b>Significantly Exceeded</b>	<b>Date of delivery</b>
Updated Constitution – Pension Fund changes	Amendments not approved	Amendments approved and updated constitution published	n/a	n/a	November 2020
Updated constitution – AfC changes	Amendments not approved	Amendments approved and updated constitution published	n/a	n/a	January 2021

### **4. FINANCIAL DETAILS / VALUE FOR MONEY**

- 4.1 There are no direct financial implications by virtue of the recommendations in the report.

4.2 Failure to monitor investment performance in line with appropriate strategies could lead to an increased fund deficit resulting in employers having to pay more.

**5. LEGAL IMPLICATIONS**

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

5.2 The Administering Authority is required to govern and administer the Pension Scheme in accordance with the Public Service Pensions Act 2013 and associated Local Government Pension Scheme Regulations. Failure to do so could lead to challenge.

5.3 Legal officers from all three authorities have been involved in drafting a Deed of Variation to the original AfC contract to reflect the proposed changes.

**6. RISK MANAGEMENT**

**Table 3: Impact of risk and mitigation**

<b>Risks</b>	<b>Uncontrolled risk</b>	<b>Controls</b>	<b>Controlled risk</b>
There is a risk of challenge if the constitution is not updated to reflect legal requirements and promote best practice.	Medium	Constitution is regularly reviewed and updated.	Low
Pension Scheme not governed in line with legislation	Medium	Internal and External Audits	Low

**7. POTENTIAL IMPACTS**

7.1 Equalities: EQIA screening forms have been completed by lead officers and published to the [council website](#).

7.2 Climate change/sustainability. None identified.

7.3 Data Protection/GDPR. None identified.

7.4 Failure to comply with Pension legislation could result in the Administering Authority being reported to the Pensions Regulator where failure is deemed to be of a material significance.

## 8. CONSULTATION

- 8.1 The Berkshire Pension Fund Panel will consider the proposed changes at its meeting on 19 October 2020.
- 8.2 Officers from Commissioning, Legal and Democratic Services teams, and relevant Members, from all three authorities (RBWM, Kingston and Richmond) have been involved in the development of the proposals for an AfC Ownership Board.

## 9. TIMETABLE FOR IMPLEMENTATION

- 9.1 The full implementation stages are set out in table 4.

**Table 4: Implementation timetable**

Date	Details
27 October 2020	Full Council consider proposed amendments
November 2020	Updated constitution published to the council website (Pension Fund changes)
November/December 2020	Changes to AfC governance considered by Richmond and Kingston councils
January 2021	Following agreement to the governance changes by Richmond and Kingston, updated constitution published to the council website (AfC changes)

## 10. APPENDICES

- 10.1 This report is supported by three appendices:

- Appendix A – Part 6A of the council constitution – proposed changes to Pension Fund Panel governance structure
- Appendix B – Part 6C4 of the council constitution – proposed changes to AfC Joint Committee terms of reference
- Appendix C – AfC Ownership Board terms of reference

## 11. BACKGROUND DOCUMENTS

- 11.1 This report is supported by three background documents:

- The [current council constitution](#) (v. 20.6)
- Independent pension fund governance review
- ‘Good governance in the LGPS’ report published by Hymans Robertson

## 12. CONSULTATION (MANDATORY)

Name of consultee	Post held	Date sent	Date returned
Cllr Johnson	Leader of the Council	15/10/20	15/10/20

<b>Name of consultee</b>	<b>Post held</b>	<b>Date sent</b>	<b>Date returned</b>
Cllr Rayner	Lead Member for Resident and Leisure Services, HR, IT, Legal, Performance Management and Windsor	15/10/20	16/10/20
Cllr Hilton	Lead Member for Finance and Ascot	15/10/20	
Cllr Carroll	Lead Member Adult Social Care, Children's Services, Health and Mental Health	15/10/20	19/10/20
Cllr Sharpe	Chairman, Pension Fund Panel	15/10/20	19/10/20
Russell O'Keefe	Director of Place	14/10/20	
Elaine Browne	Head of Law	14/10/20	
Kevin McDaniel	Director of Children's Services	14/10/20	16/10/20
Nikki Craig	Head of HR, IT and Corporate Projects	14/10/20	16/10/20
Louisa Dean	Communications	14/10/20	

## REPORT HISTORY

<b>Decision type:</b>	<b>Urgency item?</b>	<b>To Follow item?</b>
Council decision	No	No
Report Authors: Karen Shepherd, Head of Governance; Andrew Vallance, Head of Finance; Lynne Lidster Head of Commissioning People		

## A) PENSION

### A1 Berkshire Pension Fund

#### Committee Panel A1.1 Purpose

To exercise the general powers and duties of an Administering Authority in the maintenance of the Royal County of Berkshire Pension Funds ~~such Superannuation funds~~ as may be required in accordance with the Superannuation Fund Act 1972, The Public Service Pensions Act 2013 and Local Government Pension Scheme Regulations existing under ~~the~~ se Acts including, but not restricted to the following.

- (i) Setting of the Investment Strategy and Funding Strategy Statements and ~~d~~ Determination of the Strategic Asset Allocation of the Pension Fund's assets ~~investment policies of the Administering Authority~~ in the light of professional ~~officer~~ advice and other suitably qualified independent advice, legislative constraints and Codes of Practice.
- (ii) Responsibility for the statutory policies and administration of the Royal County of Berkshire Pension Fund ~~all superannuation funds~~ maintained by the Administering Authority in accordance with the Local Government Pension Scheme Regulations, The Local Government Pension Scheme (Management of Investment of Funds) Regulations, all other associated legislation and Pension Regulator Codes of Practice, and including, specifically, custodianship arrangements.
- ~~(iii) The appointment of External Fund Managers.~~
- ~~(iv)~~ (iii) Determination of the arrangements for obtaining appropriate investment advice including the appointment of a suitably qualified independent person or persons to give expert advice on Pensions ~~superannuation~~ F fund investment and management arrangements.
- ~~(v)~~ (iv) The periodic review and monitoring of the Pension Funds' investment performance in line with the Advisory and Management Agreement - entered into with the Local Pensions Partnership (Investments) Limited (LPPI).
- ~~(vi) Determination of applications for admitted body status in accordance with the appropriate legislative provisions.~~
- (v) To consider the Annual Report and Accounts of ~~n~~ the Fund.
- ~~(vii)~~ (vi) The reporting of any breaches of the law to the Pensions Regulator.

#### A1.2 Membership 5

RBWM Councillors

N.B. A Cabinet Member may be a Member of the Berkshire Pension Fund Committee Panel ~~and of the Berkshire Pension Fund Advisory Panel.~~

#### A1.3 Quorum

2 RBWM Councillors

#### A1.4 Frequency

Quarterly

## ~~A 2 Berkshire Pension Fund Panel Sub Committee~~

### ~~A2.1 Purpose~~

~~The Sub Committee shall have delegated authority to undertake the following functions:~~

- ~~□ To review and recommend appropriate policies/actions to the Pension Fund Panel and Advisory Panel in respect of the following:~~



- ~~1. The Strategic Asset Allocation of the Fund~~
  - ~~2. The investment performance of the Fund~~
  - ~~3. New investment products/mandates and their suitability for investment by the Fund~~
  - ~~4. To interview potential managers for the Fund~~
- ~~5. To recommend the appointment or termination of investment mandates~~
- ~~• Such other matters as may be relevant to managing the investments of the Fund and implementing decisions of the Pension Fund Panel~~
  - ~~• Recommend changes to the Investment Strategy~~
  - ~~• Set and Change asset allocation~~
  - ~~• Review investment opportunities/new managers and authorise officers to make such investments if they comply with the agreed Investment Strategy. Such delegation is limited to a limit of the higher of £50 million, or 3% of the net asset value of the Fund as published in the Fund's latest Financial Statements for any single or series of investments in any one asset class with any single manager. For the avoidance of doubt any proposed investment either incrementally or new in excess of £50 million will require prior approval from the Panel.~~
  - ~~• To take emergency actions to terminate a mandate, redeem a pooled holding or reduce exposure to one or more asset classes and to take any other action necessary to secure / recover/ Pension Fund Assets. Such emergency action is delegated to: the Chairman (or in his absence the Vice Chairman) of the Berkshire Pension Fund Panel and one other of: the Vice Chairman, Leader, and Lead Member for Finance, Managing Director or an Executive Director.~~

## **A2.2 Membership**

~~The Berkshire Pension Fund Panel Sub Committee will consist of the Chairman and/or Vice-Chairman of the Berkshire Pension Fund Panel and up to three other members of the Berkshire Pension Fund and Pension Fund Advisory Panels.~~

## **A2.3 Quorum**

~~Four members of whom at least two shall be members of the Berkshire Pension Fund Panel and include the Chairman and/or the Vice Chairman of the Panel.~~

## **A2.4 Frequency**

~~The Berkshire Pension Fund Panel Sub Committee will meet at least quarterly and on an ad-hoc basis as required. At least five clear days' notice of a meeting will be given for each meeting. The Sub Committee may meet "electronically" if required. In such a circumstance it will be made clear by what date Sub Committee Members are required to respond, decisions recorded and reported to subsequent meeting.~~

## **A23 Berkshire Pension Fund Advisory Panel**

### **A23.1 Purpose**

To consider and make recommendations to the Berkshire Pension Fund ~~Committee~~Panel on ~~all investment and actuarial~~ issues relating to the Fund as follows:

- (i) The investment policies of the Administering Authority, in the light of professional officer advice and other suitable qualified independent advice, legislative constraints and Codes of Practice.
- (ii) The ~~statutory policies and~~ administration of ~~the Royal County of Berkshire Pension Fund all superannuation funds~~ maintained by the Administering Authority, ~~including specifically, custodianship arrangements.~~
- ~~(iii) The appointment of External Fund Managers.~~
- ~~(iv)~~(iii) The arrangements of obtaining appropriate investment advice, including the appointment of ~~a~~ suitably qualified independent person or persons to give expert advice on ~~Pension Superannuation~~— ~~F~~fund investment and management arrangements.
- ~~(v)~~(iv) The periodic review and monitoring of the Fund's investment performance.
- ~~(vi)~~(v) The Annual Report ~~and Accounts of~~ the Fund.

### **A23.2 Membership 17**

~~5~~ persons comprising:

- ~~• Five Members of the Pension Panel;~~
- One elected representative from each of Reading Borough Council, Slough Borough Council, West Berkshire Council, Bracknell Forest ~~Borough~~ Council and Wokingham Borough Council;
- ~~• Two trade union employee representatives;~~
- ~~• Three representatives from employer bodies with the Fund: University of West London; an employer with a minimum of 200 members within the Fund; a representative from an Academy (to represent all academies within the Fund)~~
- ~~• One member drawn from the active membership, and one member drawn from the deferred/pensioner membership.~~
- The term of office for Members of the Advisory Panel should be set to run alongside the election cycle of the ~~A~~administering ~~A~~authority with Members being required to attend a minimum of 2 meetings per annum. Members of the Advisory Panel who fail to attend the minimum meeting requirement will be asked by the Berkshire Pension Fund ~~Commitee~~Panel to step down and for a replacement to be appointed.

### **A3.3 Quorum**

~~25~~ Members

### **A3.4 Frequency**

As per the Pension Fund ~~Committee~~Panel schedule

## C4 Achieving for Children Joint Committee

### C4.1 Purpose

The London Borough of Richmond upon Thames, the Royal Borough of Kingston upon Thames and the Royal Borough of Windsor and Maidenhead have established the Joint Committee pursuant to powers under the Local Government Acts 1972 and 2000. The Joint Committee shall be known as “The Achieving for Children Joint Committee”.

The Joint Committee will discharge functions on behalf of all three ~~boroughs-councils insofar as they relate to the ownership of jointly owned local authority company “Achieving for Children” (the Company).~~ with regards dispute resolution and will be convened as and when required.

The Joint Committee is not a self-standing legal entity but part of its constituent authorities. Any legal commitment entered into pursuant of a decision of the Joint Committee must be made by either or all of the authorities which will be indemnified appropriately.

These Terms of Reference govern the conduct of meetings of the Joint Committee and except, where expressly stated otherwise, take precedence over each Borough’s relevant Constitutional provisions. The Joint Committee may vary the Terms of Reference rules as it considers appropriate.

### C4.2 Definitions

Any reference to Access to Information legislation shall mean Part VA of the Local Government Act 1972 (as amended) and The Local Authorities (Executive Arrangements) (Meetings and Access to Information) (England) Regulations 2012 (as amended).”

### C4.3 Functions

The Joint Committee will discharge functions on behalf of all three Councils with regards solely dispute resolution in relation to matters concerning this Agreement.

~~The Joint Committee will discharge on behalf of all three boroughs the functions listed below insofar as they relate to the ownership of the Company. The Joint Committee will decide on behalf of each Council to:~~

- ~~• Enter into any arrangement, contract or transaction resulting in expenditure either with a capital value greater than £10,000 or revenue value greater than £10 million. Any expenditure of such revenue by the Company being less than £10 million shall be subject to the Company’s own financial regulations and shall be subject to prior approval within the Business Plan and operating revenue budget, which shall be approved by the Members in accordance with the Reserved Matters. □ Enter into any arrangement, contract or transaction where the Company is providing services to third parties without following the Trading Opportunity Evaluation Process as produced by the Members. Such arrangements, contracts or transactions shall also be subject to prior approval within the Business Plan, which shall be approved by the Members in accordance with the Reserved Matters.~~
- ~~• Enter into any borrowing, credit facility or investment arrangement (other than trade credit in the ordinary course of business) that has not been approved by the~~

~~Members under the Financial Plan. □ Appoint or remove any auditor of the Company.~~

- ~~● Adopt or amend the Business Plan in respect of each financial year, which for the avoidance of doubt shall include the adoption and amendment of an operating revenue budget for the financial year to which it relates.~~
- ~~● Adopt or amend the Financial Plan.~~
- ~~● Enter into any arrangement, contract or transaction within, ancillary or incidental to the ordinary course of the Company's business or is otherwise than on arm's length terms. □ Deal with any surpluses of the Company.~~
- ~~● Appoint or remove any Company Directors~~
- ~~● Agree any terms for any Directors (but for the avoidance of doubt this does not include the terms and conditions of employment of Executive Directors as defined in the Articles of Association of the Company).~~
- ~~● Agreeing changes in employment terms and conditions which would be inconsistent with the National Joint Council National Agreement on Pay and Conditions of Service and any changes to the pay and grading structure of the chief executive post of the Company.~~

~~The Joint Committee will be responsible for setting out the expectations and ambitions of the three Council's as owners of the Company.~~

#### C45.4 Membership

There will be nine elected members of the Joint Committee, three appointed from each Borough. Appointments will be made in line with each Authority's governance arrangements.

The appointments should include the Leader of each Council and a Member whose portfolio areas include responsibility for Children's Services.

Appointments will be made for a maximum period not extending beyond each Member's remaining term of office as a Councillor.

As nominees of their respective Councils, members of the Joint Committee are governed by the provisions of their own Council's Codes and Protocols including the Code of Conduct for Members and the rules on Disclosable Pecuniary Interests.

Each authority will utilise existing mechanisms for substitution as laid down in their own Standing Orders.

#### C4.5 Chair

Each Council will appoint one Member as a Co-Chair each of whom, in rotation, preside over meetings of the Joint Committee.

Meeting venues shall rotate between the Council's main offices with the Co-Chair from the authority which is hosting the meeting presiding over the meeting. Where the host CoChair is not present, the Joint Committee shall appoint an alternate Co-Chair from amongst its number to preside over the meeting.

#### C4.6 Sub-Committees

The Joint Committee may establish sub-committees to undertake elements of its work if required and subject to the approval of each of the constituent authorities.

#### C4.7 Delegation to Officers

The Joint Committee may delegate specific functions to officers of any of the Boroughs. Any such delegation may be subject to the requirement for the officer to consult with or obtain the prior agreement of an officer (or officers) of the other boroughs.

It may also be subject to the requirement for the officer with delegated authority to consult with the Co-Chairs of the Joint Committee before exercising their delegated authority.

#### C4.8 Administration

~~Organisational and clerking support for the Joint Committee will be provided on a rotational basis by the host authority on an annual basis or longer if agreed by all three Councils.~~

~~Organisational and clerking support for the Joint Committee will be provided for by the host authority.~~

#### C4.9 Budget

The Joint Committee will not have an allocated budget.

#### C4.10 Agenda Management

All prospective items of business for the Joint Committee shall be agreed by the Chief Executives of all three Councils or their representatives, following consultation with the AfC Management Team.

Where a decision of the Joint Committee does not apply to all three Boroughs, the delegation of functions to the Joint Committee is limited to the Borough to which the decision applies.

~~-To comply with Access to Information legislation in the publication of agendas including Forward Plan requirements, those functions delegated to the Joint Committee for determination and defined as key decisions on behalf of Richmond and Windsor and Maidenhead must be included in the Forward Plan. Although not legally required for Kingston under the Committee System Governance Arrangements, a Forward Plan has been maintained and notice will be given therein.~~

#### C4.11 Meetings

~~The Joint Committee will meet as required to fulfil its functions and will determine a programme of meetings before the start of each Municipal Year to be included in the Calendar of Meetings for all three Authorities.~~

The Joint Committee will meet as and when required for the purposes of fulfilling its function with regards dispute resolution.

The quorum for a meeting of the Joint Committee shall be at least two members from each Borough.

~~Access to meetings and papers of the Joint Committee by the Press and Public is subject to Part 2 of the Local Authorities (Executive Arrangements) (Meetings and Access to information) (England) Regulations 2012~~

-Access to meetings and papers of the Joint Committee by the Press and Public is subject to Part VA of the Local Government Act 1972 (as amended) and Part 2 of the Local Authorities (Executive Arrangements) (Meetings and Access to information) (England) Regulations 2012.

#### C4.12 Notice of Meetings

The host authority clerk of the Joint Committee will give notice to the public of the time and place of any meeting in accordance with the Access to Information requirements.

-At least five clear working days in advance of a meeting the host authority clerk of the Joint Committee will publish the agenda via the website of the host authority and distribute a copy of the papers to all Members of the Committee. Five clear days does not include weekends or national holidays and excludes both the day of the meeting and the day on which the meeting is called.

#### C4.13 Public Participation

Unless considering information classified as “exempt” or “confidential” under Access to Information Legislation, all meetings of the Joint Committee shall be held in public.

~~An agenda item to last no longer than 30 minutes will be included on each agenda to hear public representations and questions. Notification must be given in advance of the meeting indicating the matter to be raised, by 12 noon on the last working day before the meeting.~~

-An agenda item to last no longer than 15 minutes will be included on each agenda to hear deputations from the public in relation to items on the agenda that are not exempt under paragraph 13.1. Notification must be given to the host authority in advance of the meeting indicating the matter to be raised, by 12 noon on the last working day before the meeting. Each deputation will last no longer than 5 minutes and only 3 deputations will be permitted (i.e. the first three to register with the host authority in advance of the deadline).

Where the number of public representations exceed the time allowed, a written response will be provided or the matter will be deferred to the next meeting of the Joint Committee.

#### C4.14 Member Participation

Any Member of each Council who is not a member of the Joint Committee may ask a question or address the Committee with the consent of the Co-Chair of the meeting at which they wish to speak.

C4.15 Business to be Transacted Standing items for each meeting of the Joint Committee will include the following:

- Public participation
- Apologies for absence
- Declarations of Interest
- Minutes of the Last Meeting
- Substantive items for consideration

The Co-Chair may vary the order of business and take urgent items as specified in the Access to Information Requirements at his / her discretion. An item of business may not be considered at a meeting unless:

- A copy of the agenda included the item (or a copy of the item) is open to inspection by the public for at least five clear days before the meeting; or
- Where the meeting is convened at shorter notice from the time the meeting is convened; or
- By reason of special circumstances which shall be specified in the minutes the CoChair of the meeting (following consultation with the other Co-Chair) is of the opinion that the item should be considered at the meeting as a matter of urgency

“Special Circumstances” justifying an item being considered as a matter of urgency will relate to both why the decision could not be made at a later meeting allowing the proper time for inspection of documents by the public as well as why the item or report could not have been available for inspection for five clear days before the meeting.

~~C4.16. Extraordinary Meetings Arrangements may be made following consultation with all three Co-Chairs to call an extraordinary meeting of the Joint Committee.~~

~~The business of an extraordinary meeting shall be only that specified on the agenda.~~

C4.17 Cancellation of Meetings

~~Meetings of the Joint Committee may, after consultation with all three Co-Chairs, be cancelled if there is insufficient business to transact or some other appropriate reason warranting cancellation. The date of meetings may be varied after consultation with all CoChairs in the event that it is necessary for the efficient transaction of business.~~

If in the event a dispute is resolved prior to the meeting of the Joint Committee called to resolve the issue, after consultation with all three Co-chairs the meeting will be cancelled



#### C4.18 Rules of Debate

The rules of debate in operation in the authority which is hosting the meeting shall apply.

#### C4.19 Request for Determination of Business

~~Any Member of the Joint Committee may request at any time that:  The Joint Committee move to vote upon the current item of consideration.  The item be deferred to the next meeting.  The item be referred back to the relevant Chief Executive for further consideration by the Council  The meeting be adjourned.~~

Any member of the Joint Committee may request at any time that the Joint Committee move to vote upon the current item of consideration.

In the event that a unanimous decision cannot be reached then Part 2 and/or Part 3 of the Dispute Resolution Procedure (Schedule 7) shall apply.

#### C4.20 Urgency Procedure

~~Where all Co-Chairs of the Joint Committee are of the view that an urgent decision is required in respect of any matter within the Joint Committee's Terms of Reference and that decision would not reasonably require the calling of an Extraordinary Meeting of the Joint Committee to consider it and it cannot wait until the next Ordinary Meeting of the Joint Committee, then they may authorise in writing the Chief Executive of Achieving for Children to take such a decision following consultation with the Co-Chairs. Decisions taken in these circumstances shall not be subject to any of the Council procedures.~~

Where all Co-Chairs of the Joint Committee are of a view that an urgent decision is required in respect of any matter within the Joint Committee's Terms of Reference and it cannot wait until an Ordinary Meeting of the Joint Committee has been called and notice been given under Paragraph 12 of this Schedule (Notice of Meetings), then arrangements will be made to call an urgent meeting of the Joint Committee.

#### C4.21 Voting

~~Each elected Member will be entitled to one vote.~~

~~Where there is an equality of votes and the matter cannot be resolved, the conflict resolution mechanism will be implemented.~~

~~The conflict resolution mechanism states that:~~

~~The matter will be referred back to the Chief Executives of all three Authorities for further consideration.  After further consideration has taken place, the matter will be placed on the agenda for the next available meeting of the Joint Committee for determination. If on this on this second occasion there is still an equality of votes the Chair can exercise a casting vote to ensure that a decision is made.~~

With regards the Joint Committee's function in the resolution of disputes under the conflict resolution mechanism, each elected member will be entitled to one vote.

Where there is an equality of votes and the matter cannot be resolved then Part 2 of the Dispute Resolution will be engaged.



#### C4.22 Minutes

At the next suitable meeting of the Joint Committee, the Co-Chair presiding will move a motion that the minutes of the previous meeting be agreed as a correct record. The meeting may only consider the accuracy of the minutes.

Once agreed, the Co-Chair presiding at the meeting will sign the minutes.

#### C4.23 Exclusion of Public and Press

Members of the public and press may only be excluded from a meeting of the Joint Committee either in accordance with the Access to Information requirements or in the event of disturbance.

A motion may be moved at any time for the exclusion of the public from the whole or any part of the proceedings. The motion shall specify by reference to Section 100(A) Local Government Act 1972 the reason for the exclusion in relation to each item of business for which it is proposed that the public be excluded. The public must be excluded from meetings whenever it is likely, in view of the nature of business to be transacted, or the nature of the proceedings that confidential information would be disclosed.

If there is a general disturbance making orderly business impossible, the Co-Chair may adjourn the meeting for as long as he/she thinks is necessary. To comply with the Executive Arrangements (Access to Information) Regulations 2012 on Richmond's and Windsor and Maidenhead's behalf, all background papers will be published as part of the Joint Committee agenda and be made available to the public via the website of each authority.

#### C4. 24 Overview and Scrutiny

~~Decisions of the Joint Committee will be subject to scrutiny and Call-In.~~

~~On the publication of the minutes of a meeting of the Joint Committee, 5 clear days must elapse (not including the date of publication and weekend days and bank holidays) before decisions can be implemented.~~

~~Decisions of the Joint Committee will be subject to the existing "Call-In" arrangements operating in each of the Boroughs as outlined in their respective Constitutions.~~

~~Where a decision is called in, arrangements will be made at the earliest opportunity within the Borough where the Call-In had taken place for it to be heard. The body hearing the Call-in would be able to take the following courses of action:~~

~~□ Take no further action (decision takes effect) □ Refer back to the decision-maker (Joint Committee) for reconsideration □ Refer to the Full Council meeting of the relevant authority (only if deemed to be contrary to the budget and / or policy framework of the relevant authority in line with the delegations to the Joint Committee.)~~

~~Any decision called in for scrutiny before it has been implemented shall not be implemented until such time as the call in procedures of the Council concerned have been concluded.~~

~~With regards RBKT and LBRT, decisions of the Joint Committee will not be subject to scrutiny and call-in and this paragraph 24 does not apply.~~

~~With regards RBWM, decisions of the Joint Committee which are defined as executive decisions by RBWM will be subject to scrutiny and Call-in. Call-in provisions will only apply in the event that the decisions of the Joint Committee are contrary to the original decision of the RBWM Cabinet.~~

~~For any Joint Committee meeting including executive decisions as defined by RBWM, the minutes will be published within two working days. On the publication of the minutes of a meeting of the Joint Committee, 5 clear days must elapse (not including the date of publication and weekend days and bank holidays) before decisions can be implemented on the part of RBWM.~~

~~Decisions of the Joint Committee which are defined as executive decisions will be subject to the "call in" arrangements operating in RBWM as set out in its constitution.~~

~~Where a decision is called in, arrangements will be made at the earliest opportunity within RBWM for it to be heard.~~

## **AfC Stakeholder Ownership Board**

### **Terms of Reference**

#### **1. Purpose of the AfC Stakeholder Ownership Board**

- 1.1 A Community Interest Company, Achieving for Children (AfC) has been established to deliver Children's Services on behalf of the London Borough of Richmond upon Thames, the Royal Borough of Kingston and the Royal Borough of Windsor and Maidenhead. The three Councils have established joint governance arrangements covering the commissioning of services from AfC and company ownership arrangements.
- 1.2 A key component of the joint governance arrangements is the AfC Stakeholder Ownership Board (the Ownership Board) that aims to:
- Set the strategic direction and priorities of the company.
  - Review business performance and accounts.
- 1.3 The Ownership Board has no delegated decision-making authority and it is not a public forum. It will provide an opportunity for Councillors to shape the future direction of AFC and challenge proposals for service delivery and company direction, as well as reviewing company performance and accounts.
- 1.4 The Ownership Board will reserve the right to, if required, discuss Reserved Matters should the need arise, with a view to make recommendation to their respective committees/cabinet.

#### **2. Membership**

- 2.1 Core attendance is required from the:
- London Borough of Richmond upon Thames elected Members (Leader, Lead Member/Portfolio and one other that may include an opposition member).
  - Royal Borough of Kingston upon Thames elected Members (as above).
  - Royal Borough of Windsor and Maidenhead elected Members (as above).
  - London Borough of Richmond upon Thames Chief Executive.
  - Royal Borough of Kingston upon Thames Chief Executive.
  - Royal Borough of Windsor and Maidenhead Managing Director.

- Council's Lead Commissioners for Children's Services (as defined in the Agreements the Members have with Achieving for Children).
- Council Directors of Children's Services.
- AFC Chief Operating Officer.
- Chair of the AFC Board of Directors.
- Council appointed client-side support and legal representatives (as required).
- Democratic services clerk of the hosting Council.

2.2 The Ownership Board will include the opportunity, where necessary, to meet without representatives of AfC or the AfC Board of Directors. AfC representatives and additional members will be expected to attend the Ownership Board unless specifically requested not to for part or the whole of the meeting.

2.3 Additional attendees may be invited to attend the AfC Ownership Board depending on the agenda. This may include:

- Council Directors of Finance/Resources.
- AfC Director of Finance.
- Council appointed Directors to the AfC Board of Directors.
- Any other elected Members of the three owning Councils at the discretion of the Leaders.

### **3. Meeting Arrangements**

3.1 The meeting will be chaired alternately by the Leader in each Council. The meeting will not be held in public. The group will meet twice per year. Once in November (commencing November 2020) and once in July. The agenda will be standardised for each session:

- November:
  - AfC proposals for the business plan, strategic direction and planning.
  - Considering each Council's financial position.
- July:
  - AfC annual report and accounts including the impact report.

3.2 The meetings will rotate and be held in each Council (Kingston, Richmond, Windsor and Maidenhead). The meeting will be scheduled, hosted, funded and clerked (if necessary) by the host Council. The Councils may also decide to host the Ownership Board as a virtual meeting (online) to reduce travel time. Agenda planning and items

for discussion will be collated by AfC and the commissioning support functions of the three Councils. The host Council commissioning support function will take the lead in supporting democratic services with the scheduling and arrangements. The meeting can also lend itself to a less formal style approach for example workshops.

## **Schedule 6**

Schedule 6 in the Agreement (Dispute Resolution Procedure) is replaced with a new Schedule 6 which is titled Contact Details. For the avoidance of doubt there are no amendments to this schedule apart from its title.

## **Schedule 7**

Schedule 7 in the Agreement (Exit Provision) is replaced with a new Schedule 7 which is titled Dispute Resolution Procedure.

Part 1 Escalation in Schedule 7 is amended and reads:

### **1 Application of Part 1**

This Part 1 applies to any Dispute.

### **2. Escalation Procedures**

- 2.1 The Members shall use all reasonable endeavours to resolve the Dispute on an amicable basis within fifteen (15) Working Days of the same arising the (the first day of that 15 Working Day period being the first Working Day after any Member has given notice in writing to the other Members stating that, in its belief, a Dispute has arisen) (such period being the **Member Resolution Period**).
- 2.2 If the Members have not resolved the Dispute prior to the expiry of the Member Resolution Period, the **Senior Representatives** (being the senior representative of each Member with the authority to settle the dispute) shall meet in good faith in an effort to resolve the Dispute.
- 2.3 If the Senior Representatives have resolved the Dispute within fifteen (15) Working Days of the expiry of the Member Resolution Period (the **Senior Representatives Resolution Period**) (the first day of that 15 Working Day period being the first Working Day after the expiry of the Member Resolution Period), they shall issue a joint written statement to the Members informing the Members of their decision. The Members shall be bound by that decision.
- 2.4 If the Senior Representatives have not resolved the Dispute prior to the expiry of the Senior Representatives Resolution Period the Joint Committee will meet in an effort to resolve the Dispute.

- 2.5 If the Joint Committee has resolved the Dispute within fifteen [15] Working Days of the expiry of the Senior Representatives Resolution Period (the **Joint Committee Resolution Period**) ( the first day of that 15 Working day period being the first working day after the expiry of the Senior Representatives Resolution Period), it shall publish minutes of the meeting informing the Members of their decision. The Members shall be bound by that decision.
- 2.6 If a dispute has not been resolved in accordance with Part 1 a notice shall be served in accordance with Part 2 (Mediation), Paragraph 3.3.

For the avoidance of doubt Part 2 (Mediation) and Part 3 (Arbitration) remain unchanged.

### **Schedule 8**

Schedule 8 to the Agreement is now the schedule relating to Exit Provisions. For the avoidance of doubt the provisions of the Schedule 8 are those of the original Schedule 7 and remain unchanged.

## **3. Governing Law and Jurisdiction**

- 3.1 This Deed and any dispute or claim arising out of or in connection with it or its subject matter or formation (including non-contractual disputes or claims) shall be governed by and interpreted in accordance with the law of England and Wales.
- 3.2 The parties irrevocably agree that the courts of England and Wales shall have exclusive jurisdiction to settle any dispute or claim that arises out of, or in connection with, this deed or its subject matter or formation (including non-contractual disputes or claims).

Report Title:	<b>Approval of Additional Capital Schemes</b>
Contains Confidential or Exempt Information?	No - Part I
Member reporting:	Councillor Hilton, Lead Member for Finance and Ascot
Meeting and Date:	Full Council – 27 October 2020
Responsible Officer(s):	Andrew Vallance, Head of Finance / Deputy S151 Officer
Wards affected:	All

## REPORT SUMMARY

- 1 This report requests the formal addition of Capital schemes to the Council's approved Capital Programme as reported to Cabinet at its meetings in July and September 2020.

## 1. DETAILS OF RECOMMENDATION(S)

**RECOMMENDATION:** 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.

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

### Options

**Table 1: Options arising from this report**

Option	Comments
Approve the additions to the Capital programme <b>This is the recommended option</b>	Approval will allow the schemes to commence.
Do not approve the addition of schemes to the Capital Programme.	Grant funding would need to be returned and the Capital schemes would not progress.

## KEY IMPLICATIONS

- 2.1 The Council is required to approve additional budget for capital schemes before they can commence.

**Table 2: Key Implications**

Outcome	Unmet	Met	Exceeded	Significantly Exceeded	Date of delivery
Capital schemes are implemented	Capital schemes are cancelled	Capital schemes are completed as planned.	n/a	n/a	31 March 2021

### 3. FINANCIAL DETAILS / VALUE FOR MONEY

The additional capital programme funding is detailed in paragraphs 3.1 to 3.6.

**The following item was approved by Cabinet at its September 2020 meeting:**

#### 3.1 **Safeguarding works at Larchfield Primary School (Funded by £65,000 s106 contributions and £45,000 of school condition allowance (SCA) funding.**

As reported to September 2020 Cabinet, approval is sought to add £110,000 of fully funded budget to the 2020/21 capital programme. This is to increase capacity at the school through creating a larger office space at the entrance. This will free up previous office space for group work for KS2 children, which will enable the school to meet the requirements for breakout teaching and learning spaces. Currently there is only one group room, which serves KS1. The works will also improve security at the school reception entrance to meet safeguarding requirements as well as create an additional viable emergency escape route from the main hall. Currently there is no barrier of entry at the school desk to prevent visitors from gaining access to the rest of the school once they enter the lobby. The project will extend the entrance to the school building to create a lobby with a waiting area for visitors and sufficient circulation area for parents with buggies and multiple visitors. There will be secure doors between the lobby to the rest of the school, creating a secure envelope for the main school area and allowing only authorised visitors to enter the teaching and learning spaces.

**The remaining items were approved by Cabinet at its July 2020 meeting:**

#### 3.2 **SEND Special Provision Capital Funding (Funded from DofE grant)**

The Borough has been allocated £1,227,000 from the Department for Education to invest in improving the quality and range of provision for children and young people with SEN and disabilities aged 0-25. Cabinet considered a [report in February 2020](#) authorising consultation on proposals for new provision to be funded using the grant Feasibility works are underway and detailed design works commenced in



September 2020. It is expected that £500,000 of the grant will be spent by March 2021. Approval is sought to add £500,000 of fully funded budget to the 2020/21 capital programme. The remainder of the grant will be spent in 2021/22.

### **3.3 Bisham General Refurbishment (Virement from Secondary Expansions Risk Contingency budget)**

Bisham School converted to academy status in 2017. The Royal Borough and the school's new multi academy trust, the Ashley Hill Trust, signed a Commercial Transfer Agreement, transferring the various contracts from the Borough to the new academy. One of the stipulations committed the Royal Borough to payments totalling £480,000 over four academic years from 2017/18 to 2020/21. The final payment of £200,000 is now due. It is proposed that £200,000 of savings from the Secondary Expansions Risk Contingency budget is used to fund this commitment. Approval is sought to vire the budget to meet this commitment.

### **3.4 Capital Budget Addition - Wider Area Growth Study funding**

The Council in partnership with Slough and Buckinghamshire Councils were successful in a bid for external funding from the MHCLG Joint Working Fund to carry out a Wider Area Growth Study. The second stage of this work is now ready to commence. Approval is sought to add £87,000 fully funded budget to the Capital programme so that the funding held on behalf of the other Councils can be spent.

### **3.5 Capital Budget Addition - Emergency Active Travel Fund**

On 29 May the DfT issued provisional funding allocations for local authorities from the 'Emergency Active Travel Fund'. The allocations total £225m and are part of a wider £283m package of funding announced on 23 May by the DfT on funding to 'protect and increase transport services, level up infrastructure and regenerate local economies after the coronavirus (COVID-19) outbreak'. The Royal Borough's allocation (tranche 1) is £140,000 which is subject to approval of a submitted funding bid. The bid is focussed mainly in the town centres of Maidenhead, Windsor and Ascot to support the local economy and ensure that residents feel safe to visit the newly re-opened town centres on foot, cycling or by public transport. Detailed works programmes have been developed and shared with Ward Members. Approval is sought to add £140,000 fully funded budget to the capital programme once DfT have agreed the bid.

### **3.6 Design and construction changes to Braywick Leisure Centre.(£107,000 of s106 funding and £274,000 of existing grant)**

It was previously determined that £107,000 of s106 funds and £274,000 of existing grants held in reserves could be utilised to fund design and construction changes of the project and formal approval is now sought to apply these funds to the project.

## **4. LEGAL IMPLICATIONS**

4.1 None.

## **5 RISK MANAGEMENT**

5.1 Risk of expected funding not being received.

## 6 POTENTIAL IMPACTS

- 6.1 Equalities – none
- 6.2 Climate change/sustainability – none
- 6.3 Data Protection/GDPR –none

## 7 CONSULTATION

None.

## 8 TIMETABLE FOR IMPLEMENTATION

- 8.1 Immediate

## 9 APPENDICES

- 9.1 None

## 10 BACKGROUND DOCUMENTS

- 10.1 This report is not supported by any background documents:

## 11 CONSULTATION (MANDATORY)

Name of consultee	Post held	Date sent	Date returned
Cllr Hilton	Lead Member for Finance and Ascot	19/10/20	
Duncan Sharkey	Managing Director	19/10/20	
Russell O’Keefe	Executive Director of Place	19/10/20	
Adele Taylor	Director of Resources/S151 Officer	19/10/20	19/10/20
Kevin McDaniel	Director of Children’s services	19/10/20	
Hilary Hall	Deputy Adults, Commissioning and Health	19/10/20	
Elaine Browne	Head of Law	19/10/20	
Mary Severin	Monitoring Officer	19/10/20	
Andrew Vallance	Head of Finance	19/10/20	19/10/20
Nikki Craig	Head of HR, Corporate Projects and IT	19/10/20	
Louisa Dean	Communications	19/10/20	
Karen Shepherd	Head of Governance	19/20/20	

## REPORT HISTORY

<b>Decision type:</b> Council decision	<b>Urgency item?</b> No	<b>To Follow item?</b> No
Report Author: Ruth Watkins, Chief Accountant.		

Report Title:	<b>Corporate Parenting Annual Report 2019/20</b>
Contains Confidential or Exempt Information?	No - Part I
Lead Member:	Councillor Carroll, Lead Member for Adult Social Care, Children Services, Health and Mental Health
Meeting and Date:	Full Council - 27th October 2020
Responsible Officer(s):	Lin Ferguson, Deputy Director, Children's Services
Wards affected:	All

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## REPORT SUMMARY

Corporate parenting is the collective responsibility of the local authority and its partners to ensure the care and protection of our Children in Care and Care Leavers. In 2019 the Royal Borough of Windsor and Maidenhead's Corporate Parenting Strategy and action plan was revised in partnership with the Children in Care Council (Kickback) and was then endorsed by Full Council in February 2019. The report, Appendix A, outlines the progress made towards being high quality corporate parents for our Children in Care and Care Leavers.

## 1. DETAILS OF RECOMMENDATION(S)

**RECOMMENDATION:** That full Council :

- i) **Notes the annual report from the Corporate Parenting Forum, attached as Appendix A**

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

### Options

**Table 1: Options arising from this report**

Option	Comments
Full Council notes the annual report from the Corporate Parenting Forum, attached as Appendix A	
<b>This is the recommended option</b>	

## 3. KEY IMPLICATIONS

3.1 N/A

#### **4. FINANCIAL DETAILS / VALUE FOR MONEY LEGAL IMPLICATIONS**

4.1 N/A

#### **5. RISK MANAGEMENT**

5.1 N/A

#### **6. POTENTIAL IMPACTS**

6.1 N/A

#### **7. CONSULTATION**

7.1 N/A

#### **8. TIMETABLE FOR IMPLEMENTATION**

8.1 N/A

#### **9. APPENDICES**

9.1 This report is supported by one appendix:

- Corporate Parenting Annual Report 2019/20

#### **10. BACKGROUND DOCUMENTS**

10.1 N/A

#### **11. CONSULTATION (MANDATORY)**

<b>Name of consultee</b>	<b>Post held</b>	<b>Date sent</b>	<b>Date returned</b>
Cllr Carroll	Lead Member for Children's Services, Adults Services and Public Health	14/10/20	
Duncan Sharkey	Managing Director		
Russell O'Keefe	Director of Place		
Adele Taylor	Director of Resources/S151 Officer		
Kevin McDaniel	Director of Children's Services		
Hilary Hall	Director of Adults, Health and Commissioning		
Andrew Vallance	Head of Finance		
Elaine Browne	Head of Law		
Mary Severin	Monitoring Officer		

Nikki Craig	Head of HR, Corporate Projects and IT		
Louisa Dean	Communications		
Karen Shepherd	Head of Governance		

## REPORT HISTORY

<b>Decision type:</b> For Information	<b>Urgency item?</b> No	<b>To Follow item?</b> No
Report Author: Danny Gomm, Youth Service Manager, 07768 036438		

# Corporate Parenting Annual Report October 2020



## 1. Background

*“We would like to get to know you better. We would like you to know us better. We would like you to better communicate with us and let us voice our opinions. We would like to be listened to and heard. We know you are not our mum or dad, but you are responsible for looking after us. Sometimes it feels like we are just names on a piece of paper..... prove us wrong”* Letter from the Children in Care Council, known as Kickback, to their Corporate Parents.

Corporate parenting is the collective responsibility of the local authority and its partners to ensure the care and protection of Children in Care and Care Leavers. In 2019 the Royal Borough of Windsor and Maidenheads Corporate Parenting Strategy (see Appendix A) was revised in partnership with the Children in Care Council (Kickback) and was then endorsed by Full Council in February 2019.

The strategy outlines the four key priorities set out in order to ensure that the Royal Borough of Windsor and Maidenhead provides effective corporate parenting. These are:

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

An action plan was developed in order to monitor the progress towards achieving these priorities. The action plan does not cover the safeguarding and educational responsibilities for Children in Care and Care Leavers because these are routinely monitored by Children's Services. However these areas are reported on by relevant Officers on a bi-monthly basis to the Corporate Parenting Forum who also oversee the strategy and plan to ensure sufficient progress is made.

To ensure that the Corporate Parenting Forum is effective two further priorities have been added to the plan:

- There is a clear framework for the governance and monitoring of corporate parenting responsibilities and the effectiveness of the Corporate Parenting Forum
- Corporate Parenting Forum meetings will; effectively monitor the progress of Children in Care/Care Leavers, include the voice of Children in Care/Care Leavers and review the progress of how the new corporate parenting principles are being embedded.

## 2. Key Highlights

1. Ofsted highlighted that corporate parenting responsibilities are taken seriously in the Royal Borough of Windsor and Maidenhead,
2. Reports being presented are thoroughly scrutinised by Elected Members,
3. Elected members and Children in Care/Care Leavers have participated in joint events in order to develop positive relationships,
4. Children are increasingly involved in Corporate Parenting Forum meetings and facilitate activities at meetings which aim to highlight to members how it feels to be a child in care,
5. Officers and Elected Members are aware of their corporate parenting responsibilities,
6. Mechanisms have been developed to enable children to engage in decision making processes virtually, removing the barrier of where a child lives,
7. Progress has been made against the majority of the action plan.

### Highlight 1: Ofsted highlighted that corporate parenting responsibilities are taken seriously in the Royal Borough of Windsor and Maidenhead

In January 2020, Ofsted carried out an Inspection of Children’s Social Care and Early Help services, which included looking at corporate parenting. The feedback received was positive and highlighted the progress made over the past year:

*“On taking up appointment, new councillors are promptly introduced to their responsibilities as corporate parents to Children in Care with the use of leaflets informed by ‘Kickback’. They take their role as corporate parents seriously and many children know who the senior leaders are”.*

### Highlight 2: Reports being presented are thoroughly scrutinised by members

There have been five meetings Corporate Parenting Forums held over the past year and a number of reports have been presented and scrutinised. In addition to the standard agenda items which include the Kickback update, Kickback activity and action plan update, the following reports have been presented to the Forum:

#### October 2019

- Annual health and wellbeing report
- Education report – draft results
- Exploitation/missing/substance misuse report
- Multiple placement moves report

#### December 2019

- Independent Reviewing Service report
- Children in Care and Care Leavers impact report



February 2020

- Care Leavers Not in Education, Employment or Training (NEET) report
- Placement stability report
- Ofsted findings - verbal update

April 2020: Cancelled due to COVID

June 2020:

- Virtual School report
- Annual exploitation/missing/substance misuse report
- Annual fostering report
- Children in Care impact report

September 2020:

- Children in Care/Care Leavers survey report
- Care Leavers impact report
- Education – draft results

Concerns were raised by the Corporate Parenting Forum members at the meeting in December 2019 about the number of Social Workers some children may have had and how long it takes for some children to receive a reply from their social worker when they contact them. As a result, questions around these concerns were added into the Children in Care survey in order to get a better understanding of the situation. The results have been collated and positive action has been taken as a result. A *'you said we will do'* and a *'you said we did'* response was circulated to our Children in Care and Care Leavers.

Since the 'good' Ofsted grading was made public in February 2020 and despite the challenges of Covid-19, the recruitment and retention of Social Workers (a national issue) has never been better. Over three quarters of our Social Workers are now permanent and staff churn has reduced to under 6%. Furthermore, a dedicated service for our Children in Care and Care Leavers went live in June 2020 and this is already having a positive impact on the stability of Social Workers for our children and young people.

**Highlight 3: Elected Members and Children in Care/Care Leavers have participated in joint events in order to develop positive relationships**

To help build relationships between Children in Care/Care Leavers and Elected Members, as requested by Kickback in their letter, a number of joint activities have taken place including a BBQ where seven foster families comprising 11 Children in Care attended along with four Elected Members and senior officers from the Corporate Parenting Forum and the 'This is Me'

photography project which was also well attended by Children in Care, Care Leavers and Elected Members. Unfortunately recent activities have been postponed due to COVID.

Feedback from the two events:

#### 'This is Me'

- *"Well done on last night it was lovely, had a few tears"* - Foster Carer
- *"I enjoyed it enormously"* - Child in Care
- *"It was a fantastic evening. I was so impressed"* - Cllr. Rayner
- *"The event was fantastic and well done to all involved"* - Cllr. Carroll

#### BBQ

- *"Thanks for a lovely evening"* - Child in Care
- *"It is always lovely to have the opportunity to talk to staff and councillors in an informal setting. It would be lovely to have more events like this"* - Foster Carer
- *"It was nice to talk to the adults who make decision about me"* - Child in Care

#### **Highlight 4: Children are increasingly involved in Corporate Parenting Forum meetings and facilitate activities at meetings which aim to highlight to members how it feels to be a Child in Care**

The children and young people attending the Corporate Parenting Forum deliver a presentation or activity at each meeting in order to highlight what it's like to be in care and to build relationships with the Forum Members. These presentations/activities are well received by Forum Members and are valued by the children and young people attending. One activity involved Forum Members taking off their shoes and personal belongings and putting them in a black bag, which was then stored in a cupboard in another room at the Town Hall for the rest of the meeting. At the end of the meeting Forum Members were asked by the children and young people how they felt not having their belongings and not knowing where they were. This activity was to highlight how some of our Children in care feel when they either first move into care or move placements.

A child who regularly attends meetings fed back:

*"Meetings are good because it lets both sides know what's going on and I wouldn't change anything about them"*

#### **Highlight 5: All staff and Elected Members are aware of their corporate parenting responsibilities**

An introduction to corporate parenting has been delivered at Achieving for Children and RBWM induction meetings since September 2019. The introduction covers what corporate parenting is and the different levels of responsibilities for Elected Members, Corporate Parenting Forum members and Officers across all Council directorates and partner services. The feedback from new staff who have completed the induction has been very positive and

eye opening in terms of corporate parenting being everyone's responsibility and not just the responsibility of Social Workers within Children's Services.

**Highlight 6: Mechanisms have been developed to enable children and young people to engage in decision making processes virtually, removing the barrier of where a child lives.**

In order to continue Kickback meetings throughout lockdown, meetings were moved to a virtual platform which enabled children and young people to participate irrespective of where they live. As part of the new way of working some sessions/activities will continue virtually and children and young people will also be able to join any face to face meetings virtually if they prefer.

Virtual Corporate Parenting Forum Meetings have also made it easier for children and young people to attend when not living in the borough. The virtual meetings also eradicate travel time to meetings which is a benefit to children and young people now they are back at school or college and trying to catch up on the work they missed when educational establishments were closed during lockdown.

**Highlight 7: Progress has been made against the majority of the action plan**

As highlighted below, progress has been made against the action plan despite the barriers caused by COVID and the resulting lockdown.

<b>Priority 1: For all councillors, professionals, partner services and young people to work together to improve relationships and outcomes for children in care and care leavers</b>	
Action	Update October 2020
A calendar of joint activities organised for Corporate Parenting Forum members and children in care/care leavers	A number of activities have taken place including a BBQ where 7 Foster families consisting of 11 Children in Care attended along with four elected members and senior officers from the Corporate Parenting Forum and the 'This is Me' photography project which was also well attended by Children in Care, Care Leavers and Elected Members.  Recent activities have been postponed due to COVID
Corporate Parenting Forum member profiles developed and shared with Children in Care/Care Leavers	All about me profiles are available to the young people attending Corporate Parenting Forum meetings
Process to be setup for Corporate Parenting Forum to send birthday cards to Children in Care/Care Leavers	A process is in place and children/young people are receiving cards signed by the Chair of the Corporate Parenting Forum. The process does

	need to be adjusted due to COVID as there is less direct contact between officers and the Chair.
Corporate Parenting Forum members to host an annual meal for Children in Care/Care Leavers	Annual meal date organised but cancelled due to COVID. Date will be arranged once lockdown/COVID risks allow

<b>Priority 2: For Children in Care and Leaving Care to be listened to and involved in service design and delivery</b>	
Action	Update October 2020
Develop annual plan of items for RBWM Senior Management to take to Kickback	Items have been taken to the Children in Care Council (Kickback) when requested by RBWM and AFC Senior Management. In recent months items have included; The proposal for Children in Care to chair their own reviews, ideas on the name for the new Children in Care/Care Leavers Service and how pathway plans could be redeveloped in order to be more effective. Two Kickback members were involved in the design of the 'Have My Say' App
Develop mechanisms in which Children in Care/Care Leavers living out of borough can be involved in service design and delivery	Virtual Kickback sessions have been running during lockdown allowing children and young people to participate irrespective of where they live. As part of the new way of working some sessions/activities will continue virtually and children/young people will also be able to join any face to face meetings virtually if they prefer.
Provide training opportunities for Children in Care/Care Leavers to develop and/or enhance skills to enable them be activity involved in decision making processes	Children and young people will undertake training as part of the process of getting them ready to chair their own reviews. By taking on the role of chair,they will have an increased role in the decision making processes about their own lives.
Annual survey developed to gain the views of all Children in Care/Care Leavers on the boroughs corporate parenting responsibilities and feedback on the pledges – Feedback reviewed, acted upon and feed back to children and young people	Survey developed and completed between Jan - March 2020. Feedback on what will be done to meet the recommendations from the survey has been promoted to Children in Care/Care Leavers. Updated feedback on what has been done to date has been provided to Children and young people in October 2020.

<b>Priority 3: For all professionals and Elected Members to be aware of their corporate parenting responsibilities and are able to make informed decisions</b>	
Action	Update October 2020
Corporate Parenting Forum members to receive regular updates on the current and emerging issues facing children and young people in the borough	Reports are provided to the Corporate Parenting Forum on a regular basis updating members on the emerging issues for children and young people across the borough e.g Exploitation and Substance Misuse updates.
Regular feedback item in Borough Bulletin from Kickback.	Feedback from Kickback is regularly in the Borough bulletin
Include the Guide to Corporate Parenting and strategy on the Members' portal.	Corporate parenting documents are accessible on the Members' portal
Elected Members to all sign up to the pledge for Children in Care/Care Leavers and undertake DBS checks	This is in place and was unanimously approved by Full Council in February 2019
Corporate parenting overview to be added to all council officers induction programmes.	An introduction to corporate parenting has been delivered at AFC and RBWM induction meetings since September 2019.
Corporate parenting overview to be added to Elected Members induction programmes.	Sessions delivered to Elected Members in September 2019

<b>Priority 4: For all Children in Care and Care Leavers to be supported and encouraged to achieve</b>	
Action	Update October 2020
Revised housing strategy written to prioritise Children in Care/Care Leavers	The housing strategy is being developed and a terms of reference has been drafted for a Housing Panel
Children in Care/Care Leavers annual achievement awards event organised and achievement celebrated	Due to COVID a small scale virtual awards evening is planned for November focussing on educational, social and volunteering achievements.
Development of the local offer website for Children in Care/Care Leavers providing information on their entitlements and the opportunities available to them	The local offer for Care Leavers is now online at the AFC info website
Formalisation of the Positive Activities for Children in Care Team. (PACT) with progress being fed into the Corporate Parenting Forum	PACT meets every two months to share information about what each department is doing in relation to positive activities for Children in Care. Feedback is provided at Corporate Parenting

	Forum meetings via the Youth Engagement Officer
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<b>Priority 5: There is a clear framework for the governance and monitoring of corporate parenting responsibilities and the effectiveness of the Corporate Parenting Forum</b>	
Action	Update October 2020
Corporate parenting action plan progress report to be regularly reviewed by the Children and Young People's Overview and Scrutiny panel.	A date will be secured in order to deliver on this.
Corporate Parenting Forum annual report presented to full council outlining progress against the corporate parenting responsibilities.	Annual report due to be discussed at full council in June 2020 but due to COVID was postponed to October 2020

<b>Priority 6: Corporate Parenting Forum meetings will; effectively monitor the progress of Children in Care/Care Leavers, include the voice of Children in Care/Care Leavers and review the progress of how the new corporate parenting principles are being embedded.</b>	
Action	Update October 2020
Corporate Parenting Forum to review the corporate parenting action plan on a quarterly basis	Action plan and updates reviewed quarterly by Corporate Parenting Forum
Corporate Parenting Forum meetings and reporting agenda to be set a year in advance and only moved in exceptional circumstances.	Meeting dates and forward plan are agreed in December for the following year and the forward plan covers the reports to be discussed.
Children in Care/Care Leavers representatives to meet Corporate Parenting Forum chair before each meeting to discuss agenda	The Chair meets representatives in advance if they would like to. In addition to meeting the Chair, from October 2020 summaries of any reports being presented will be provided to the children and young people attending the Corporate Parenting Forum meetings in advance so that they can scrutinise the reports.

### 3. Recommendations

1. Complete a self assessment of the Corporate Parenting Forum meetings to ensure they are fit for purpose and effectively champion, on behalf of Elected Members, for children in care and those leaving care. By 31st December 2020

2. Develop a revised action plan for 2021-2023 which includes any areas for development highlighted in the self assessment. By 31st December 2020

## Appendix A - Corporate Parenting Strategy

# CORPORATE PARENTING STRATEGY

We want every child in care and care leaver from the Royal Borough of Windsor and Maidenhead to reach their full potential and be healthy, happy, safe and secure whilst feeling loved, valued and respected.

We will achieve this by:

- everyone working together - young people, councillors, professionals and partner services
- listening to our children and young people and acting 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

### CORPORATE PARENTING FORUM

The Corporate Parenting Forum is the champion, on behalf of elected members, for children in care and those leaving care. It receives information on how the Royal Borough of Windsor and Maidenhead (RBWM) is fulfilling its corporate parenting responsibilities. There are approximately six meetings held a year and the views of young people are represented by Kickback members as part of the Corporate Parenting Forum.

### Corporate parenting is the collective responsibility of the local authority and its partners to ensure the care and protection of child in care and care leavers

The Children and Social Work Act 2017 sets out the principles for the local authority so that all staff and departments consider the impact of their work on children and young people for whom the local authority is the corporate parent. The local authority is the corporate parent for a child that is looked after by the authority or is under 25 and was looked after by the local authority for at least 13 weeks after their 14th birthday.

It's every councillor's responsibility to make sure that the local authority is meeting its duties towards children in care and care leavers.

### CORPORATE PARENTING PRINCIPLES

- Act in the young person's best interest and promote physical and mental well being
- Promote the expression of wishes and feelings and giving the young person's views
- Take into account their views, wishes and feelings
- To provide support with accessing the services needed
- To promote high aspirations
- To provide safety and stability their home lives, relationships and education, work and training
- To prepare young people for adulthood and independent living

### AFC RBWM LOCAL OFFER

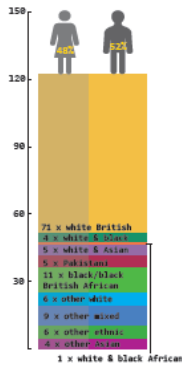
The Children and Social Work Act 2017 requires each local authority to consult on and publish a local offer for its care leavers. AFC's RBWM Local Offer provides information about all the services and support that is available to care leavers from the local authority including information on their statutory entitlements as well as any discretionary support provided above our statutory duties.

We will also co-produce a local offer for children in care with young people promoting the opportunities available to them. The local offers can be found:

[www3.rbwm.gov.uk/downloads/download/567/local\\_offer\\_for\\_care\\_leavers](http://www3.rbwm.gov.uk/downloads/download/567/local_offer_for_care_leavers)

### DID YOU KNOW? DECEMBER 2018

122 children in care  
64 care leavers



achieving for children



### DEAR CORPORATE PARENTS

At our last meeting we were asked who or what were our corporate parents...75% of us didn't know. Is that our fault or yours?

If we didn't attend corporate parent forum meetings, would you even know what Kickback is, who attends and what it is we do? If you really knew who we were and cared for us, wouldn't you do simple things like send us a birthday card or a voucher at Christmas?

We are often asked our opinions about how things are working and what could be better...we give our opinions, but rarely get feedback and see very little change.

We would like to get to know you better. We would like you to know us better. We would like you to better communicate with us and let us voice our opinions. We would like to be listened to and heard. We know you are not our mum or dad, but you are responsible for looking after us.

Sometimes it feels like we are just names on a piece of paper..... prove us wrong.



From Kickback

## CHILDREN IN CARE PLEDGES



### 0 TO 15 YEAR OLD PLEDGE

In order for all children and young people to reach their full potential, AFC has developed a set of pledges to ensure that, regardless of age, ability, background or whether placed in or outside of the borough, every child in its care:

- gets a good education
- keeps healthy and happy
- keeps in touch with their family and friends
- gets involved
- is helped to stay safe
- is provided with good care

### 16 TO 18 YEAR OLDS PLEDGE

The Children (Leaving Care) Act 2000 and the Children Act Transition Guidance outlines the support that local authorities give 16 and 17 in order to assist them with successfully moving into adulthood.

In RBWM, eligible or relevant children (16 to 18) can expect:

- an allocated social worker or personal advisor
- a full assessment based on their needs
- a detailed pathway plan (PWP) based on their assessed needs, which will be overseen by a qualified social work team manager. The child will need to be a key contributor towards this. The plan will be reviewed every six months
- their personal advisor or social worker to keep in touch and visit them every six to eight weeks (more often if necessary or less as identified within their pathway plan)
- financial support as relevant
- support to help them to access safe and suitable accommodation
- Support with obtaining a bank account, National Insurance number and passport (unless your legal status prevents you)

### 18+ YEAR OLDS PLEDGE

The Children and Social Work Act 2017 extended the provision for care leavers to include young people aged 22 to 25 who are not in education.

For care leavers aged 21 or over, the new duty means that local authorities do not necessarily need to provide the same level of support to care leavers aged 21 to 25 as it does for those aged 18 to 20. The new duty does however enable local authorities to respond positively to requests for support from care leavers aged 21 to 25 who may be continuing to struggle with the transition to independence and adult life.

In RBWM, an adult aged 18+ and former relevant, can expect:

- an allocated personal advisor
- a full assessment based on their needs
- a detailed pathway plan based on their assessed needs which will be overseen by a social work team manager. The plan will be reviewed every six months
- their personal advisor to keep in touch and visit you every six to eight weeks (more often if necessary, less if they don't want this frequency of visits and as identified in your pathway plan)
- support with accessing relevant safe and suitable accommodation
- financial support to help maintain education, training or employment
- to be provided with vacation accommodation if in higher or further education
- council tax exemption for care leavers

If you do not feel that you are getting the support that you are entitled to as highlighted in the pledges please speak to your Social Worker, IRO or you can email [Kickback@achievingforchildren.org.uk](mailto:Kickback@achievingforchildren.org.uk)

## ENGAGING CHILDREN AND YOUNG PEOPLE

Achieving for Children has multiple mechanisms in which children in care and care leavers can be involved in service design and delivery.



**Kickback**  
Kickback (Children in Care council) gives children in care aged 12 to 18 years the chance to have honest, enjoyable and interactive discussions about the services that they receive.

**Leaving Care Forum**  
A forum for care leavers to discuss their views on the services that they receive.

**Interview panels**  
Children in care and care leavers have opportunities to engage in the recruitment process for new staff within Children's Services.

**One off events and survey**  
Events and surveys are organised to collect feedback on either specific services or to gain general feedback about how children in care and care leavers experience services.

**Total Respect training**  
A cohort of children in care and care leavers deliver training to elected members and professionals on how children and young people experience being looked after.

**Individuals**  
Children in care and care leavers are involved in processes linked to their individual needs such as care plans, pathway plans and personal education plans.

### SUPPORTING DOCUMENTS

- Corporate Parenting Action Plan
- Children in Care Pledge
- Local Offer for care leavers
- Councillors Guide to Corporate Parenting
- Checklist of corporate parenting responsibility

### FOR MORE INFORMATION CONTACT

**Danny Gomm**  
E: [danny.gomm@achievingforchildren.org.uk](mailto:danny.gomm@achievingforchildren.org.uk)  
T: 01628 796744





Report Title:	<b>Political Balance</b>
Contains Confidential or Exempt Information?	No - Part I
Meeting and Date:	Full Council 27 October 2020
Responsible Officer(s):	Duncan Sharkey, Managing Director and Karen Shepherd, Head of Governance
Wards affected:	All

www.rbwm.gov.uk



## REPORT SUMMARY

A request to review the political balance on the council's committees was received following a change in the membership of political groups. The Council therefore has a duty under the Local Government and Housing Act 1989 to review and determine the representation of the different political groups on bodies appointed by the council.

## 1. DETAILS OF RECOMMENDATION(S)

**RECOMMENDATION:** That Full Council notes the report and:

- i) Approves the amended political balance for the council as detailed in Tables 1 and 2.

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

2.1 In accordance with Regulation 8 of the Local Government (Committees and Political Groups) Regulations 1990, Councillors have given notice to the Managing Director of their wish to be regarded as members of political groups. One Member (Councillor Singh) has left the Conservative group and joined the Liberal Democrat Group. The number of seats currently held on the council is therefore as follows:

- Conservative: 22 seats
- Liberal Democrat: 10 seats
- Local Independents: 8 seats

2.2 A political group for this purpose is a group of two or more Members. Councillor Larcombe (National Flood Prevention Party) is the only councillor who is not a member of a political group.

2.3 The Council has a duty to review and determine the allocation of seats to political groups. This is determined by applying the political balance rules prescribed by Sections 15 and 16 of the Local Government and Housing Act 1989 and supplemented by the Local Government (Committees and Political Groups) Regulations 1990:

*Seats on relevant committees must be allocated to different political groups so far as reasonably practicable in accordance with the following four principles:*

(a) that not all the seats on the body are allocated to the same political group;

(b) that the majority of the seats on the body is allocated to a particular political group if the number of persons belonging to that group is a majority of the Council's membership;

(c) subject to paragraphs (a) and (b) above, that each political group is allocated the same proportion of the total seats across all the ordinary committees of the Council as the proportion of the members of the Council that belong to that group; and

(d) subject to paragraphs (a) to (c) above, that each political group is allocated the same proportion of the seats on each relevant body as the proportion of the members of the Council that belong to that group

- 2.4 The Council's overriding duty to comply with (a) and (b) above takes precedence over achieving a mathematically balanced distribution of seats as described in (c) and (d). Applying the rules, Table 1 below sets out the overall allocation of seats; Table 2 below demonstrates how this applies to individual panels, committees and forums:

**Table 1: Overall allocation of seats**

	<b>Political composition- percentage of members out of 40</b>	<b>Proposed allocation of actual seats on ordinary committees out of 65 seats</b>	<b>Percentage outcome of allocation of 65 seats</b>
<b>Conservative Group</b>	55%	39	60%
<b>Liberal Democrat Group</b>	25%	15	23%
<b>Local Independents Group</b>	20%	11	17%
<b>Total</b>	100%	65	100%

**Table 2: Allocation of seats on individual Panels, Committees and Forums**

	<b>Seats</b>	<b>Conservative</b>	<b>Liberal Democrat</b>	<b>Local Independent</b>
<b>Ordinary committees</b>				
Appeals Panel	5	3	1	1
Berkshire Pension Fund Panel	5	3	1	1
Constitution Sub-Committee	4	3	1	0
Member Standards Panel	8	5	2	1
Licensing Panel	11	6	3	2
Appointment Committee	5	3	1	1
Royal Borough Development Management Panel	9	5	2	2
Audit and Governance Committee	5	3	1	1
Rights of Way & Highway Licensing Panel	8	5	2	1
Statutory Officer Panel	5	3	1	1

<b>Relevant bodies</b>				
Adults, Children and Health O&S Panel	5	3	1	1
Corporate Services O&S Panel	5	3	1	1
Infrastructure O&S Panel	5	3	1	1
Communities O&S Panel	5	3	1	1
Maidenhead Town Forum	11	6	3	2
Windsor Town Forum	11	6	2	3
Aviation Forum	5	3	1	1
Corporate Parenting Forum	5	3	1	1
Grants Panel	5	3	1	1
School Improvement Forum	3	2	1	0
East Berkshire Joint Health O&S Committee	3	2	1	0
Joint East Berkshire Health O&S Committee with Buckinghamshire CC	3	2	1	0
Berkshire Fire and Rescue Authority	3	2	1	0
<i>Ad hoc bodies whose membership is drawn from the parent body, recognising political balance: Licensing and PSPO Sub Committee, Member Standards Sub Committee, Employment Appeals Sub Committee</i>				

- 2.5 The rules are designed to ensure that the political composition of the council's panels, committees and forums as far as possible replicates the political composition of groups in the Full Council.
- 2.6 Council could, if it so resolved by a resolution with no Member voting against the resolution, depart from the proportionality rules as detailed above.
- 2.7 Following approval of the amended political balance, the Head of Governance will write to all Group Leaders to request confirmation of appointments to the seats for their respective group.
- 2.8 Options

**Table 3: Options arising from this report**

<b>Option</b>	<b>Comments</b>
To approve the amended political balance for the council <b>This is the recommended option</b>	This would comply with the rules of political balance
To not approve amended political balance for the council	This would not comply with the rules of political balance, unless Council resolved to depart from the proportionality rules by a unanimous vote

### 3. KEY IMPLICATIONS

3.1

**Table 4: Key Implications**

<b>Outcome</b>	<b>Unmet</b>	<b>Met</b>	<b>Exceeded</b>	<b>Significantly Exceeded</b>	<b>Date of delivery</b>
Updated political balance in place	Political balance not updated	Political balance updated	n/a	n/a	28 October 2020 onwards

### 4. FINANCIAL DETAILS / VALUE FOR MONEY

4.1 The recommendation has no financial impact.

### 5. LEGAL IMPLICATIONS

5.1 The recommendations within this report comply with the requirements of the Local Government and Housing Act 1989 supplemented by the Local Government (Committees and Political Groups) Regulations 1990.

### 6. RISK MANAGEMENT

6.1

**Table 5: Impact of risk and mitigation**

<b>Risks</b>	<b>Uncontrolled risk</b>	<b>Controls</b>	<b>Controlled risk</b>
Council fails to comply with political balance rules, undermining governance and transparency	Medium	Political balance in place for all appropriate bodies	Low

### 7. POTENTIAL IMPACTS

7.1 Equalities. No impacts have been identified.

7.2 Climate change/sustainability. No impacts have been identified.

7.3 Data Protection/GDPR. No impacts have been identified.

### 8. CONSULTATION

8.1 Group Leaders have been consulted on the proposal to amend the political balance.

## 9. TIMETABLE FOR IMPLEMENTATION

9.1 The full implementation stages are set out in Table 6.

**Table 6: Implementation timetable**

Date	Details
27/10/20	Council considers revised political balance
28/10/19	Council website updated to reflect amended political balance; Group Leaders requested to confirm appointments

## 10. APPENDICES

10.1 This report has no appendices.

## 11. BACKGROUND DOCUMENTS

11.1 This report is supported by one background document:

- [Council constitution](#)

## 12. CONSULTATION (MANDATORY)

Name of consultee	Post held	Date sent	Date returned
Russell O'Keefe	Director of Place	15/10/20	
Adele Taylor	Director of Resources/S151 Officer	15/10/20	
Kevin McDaniel	Director of Children's Services	15/10/20	15/10/20
Hilary Hall	Director of Adults, Health and Commissioning	15/10/20	15/10/20
Andrew Vallance	Head of Finance	15/10/20	
Elaine Browne	Head of Law	15/10/20	
Mary Severin	Monitoring Officer	15/10/20	19/10/20
Sean O'Connor	Shared Legal Services	15/10/20	15/10/20
Nikki Craig	Head of HR, Corporate Projects and IT	15/10/20	16/10/20
Louisa Dean	Communications	15/10/20	

## REPORT HISTORY

Decision type:	Urgency item?	To Follow item?
Council decision	No	No
Report Author: Karen Shepherd, Head of Governance, 01628 796529		

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

Document is Restricted

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