

AT AN EXTRAORDINARY MEETING OF THE BOROUGH COUNCIL held at the Holiday Inn, Manor Lane, Maidenhead, SL6 2RA on Tuesday, 29th June, 2021

PRESENT: The Mayor (Councillor John Story), The Deputy Mayor (Councillor Gary Muir)

Councillors 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, Jon Davey, Phil Haseler, David Hilton, Andrew Johnson, Greg Jones, Neil Knowles, Ewan Larcombe, Ross McWilliams, Samantha Rayner, Julian Sharpe, Shamsul Shelim, Donna Stimson, Chris Targowski, Amy Tisi, Leo Walters and Simon Werner

In attendance virtually: Councillors Geoff Hill, Carole Da Costa, Helen Price and Gurch Singh.

Officers: Andrew Durrant, Tracy Hendren, Andrew Vallance, Emma Duncan, Adrien Waite, Duncan Sharkey, Karen Shepherd and Greg Nelson

6. APOLOGIES FOR ABSENCE

Apologies for Absence were received from Councillors Baldwin, Davies, W. DaCosta, L. Jones, Luxton, Reynolds, and Taylor.

Councillors Hill, C. Da Costa, Price and Singh attended the meeting virtually therefore they were unable to take part in voting on any item.

7. MAYOR'S ANNOUNCEMENTS

The Mayor stated that he was delighted to be back in person after 16 months of online meetings. He commented that, to say the past year had been challenging and heart breaking for borough communities and businesses was an understatement; but the spirit and tenacity shown by everyone living and working in the Royal Borough during this period had been inspiring.

He thanked every single person who had been involved in the battle against the terrible virus. The army of residents, volunteers and voluntary organisations who worked tirelessly alongside council staff to support borough communities. Care home staff who continued to give loving care despite the many difficulties. NHS staff on the front line, alongside care home staff, who toiled horrendously long hours to save as many as they could, and the work now of the NHS and Public Health in distributing the vaccine to so many people in such a short amount of time.

The Mayor announced that the deadline for the Garden in Bloom competition had been extended by two weeks, to 14 July 2021, given plants were flowering later than usual this year. Winners would receive a certificate and rosette and a £20 voucher for Braywick Nurseries. He thanked Maidenhead Chamber of Commerce for funding the scheme.

8. DECLARATIONS OF INTEREST

Councillor Brar declared a Personal Interest in the item 'Statement of Licensing Policy – Five Year Review' as she was a licensee.

9. PUBLIC QUESTIONS

No public questions had been received.

10. DEVELOPMENT MANAGEMENT PANEL REVIEW

Members considered how the Council's Development Management Panels should be structured, and related changes to the Council's Constitution

Councillor Coppinger explained that in May 2020 the Council agreed to establish a single Development Management Panel because of lockdown restrictions. Furthermore, all meetings were held virtually so that all residents had the opportunity to attend. He believed that this had worked exceedingly well and in some ways it was a great pity it could not continue. Many residents and Parish Councils had said that for the first time they could clearly see the maps and plans that were shown.

All good things must come to an end, and the council had now returned to physical meetings. A group of Councillors from both the Borough and Parishes had been formed to discuss the future arrangements and it was important to note that their views had been fully incorporated into the proposals. The group had agreed that the purpose of their deliberations was to:

- Ensure defensible and sound planning decisions which support our placemaking agenda.
- Ensure public visibility and transparency of the decision-making process on applications of local significance and strategic importance to give the public confidence in the decisions
- Ensure public engagement in and understanding of the process
- Ensure robust and simple procedures which were adaptable to changing circumstances.

The council had also received a petition with some 197 signatures which had been taken into account. The choices that were discussed and debated were to stay as was, move to two panels, or keep one but with a larger number of Councillors.

The main criticism of a single panel was that it did not allow the decision-makers to be held accountable by those affected by their decisions, although of course it was not possible to have every ward represented even with two panels. The main concerns with two panels was that it increased the risk that policies would be interpreted differently by the panels and of course it increased the cost in terms of officer time.

There had been benefits of running the single panel; the main one being that it had reduced the risk of different interpretation of policy and of course lower cost. However, given the views of the working party and the feedback from many residents and individual Parishes the proposal was to return to two panels

If the proposal was supported, the move to two panels would occur from 1 August 2021 albeit with a number of very sensible procedural improvements

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However there had been concern over the choice of names for the panels. Officers preferred to no longer be town-specific but wished to have more general terms. He had supported this but had met with concern from Members. He was going to propose that the panels made their own decisions but quite rightly it was pointed out that this could cause total confusion especially to residents.

Councillor Coppinger proposed an amendment to amend the names of the two committees to Windsor and Ascot Development Management Committee and Maidenhead Development Management Committee

Members noted the procedural changes:

- Written copies of the proposed speeches be submitted by 5pm on the day of the meeting and not at the time of registering
- Require that those wishing to speak to register by 5pm two working days before the meeting. This would allow time for officers to liaise with speakers should there be more than one person wishing to speak
- To increase the time limit for Parish and Town Councils from 2 to 3 minutes, in line with other speakers

This showed that the council had listened, especially to the Parishes, but also everyone who wished to join in the democratic processes. Councillor Coppinger recognised that there were still a number of concerns about the paper and to ensure that they were monitored, he intended that a review took place and be brought to full Council before June 2022.

Councillor Walters commented that he was glad there would be a return to two panels. The current panel had worked well but had been unpopular with the public. He felt that Members should have sufficient knowledge of the local content and issues for different areas of the borough. He was also glad that the names had changed, and the parish councils were to get equivalent speaking times. Councillor Walters commented that before the 2019 elections there were four Panels including a Local Plans Panel where all parties in proportion met to discuss what would go in the Local Plan. Unfortunately that Panel was not reinstated therefore Councillors had been denied proper input. He referred to page 17 of the report which seemed to suggest that the panel was being reinstated by giving Members the ability to make decisions on inclusions in the local plan; he requested an explanation of this point.

Councillor C. Da Costa welcomed the return of the two committees and the amendment of the name change. She was glad the petition had been listened to and the residents had been heard.

Councillor Werner commented on the great cross-party work that had been undertaken by the working party. He was glad the boroughwide panel did not longer exist; he had had suspicions that it had been created to get controversial applications through.

Councillor Davey commented that getting back to two panels was a good start. Having just one panel may save a few pounds but implying multiple panels increased the risk of making indefensible and unsound decisions was offensive.

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Watching a planning meeting the other day, five Conservatives had been persuaded to challenge the officers' decision. Thankfully the panel had not been compromised into making an indefensible or unsound decision, although two panel members did follow the leader and not the NPPF or officer guidance.

Councillor Davey commented that while having more panels made for a much more democratic process, he was heartened to hear that Parish and Town Council representatives were to be given a little more time. If he had his way, Parish Councillors would make up the panels and there would be 20 across RBWM so as to better protect the interests of local residents.

Councillor Hilton stated that he had been amongst the sceptics when a single Development Management Panel of just nine Members had been proposed in May 2020. At that time, he had held the view that the status quo of two panels, where panel members were more likely to have knowledge of the location of applications and their impact on that local area, would be more effective. It was at Council on 26 May 2020 that a proposal for a Boroughwide Development Management Panel, to meet virtually was presented by the Cabinet Member for Planning. At that meeting he advised that the number of applications that had been determined by planners under delegated authority in the preceding two months was 10 major applications and 46 minor applications. Tellingly he also told Members that no Councillor, no Parish, no resident group had raised any issue with that process.

The changes in May 2020 were not just about Member involvement in determining planning applications but the delegation to planning of all decisions other than major applications, leaving about 40 applications a year to be determined by Members. Councillor Hilton explained that he had been one of the Councillors selected to sit on the panel that, consisting of Members from all parts of the borough, had within it the necessary local knowledge. The panel took its responsibilities seriously, Members made an effort to establish an understanding of the setting of applications and listen to the views of those who presented at panel including ward Members who were free to address the panel. Moreover, Members of the Development Management Panel understood that planning was a quasi-judicial process guided by the National Planning Policy Framework, the Borough Local Plan and, increasingly, Neighbourhood Plans. They made decisions within that context, taking account, but not being driven by, the public view. The Panel did not always agree but he had been struck by the coherent arguments that had been presented on all sides. In the past 13 months the Panel had determined 42 applications. He had not been in agreement with all the panel decisions but differed in very few and could understand the reasons behind a majority view. He was converted to the concept of a single panel, as it worked.

The paper told Members that the principal concern of the Working Group was that a single panel would not allow for local residents to hold the decision-makers accountable through subsequent democratic processes. He found it telling that no evidence was presented to suggest there would have been different outcomes had the applications been considered by two panels. It was argued that the benefit of a single panel was consistency of decision making, reducing the risk of loss at appeals. There may have been some substance to this assertion, but it was not significant. There would always be appeals, they were a cost of doing business, and in his experience there were just as many, perhaps more, variables and inconsistencies in the decisions made by the Planning Inspectorate as there were recommendations made by Panel Members.

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Councillor Hilton commented that the overriding reason for a single panel was in the most efficient use of the council's scarce Planning resource. There was a nationwide shortage of planning officers and he felt this should be recognised. There were no business grounds for adding a panel. The current panel determined 43 applications in the past 13 months, comfortably managing just over three applications per meeting.

The Working Group's recommendation related to just 40 major planning applications a year; they were content that all other planning decisions were delegated to planners. No reasons other than a perception of democratic accountability and need for local knowledge had been presented to support the view and no account was taken of the additional strain two panels would add to the Planning Department's workload, particularly the senior members of the team who presented at Panel.

Councillor Hilton commented that he understood that in considering the paper Members were dealing with perception, and to some extent emotion, which was challenging. He had been convinced that having two panels was important but experience over the past year had changed his view. The paper offered no evidence to indicate two panels would have led to different outcomes, there was no business case for the proposal, the Boroughwide Panel included Members from across the borough who had local knowledge and ward members were free to address the panel so there was no demographic deficit. There was nothing of substance in the paper that changed his view that two panels to determine just 40 planning applications was illogical and wasteful of planning resource.

The Mayor considered a point of order by Councillor Bowden but determined that no point of order had been raised. Councillor Bowden stated that the two members referenced earlier by Councillor Davey had been himself and Councillor Shelim.

Councillor Knowles congratulated Councillor Coppinger for doing what he said he would do and leaving the Working Group to get on with it. He welcomed the increased speaking time for parishes. There had been a very long debate on the issue of accountability. Training was very important and he had been surprised it had fizzled out since the sessions immediately after the elections. Effective monitoring of decisions and any divergence would be important. The public response to one panel had been surprising. The Nicholson's decision had been run through properly but there had been comments accusing non-Maidenhead councillors of some sort of conspiracy against Maidenhead. He had sat on both a two-panel and one-panel system. Panels operated under the control of officers and the law. The Working Group had discussed every possible outcome. He felt it was a very defensible report. He thanked the officers for their support.

Councillor Shelim commented that sitting on a panel should be about what the Member thought, not necessarily the officer's recommendation. Training was needed for all councillors to understand why they were sitting on a Panel.

Councillor Cannon commented that Members were elected to represent their communities and it was important to listen to them. This was a good example of where that was happening.

Councillor Coppinger concluded the debate. He commented that the Panel suggested by Councillor Walters could be considered when the next Local Plan was written. The

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only changes that could be made to the current plan were the ones requested by the Inspector. He agreed that more training was needed to ensure decisions were based on planning law.

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

RESOLVED: That Full Council notes the report and:

- i) Delegates authority to the Monitoring Officer to amend the Constitution from 1st August 2021 as set out:
 - a. in Appendix A to establish a Maidenhead Development Management Committee and a Windsor and Ascot Development Management Committee to take effect**
 - b. in Appendices B and C to amend details of speaker's rights and require Members of the Committees to undertake annual training****
- ii) Requests the Head of Planning to bring a report reviewing these new arrangements to Full Council by June 2022**
- iii) Requires Group Leaders to inform the Monitoring Officer by 19 July 2021 of those Members and substitutes from their respective Groups to be appointed as the Members and substitutes of the two Committees**

Development Management Panel Review (Motion)	
Councillor John Story	For
Councillor Gary Muir	For
Councillor Clive Baskerville	For
Councillor Christine Bateson	For
Councillor Gurpreet Bhangra	For
Councillor Simon Bond	For
Councillor John Bowden	For
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 Jon Davey	For
Councillor Phil Haseler	For
Councillor David Hilton	Against
Councillor Andrew Johnson	For
Councillor Greg Jones	For
Councillor Neil Knowles	For
Councillor Ewan Larcombe	For
Councillor Ross McWilliams	For
Councillor Samantha Rayner	For
Councillor Julian Sharpe	For
Councillor Shamsul Shelim	For
Councillor Donna Stimson	For
Councillor Chris Targowski	For
Councillor Amy Tisi	For
Councillor Leo Walters	For
Councillor Simon Werner	For
Carried	

11. WINDSOR NEIGHBOURHOOD PLAN ADOPTION - FORMAL MAKING OF THE PLAN

Members considered adoption of the Windsor Neighbourhood Plan.

Councillor Coppinger explained that this would be the sixth Neighbourhood Plan to be adopted following Ascot, Sunninghill & Sunningdale, Hurley and the Walthams; Eton and Eton Wick; Old Windsor and Horton and Wraybury.

He commented that what was especially encouraging with the plan was the way they had engaged with the community through a series of events, surveys, presentations and meetings. In addition, two formal Regulation 14 consultations were undertaken. Following the procedure, the draft plan was examined by an independent examiner who recommended that, after a number of minor changes, the plan could proceed. In December 2020 Cabinet of the Royal Borough approved the Neighbourhood Plan going to referendum.

The referendum was held as part of the elections on 6 May 2021 in the areas covered by the Neighbourhood Plan. The results were clear: 4984 in favour, 617 against.

There was however a minor change to be made to the Plan following the vote. This was because clarity was asked for by a landowner in that a privately owned open space was marked as a public park. The landowner was very happy with the public usage but quite rightly wanted the word public removed.

Councillor Coppinger thanked all those involved for their commitment and unfailing enthusiasm.

Councillor Rayner thanked all involved for their commitment and dedication over a number of years. It was no easy task and required lots of skills. She quoted from the vision statement:

In 2034 developments in the WNP area have provided a more attractive and a better place to live, work and visit. It has protected and enhanced the character of the area as part of the wider historic (market) and royal town of Windsor.

Councillor Rayner felt this perfectly encapsulated the vision for the town.

Councillor Davey commented that the document had already been used to get a planning application for a 5G Mast refused. It was a planning document that was worth its weight in gold and was already serving residents.

Councillor Tisi congratulated the dedicated team of local volunteers who gave their time freely. The plan would help preserve the town and protect its future.

Councillor Knowles commented that it was a brilliant effort by the volunteers. It had already been effective in relation to a 5G mast and an appeal registered in the last couple of days. Having a Neighbourhood Plan in place gave residents something to use to describe the effect rather than woolly words.

Councillor Stimson highlighted that the Plan talked proactively about sustainable roots and outlined in detail the green spaces and how they could be enhanced and protected.

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

RESOLVED UNANIMOUSLY: That Council notes the report and:

- i) **In accepting the result of the referendum, agrees to ‘formally make’ the Windsor Neighbourhood Plan Part of the Development Plan for the Royal Borough of Windsor and Maidenhead and;**
- ii) **Delegates authority to the Executive Director of Place and Head of Planning in consultation with the Cabinet Member for Planning, Environmental Services and Maidenhead to make minor non-material amendments to the Neighbourhood Plan as necessary prior to its publication.**

12. MEMBER ATTENDANCE - DISPENSATION

Members considered a dispensation to remove the requirement that Members must attend a meeting (physically) at least once in any six-month period.

Councillor Johnson explained that the Section 85 of the Local Government Act 1972 stated that a Member of a local authority loses office if they did not attend a meeting (physically) at least once in any six-month period. This requirement was suspended by the April 2020 regulations brought in as a result of the global pandemic. The government had unfortunately not given councils the ability to continue with virtual meetings post-6 May 2021. The report therefore proposed a dispensation to continue the suspension of this requirement until 31 August 2021. He felt the proposal was a fair and sensible way forward to ensure no councillor was unfairly impacted whilst the pandemic continued.

Councillor Rayner commented that the proposal would allow Members to continue with their work until covid restrictions were lifted. A lot of lessons had been learned during the pandemic, with some benefits that should be considered in future.

Councillor Werner welcomed the common-sense solution. The hybrid system that had been developed seemed to work well and he hoped it would continue even after the end of restrictions, for the benefit of both Members and residents.

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

RESOLVED UNANIMOUSLY: That full Council notes the report and:

- i) **Agrees a dispensation until 31 August 2021 to remove the requirement that Members must attend a meeting (physically) at least once in any six-month period.**

13. REFERRALS FROM OTHER BODIES

- i) Housing Strategy 2021-26: Building a Borough of Opportunity and Innovation

Members considered adoption of the Housing Strategy 2021-2026 for publication.

Councillor McWilliams reminded Members that the strategy had been to Cabinet twice and through a public consultation. A number of workshops had been held at the outset to establish the principles. The updated version included commitments around creating better accessible properties for disabled residents and including homeworking. It also reiterated the commitment to refresh the commitment to an empty homes strategy. There was more emphasis on working with landlords to improve the private rented sector. There were some significant changes since the last

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Cabinet version, which included a specific incentive for development partners and other developers to bring forward carbon neutral and carbon positive technology. The council would also seek to retrofit the existing stock where possible.

It was critical for the council to deliver on its sustainability and climate change targets whilst also improving the housing market in the borough. There was a need for more general affordable housing for residents and for those who wished to come into the borough and add their skills and passion to the area. There was also need for a greater amount of affordable rented and social rented units. The RBWM Property Company was bringing forward a number of schemes to achieve this.

If the proposals were adopted, a senior panel of registered providers would be established to bring forward key joint strategies and drive up the number of affordable rented and social rented units. The report also proposed a better way of aligning nomination allocation policies for those wishing to move within the borough.

Councillor Werner stated that he would support the report, but he was disappointed as he felt it was not a strategy paper but a position paper and lacked detail. He had expected it to include specific targets for the number of affordable units to be brought forward. The document also missed out the actual consultation results which were needed to compare with the action plan. The carbon neutral proposal was welcomed but again he would like to see targets. Councillor Werner also stated that he would be interested in other Members' thoughts on the proposed changes to planning rights.

Councillor Walters commented that the strategy was full of good intentions, but he did not see how the shortage of affordable housing would be addressed in practice. The solution would be policy H03 in the local plan that required 40% affordable housing in developments between 10-500 dwellings. Over 500 units the requirement was 30%.

Councillor Knowles commented that it was a well-thought-out strategy. He raised a concern with the online housing register that although initial allocations worked fairly well, it did not work when people wanted to move to a different size property because their circumstances changed. He acknowledged that this was a result of the legislation rather than a council policy but urged Councillor McWilliams to shine a spotlight on the issue.

Councillor Rayner commented on the affordable housing crisis in the borough where residents faced housing costs 15 times the average salary. Houses were not just homes, but they also provided stability, mental health benefits, and the ability to get work. Therefore any help that could be given was important for society in general.

Councillor Johnson commented that the strategy supported the vision of a borough of opportunity and innovation. He commended the Cabinet Member on the focus on the private rented sector as he felt there was significant scope to drive up standards in this area, and on climate change and sustainability through the use of innovative technology and modern building methods.

In relation to permitted development rights, he stated that he had nuanced views. He recognised the need to increase availability and bring sites back into use, but he had concerns about the quality of development and the ability of the local authority to capture the maximum affordable units.

Councillor Sharpe commented that it was great news but he felt that serious changes would be needed to the Borough Local Plan to accord with the proposals in the strategy such as those related to climate change.

Councillor Carroll highlighted the importance of significant objectives in the strategy to support health and wellbeing.

Councillor Coppinger stated that the only changes that could be made to the Borough Local Plan were those requested by the Inspector.

Councillor Davey commented that 'ladders of opportunity' were provided by the 'snakes of capitalism'. His first house in Leeds was bought for £27,000 with a £5,000 deposit provided through inheritance from a great uncle. Today kids needed more like £150,000, which was not realistic for most. He urged the council to build some council houses and not give them away to housing associations. He would push at the right time that AL21's 180 affordable homes be made up of two thirds council homes, owned and run by RBWM.

Councillor Stimson commented that the strategy was very aspirational. There were pockets of deprivation in the borough and a huge amount of stock to retrofit. There was a lot of hard work to do but the strategy had strong links to health and wellbeing through green technology, and it addressed issues for those with disabilities, vulnerable residents, empty homes, and carbon technology.

Councillor McWilliams explained that in relation to affordable housing targets, the SHMA underpinned what was in the local plan. H03 did not specifically mention the SHMA target as the council's objective but the housing strategy did. He agreed that a summary of the consultation results could be added to the website. The document included a seven-page Action Plan with 39 separate actions including target dates. He would be happy to come to any Overview and Scrutiny Panel to discuss delivery against the targets. The Local Plan was very raw on delivery, whereas the strategy added flesh to the bone. Councillor McWilliams acknowledged that there was not enough stock at the local level with multiple bedrooms.

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

RESOLVED UNANIMOUSLY: That Council notes the report and:

- i) Approves the recommendation from Cabinet to adopt the Housing Strategy 2021-2026 for publication**

- ii) Statement of Licensing Policy – Five Year Review

Members considered adoption of the Statement of Licensing Policy.

Councillor Cannon explained that the local authority had a duty under the Licensing Act 2003 to have a five-year policy. A request had been made to the Home Office to extend this to allow a full consultation with the trade given the situation over the last 18 months. The request was refused therefore the council had had to progress without a full consultation. It had however consulted with the police and fire services and Public

Health to develop an interim statement. The report also included a commitment to start a full review within one year.

Councillor Tisi highlighted paragraph 2.10 which referenced a suggestion made by Councillor Davies to add safeguarding partnerships to the list of consultees. Alongside Councillor Davies, she welcomed the inclusion of both Adult and Children's Services to the list. On behalf of Councillor Davies, she thanked the Trading Standards & Licensing Manager for his guidance, Councillor Hill for seconding her proposal and Councillor Cannon for his strong support during the discussions.

Councillor Bhangra commented that the statement had been debated at length at the Licensing Panel meeting he had chaired in April 2021. He encouraged all to support the proposals.

Councillor Cannon commented that the proposal to include safeguarding was welcomed as they played an integral part in licensing.

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

RESOLVED UNANIMOUSLY: That Council notes the report and:

- i) **Agrees to adopt the RBWM Licensing Policy Statement 2021 - 2026 so that it can be implemented with immediate effect (noting the interim nature of the policy as set out in paragraphs 2.8 - 2.11**

iii) 202/21 Annual Reports from the Overview and Scrutiny Panels

Members considered the 2020/21 annual reports from the four Overview and Scrutiny Panels.

Councillor Targowski introduced the item, encouraging Members to note the reports.

Councillor Larcombe proposed an amendment to add additional wording to the recommendation:

That full Council notes the 2020/21 annual reports of the four Overview and Scrutiny Panels *and recognises the need for a work prioritisation process.*

Councillor Werner seconded the amendment.

Councillor Targowski stated he did not accept the amendment on the basis that it was already referenced in the reports therefore it was unnecessary.

Members therefore debated the amendment

Councillor Larcombe commented that all four reports included improved working methods. He referred to Councillor Bowden's comment that there should be no more 'scrutiny in arrears'. The council needed to recognise there was a problem with scrutiny in particular the timing. The two elements were the importance of what was to

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be scrutinised and the urgency. Councillor Larcombe felt there should be a prioritisation process based on these elements.

Councillor Knowles was disappointed that the reports laid out what had been done but there was no audit trail to see if any of the work influenced any cabinet decisions.

Councillor Werner commented that all knew that scrutiny was not working and it was not doing its job according to the legislation. One small facet of the problem was the agenda. Currently these were determined by the Chairman so it was difficult for the Opposition to get any item on the agenda.

Councillor Targowski highlighted that the reports included a number of improvements to working methods therefore he felt it was not right to highlight just one. Each panel should look at the suggestions and take them on board. Prioritisation should be up to each Panel rather than the whole council.

Councillor Larcombe commented that he had only ever asked for one item to go on a scrutiny agenda. One person had spoken against it being put on the work programme.

A vote on the amendment was taken by a show of hands. 9 councillors voted for the motion; 19 councillors voted against the motion. 1 councillor abstained. The motion for an amendment therefore fell and Members returned to debating the original motion.

Councillor Davey commented that it was painfully obvious that Overview and Scrutiny did not work in its current format, the main reason being that the Conservatives hated it. Anything that slowed down policy diktats from central government was a threat. Its real purpose was completely ignored in favour of ticking a box to say it went to scrutiny.

Councillor Davey provided three examples:

- Councillor Singh had been democratically voted in as Chairman last year. The Conservatives immediately looked to a vote of no confidence, even changing the constitution on a whim to vote out Vice Chairmen.
- He had asked for Overview and Scrutiny to discuss the ancient tree in Datchet situation but apparently that was not possible. It was not possible for Overview and Scrutiny to discuss why the system was broken, favouring an insurance company instead of an ancient tree that actually offset carbon and produced oxygen. Unlike the 10,000 trees planted to great fanfare by the Conservatives last year.
- Months ago he had asked for a debate on 5G. This still had not happened but nearly 30 applications for 5G Masts had come in during COVID with most simply sailing through planning.

Councillor Davey commented that at the last Infrastructure Overview and Scrutiny meeting there was supposed to be an item on street lighting on the agenda but it got pulled at the last minute because he had asked questions around the potential risks to residents of the radar effect of the 5G phased collimated beam. This had been addressed with a "we don't know" and pulled. RBWM Conservatives did want the 5G debate. They thought by having it as part of the climate policy that it made it all nice and green, when in fact it used more than 10 or 20 times the electricity.

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However, they did want Low Traffic Neighbourhoods (LTN), which would have walked into everyday life in the new year had there not been Independent opposition to ask the questions, bring it to the residents' attention and cause a U-turn. The issue was brought to Communities Overview & Scrutiny where the Lead Member promised if residents did not want them, they would not happen. The result was they did not, and he was as good as his word. Now, with a change of name and a fresh consultation, they were being brought back and would make significant changes to the lives of residents.

He asked if it was part of the bigger game plan, could it be reflected in the new housing estates being built in RBWM. The 450 houses on AL21 needed to be eco-friendly. Councillor Davey questioned if the developer would be happy with this. He also asked if the council should need to wait for 2040, when the UK Government would be chasing around looking for ways to push back on the Climate Change agenda date of 2050, for councils to be brave enough to challenge builders and set very high standards. He asked if should be made easy for the builders and simply force change on existing estates when builders were long gone. Councillor Davey felt this would be double standards. He hoped after his meeting with the developers that week, proposing the above, to see some significant changes to the plans. He commented that they did seem like they were actually listening to residents' concerns and mitigating any risk to plans being turned down. Councillor Davey suggested that the model should be if a builder would not add the LTN to their new application then it could not be enforced on existing estates within a 5-mile radius.

Councillor Davey concluded that Overview and Scrutiny was a waste of everyone's time and the administration knew this.

Councillor Price highlighted to Members that both she and Councillor Del Campo had supported the report from the Communities Overview and Scrutiny Panel, but not the Chairman's introduction. Other Members had said the process was broken and she agreed. There seemed to be an approach of volume which led to superficiality and a lack of proper scrutiny. She questioned if individual Members understood their roles and that of the Panel as a whole. She understood there would be some more training which she welcomed.

Councillor Singh commented that, looking at the report, there were some critiques levelled by panel members and equally batting off from scrutiny chairs, which had been a common theme over the year. One thing was clear to him was that scrutiny was not only lacking, it was broken, and it was defunct. He was not going to pick on the Chairmen because he 'played the ball not the man'. He would leave that game to the small number of members of the administration and their cronies.

Councillor Singh commented that he had noticed one interesting comment from the Chairman of the Communities Overview and Scrutiny Panel: 'I will strive to conduct the meeting in a manner akin to those in the parliamentary select committees.' He suggested that this would be an achievement, but first the council should just try to follow the guidance of the LGA and try to return to a standard that worked as a local authority.

A start would be by looking at using scrutiny to influence the policies and decisions made by the council and other organisations involved in delivering public services. Scrutiny should be seen as a 'critical friend' and help identify where decisions could be

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improved and how to prevent mistakes being made or repeated; the Chairmen should help facilitate that. Councillor Singh felt that Chairmen acted as gatekeepers, stopping panel members from asking important questions and fact finding and more intent on racing through deliberately packed agendas.

Looking at work programming in the planning stages, where subjects for further investigation could be identified, was another way scrutiny could be restored in RBWM. Sketchy cabinet forward plans and last-minute agendas popping did not help either.

Councillor Singh commented that he knew all scrutiny work must add value: it must make a positive contribution to the lives of local people with clear objectives. When scrutiny was carried out properly it was constructive and fed into the priorities of the council and its partners. The council needed to return to proper scrutiny, where it could tackle issues of direct relevance to local people.

It would be helpful to regularly report on the impact and benefit of scrutiny which could be measured. The council's leadership had a responsibility to set the tone and create an environment that welcomed constructive challenge and democratic accountability. If there was buy-in to scrutiny at the top of the organisation (the leader, the cabinet, and the Conservative administration) it tended to follow that scrutiny was resourced. However, there was no buy-in to a scrutiny approach, that openness and transparency and the willingness to be questioned, seeing the value of scrutiny, it tended to follow that it was not resourced as well and there was no parity of esteem. There was a perception that overview and scrutiny was an 'add on' rather than an integral part of RBWM governance arrangements.

It was vital that the role of scrutiny chairman was respected and viewed by all as being a key part of the decision-making process, rather than as a form of political patronage. He believed that there were many effective and impartial scrutiny chairs working across the country, but he was concerned that how chairs were appointed had the potential to contribute to lessening the independence of scrutiny committees and weakening the legitimacy of the scrutiny process. Even if impropriety did not occur, he believed that an insufficient distance between the Conservative cabinet and scrutiny could create a perception of impropriety.

Councillor Singh believed there was great merit in exploring ways of enhancing the independence and legitimacy of scrutiny chairs such as a secret ballot of non-Cabinet councillors. Lastly, perhaps a scheme where the impact of scrutiny's effectiveness could be monitored, and its merits considered and looked into. Residents who he spoke to on a daily basis were fed up with hollow words and platitudes and wanted to see a difference and if Chairmen were truly independent of the administration they needed to prove it and return functioning scrutiny to RBWM.

Councillor Bowden requested a personal explanation. He drew Members' attention to the wording of his Chairman's introduction. He had tried his best under the prevailing circumstances.

Councillor Knowles commented that all of the Opposition wanted scrutiny to work. Thanks to Zoom they had been able to attend more meetings, as had the public. Residents had asked him what was the point of scrutiny and he had found it difficult to explain. It should be a useful tool for the Cabinet to allow research and background work to be done. It would be good if all could get behind the process and make some tweaks to some panels. Scrutiny should be seen as a positive, but both sides currently saw it as a negative.

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Councillor McWilliams commented that he did not recognise the picture painted by some Members. He had been a councillor for six years and had sat on a Panel as well as attending as a Cabinet Member. He had found the conversations very useful if the right question were asked and long-term projects were put in place. It was up to the Panels to choose their own Chairman and Vice Chairman and determine their own destiny in terms of their workload, and who to invite and talk to. He highlighted a number of successful pieces of scrutiny including the Family Hub and the Homelessness and Rough Sleeper Strategy.

Councillor Johnson commented that the council had never been so candid about its finances than it currently was. It would not be possible to always get everything right and it was ridiculous to claim that. Scrutiny was not just there to hold the executive to account but also to undertake policy development. He highlighted that an Independent had been appointed as the Vice Chairman of the Audit and Governance Committee. He agreed that there was room for improvement but did not accept the system was broken.

Councillor Carroll commented that the Conservatives did not hate scrutiny; it took it very seriously. He personally took it very seriously through the Adults, Children and Health O&S Panel, which considered issues relating to vulnerable individuals. In the past he had worked on various task and finish groups in a cross-party way including on the smoking cessation programme and drug and alcohol review. All should be open minded and look to make positive improvements. He highlighted there were no sterner bodies of scrutiny than Ofsted and CQC.

Councillor Davey requested a personal explanation, but the Mayor ruled it was not a personal explanation.

It was proposed by Councillor Targowski seconded by Councillor Cannon and:

RESOLVED UNANIMOUSLY: That full Council notes the 2020/21 annual reports of the four Overview and Scrutiny Panels.

The meeting, which began at 7.02pm, ended at 9.04pm.

CHAIRMAN.....

DATE.....