

# Public Document Pack

Members of the Press and Public are welcome to attend Part I of this meeting. The agenda is available on the Council's [web site](#) or contact **Head of Governance: Karen Shepherd: 07766 778286**

**Recording of Meetings** – In line with the council's commitment to transparency the Part I (public) section of the virtual meeting will be streamed live and recorded via Zoom. By participating in the meeting by audio and/or video, you are giving consent to being recorded and acknowledge that the recording will be in the public domain. If you have any questions regarding the council's policy, please speak to the Democratic Services or Legal representative at the meeting

**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 in the **Council Chamber - Town Hall, Maidenhead** on **Tuesday, 27 September 2022 at 7.00 pm** for the purpose of transacting the business specified in the Agenda set out hereunder.

Dated this Friday, 16 September 2022



Duncan Sharkey  
Chief Executive

*Revd Quick will say  
prayers for the meeting*

## **A G E N D A**

### **PART I**

1. **APOLOGIES FOR ABSENCE**

To receive any apologies for absence

2. **COUNCIL MINUTES**

To receive the minutes of the ordinary meeting of the Council held on 26 April 2022 and the Annual Meeting of the Council held on 24 May 2022.  
(Pages 11 - 44)

3. **DECLARATIONS OF INTEREST**

To receive any declarations of interest  
(Pages 45 - 46)

4. **MAYOR'S COMMUNICATIONS**

To receive such communications as the Mayor may desire to place before the Council (Pages 47 - 48)

5. PUBLIC QUESTIONS

- a) Hari Sharma of Furze Platt ward will ask the following question of Councillor Haseler, Cabinet Member for Planning, Parking, Highways and Transport:**

If you have a pure electric car and live in the borough you can get a free parking permit, which is a hugely popular scheme. Can I ask the Cabinet Member how many residents have taken advantage of this and what action this council is taking to create more charging points?

- b) Hari Sharma of Furze Platt ward will ask the following question of Councillor McWilliams, Cabinet Member for Digital Connectivity, Housing Opportunity, and Sport & Leisure:**

As I see cranes and diggers everywhere in the borough, building more homes for our children and grandchildren which is wonderful news for our residents and their children who can live close to their elderly parents, how many developments have agreed to build 30% social and affordable homes to buy or rent, or are paying Council Infrastructure Levy?

- c) Lars Swann of Clewer and Dedworth East ward will ask the following question of Councillor Johnson, Leader of the Council:**

Given the state of the high street in Windsor and the fact that there are now too many hospitality businesses in Windsor Town Centre, what plans do the council have to improve the town centre in particularly the area around the Windsor Yards Area in their own right, or in partnership with 3rd parties?

- d) Ed Wilson of Clewer and Dedworth West ward will ask the following question of Councillor Hilton, Cabinet Member for Asset Management & Commercialisation, Finance, & Ascot:**

Can you advise if Royal Borough made a bid for funding via the UK Community Renewal Fund and what was the outcome of the bid?

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

Can you explain the value generated by the Council's development of its former properties in St Ives Rd, 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) 2021/22 ANNUAL REPORTS FROM THE OVERVIEW AND SCRUTINY PANELS

To consider the following recommendation:

**RECOMMENDATION: That full Council notes the 2021-22 annual reports of the Overview and Scrutiny Panels**

(Pages 49 - 68)

ii) CONSTITUTIONAL AMENDMENTS

To consider the recommendations from the Member Standards Panel  
(Pages 69 - 102)

iii) MEMBERS' ALLOWANCES SCHEME

To consider the recommendations of the Independent Remuneration Panel  
(Pages 103 - 124)

iv) MEDIUM TERM FINANCIAL STRATEGY AND PLAN 2023/24 – 2027/28

To consider the recommendation from Cabinet  
(Pages 125 - 152)

vi) CAPITAL BUDGET ADDITIONS 2022/23

To consider the recommendations from Cabinet  
(Pages 153 - 158)

8. VIREMENT OF CAPITAL WITHIN THE APPROVED CAPITAL PROGRAMME

To consider the above report  
(Pages 159 - 176)

9. POLITICAL BALANCE

To consider the above report  
(Pages 177 - 188)

10. APPOINTMENT OF STATUTORY SCRUTINY OFFICER

To consider the above report  
(Pages 189 - 198)

11. APPOINTMENT OF INTERIM CHIEF EXECUTIVE AND HEAD OF PAID SERVICE

To consider the above report  
(To Follow)

12. MEMBERS' QUESTIONS

- a) **Councillor Larcombe will ask the following question of Councillor Cannon, Cabinet Member for Anti-Social Behaviour, Crime, and Public Protection:**

Apparently a further £13k of public money has recently been spent on maintaining a riparian owned ancient ordinary watercourse in Wraysbury. Can you please confirm that this money has been or will be recovered from the riparian owner?

- b) **Councillor Larcombe will ask the following question of Councillor Carroll, Cabinet Member for Adult Social Care, Children's Services, Health, Mental Health, & Transformation:**

What percentage of RBWM primary school children are taught to swim at school?

- c) **Councillor Brar will ask the following question of Councillor Haseler, Cabinet Member for Planning, Parking, Highways and Transport:**

Despite a petition, signed by over 2000 residents, and two years of engagement with officers and lead members we have still taken no action to provide a pedestrian refuge at the site of a fatality. Why has this obvious and necessary measure not been approved?

- d) **Councillor Davey will ask the following question of Councillor Rayner, Cabinet Member for Business, Corporate & Residents Services, Culture & Heritage, & Windsor:**

Why does it feel like all council meetings are moving to Maidenhead and what are the reasons for the change?

- e) **Councillor Davey will ask the following question of Councillor Johnson, Leader of the Council:**

Why wasn't Councillor Price given a role on an outside body and instead a resident was put forward by the administration, and is this constitutionally sound?

- f) **Councillor Bond will ask the following question of Councillor Coppinger, Cabinet Member for Environmental Services, Parks & Countryside & Maidenhead:**

Could we have a progress update on establishing the Maidenhead Town Team to take forward the Maidenhead Vision & Charter and the consultation with the existing Town Partnership please?

*(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).*

### 13. MOTIONS ON NOTICE

#### **a) By Councillor Larcombe**

This Council:

- i) Agrees to allocate seats on the politically balanced committees to single non-aligned members in accordance with the political proportionality calculations.
- ii) Requests officers to bring a report to full Council in November 2022 to consider the representation of the different political groups and single non-aligned members on bodies appointed by the Council for the remainder of the 2022/23 Municipal Year

#### **b) By Councillor Cannon**

Since the Environment Agency took responsibility for managing the Thames and alleviating its flood waters, it has ceased the river dredging that had been in place for the previous 50 years.

It is believed that this has caused a decrease in capacity due to unmanaged silting, impacting on river navigation and the river's capacity to contain flood waters.

This Council:

- i) Requests that the Environment Agency resumes dredging of the River Thames within the boundaries of RBWM (especially the undefended reach between Black Potts and Bells Weir) to both ease navigation and increase the rivers capacity to hold water and therefore alleviate flood risk to our riverside communities.
- ii) Requests that the Environment Agency expedites its efforts (in working with RBWM) to bring forward its alternative plans for flood alleviation for the Black Potts to Bells Weir reach of the River Thames following the EA removal of Channel One from the River Thames Scheme in July 2019.

#### **c) By Councillor Bhangra**

This Council:

- i) commends the excellent work of the Trading Standards team;

- ii) thanks the officers in the team for their commitment to the Borough's residents, and;
- iii) supports the team's continued efforts to provide an environment in which residents can buy goods and services without fear of being cheated, and honest businesses can be supported to thrive and grow.

**d) By Councillor Davey**

Outside bodies determine their own memberships, including whether their constitution requests a council representative.

This Council agrees that as outside bodies are able to appoint non-Councillors to other positions in their membership, any appointment of a council representative must be restricted to an elected Member, a council employee or resident willing to sign up to a version of the Code of Conduct, to be defined by the Members Standards Panel, to ensure they are accountable to the public.

**e) By Councillor Coppinger**

This Council:

- i) Thanks every one of our residents for the positive way in which they have approached the changes we made to the collection of waste last year.
- ii) Notes that change is never easy but as a result waste reduced by 18%; recycling increased from 51% to 55.7% of the total and most importantly food waste recycling increased from 2500 tonnes to 4600 tonnes.

**f) By Councillor Reynolds**

Both Parliament and this Council have declared an Environmental and Climate Emergency. Yet, the Climate and Ecology Bill is hopelessly stalled in Parliament and our own Biodiversity Action Plan has been deferred for a second time. Cabinet won't consider it until November 2022, at the earliest. To break this log jam, we need a clear statement of purpose now.

This Council:

- i) Will halt and reverse its overall contribution to the degradation and loss of nature in the Royal Borough
- ii) Will increase the health, abundance, diversity and resilience of species, populations, habitats, and ecosystems
- iii) Will ensure that nature is visibly and measurably on the path to recovery by 2030

**g) By Councillor Singh**

Visitors to parks are an increasingly selective group. For them, Green Flag status is a "must have".

In 2012 we had seven Green Flag parks, today we have none. We are missing out on a significant boost to our local tourism and hospitality sectors. Achieving Green Flag standards would improve our offer and our Borough.

This Council:

- i) Acknowledges that Green Flag status is a valuable accreditation
- ii) Commits to adding at least one park per year from 2023/4 onwards
- iii) Commits to complete accreditation of all Borough parks by 2030.

**h) By Councillor McWilliams**

Housing challenges are being faced by many within the Borough. Positive steps are being taken under the Housing Strategy and Homelessness & Rough Sleeper Strategy.

This Council:

- i) Will ensure that developers deliver the promised hundreds of new affordable homes, particularly for social rent, as part of the Borough Local Plan, including a minimum of 30% across the south-west Maidenhead development, to support this the RBWM allocation policy is being updated to ensure appropriate priority is given to those in greatest need, those within the reasonable preference categories and those with a local connection, where there are additional requirements for specific sites local lettings plans will also be considered.
- ii) Commits to the outcomes of The White Paper – A Fairer Private Rented Sector which seeks to improve standards within the private rented sector, including tackling rogue landlords.
- iii) Will continue to expand the council's own portfolio of housing stock, through the RBWM Property Company, including social rent, discount market rent, and low-cost homeownership properties through the introduction of a new RBWM HomeBuy scheme.

**i) By Councillor Haseler**

The RSPCA and a number of RBWM residents are very concerned for the welfare of animals given as prizes at fairgrounds and other public events, calling for a ban on this practice.

This Council:

- i) Agrees to ban outright the giving of live animals as prizes, in any form, on Royal Borough of Windsor & Maidenhead Council land.
- ii) Requests the Cabinet Member for Anti-Social Behaviour, Crime, and Public Protection to write to the UK Government, urging an outright ban on the giving of live animals as prizes on both public and private land.

*(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).*

## COUNCIL MOTIONS – PROCEDURE

- Motion proposed (mover of Motion to speak on Motion)
- Motion seconded (Seconder 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 seconder 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.

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**AT A MEETING OF THE BOROUGH COUNCIL held in the Council Chamber -  
Town Hall, Maidenhead on Tuesday, 26th April, 2022**

PRESENT: The Mayor (Councillor John Story),  
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,  
Helen Price, Samantha Rayner, Joshua Reynolds, Julian Sharpe, Shamsul Shelim,  
Gurch Singh, Donna Stimson, Chris Targowski, Helen Taylor, Amy Tisi, Leo Walters  
and Simon Werner

Officers: Andrew Durrant, Adele Taylor, Emma Duncan, Adrien Waite, Duncan Sharkey  
Karen Shepherd and David Cook

70. APOLOGIES FOR ABSENCE

Apologies for absence were received from Councillors Luxton, McWilliams and Muir.

71. COUNCIL MINUTES

**RESOLVED UNANIMOUSLY: That:**

- i) **The minutes of the Extraordinary meeting of the Council held on 8 February 2022 be approved, subject to the following amendment:**

**p. 54 to read: Councillor Walters explained that, in his opinion, thousands of dwellings had been submitted to the Inspector that were neither required nor needed.....**

- ii) **The minutes of the Budget meeting of the Council held on 22 February 2022 be approved.**

72. DECLARATIONS OF INTEREST

In relation to the Member question he had submitted, Councillor Singh stated that he was a Trustee of the No. 22 Maidenhead Counselling Service which was located at the 4 Marlow Road Community Centre. He also knew a number of the trustees personally.

In relation to the item 'Schools Capital Allocation' Councillor Baskerville stated that he was a LA Governor at Alwyn Infants School which had a joint governing body with Courthouse Junior School.

73. MAYOR'S COMMUNICATIONS

The Mayor had submitted in writing details of engagements that the Mayor and Deputy Mayor had undertaken since the last ordinary meeting. These were noted by Council.

On behalf of the council the Mayor congratulated Housing Solutions for retaining the highest possible grades for governance and financial viability following the completion of an in-depth assessment by the regulator earlier in the year.

The Mayor announced that the Garden in Bloom competition would be launched the following day.

74. PUBLIC QUESTIONS

**a) Ed Wilson of Clewer and Dedworth West ward asked the following question of Councillor Coppinger, Cabinet Member for Environmental Services, Parks & Countryside & Maidenhead:**

Will the Lead Member advise what steps are being taken to make sure RBWM cemeteries are properly maintained?

Written response: *Work is ongoing with the service provider to ensure they have the correct resources and equipment to deliver the services outlined in the grounds maintenance contract. Regular contract monitoring is carried out, with joint inspections of sites in the borough, including cemeteries included in the contract management, to ensure that work is delivered to the correct standard and that key performance indicators are met. Additional staff have been employed on the contract to make sure that the work is completed.*

By way of a supplementary question, Ed Wilson thanked Councillor Coppinger for the response but commented that he had had heard similar things before; he would like to know what new things he was going to do to ensure cemeteries were properly looked after.

Councillor Coppinger responded that one of the key things would be to work with members of the public in helping the council to maintain graves. This was usually a person who had a concern as they had a relative buried at the site, but he knew there were many people who wished to help. He asked that volunteers work with officers to ensure coordination and also with the local ward councillors, to ensure there was no duplication of effort and no one who wanted to help got missed out.

**b) Ed Wilson of Clewer and Dedworth West ward asked the following question of Councillor McWilliams, Cabinet Member for Digital Connectivity, Housing Opportunity, & Sport & Leisure:**

It's nearly a year since RBWM purchased Cedar Tree Guest House in Windsor for temporary accommodation. What progress has been made in creating this new facility?

Written response: *Thank you for your question, Mr Wilson. The council took the decision originally to acquire the property, Cedar Tree Guest House, in order to create eight individual units to enable us to discharge people from temporary accommodation into affordable homes and a planning application to that effect has been submitted.*

*However, with the substantial increase in construction costs over recent months and changes to building regulations, we are currently reviewing those proposals to ensure that the plans still represent value for money. The outcome of the review will be coming before Cabinet in May 2022 for a decision.*

By way of a supplementary question, Ed Wilson commented that residents had seen the development going on for over a year and they just wanted to know one way or

another what was actually happening. He asked who would communicate the outcome of the Cabinet meeting in May to residents and how would this be achieved.

Councillor Johnson, on behalf of Councillor McWilliams, responded that a report would be going to Cabinet in May which would conclude a review into the property proposal. He would work closely with Councillor McWilliams and the Cabinet Member for Windsor on engagement with concerned residents and neighbours. As much information would be put in the public domain as possible, bearing in mind that some valuation figures may need to be held back. The council was determined to ensure clarity on the issue and a satisfactory outcome for all concerned parties.

**c) Sarah Walker of Clewer East ward asked the following question of Councillor Rayner, Cabinet Member for Business, Corporate & Residents Services, Culture & Heritage, & Windsor:**

How is the efficiency of the RBWM 'Report it' system measured across the Borough? Please could the performance levels be reported to residents on a regular basis in order to indicate the service levels provided in terms of issues raised, issues resolved and speed of resolution.

Written response: *Thank you for the question regarding the efficiency and performance of the Report it function. We agree that it would be helpful to publish data on the resolution of issues raised through the Report it system, in order to increase transparency about the effectiveness of the tool, and to give confidence to residents, that their reports will result in timely action.*

*Reports submitted to the Report It system are sent to individual services for action, in line with the issue raised in the report. The responses are currently tracked by each service individually, as part of internal case record management (CRM) systems. However, as part of the new Citizen's Portal and wider Corporate Plan performance management, the council is working to collate information from services on the issues raised and their resolution, to provide overall data on the performance of the Report It system. This information will then be shared publicly on the Citizen's Portal on a regular basis going forwards.*

Sarah Walker was not present at the meeting and had not submitted a supplementary question.

**d) Sarah Walker of Clewer East ward asked the following question of Councillor Coppinger, Cabinet Member for Environmental Services, Parks & Countryside & Maidenhead:**

Are you fully satisfied that previous issues with ongoing contracts such as grass cutting and refuse collection are now resolved and that contracts are being well managed and monitored by RBWM? What process is in place to ensure service levels to residents will not drop again, particularly in light of the proposed Council Tax increase?

Written response: *Yes. The refuse collection contract is running to a high standard with a very low number of missed collections. In March there were only 19.26 missed collections per 100,000 collections, against a target of 60 per 100,000. This is now a high performing contract. Regular contract meetings are held with the contractors to*

*ensure the service is running well. Discussions continue with the grounds maintenance service provider to ensure they have the correct resources and equipment to deliver the services outlined in the grounds maintenance contract. Regular contract monitoring is carried out, with joint inspections of sites in the borough included in the contract management, to ensure that work is delivered to the correct standard and that key performance indicators are met. Additional staff have been employed on the contract to make sure that the work is completed.*

Sarah Walker was not present at the meeting and had not submitted a supplementary question.

**e) Mohammed Ilyas of Belmont ward asked the following question of Councillor Carroll, Cabinet Member for Adult Social Care, Health, Mental Health, Children's Services and Transformation:**

The NHS has done a fantastic job and continues to do so during this very tough pandemic. St Mark's is a key local NHS site and residents are keen to understand more the NHS plans. Will the Cabinet Member and Leader of the Council with NHS leaders agree to meet with me to discuss this policy imperative further?

*Written response: Thank you, Mr Ilyas, for your question. I wholeheartedly agree that the NHS has done, and continues to do, a fantastic job in this pandemic. Of course, the pandemic has presented unique challenges in terms of site locations and delivery of some services with patient safety and infectious disease control being paramount. As the Cabinet Member and Leader of the Council, we are here to serve all residents in the borough. I am happy to meet to discuss any specific concerns relating to wider health policy. Please be assured that I regularly meet with senior NHS leaders and I have impressed upon them that St Marks remains a key site for now and for the future. I am confident that they will come forward and share their plans for the site with all residents at the appropriate time.*

By way of a supplementary question, Mohammed Ilyas asked if the Lead Member would also agree to review the latest situation with GP appointments.

Councillor Carroll responded that the issue had been discussed at the Health and Wellbeing Board held a few weeks before. Dr Thomas, the Vice Chairman, had spoken in detail. Councillor Carroll therefore encouraged Mr Ilyas to look at the online recoding of the meeting which detailed what the NHS was doing and also what residents could do to help, in terms of choosing the appropriate contact point in the NHS. He would be happy to discuss the issue with Mr Ilyas further.

**f) Hari Sharma of Furze Platt ward asked the following question of Councillor Johnson, Leader of the Council:**

I believe that Council's budget shows a clear, strong and responsible framework, with prudent and smart management of its finances. However, the suffocating influence of inflation, supply chain disruption, Russia's invasion on Ukraine, legacy of COVID and Brexit leaving great exposure to economic shocks.

Has Council got sound finances and sufficient reserves to face unexpected challenges in the coming year?

Written response (from Cllr Hilton, Cabinet Member for Asset Management & Commercialisation, Finance, & Ascot): *The 2022/23 budget anticipated a large increase in inflation from the lower levels of recent years. An inflation rate of 4.8% was used in budget assumptions, with much larger increases in areas such as energy where significant increases were already expected. In addition, an inflation rate for each major contract was also calculated. Any further increases will be managed by setting aside money in a specific earmarked reserve as we close the 2021/22 accounts. Sufficient funds will be available. The 2022/23 budget also includes over £1 million of funding to offset income losses in car parking and leisure centres due to the continuing effects of Covid-19. Income in both areas is now recovering steadily and I do not expect any further funding to be required.*

By way of a supplementary question, Hari Sharma asked that, as there was a three-year underspend in the budget and low Council Tax, how would the council be helping families who were struggling to pay the Council Tax?

Councillor Hilton responded that the council had a number of funds that could be used to assist residents including the Council Tax Reduction Fund, which was means-tested, and the Council Tax Support Fund. Residents would need to apply to these funds to obtain support.

**g) Hari Sharma of Furze Platt ward asked the following question of Councillor Carroll, Lead Member for Adult Social Care, Children Services, Mental Health and Transformation:**

Mental Health problems don't define who you are, but it needs great attention. Latest studies shows that an alarming 1 in 4 people in England will experience depression, fear and anxiety.

What steps and actions have been taken by our council to address those issues?

Written response: *I would like to thank Mr Sharma for his question on such a vital issue. Mental health is an essential component of health. It is more than just the absence of mental disorder or disabilities; it is fundamental to our collective and individual ability to think, handle stress, make healthy choices, socially interact with others, and enjoy life ([World Health Organisation, 2022](#)).*

*The COVID-19 pandemic, particularly periods of national lockdowns and restrictions, has had a negative impact on many people's mental health ([2. Important findings - GOV.UK \(www.gov.uk\)](#)).*

*For these reasons, championing mental wellbeing and reducing social isolation is one of the four priority areas of focus for the RBWM [Health and Wellbeing strategy](#). This strategy sets priorities and the overall direction for the RBWM Health and Wellbeing Board which I chair and on which council officers and members sit.*

*Frimley Clinical Commissioning Group commissions the majority of adult and children community mental health services; these range from talking therapy services to dementia care advisors, counselling services and Getting Help Teams in our schools. A full list of services for adults can be found at: - [Mental health services \(eastberkshireccg.nhs.uk\)](#) and for children at: [Children and Young People Mental health :: Frimley HealthierTogether \(frimley-healthiertogether.nhs.uk\)](#).*

*Schools have been supported by the council's services to aid the return of pupils with a recovery and wellbeing programme based on the five psychological principles of sense of safety, sense of belonging, sense of control, sense of calm, and hopes and plans. This has given children and staff the tools to understand and discuss how they feel.*

*Mental health issues can range from common problems, such as depression, anxiety or obsessive-compulsive disorder ([NICE, 2021](#)) (which may be managed by physical activity, mindfulness, and social connection), to rarer and more severe and complex disorders such as psychosis, obsessive compulsive disorder or clinical depression, which will require clinical and psychological support.*

*We know that mental health is determined by many different social, psychological, and biological factors. Everyone, including the council, has a responsibility to look after and promote good mental health & wellbeing. The council plays a key role through:*

- *promoting access to green space and nature*
- *increasing uptake of physical activity and promoting active travel*
- *ensuring support for residents is based on local needs by talking with residents and analysing local/national datasets*
- *providing employment support and additional signposting to mental health support (e.g., through library services)*
- *working with local community groups, such as the [Maidenhead Magpies](#), who work to promote good mental health*
- *championing internal workplace mental health policies and support programmes*
- *promoting campaigns which support good mental health and local services*
- *funding a Support Time and Recovery Service, which provides support for those with more serious and complex mental health issues including support on starting/returning to work*

*We can all play a role in protecting and looking after our own mental health, whether it be getting active, drinking less, joining a social group or spending time in nature, the [Better Health – Every Mind Matters \(2022\)](#) has useful advice and guidance for looking after your mental health.*

*Anyone with concerns about their own, or another person's, mental health, can get access to support through the Frimley CCG webpage - [Mental health services \(eastberkshireccg.nhs.uk\)](#).*

By way of a supplementary question, Hari Sharma commented that struggling in silence because of mental health affected different communities in different ways and therefore a single approach would not work for all. He asked how the council would look deeper at embedding the community response to delivering services, for example community information champions and the voluntary sector.

Councillor Carroll responded that in relation to wider community engagement the council was already looking to do it through a range of community partnerships across a range of different organisations, including faith and religious groups and charitable organisations. The issue had been discussed at the recent Health and Wellbeing Board. He would be happy to provide Mr Sharma with additional details of the initiatives.



**h) John Affleck (not a resident of the borough) asked the following question of Councillor Carroll, Deputy Chairman of Cabinet & Cabinet Member for Adult Social Care, Children's Services, Health, Mental Health, & Transformation:**

The peer review stated the following portfolio is unbalanced:

- Deputy Chairman of Cabinet
- Cabinet Member for Adult Social Care,
- Cabinet Member for Children's Services,
- Cabinet Member Health, Mental Health, & Transformation

Does Councillor Carroll believe this to be a fair assessment?

*Written response: Thanks for your question. The specific recommendation following the LGA Peer Review Report was that the Leader of the Council "Review Cabinet portfolios so that they are re-balanced across people, place and corporate functions to enable more capacity to influence at a sub-regional and national level alongside local place leadership responsibilities". Following recent changes made to the composition of the cabinet, and a realignment of a number of place functions, cabinet concluded when it met on 31st March to consider the final Peer Review report, that this recommendation had already been principally met.*

*In terms of my own position, the role of Cabinet Member for Adult Social Services was combined with the role of Cabinet Member for Children's Services in May 2019. When the current Leader assumed office, he sought to, correctly, place a much greater emphasis on mental health, and the brief was explicitly added accordingly. Since then, there has been a very strong track record of delivering significant service improvements across these areas, of improving outcomes for the most vulnerable, and the implementation of transformation initiatives which have continued to drive major set for improvements and savings, and in turn ensure we have one of the top performing people services in the country as exemplified by independent ratings from the Care Quality Commission, Ofsted and other bodies.*

*Based upon this record, and having discussed the Peer Review Report, the Leader remains convinced that I am the right person to continue to lead across the people brief, and has, in fact, augmented my remit to reflect the work I have already been leading on in the area of transformation. From my perspective, I do not consider my brief to be unbalanced, but actually a huge honour and a profound privilege and an integrated brief which has enabled critical focus during the pandemic and vital people services. The peer review was a very helpful exercise and I am grateful for the many positive comments and findings about the council including across adult social care, health, mental health and children services. It is also pleasing that transformation has been identified as wider positive priority.*

*I am totally committed to my cabinet position and continue to approach it with maximum diligence, passion and dedication, with significant time ring-fenced to enable and facilitate, working with our excellent and highly skilled team of expert officers to deliver on critical resident priorities. I do not consider that unbalanced, but a clear focal point which has been particularly important during the pandemic to enable a highly integrated and collaborative approach across key council services and with the NHS, government and other organisations. I am also pleased with the overall high performance of these services and the many improvements made since I became*

*responsible for the brief. Yet my focus remains on ensuring we continue to deliver the best possible services for local residents, not least given the ongoing challenges of the pandemic and its many consequences.*

*I am sure Councillor Johnson would be happy to address any additional questions as the Leader of the Council.*

The Mayor ruled that John Affleck's supplementary question did not relate to the original question or the written response provided.

**i) John Affleck (not a resident of the borough) asked the following question of Councillor Carroll, Deputy Chairman of Cabinet & Cabinet Member for Adult Social Care, Children's Services, Health, Mental Health, & Transformation:**

RBWM are placing refugee Ukrainian children in private family homes in the borough, what safeguarding policies are in place and what checks will be made prior to placements being agreed for these children? Can you please confirm that SEND provisions will be in place for these children, along with mental health and counselling support if needed?

Written response: *Thank you for your question, Mr Affleck. I want to make it absolutely clear that the Royal Borough is not placing Ukrainian children in private family homes.*

*The Government is operating the Homes for Ukraine scheme, under which visas are issued to Ukrainian applicants who have named people in the UK willing to sponsor them. Under this scheme, the matching is done by the individual sponsors and their guests – the council is not involved in this process in any way. Once the visas are issued, the council is required to carry out a check of the accommodation to ensure it is fit for purpose and to carry out DBS checks on all adults in the host household. The council is prepared and ready to undertake this requirement.*

*Where there are families being accommodated, children's services will carry out an initial welfare check to identify if any additional support is required and implement the appropriate support as needed. The council's normal and robust safeguarding processes will be followed immediately in the event of any safeguarding issues being raised or identified at any point. In terms of education provision, funding has been made available by the Government to support Ukrainian children placed in Royal Borough schools, including any child with additional needs.*

The Mayor ruled that John Affleck's supplementary question did not relate to the original question or the written response provided.

**j) Louise Crawfoot of St Mary's ward asked the following question of Councillor Haseler, Cabinet Member for Planning, Parking, Highways & Transport:**

Who gave permission for the 5G mast to be installed directly outside St. Mary's School in Maidenhead? What steps have been taken by the council to ensure parents and grandparents that our children are safe from the 5G masts radiation levels?

Written response: *An application for prior approval of the installation was made on behalf of Three on 16 April 2021. The application was processed by the Local Planning Authority in accordance with relevant policy and was approved on 10 June 2021.*

*The UK Health Security Agency (UKHSA) takes the lead on public health matters associated with electromagnetic field (EMF) emissions or radio waves and has a statutory duty to provide advice to the Government on any health effects that may be caused by exposure to EMF emissions. UKHSA's main advice is that EMF emissions should comply with the International Commission on Non-Ionizing Radiation Protection (ICNIRP) guidelines. See:*

*<https://www.gov.uk/government/publications/mobile-phone-base-stations-radio-waves-and-health/mobile-phone-base-stations-radio-waves-and-health>  
and <https://www.icnirp.org/cms/upload/publications/ICNIRPemfgdl.pdf>*

*Ofcom are responsible for managing the use of radio spectrum in the UK and take advice from UKHSA in their management of the radio spectrum. In 2020, Ofcom published results of a nationwide EMF measurement campaign on their website where they took measurements from areas close to mobile base stations using 5G technology. Their results suggest at all locations where they conducted measurements, the EMF levels were at small fractions of the levels identified in the ICNIRP guidelines.*

*As part of considering the application the Planning Authority confirmed ensured that the installation was certified to be in compliance with the ICNIRP guidelines.*

*Further information about such installations and health can be found at gov.uk via the link below:*

*[Mobile phone base stations: radio waves and health - GOV.UK \(www.gov.uk\)](https://www.gov.uk/mobile-phone-base-stations-radio-waves-and-health)*

*By way of a supplementary question, Louise Crawfoot asked why so many parents in particular were not properly advised before the 5G mast went up outside the school. The parents she had spoken to felt they had not been advised appropriately in advance.*

*Councillor Haseler responded that the list of those advised of the application available in the planning portal included numerous houses in the locality and also St Mary's School. He suggested it would be for the school to inform the parents, as if the parents did not live in the immediate vicinity, the council would not be aware.*

**k) Louise Crawfoot of St Mary's ward asked the following question of Councillor Haseler, Cabinet Member for Planning, Parking, Highways & Transport:**

*Parents and grandparents feel very strongly that we were not informed properly before it was installed. Now it is installed we are requesting RBWM to arrange for OFCOM to take readings in the school time hours to prove it is safe. Why were students not given a letter to take home to alert them of this tower's installation?*

*Written response: The applicant supplied information confirming that they sent letters of consultation to various parties including St. Marys Primary School prior to submitting the application. On receipt of the application the Local Planning Authority also wrote to 74 nearby premises including St Marys Catholic Primary School. All necessary consultation steps were taken by the Local Planning Authority to notify premises in the vicinity of the installation.*

*Ofcom provides surveys of radiofrequency electromagnetic field (EMF) emission levels near to mobile base stations. Subject to resource availability, Ofcom may provide surveys free of charge in response to direct requests from schools and*

*hospitals. The school would have to arrange for such a survey with Ofcom directly as access etc. may be required and the Council has advised provided the school with information about how to request this.*

By way of a supplementary question, Louise Crawfoot accepted that the school had been notified and agreed the school had a responsibility to inform parents. She asked if there had been proper readings taken from the mast given the close proximity to children learning at the site for many hours a day.

Councillor Haseler responded that he doubted any readings had been taken yet. The equipment had been certified as safe as part of the application to the local authority. Ofcom, the body responsible for such tests, had carried out many tests across the country. Findings so far were that the highest level from 5G signals was 0.039% of the maximum set out in the guidelines. He suggested that the school could contact Ofcom to arrange such measurements to take place to reassure parents and grandparents who were concerned.

75. PETITIONS

No petitions were submitted.

76. REFERRALS FROM OTHER BODIES

SCHOOLS CAPITAL ALLOCATIONS 2022-23

Members considered a referral from Cabinet to approve a number of capital budget additions.

Councillor Hilton stated he was pleased to present the report which increased spending on five borough schools. In February, Council had approved the capital budget for improvements to the school estate. The final allocation figure of £1.268m was announced after the February budget meeting which meant Council was now asked to increase the capital budget by £498,000.

Following the preparation of a bid by the Sustainability Team, Property Services and Achieving for Children, the council had been successful in a £1.567m bid for capital funding from the public sector decarbonisation fund. The grant would replace oil fired boilers with lower carbon alternatives and other sustainability improvements on site at five schools in the borough. Councillor Hilton referred Members to table 1 on page 95 which detailed the funding available. Officers would consider appropriate use of the released funds for projects at other schools. Cabinet had already delegated authority to amend the list of agreed school condition allocation schemes to the Director of Children's Services and the relevant Cabinet Member.

Councillor Werner commented that the proposals for investment in schools were obviously to be welcomed. In his 30 years on the council he had seen how well negotiated agreements with developers could add funding to under-resourced schools. S106 agreements must consistently focus on additional provision for school expansion, modernisation to increase fuel efficiency, additional cycle storage and more recreational and educational opportunities in the school playground. CIL receipts could also be used to decarbonise schools. The council should be taking advantage of both, and he requested more effort on the planning front to generate income from S106 and CIL.

Councillor L. Jones asked if up to date surveys had been undertaken to ensure that funding was directed to the places it was most needed. If that was happening, any such funding was a very good idea.

Councillor Knowles commented that the school condition allowance for maintained schools was ringfenced. It always came out late each year and councils had to guess, based on the previous year's formula, but it was a simple adjustment. School condition reports provided evidence in the audit process.

Councillor Singh commented that the government was bringing in legislation to bring ratings up to category C in private rented accommodation. He believed that quite a few of the schools in the borough would be below category C and he therefore asked if the same requirement would be added for schools.

Councillor Stimson commented that she was not sure if schools used the same EPC rating. The council had won some funding to undertake surveys in all schools to enable the identification of those with greatest need. Some would have heat pumps, and some would have air source; all would have improved insulation and solar panels. After the work was done, the schoolchildren would be engaged to discuss decarbonisation and encourage behaviour change. The estimated carbon saving was approximately 185 tonnes per year. The work would therefore contribute to nearly 5% of the council's reduction targets. Councillor Stimson congratulated the sustainability team on the excellent work.

Councillor Hilton thanked Councillor Stimson for the detailed explanation and commented that he was pleased that the works would also be used as a teaching aid.

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

**RESOLVED UNANIMOUSLY: That Council approves:**

- i) A capital budget addition of £498,456 to the 2022/23 capital programme for school estates improvement works fully funded by School Condition Allocation grant.**
- ii) A capital budget addition of £1,567,000 to the 2022/23 capital programme fully grant funded by the Public Sector Decarbonisation Scheme.**

77. DEVELOPMENT MANAGEMENT COMMITTEE REVIEW

Members considered a review of the Development Management Committee structure.

Adrien Waite, Head of Planning, explained that the review followed a report in June 2021 that had recommended a return to two Committees, but had also highlighted concerns about resourcing and consistency of decision-making. The Member resolution at the time requested a review back to Council by June 2022. Over the review period, there had been 18 scheduled meetings; two of which were cancelled due to a lack of business and six convened to discuss just one item. The Head of Planning therefore stated that the committee business could be handled with fewer meetings, with no detrimental impact on decision-making. This would also free up resources to be used elsewhere. A single committee also minimised risks around decision-making. The Corporate Plan highlighted the importance of the most efficient use of resources and the proposal supported other objectives in the plan as it would free up resources to work on meeting targets.

Councillor Haseler commented that, as Members had heard from Mr Waite, the Member resolution following the debate the previous year was to operate with two committees but also requested the Head of Planning to bring a report reviewing these arrangements back to Full Council.

Following the operation of two committees it was clear this was having a significant impact on Planning, Democratic Services and Legal Officers and was not an efficient use of Council resources. Councillor Haseler commented that during the period that he had chaired the single committee, his experience was that it had worked incredibly well. The committee comprising of Members from across the borough made defensible determinations based on material planning considerations, taking into account information gleaned from the officers' report, statutory consultees, public speakers, ward members, parish councillors, site visits, the debate during the planning meeting, planning officers present at the meeting and advice from the legal officer when appropriate. Decisions made by the single committee were consistent and defensible.

Members, when sitting on the planning committee, represented the local planning authority, not their ward, village or town. They were duty bound to make defensible decisions based on material planning considerations. There was no evidence to suggest a single committee comprising Members from across the borough were incapable of making sound planning decisions for an application outside their ward, village or town.

Councillor Haseler suggested Members consider a number of points:

- Cookham to Waltham St Lawrence was 9 miles; both locations were covered by the Maidenhead committee
- Cox Green to Clewer was 8 miles; Clewer was covered by the Windsor committee
- Ascot to Clewer was roughly the same distance and both locations were covered by the Windsor committee.

Councillor Haseler stated that he could not see the difference between a Cookham Member determining an application in Waltham St Lawrence versus a Clewer Member determining an application in Cox Green. He did recognise the optics to residents when a Member from another area was involved in the decision making of a local application. However, he did not believe that was justification for dismissing a single planning committee. It was worth remembering that when a planning application went to appeal, it was highly likely the planning inspector considering the appeal would not possess any local knowledge.

Councillor Hilton seconded the motion.

Councillor Walters stated that he could not agree with the proposal. There had always been two panels split Maidenhead/Windsor and the structure worked perfectly well. A borough-wide panel had been introduced under the previous administration which hardly ever met and on the one occasion it did, had made an enormous mistake. Councillor Walters stated that the all-important thing was knowledge of the area, potentially even knowing the individuals involved. A Member would be more 'interested' in an application in their own area because they had local knowledge. The influence of the parish council was also a factor. The amount of work for two panels was not all that much different to one panel and two panels reflected what residents wanted.

Councillor Cannon commented that he had been Chairman of the Windsor committee before the single committee had been established during Covid; he was now also the

Chairman of the current Windsor committee. He had also sat on the borough-wide panel. It was very difficult to explain to residents, who elected Members as their representatives, that on a Development Management Committee Members sat as the Local Planning Authority, interpreting plans and policies accordingly. Residents wanted to be able to hold their local councillors to account for their interpretation of those policies and regulations. Councillor Cannon could see no benefit to residents of moving to a single panel. He understood that the proposal would save officer time, but Members were elected to represent residents and deliver for them.

Councillor Johnson highlighted that the vast majority of Members had voted to return to a two-committee system at the debate in June 2021. The resolution had clearly asked the Head of Planning to bring back a review to assess the effectiveness of the structure by June 2022. As the April meeting was the last ordinary meeting before that deadline, it was quite right that the report had been brought before Members.

Councillor Johnson thanked the Head of Planning and his team for laying out the coherent arguments for the establishment of a single committee. Despite this, he was personally unconvinced by the logic. The two panels had worked very well since they were established, and he fully understood the merits of having two distinct panels at this time.

Councillor Davey commented that, having talked to long-standing councillors, the council had always had two, if not three, panels. He could understand the Conservatives' need to try and minimise the fall out of responsibility for decision making after a catalogue of poor decisions made recently, completely ignoring the Borough Local Plan, the Environment Agency, planning officers and requiring the Secretary of State to step in.

Councillor Davey highlighted that the Corporate Plan set out an overarching vision of 'Creating a sustainable borough of innovation and opportunity' and was framed around three key objectives:

- Thriving Communities: Where families and individuals are empowered to achieve their ambitions and fulfil their potential.
- Inspiring Places: Supporting the borough's future prosperity and sustainability.
- A Council trusted to deliver its promises.

In recent planning meetings, Borough Local Plan site-specific requirements had been washed away by offers for a few cents on the dollar. Councillor Davey did not feel this demonstrated a council trusted to deliver on its promises. What was actually needed was to make decisions more, not less, transparent. All that residents could read about a Planning Application was a summary of the decision, what was voted on and the count. No written minutes on the conversations that were had and how the decision was reached were available. There was great detail in the documents ably prepared by officers as to their thinking, but absolutely no insight into why Councillors voted a certain way. There were videos with questionable sound quality but there was nothing for a resident to read in the future about a decision today and Councillor Davey felt this meant the council was seriously lacking transparency and accountability. Any Judicial Review would be looking for how a decision was made; this information was not readily available and therefore opened the council up to challenge. He particularly found the use of the whip in planning offensive.

Councillor Davey felt that both panels were needed along with more respect for the parish council's view and residents' actual needs. The existing local planning law documents needed to be treated seriously and not brushed aside with a token financial payment that bore no relation to the profitability of any large planning application. Members needed to reflect on the Corporate Plan and put more resources into the planning process, not less.

Councillor W. Da Costa contended that a move to one committee from two was unlawful or antilegal. It was also a further attack on the democratic powers of the people of Windsor. Wards had been carved up and joined with Eton; the Town Council proposal had been rejected; now there was a recommendation to take away the planning panel.

Pinsent Masons wrote that the Localism Act 2011 aimed to move land use planning away from central government decision-making by introducing new powers, control and influence at a local level. The Act introduced the NPPF, Neighbourhood Plans, the retention of Community Infrastructure Levies (CIL) and the ability for local people to use CIL to help shape the things they needed in an area. The Localism Act was not perfect, but it did improve governance for the people, by the people. Members had an obligation to comply with the law of the land, and to ensure the council had enough staff to do so.

The proposal would distance governance from the people and reduce influence at a local level and therefore it was antilegal. It would exclude local councillors with local knowledge, who understood the 'on the street' implications of decisions, and who would have a feel for their Neighbourhood Plan. The proposal would also distance the public from decision makers. It put a greater burden on fewer councillors to know more planning policies including all the seven or nine Neighbourhood Plans and understand all the areas in the wide and quite disparate borough. The proposal would create engagement difficulties and hurdles as fewer panel members would have to talk with a wider number of residents from out of their area, avoiding the local councillors or creating extra layers of correspondence leading to long email trails. It would give Councillors longer meetings and residents would have to waste more of their time listening to applications from out of their area. The report included a lot of unevidenced comments.

Councillor W. Da Costa felt that the proposal was all about cost saving. There were insufficient staff to maintain the democratic processes including those laid out in the Localism Act. The council could not afford to strengthen the teams to the staffing and skill levels needed. He urged Members to employ more officers at suitable grades and maintain two planning panels otherwise it would be an unlawful decision.

Councillor Coppinger highlighted that as the then Cabinet Member, he had brought the paper to Council in June 2021. He believed that there was a total misunderstanding on the part of some Members, parish councils and members of the public on the role of the councillor who was tasked with determining the outcome based on facts and planning law. Personal knowledge was not essential and created a conflict. Of the other Berkshire unitary authorities, all operated with one panel other than West Berkshire which covered an area three times the size of the Royal Borough. Many decisions were made by the Planning Inspector who was unlikely to even live in the locality. Councillor Coppinger therefore supported the proposal in the report. He



commented that the 'bad' decision referred to by Councillor Walters related to the creation of the Thames Hospice, which was valued by every person in the borough.

Councillor Walters requested a personal explanation. He stated that there was nothing wrong with the hospice, the issue was the size of the development and car parking on an already congested road.

Councillor L. Jones commented that the report did not give any additional reasons for only having one panel than had been provided a year earlier. She did not believe resourcing should be a reason to move to a single panel. Councillors had five working days prior to the meeting to completely understand each application. The comment that it was a bad thing that there were some meetings with only one item to consider was therefore a misnomer. She would prefer meetings were cancelled rather than having extra meetings being added in because there was insufficient time to understand the development. The proposal might save on staff resourcing but there was already immense pressure on councillors with jobs and family lives to cope with multiple applications in one session.

Councillor Baldwin commented on the appalling democratic deficit in planning matters for the unparished Maidenhead area. The residents did not have parish councillors with whom they could discuss concerns; there was no town council or Neighbourhood Plan. At a moment in time when there was a heightened sensitivity around planning, the proposal was to abolish what was, for many Maidenheadians, the last body that was directly accountable to them.

Much of the work outlined in Table 2 of the report would be the same if there was one or two committees. There were already different officers for the different areas of the borough. Only having one committee would suggest only one team manager post was needed; Councillor Baldwin commented that there was no recommendation to eliminate that duplication in the report. Legal officers did not always attend meetings. The only concrete monetary value in the report was the £6355 to be saved by reducing the number of Chairmen. This would however not be a saving as the Chairman was in receipt of a more generous stipend as a Cabinet Member.

The paucity of applications was not an argument for scrapping a panel but for restoring those powers that were delegated to officers during Covid, and reversing the restriction on call-ins. Councillor Baldwin suggested the technical briefing should be scrapped and the public meeting could start at 6pm. In relation to the impact on decision making, Councillor Baldwin questioned the measure of inconsistency. Paragraph 2.1.2 admitted there was no data available. The Head of Planning had stated at the meeting the previous week that this was not a concern,

Councillor Baldwin referred Members to paragraph 2.3 of the Members Planning Code of Conduct that set out Members exercised two roles in the planning system. They determined applications and they acted as representatives of public opinion. To do this, they needed to know what the public opinion was. As he wandered around Maidenhead, Councillor Baldwin talked to residents therefore he knew the strength of feeling in Maidenhead wards. He did not know this for Windsor, Ascot or Eton wards. He would not put the convenience of the unelected few before the rights of the voting many.

Councillor Reynolds commented that he had sat on a cross-party working group with parish council representatives. All the Members were of the same opinion that keeping two panels was important for both Members and residents. This perspective had significant support during the debate in 2021 and the current report added nothing new. The report argued that two panels increased the risk of inconsistencies yet there was no data available. For many people it was important to have local people, democratically elected, making decisions in their area. Keeping two panels might be more time consuming, cumbersome and cost a bit more but if this was the price of democracy Councillor Reynolds felt it was a price worth paying.

Councillor Bhangra commented that a single panel was understandable at the height of the pandemic when meetings were held online, but the return to two committees had worked well.

Councillor Brar stated that she represented two parish councils. All were very protective of the conservation area, the green belt, and the unique and precious landscape. She asked if any parish councils were consulted on the report. She believed the proposed changes would eradicate her voice on the panel and prevent her fulfilling her obligations to her residents. Maintaining the emergency measures around call-ins would further impact her ability to hold decision-makers to account. Councillor Brar highlighted that the Parish Charter required the council to work in partnership with parish councils.

Councillor Larcombe commented that as far as he could see the issue was about money and the cost of officers balanced against the powers of individual councillors. He had almost permanently sat on a parish council since 1986. Lots of things went on that people did not know about because they happened at an officer level. It was sensible to keep the two panels.

Councillor Knowles stated that he had been a member of the working group. The elements of the report a year ago based around resourcing were also in the current report. There were specialist officers for each area so if there was a mixture of applications both would need to attend anyway. To ensure defensible decisions a number of recommendations had been made in the 2021 report including mandatory training, which had been taking place, and standardising decision making. The sensible safeguards had worked. The parish councils on the working group had felt they would lose a link to their local representatives if there was just one panel. The council officer teams were split up into geographic areas, to allow them to build up local knowledge. Councillor Knowles questioned why this would not also apply to Members.

Councillor Bateson commented that her residents had asked for a return to two panels. Her ward was in the very south of the borough. She visited all sites which would mean a 20-mile journey if an application was on the border with Buckinghamshire.

Councillor Hill stated that he was wholeheartedly against the proposal, which had been slated by the public on social media and in private communications with him. He felt that planning decisions, particularly controversial ones, must be made by local councillors. Public trust would be lost if the proposal was voted through. One panel would be open to manipulation. Some members of the public had commented that the proposal was being made so that controversial applications could be forced through.

There was increasing public concern about trust, transparency and accountability in the council's decision-making processes.

Councillor Bowden explained that he lived in his ward, in a conservation area, and had previously lived in a listed building. The experience of planning officers was needed in his ward because of the unique properties in the conservation area. This also required the attention of a dedicated panel with local councillors. He had been on the Windsor Panel for seven years and there had never been whipped decisions.

Councillor Taylor commented that during Covid, all involved in the single online panel had done an exceptional job in difficult times. For many residents, local councillors were their only way into the process; they did not understand the planning portal. If there were only one panel, residents would lose sight of what was going on. One application could have hundreds of submissions on the portal which took hours of preparation. If a councillor was not local to the area, they would have to delve further to understand the pertinent aspects of the application.

Councillor Sharpe stated that localism and democracy were paramount. To him, one panel was anti-democratic. Residents expected to have two panels and decisions to be made locally.

Councillor Tisi supported the idea of the review and had been looking forward to robust recommendations and evidence to back up the arguments, for example in relation to inconsistencies. These had not been provided. There was anecdotal evidence that local knowledge had a positive impact. For example, at the debate over the redevelopment of the old Thames Hospice site, ward councillors had spoken of the local character and the application had been rejected by the panel. The Inspector had agreed. Councillor Tisi had sympathy for officers in relation to workloads but there were bigger issues that needed to be resolved if the officer core was overstretched.

Councillor Clark acknowledged that local knowledge was important, but applications were determined on the facts, the evidence and according to law. He was unhappy at some of the insinuations otherwise that had been made during the debate. There was no evidence in the report that it would be a good idea to revert back to one panel. He did not think the savings were evidenced or the advantages had been properly demonstrated.

Councillor Hilton commented that in his experience, all played a straight bat when sitting on Development Management Committees and he rejected any accusations of manipulation. Councillor Hilton highlighted that he had been the only councillor to vote against the proposal to move to one panel in June 2021. At the start of the Covid pandemic, full Council had agreed a move to a single panel and changes to the delegations to officers and call ins. He had sat on the single panel, and it had been clear that Members had sufficient knowledge and took the issues before them seriously. Members were exceptionally diligent when considering applications from outside their area. The council was sensitive to the views of parish councils and residents, and both had the opportunity, along with ward councillors, to address the committee. Planning was a quasi-judicial process guided by the NPPF, the Borough Local Plan and increasingly, Neighbourhood Plans. Committees made decisions within that context, taking account of, but not being driven by, public views. Councillor Hilton highlighted that, subsequent to the return to two committees, Members had agreed a change to the terms of reference to allow substitutes to come from any ward,

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which had established the principle that Members from any ward could make decisions. The overriding reason for the recommendation was the efficient and effective use of the council's scarce planning resources. There was a country-wide shortage of planning officers, and the council should do all it could to retain them. The Head of Planning had taken the opportunity afforded to him by the previous report in the hope that Members would be sympathetic and supportive of his request to allow him to run a more efficient planning service.

Councillor Haseler thanked the Head of Planning and his team.

A named vote was taken. 3 Councillors voted for the motion; 35 Councillors voted against the motion. The motion therefore fell.

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

Members considered the appointment of Chairman of Maidenhead Development Committee for the remainder of the municipal year.

Councillor Johnson proposed Councillor Hunt. He hoped council would support the proposal.

Councillor Haseler commented that Councillor Hunt was a very experienced and her local knowledge was beyond question.

Councillor Baldwin commented that he believed it to be an excellent nomination.

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

**RESOLVED UNANIMOUSLY: That Councillor Hunt be appointed as Chairman of the Maidenhead Development Management Committee for the remainder of the municipal year.**

79. MEMBERS' QUESTIONS

**a) Councillor Davey asked the following question of Councillor Haseler, Cabinet Member for Planning, Parking, Highways & Transport:**

When you get an email from a grandmother concerned about the health of her grandchild, you have to ask the question: What can RBWM do to ensure 5G Masts are not positioned outside schools?

Written response: *The Local Planning Authority has a duty to determine applications submitted to it and is required to do so in accordance with adopted planning policy and the National Planning Policy Framework (NPPF). The NPPF sets out that installations should accord with the International Commission on Non-Ionizing Radiation Protection (ICNIRP) guidelines and prevents authorities from setting different or alternative health safeguards.*

*RBWM can do nothing to prevent the installation of telecommunications infrastructure in the vicinity of schools as there would be no issue with the principle or safety of such an installation under the planning policy framework.*

By way of a supplementary question, Councillor Davey commented that the Town and Country Planning Act, which superseded policy, looked for a balance of opinion. It had been used by residents in Brighton to prevent a mast going up outside a school; the judicial review was permitted because the council had failed to address the health impacts of the proposal. ICNIRP pointed to Ofcom; Ofcom pointed to Public Health England (PHE). Nobody wanted the hot potato. PHE had recognised that some studies had shown ongoing health impacts at higher than usual levels of magnetic field exposures. Where there was a will, there was a way. In the UK, Belgium, Russia, Holland, Italy, Switzerland, California, Australia and Germany, local councils were showing caution, many adopting the 'Precautionary Principle'. There were steps that could be taken to protect young people. Councillor Davey asked if Councillor Haseler would work with him to find the first step.

Councillor Haseler responded that the erection of masts was governed by policy as detailed in the written response. He was unsure what working with Councillor Davey would achieve or what he was after. Each case was decided on its own merits based on the policy. Councillor Haseler agreed to speak to Councillor Davey outside the meeting.

**b) Councillor Singh asked the following question of Councillor Coppinger, Cabinet Member for Environmental Services, Parks & Countryside & Maidenhead:**

The former cafe at Kidwell's Park which has been discussed for nearly 4 years. Are there plans to bring this back into use as a useful public amenity? Please can you explain in detail what the plan is?

Written response: *The former café building at Kidwells Park is being looked at in conjunction with the public tennis courts provided in the park to examine the best option for the area. There have been discussions with the Lawn Tennis Association to look at possible options for the tennis courts to improve the offer to users of the facilities here. This may have impacts on the building. There is also an option to do a tendering exercise to ask for expressions of interest to use the building for a café or other facility.*

By way of a supplementary question, Councillor Singh asked if the discussions were ongoing given the fact that just a hundred yards away the Summerleaze Park tennis courts had just opened.

Councillor Coppinger responded that he was unable to provide a response at the meeting but would do so afterwards via officers. He would welcome Councillor Singh's thoughts on the proposals.

**c) Councillor Singh asked the following question of Councillor Haseler, Cabinet Member for Planning, Parking, Highways & Transport:**

Signs have gone up recently to remove the free parking at four Marlow Road used by the community centre and local charity organisation. This will impact users of the community facilities. Please can you explain the rationale for this change and why were ward Councillors not informed?

Written response: *This was actioned in error, due to the information on the spreadsheet supplied to our contractors being incorrect.*

*The error has now been rectified and the free parking reinstated as it was previously.*

By way of a supplementary question, Councillor Singh asked if this was an impressive U-turn or a genuine error. If it were an error, would residents who had paid for car park during the two weeks the signs were wrong be reimbursed?

Councillor Haseler responded that he was privy to an email between Councillor Singh, the Parking Manager, and the Community Centre, in which it had been confirmed to Councillor Singh that an error had been made as the spreadsheet sent to the contractors had been incorrect. This had been identified by the Community Centre and was remedied straight away. Residents would need to apply for a refund of any parking payments made.

**d) Councillor Larcombe asked the following question of Councillor Haseler, Cabinet Member for Planning, Parking, Highways & Transport:**

In the recently adopted Borough Local Plan flood policy NR1 supersedes previous BLP flood policy F1 - which limited residential extension covered floor area in flood zones to an additional 30 sq m maximum. How does new policy NR1 similarly limit flood plain development?

Written response: *Policy F1 (and its accompanying SPG) of the previous development plan did not serve to limit the floor area of a residential extension to 30 sq m. The actual effect of the policy was that extensions of up to 30 sq m were always deemed to be acceptable on flood risk grounds and larger extensions were required to demonstrate they did not have adverse implications relating to flooding.*

*The approach now set out within policy NR1 of the BLP is that all household extensions (under 250sqm) would be assessed against the Environment Agency's advice for minor extensions. A site specific FRA is to be submitted at the planning application stage which would need to be appropriate to the scale and impacts of the development.*

*The approach set out within the newly adopted Borough Local Plan is actually more stringent as extensions under 30 sq m are no longer exempt from the requirements.*

By way of a supplementary question, Councillor Larcombe highlighted that 2022 was the 75<sup>th</sup> anniversary of the 1947 flooding event. His ward had been flooded three times in the last 20 years. Climate change, local development including two flood alleviation schemes upstream, and a lack of land drainage and infrastructure maintenance had led to a cumulative increase in the problems of flooding in his ward. Councillor Larcombe asked Councillor Haseler if he agreed with this analysis.

Councillor Haseler responded that Councillor Larcombe lived in the area and was a specialist in flooding, whereas he was not, therefore he would take Councillor Larcombe's word for it.

80. MOTIONS ON NOTICE

Councillor Cannon introduced his motion. He explained that the government had launched a call for evidence around drug drivers completing a rehabilitation course before they returned to driving after a ban. This would bring the consequences into line with drink driving. The administration wished to reinforce its zero-tolerance stance on antisocial and dangerous offences being committed on borough roads. National statistics showed that drink drive deaths had fallen by over 80% between 1979-2015. However there had been an increase in drug-related activities. There were 12,000 convictions in 2019, of which 44% were by re-offenders. Apocryphal evidence was that the borough, as much of society, had an issue with cannabis misuse as well as other drugs. The risk to road users and others could not be tolerated in the borough. The council wished to work with the police and others to get the message out to the wider community, including those committing such offences. Councillor Cannon had proposed the motion to demonstrate that all accepted the seriousness of the issue and the council's support of the police in dealing with it.

Councillor Haseler explained that he had served as a police officer for 30 years, mainly in traffic and roads policing, dealing with these types of offences, many road deaths and acting as Family Liaison Officer to bereaved families. Drink and drug driving were incredibly serious matters, causing death and serious injury on roads each and every year. A very worrying trend was the increase of incidents involving drug drivers. Some police forces were reporting double the number of drug driving arrests to drink driving arrests. Drugs, whether they were prescribed or recreational, legal or illegal, could have a significant and varied effect on an individual's ability to drive safely. Drugs such as cannabis could result in a driver's reaction time being slowed, meaning they were less aware, they drove slowly, and were less able to respond to hazards in adequate time. Drugs such as cocaine, however, had a different and incredibly dangerous effect, leading to the driver becoming more erratic resulting in increased risk-taking behaviour and a reduction in the ability to accurately judge situations.

The council must raise the level of awareness of how serious drug and drink driving was. A joint campaign with Thames Valley Police was needed to educate drivers about the dangers

and consequences of driving whilst under the influence of drugs, accompanied with robust enforcement. Whilst for many years drink driving had been rightfully acknowledged as being socially unacceptable, it was clear that drug driving had not. Councillor Haseler asked how many people had been out walking, cycling or sat in a queue of traffic only to get a strong waft of cannabis from a passing vehicle. This was wholly unacceptable, anti-social and incredibly dangerous, and it must be dealt with robustly to improve safety for anyone using borough roads.

There were many other road safety matters that would benefit from being discussed at a road safety summit, including but not restricted to: collisions and their causes, drink and drug driving, excessive or inappropriate speed, driver behaviour, children, cyclists, horse riders, motorcyclists, young inexperienced drivers and the older experienced drivers who may be losing confidence and need support or experiencing health conditions that may affect their driving ability. A road safety summit would enable these road safety concerns to be discussed and to look at how roads could be made safer through a balanced approach of education, enforcement, support where appropriate, and highway engineering.

Councillor Werner stated that he was seriously concerned about levels of drink and drug driving. Punishments were light and perpetrators often reoffended. However, road safety was more than this. He was keen to see road safety schemes on the agenda of the summit. The motion also mentioned environmental crime, which was an issue close to his heart. When he had previously been Cabinet Member, he had introduced community wardens, CCTV, a graffiti task force, designing out crime and a YOT focus on preventing reoffending. Councillor Werner referred to the 'broken window' principle that if issues were not dealt with an area then looked run down, which led to more vandalism, anti-social behaviour and crime. Evidence of drug driving was on the roadside in terms of the litter that was collected by the fortnightly 'Green Team'. Councillor Werner questioned why the motion had been brought to council as he suggested it should just be got on with.

Councillor Larcombe commented on the small silver cylinders that were left as litter on the streets of his ward. Often these were used, placed back in the box and then tossed out of a car window. He could not understand how they could be bought wholesale.

Councillor W. Da Costa commented this was a 'wicked' problem that was not easy to solve. It was good to hear resources would be provided to help reduce the infrastructure that enabled crime. Councillor W. Da Costa asked what statistics were available to show what percentage of crimes these issues represented. The previous PCC had a policy and a plan but that had eased off. He asked what discussions had already been had with the current PCC and Thames Valley Police, and what was their approach to the issue.

Councillor Del Campo welcomed the two new crossings in her ward however it had been her experience that it was not always straight forward to get safety improvements in place. The second of the two crossings was part of a package of improvements to Switchback Road North requested in a petition signed by 2,205 people in light of the death of a 13-year-old boy in December 2019. Councillor Del Campo had lost count of the number of meetings that had been held with officers and the lead petitioner, but progress had been painfully slow in between. Councillor Del Campo called on the new lead Member to leverage his experience to quickly implement a streamlined way for Members to request road improvement schemes. Councillor Del Campo supported recommendation i), and could be persuaded to support recommendation ii) if she could be reassured it would not divert funding from road safety budgets. If the motion were approved, she would like to see an update to Council in 6 months' time.

Councillor Taylor commented that drink and drug driving was a big problem everywhere; all knew someone who had been affected. Drink driving now had more of a stigma following huge campaigns. In comparison, not enough attention had been given to drug driving. Many users were unaware of the limitations. She would like to see more collaboration between the council



and Thames Valley Police. She asked Councillor Cannon to identify a better way for residents to report drug-related issues as they often dropped through the gaps.

Councillor Price suggested that the issue should first be raised with the Community Safety Partnership as the existing partnership arrangements may result in a speedier response. She also requested that the issue of parking on pavements be considered.

Councillor C. Da Costa strongly agreed with any campaign that educated the public on the issue. It went without saying that illegal drug use was anti-social and dangerous. However, she sought reassurance that the campaign included the effects of prescribed drug use.

Councillor Baldwin commented that, following Councillor Larcombe's reference to issues in his ward, he wished to highlight that the 'Green Team' was finding commercial size canisters, often in car parks. Councillor Baldwin felt the term 'summit' was not appropriate as a summit was usually between Presidents or leaders, and a distant concept people found hard to access. Any conversations would need to include a sufficiently diverse group of people. He realised it was a sensitive issue when politicians sought to discuss police matters but the intelligence of local residents would go a long way to identify areas to concentrate on.

Councillor Johnson stated that he fully supported the motion. The issue of drug driving was increasingly prevalent in society as demonstrated by both anecdotal and hard evidence from the police and the ONS. There was an argument that it was more dangerous and prevalent than drink driving given how hard it was to detect, the level of resources the police had, and the peculiarities of funding and reclaiming of fines. The council would be raising these issues with the Home Office. The proposed summit was intended to be broader; it was not a summit of individual parties. It was envisaged as a comprehensive and all-inclusive event that would bring together all interested parties to hear their views and to identify solutions to tackle the wider issues of road safety.

Councillor Davey stated that he agreed with the intent of the motion but questioned how it would be implemented. He had asked local police for the statistics:

- Windsor in 20/21: 45 arrested for drink driving, 41 for drug driving. Maidenhead: 64 arrested for drink driving, 50 for drug driving.
- Windsor in 21/22: 61 drink driving, 33 for drug driving. Maidenhead: drink driving 80 and 36 for drug driving.

The statistics showed that drink driving was up, but drug driving had dropped by a third.

Matthew Barber, the Thames Valley Police & Crime Commissioner had posted a video to Councillor Davey's Facebook Group at the weekend. Councillor Davey had therefore asked him a question:

*I attended a licensing meeting last week where a number of options for taxing publicans were reflected on. The aim being to raise money for policing our towns at night. Wasn't there talk of the police precept being raised to pay for more community policing? Why does it feel like we pay more for less? Could part of future precept increases be ring-fenced for town centre policing? And for tonight's motion, could you advise on how many drink driving arrests / fatalities RBWM have had in the last year compared to other areas in the Thames Valley and by comparison how many pedestrians and cyclists have been hospitalised / killed on our roads in the same time frame?*

Matthew Barber had responded that he was not aware of the motion and did not have the statistics to hand, but he would be taking a much closer look at such matters at the Road Safety Summit he was holding next month.

As the summit was already happening, Councillor Davey stated that the intent was good, but the execution left him speechless. For this reason, he would be abstaining.

Councillor Carroll highlighted tough action was needed on drug dealers who preyed on children and vulnerable people. The PCC had been promoting the issue but was also open to seeing what more could be done and to raise the profile of the issue. There was also a need to get the broader Public Health message out, so people were aware of the risks and dangers.

Councillor Clark had looked at the statistics for the Thames Valley which showed a 110% increase over the period 2019-21. It was a growing problem. It was devastating when an accident happened and unthinkable when a death occurred. He was obviously fully aware of the death of the 13-year-old boy in his ward. Evidence was given that due to drugs in the defendant's system an accident was 27 times more likely. Anything that could be done to deter people must be pursued.

Councillor L. Jones commented that she was minded to support the intent of the motion, but given the PCC had said a summit was already happening, she invited the Lead Member to remove recommendation ii) from his motion.

Councillor Cannon concluded that this was a very important and serious issue. A zero-tolerance policy was needed as a vehicle became a dangerous weapon when someone was drunk or high. He had been sad to see some political grandstanding on the issue. Councillor Cannon explained that it was not currently illegal to be in possession of the silver canisters referenced earlier. The council was however looking to put a PSPO in place to give police more powers. In relation to statistics, it was only possible to report what was detected. There was also lots of anecdotal evidence. The summit on road safety being held by Matthew Barber was in Milton Keynes. If local councillors wanted a local voice, an RBWM summit was needed to address RBWM issues rather than force-wide ones.

There were systems to report drug related issues including 999. If there was a regular issue, Crimestoppers was also available. A summit could be used to get the message out locally. The summit was not the only route; Councillor Cannon confirmed that the Community Safety Partnership would also be used to progress the issue and to give everyone a voice. Prescribed drugs would be covered as mentioned by Councillor Haseler.

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

**RESOLVED: That this Council:**

- i) Requests that Cabinet write to the Police and Crime Commissioner (PCC) and Thames Valley Police (TVP) seeking support in creating a joint RBWM campaign highlighting the issue of Drink/Drug Driving, supporting our zero-tolerance environment, to enhance road safety for our residents.**
- ii) Requests Cabinet to invite TVP and the PCC to work with us in holding a Roads Safety Summit on these and other RBWM Road Safety issues.**

The vote was taken by a show of hands: 36 Councillors voted in favour; 2 Councillors abstained.

The meeting, which began at 7.03pm, ended at 9.38pm.

COUNCIL - 26.04.22

CHAIRMAN.....

DATE.....

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**AT THE ANNUAL MEETING OF THE BOROUGH COUNCIL held in the Desborough Suite - Town Hall on Tuesday, 24th May, 2022**

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

Councillors Clive Baskerville, Christine Bateson, Gurpreet Bhangra, John Bowden, Mandy Brar, Catherine Del Campo, David Cannon, Stuart Carroll, Gerry Clark, David Coppinger, Jon Davey, Karen Davies, Phil Haseler, David Hilton, Maureen Hunt, Andrew Johnson, Greg Jones, Lynne Jones, Neil Knowles, Ewan Larcombe, Sayonara Luxton, Ross McWilliams, Helen Price, Samantha Rayner, Julian Sharpe, Shamsul Shelim, Gurch Singh, Donna Stimson, Amy Tisi and Simon Werner

In attendance virtually: Councillors John Baldwin and Helen Taylor.

Officers: Emma Duncan, Duncan Sharkey, Karen Shepherd, Adele Taylor, Dean Graham, Alison Singleton, Louisa Dean and Andrew Scott

81. APOLOGIES FOR ABSENCE

Apologies for absence were received from Councillors Bond, Carole Da Costa, Wisdom Da Costa, Hill, Reynolds and Walters.

82. DECLARATIONS OF INTEREST

None received

83. ELECTION OF MAYOR FOR THE 2022/23 MUNICIPAL YEAR

The Mayor, Councillor John Story, welcomed everyone to the Annual Meeting and gave a brief résumé of his time in office.

Councillor Story began by saying a few words about Ukraine. In Ascot there was an amazing community leader called Lynda Yong, who had recently organised a very well attended welcome event for Ukrainian refugees. Councillor Story explained that he had not met a war refugee before; someone who was far from their home country, who had lost their home, who spoke no English, who was with their daughter but who had no idea where their husband or son was. He had been unsure what to say as Mayor. Through an interpreter he had said that first of all she could trust the borough and that she would be given all the support and friendship possible for as long as it was needed.

Councillor Story commented that he felt this was one of those occasions when words were inadequate. Obviously, what this lady, and all the others there that morning actually wanted, more than anything else in the world, was to be together again at home with their families. Unfortunately, there was nothing Councillor Story could have said which would give any comfort. Councillor Story explain that he wanted to raise the issue as there was a very large number of people in the borough doing a great deal for Ukraine: residents were offering their homes, lots of people and organisations were raising funds and council staff were also doing some fantastic things, including three who had come to Lynda Yong's welcome event (Dan Brookman, Jesal Dhokia and Joiy Chan-Meeson). There were not many opportunities for the Council to say

thank you to those people for everything that was being done for Ukraine, and he therefore wanted to do so at the Annual meeting.

Councillor Story explained that the Mayor had a little team (comprising Alison Singleton, Andrew Scott, Mark Blackshaw and Ama Mitharo) who were an essential part of any Mayor's life. He thanked them, along with the Deputy Mayor and Mayoress, for the tremendous help and support they have given him over the past 17 months. He gave a special thank you to Alison Singleton for everything she had done including, willingly and enthusiastically, taking on the organisation of the borough's Garden in Bloom competition.

Councillor Story stated that he had enjoyed chairing full Council meetings and had greatly valued the advice and support he had received from Duncan Sharkey and Emma Duncan. He also thanked Karen Shepherd, not just for spending hours in the early days helping him understand the constitution, but also for arranging the virtual council meetings when covid infection rates were at their highest. With no one in the town hall, they were some of the most difficult meetings he had chaired, and Karen had ensured everyone was connected up and that he had had the officer support he needed. Looking back, he felt those virtual meetings had been a big success.

Councillor Story also thanked the Members of the Council. Whenever he had chaired large meetings in the past, he had always found it easier when he felt he had had the support, not necessarily of everyone, but of most of the people in the room. And, when chairing council meetings, he had always felt that he had.

Councillor Story referenced The Queen's Platinum Jubilee and commented it had been a great privilege to represent the Royal Borough at the service held on the anniversary of Accession Day on 6 February 2022. He thanked all those who had come to the two Platinum Jubilee fundraising events: the dinner in March in aid of The Prince Philip Trust Fund, and a reception on The Queen's Birthday itself, in aid of the Mayor's own charity. Both events had sold out very early on and had raised a great deal of money for the two charities.

There were lots of other Jubilee events taking place this year, but there was one group of residents who were less likely to be able to go to them: the 1,200 residents in the borough's 39 care homes. Councillor Story had therefore taken the very easy decision that the Mayor should go to them instead. He had visited every care home in the borough and given every resident a specially produced, RBWM-branded Platinum Jubilee mug and a photograph of The Queen taken during a walkabout in Windsor. This had been one of the most enjoyable things he had ever done, to go into a care home, sit down next to a resident, either in their own room or in a communal sitting area, present them with their mug and photograph, and chat to them about their memories, including memories of The Queen, other jubilees, the coronation or anything else. These individual, one on one, unhurried chats were very special, and often they were very moving.

Councillor Story highlighted that it was Platinum Jubilee Schools Week and, to start it off, he had invited 100 children, aged 5 to 11, from every school in the borough, to one of two parties at the Guildhall in Windsor. The children were met by the excellent Town Crier, shown around the museum, and then taken upstairs to make Platinum Jubilee crowns. The crowns were then worn whilst enjoying some specially baked Platinum Jubilee cake. Councillor Story thanked Stephanie Lewis and her museum team for organising the parties. One of the children, as they were leaving, wearing

their crown, very casually asked Councillor Story if he was going to wear his crown for real; to which he replied he would. To keep his promise, in his final act as Mayor, Councillor Story then put on the crown.

In conclusion, Councillor Story thanked his wife, Barbara, for the fantastic help and support she had given him during his time in office. He also wished Councillor Bateson good luck in the role.

#### THE MAYOR INVITED NOMINATIONS FOR THE ELECTION OF THE MAYOR OF THE ROYAL BOROUGH FOR 2022/23.

In proposing Councillor Christine Bateson for the role of Mayor, Councillor Johnson stated that, having got to know Christine well over the last three years, he was convinced that she possessed all of the necessary diplomatic skill, ambassadorial aplomb, and superb understanding of governance, to excel in the role of first citizen of the borough and be a true representative of all of the borough's communities.

Christine had been born in the north of England, in Cheadle Hulme, Cheshire and her early days were spent in the county before attending boarding school in North Wales and then onto Manchester University where she studied as a dietician. At University she met her future husband, Peter, and, once married, they decided they wanted to experience new horizons and emigrated to Canada where they lived for 10 years. Peter worked as an engineer and Christine as a dietician. It was in Ontario, Canada where Christine began her life of public service, serving as the equivalent of parish councillor in a role she spearheaded the build of a maternity hospital along with other community projects. They moved back to the UK in 1979 when Peter was appointed as a director at British Airways. First moving to Crowthorne, Christine became a parish councillor in Wokingham, and then in 1984 they moved with their three children to Ascot where she became a parish councillor once more.

In 1995 Christine was elected as a then Borough Councillor for Sunningdale & South Ascot. Over the next 27 years she had held a plethora of roles in the council including Deputy Leader, served on the cabinet for over 10 years and chaired numerous panels and committees, most recently the Audit and Governance Committee. In addition, Christine had represented the Royal Borough for 25 years on the Fire Authority, at the time of being appointed the only female member of the authority.

Councillor Johnson knew that Christine was honoured to represent the constituents of Sunningdale & Cheapside and finally after being elected eight consecutive times for Sunningdale would retire from the Council at the election next May. He knew that she hoped to use her last year as a Councillor, and as Mayor, to meet as many residents as she could and to give back to a place so dear to her heart. Whilst he was saddened to see her leave his political team, having benefited immensely from her wise counsel, loyalty and shrewd observation, he was delighted for her to be able to spend her final year of service to the borough as Mayor, in what was undoubtedly going to be a fantastic year.

In seconding the motion, Councillor Bhangra explained that as Mayor, Councillor Bateson would be accompanied by her son Richard Bateson as the Mayor's consort. Richard Bateson had been born in Canada but raised in the UK from the age of three.

Raised for most of his life, and the place he called home was Ascot/Sunningdale, albeit Richard went to school in Rugby and university in Cardiff.

As a professional, Richard had worked for Unilever, Fujitsu, and Camelot and today worked for an Australian lottery business called Jumbo Interactive. Over the past 20 years, Richard had carved out a role within the lottery industry having set up EuroMillions (becoming its President for five years) and performing various director-level roles within the UK, Europe, and North America. Today Richard split his time between Dallas Texas, and London. Richard's interests ranged from golf, rugby, and travel, through to mentoring and professional development of young professionals. When Richard was working abroad and not available, Christine's daughter Mrs Sarah McKechnie, may be available to accompany her.

Councillor Bhangra concluded that Councillor Bateson would be an outstanding Mayor for the Royal Borough, fully committed to her duties across the Royal Borough in the special year of The Queen's Platinum Jubilee.

It was moved by Councillor Johnson, seconded by Councillor Bhangra and:

**RESOLVED UNANIMOUSLY: That Councillor Christine Bateson be elected Mayor of the Royal Borough of Windsor and Maidenhead for the ensuing Municipal Year.**

The Chief Executive declared Councillor Bateson duly elected Mayor.

Councillor Bateson made the Declaration of Acceptance of Office, witnessed by Councillors Johnson and Bhangra.

THE MAYOR (COUNCILLOR BATESON) IN THE CHAIR

Councillor Story presented the Mayor with the Mace, the Borough seal and the keys to the Mayor's Parlour.

In making her speech of acceptance, Councillor Bateson thanked Councillor Johnson and Councillor Bhangra for their kind words of support. She paid tribute to her predecessor, Councillor Story, who had been an excellent Mayor in what had been a difficult year. He would be a hard act to follow. She thanked her family and friends for supporting her over the years, especially her son Richard and daughter Sarah, for agreeing to support her at engagements throughout the year as the Mayor's Consort.

Councillor Bateson stated that it had been a pleasure to represent the residents of Sunningdale for 27 years. In those years, she had held many positions, from Deputy Leader of the Council to Cabinet Member and also Chairman of many Panels. However, being appointed Mayor was a very special honour and indeed a privilege. Over the next 12 months she hoped to meet as many residents as possible and support the many organisations and groups within the borough that were so vital to local residents, in particular the many local charities that provided much needed support to the borough's most disadvantaged residents. One of the great privileges as Mayor was to nominate one or more charities to support; this she would do in the next month.



The Mayor presented Councillor Story and Mrs Barbara Story with their Past Mayor's and Past Mayoress' badges

84. ELECTION OF DEPUTY MAYOR FOR THE 2022/23 MUNICIPAL YEAR

In nominating Councillor Muir for the office of Deputy Mayor, Councillor Cannon stated that Gary was originally from Blackpool but had been educated at Henley College, before becoming the youngest ever Area Manager for the Association of Retailers of America. After that he spent a decade working in Saudi Arabia. He moved back from the Middle East in 1989. He had been elected to the Royal Borough since 2007, representing the residents of Datchet for 12 years and for 2019 the residents of Datchet, Horton and Wraysbury. Councillor Muir was heavily involved in the Royal British Legion and had been the Datchet Chairman for several years. He had worked tirelessly for numerous charities in his role as Deputy Mayor and was a prominent supporter of the Blue Acre Horse Charity at which he also worked with his partner Caron.

In seconding the motion, Councillor Johnson commented that despite the undoubted challenges of the last few years there had been one constant in the borough's civic life: Councillor Gary Muir as Deputy Mayor. He had served with undoubted commitment and dedication since May 2019. Councillor Johnson was always impressed when he attended events with the Deputy Mayor's warmth and personal style and tenacity in continuing to champion the charitable causes close to his heart. Throughout this time, Councillor Muir had been supported by Caron North. Caron had moved to Old Windsor in 1985 to study equestrian science and husbandry and had then formed the Blue Acre charity. In addition, Caron worked with a number of community organisations helping disadvantaged people across the borough. Together they had the ability to connect with all sections of the community. In conjunction with Councillor Bateson, he believed there would be a very strong civic team in place.

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

**RESOLVED UNANIMOUSLY: That Councillor Gary Muir be appointed Deputy Mayor of the Royal Borough of Windsor and Maidenhead for the ensuing Municipal Year.**

The Chief Executive declared Councillor Gary Muir duly appointed Deputy Mayor. Councillor Muir made the Declaration of Acceptance of Office, witnessed by Councillors Cannon and Johnson.

In his speech of acceptance, Councillor Muir commented that he had really enjoyed working with the previous Mayor and looked forward to working with the new one. He explained that he undertook the role of Deputy Mayor to help residents and local charities. The Mayor's team had provided excellent support to him in this respect. It was his passion to publicise and raise money for charities during such difficult times, including the Royal British Legion and Blue Acre. He would continue with this passion during the Jubilee year. He also wanted to spend more time in his ward. He thanked everyone who had supported him.

Councillor Bateson then presented Councillor Muir and Caron North with their past Deputy Mayor's and past Deputy Mayoress's badges.

COUNCIL - 24.05.22

85. POLITICAL BALANCE AND APPOINTMENT OF COMMITTEE/PANEL/FORUM MEMBERSHIP AND CHAIRMEN/VICE CHAIRMEN FOR THE 2022/23 MUNICIPAL YEAR

Members considered the political balance in accordance with the duty in the Local Government and Housing Act 1989 to review and determine the representation of the different political groups on bodies appointed by the council.

Councillor Johnson highlighted that the proposed changes to panel structure followed the Local Government Association Peer Review recommendation to reconfigure the Overview and Scrutiny Panels to increase the membership and improve the focus. The recommendation had been supported by Cabinet and subsequently discussed in detail by the Constitution Working Group. He highlighted the proposal to appoint a Councillor from the non-majority Group to Chair a vitally important committee: Councillor L. Jones on the Audit and Governance Committee.

Councillor Johnson also confirmed the executive arrangements for the municipal year:

CABINET	
Member	Portfolio
Councillor Johnson	Leader of the Council & Cabinet Member for Growth & Opportunity
Councillor Rayner	Deputy Leader of the Council & Cabinet Member for Business, Corporate & Residents Services, Culture & Heritage, & Windsor
Councillor Carroll	Deputy Chairman of Cabinet & Cabinet Member for Adult Social Care, Children's Services, Health, Mental Health, & Transformation
Councillor Cannon	Cabinet Member for Anti-Social Behaviour, Crime, and Public Protection
Councillor Coppinger	Cabinet Member for Environmental Services, Parks & Countryside & Maidenhead
Councillor Hilton	Cabinet Member for Asset Management & Commercialisation, Finance, & Ascot
Councillor Haseler	Cabinet Member for Planning, Parking, Highways & Transport
Councillor McWilliams	Cabinet Member for Digital Connectivity, Housing Opportunity, & Sport & Leisure
Councillor Stimson	Cabinet Member for Climate Action & Sustainability

*Cabinet Transformation Sub Committee:*

Councillors Carroll (Chairman), Haseler, Hilton, Johnson, McWilliams and Rayner.

*Other Member appointments under Executive functions for noting:*

LGA General Assembly Representatives: Councillors Johnson, Rayner, Carroll, Hilton

Desborough Development Partnership Board (Cala Homes) Member: Councillors Hilton, Johnson, Rayner, Stimson - *appointed under the governance arrangements detailed in the Joint Venture agreement ('Council representatives should have the suitable seniority, skill and expertise in the context of the role of the Project Board')*

Royal Borough Development Partnership Board (Countryside Properties) Council Representative: Councillors Hilton, Johnson, Coppinger, Rayner - *appointed under the*

COUNCIL - 24.05.22

*governance arrangements detailed in the Joint Venture agreement ('Council representatives should have the suitable seniority, skill and expertise in the context of the role of the Project Board')*

Achieving for Children Stakeholder Ownership Board Council representatives – Councillors Johnson, Carroll and Hilton - *appointed under the governance arrangements detailed in the Members/Inter Authority Agreement (Leader of the Council, Cabinet Member for Children's Services and one other Member)*

Optalis Ltd Non-Executive Director – Councillor Carroll - *appointed under the governance arrangements detailed in the shareholders agreement (Cabinet Member for Adult Services)*

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

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

- i) Notes the political balance of the council detailed in Table 1.**
- ii) Approves the recommendation of the Constitution Working Group to amend the terms of reference for Overview and Scrutiny Panels as detailed in Appendix B and delegates authority to the Monitoring Officer to update the constitution appropriately.**
- iii) Approves the membership of the committees, panels and forums for the Municipal Year as detailed in Appendix C.**
- iv) Appoints the Chairmen and Vice-Chairmen for the Municipal Year as detailed in Appendix C.**
- v) Delegates authority to the Head of Governance to amend/make further appointments on the nomination of the relevant Group Leader.**

In closing the meeting, the Mayor invited George and Jemima McKechnie to present bouquets to the Mayor, immediate past Mayoress and the Deputy Mayoress.

The meeting, which began at 7.00pm, ended at 7.51pm.

CHAIRMAN.....

DATE.....

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## MEMBERS' GUIDE TO DECLARING INTERESTS AT 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 Disclosable Pecuniary Interest (DPI) or Other Registerable 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.

Any Member with concerns about the nature of their interest should consult the Monitoring Officer in advance of the meeting.

### Non-participation in case of Disclosable Pecuniary Interest (DPI)

Where a matter arises at a meeting which directly relates to one of your DPIs (summary below, further details set out in Table 1 of the Members' Code of Conduct) you must disclose the interest, **not participate in any discussion or vote on the matter and must not remain in the room** unless you have been granted a dispensation. If it is a 'sensitive interest' (as agreed in advance by the Monitoring Officer), you do not have to disclose the nature of the interest, just that you have an interest. Dispensation may be granted by the Monitoring Officer in limited circumstances, to enable you to participate and vote on a matter in which you have a DPI.

Where you have a DPI on a matter to be considered or is being considered by you as a Cabinet Member in exercise of your executive function, you must notify the Monitoring Officer of the interest and must not take any steps or further steps in the matter apart from arranging for someone else to deal with it.

*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 (other than from the council) made to the councillor during the previous 12-month period for expenses incurred by him/her in carrying out his/her duties as a councillor, or towards his/her 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 council.*
- *Any licence to occupy land in the area of the council for a month or longer.*
- *Any tenancy where the landlord is the council, and the tenant is a body in which the relevant person has a beneficial interest in the securities of.*
- *Any beneficial interest in securities of a body where:*
  - a) *that body has a place of business or land in the area of the council, 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.

### Disclosure of Other Registerable Interests

Where a matter arises at a meeting which **directly relates** to one of your Other Registerable Interests (summary below and as set out in Table 2 of the Members Code of Conduct), you must disclose the interest. **You may speak on the matter only if members of the public are also allowed to speak at the meeting** but otherwise **must not take part in any discussion or vote on the matter and must not remain in the room unless you have been granted a dispensation**. If it is a 'sensitive interest' (as agreed in advance by the Monitoring Officer), you do not have to disclose the nature of the interest.

*Other Registerable Interests (relating to the Member or their partner):*

*You have an interest in any business of your authority where it relates to or is likely to affect:*

- a) any body of which you are in general control or management and to which you are nominated or appointed by your authority*
- b) any body*
  - (i) exercising functions of a public nature*
  - (ii) directed to charitable purposes or*

*one of whose principal purposes includes the influence of public opinion or policy (including any political party or trade union)*

### **Disclosure of Non- Registerable Interests**

Where a matter arises at a meeting which **directly relates** to your financial interest or well-being (and is not a DPI) or a financial interest or well-being of a relative or close associate, you must disclose the interest. **You may speak on the matter only if members of the public are also allowed to speak at the meeting** but otherwise **must not take part in any discussion or vote on the matter and must not remain in the room unless you have been granted a dispensation**. If it is a 'sensitive interest' (agreed in advance by the Monitoring Officer) you do not have to disclose the nature of the interest.

Where a matter arises at a meeting which **affects** –

- a. your own financial interest or well-being;
- b. a financial interest or well-being of a friend, relative, close associate; or
- c. a body included in those you need to disclose under DPIs as set out in Table 1 of the Members' code of Conduct

you must disclose the interest. In order to determine whether you can remain in the meeting after disclosing your interest the following test should be applied.

Where a matter **affects** your financial interest or well-being:

- a. to a greater extent than it affects the financial interests of the majority of inhabitants of the ward affected by the decision and;
- b. a reasonable member of the public knowing all the facts would believe that it would affect your view of the wider public interest

**You may speak on the matter only if members of the public are also allowed to speak at the meeting** but otherwise **must not take part in any discussion or vote on the matter and must not remain in the room unless you have been granted a dispensation**. If it is a 'sensitive interest' (agreed in advance by the Monitoring Officer, you do not have to disclose the nature of the interest.

### **Other declarations**

Members may wish to declare at the beginning of the meeting any other information they feel should be in the public domain in relation to an item on the agenda; such Member statements will be included in the minutes for transparency.

## MAYOR'S COMMUNICATIONS

Since Annual Council the Mayor and Deputy Mayor have carried out the following engagements:-

- Attended the launch of The Ivy Royal Brasserie, Windsor
- Visited The Goswells, Windsor to view the school gardens
- Attended a coffee morning with residents from Ukraine
- Led the Mayor's Sunday Civic Service
- Attended the Annual Lecture at St George's House, Windsor Castle
- Unveiled a postbox in Windsor to commemorate Her Majesty the Queen's Platinum Jubilee
- Attended several Platinum Jubilee celebrations in Windsor including the Ox Roast; Beacon Lighting and the Big Lunch. Also travelled on the River Thames on board "The Gloriana"
- Visited the Platinum Jubilee street party in Cookham
- Attended the Platinum Jubilee concert in St Michael's Church, Sunninghill
- Unveiled a Jubilee plaque on the memorial at Datchet Village Green
- Joined members of the King George VI Day Centre in Windsor for Afternoon Tea to celebrate the Platinum Jubilee
- Attended the SERFCA (South East Reserve Forces Cadets Association) briefing
- Attended the 40<sup>th</sup> anniversary of the Falklands War service of reflection and commemoration in Holy Trinity Garrison Church, Windsor
- Attended meeting of the Charles Davis Trust
- Visited the 15<sup>th</sup> birthday party of the Alexander Devine Children's Hospice Service
- Judged floats at the 60<sup>th</sup> Old Windsor Carnival
- Attended the Garter Ceremony in St George's Chapel, Windsor Castle
- Participated in TV interview on the role of Mayor with "That's TV"
- Attended the Berkshire Maestros Junior Music Festival
- Watched the racing at Royal Ascot
- Started the duck race at Maidenhead Lions Duck Derby
- Led the flagraising for Armed Forces Day
- Welcomed the Maidenhead Women's Group for European Friendship and their guests from Bad Godesberg to the Mayor's Parlour, Town Hall
- Attended the relaunch reception at Signature at Ascot Grange, Ascot
- Presented long service award to Steve McCulloch on his completion of 50 years employment with the Royal Borough (and predecessor authority)
- Visited the Windsor and Eton Rotary Summer Fayre
- Attended the 200<sup>th</sup> anniversary service at the Windsor Parish Church
- Visited Dormy House, Sunningdale
- Attended the Year 11 Graduation Ceremony at Furze Platt Senior School
- Attended the official launch of Sunningdale Library
- Watched The Ellis Run arrive in Datchet Village
- Pulled the first pint at the Maidenhead Beer and Cider Festival
- Watched the "Chance to Dance" performance at Norden Farm
- Presented badges at the schools baton relay event
- Visited Cheapside Pre-School to meet the children and say farewell to the long-serving head on her retirement
- Attended several citizenship ceremonies

- Visited our local hospices – Thames Hospice and Alexander Devine Children’s Hospice
- Attended the local Samaritans AGM and met their volunteers
- Attended the Lord Lieutenant’s Reception
- Watched Ascot Races with members of the Ascot Authority
- Joined members of the Windsor and Maidenhead Community Forum for a presentation on the Duke of Wellington
- Attended the official handover of the Luff Collection from the Royal Albert Institute Fund to the Royal Borough’s Library Service
- Presented prizes following the annual En Plein air painting competition in Windsor
- Led the procession of town criers from the Guildhall to the grounds of Windsor Castle for their competition and presented prizes
- Chaired the AGM of the Royal Borough’s Twinning Committee
- Presented prizes at the WAMCF interfaith cricket tournament
- Attended the Lord Lieutenant’s presentation of Queen’s Award for Voluntary Service and other honours
- Led the flagraising for Merchant Navy Day at the Town Hall war memorial
- Attended the Rotary Club of Windsor St George’s supporters event
- Presented prizes at the Old Windsor Handicraft, Produce and Horticultural Show
- Visited the Islamic Education Centre, 22 Maidenhead Road, Maidenhead for their Mosque Open Day
- Visited Maidenhead Mosque, Holmanlease, Maidenhead for the Open Day
- Together with Councillors Mrs Rayner and Johnson participated in the itinerary of events and programmed activities as part of the official twin town visit to Goslar, Germany
- Visited the Coldstream Guards, Victoria Barracks, Windsor
- Accepted a petition from 7 year old Amelie from Sunningdale
- Proclamation for His Majesty the King at the Queen Victoria Statue, Windsor
- Visited Westminster Hall for the Lying-in-State
- Attended the committal service for Her Majesty the Queen in St George’s Chapel, Windsor Castle
- Viewed the funeral procession of Her Majesty the Queen Elizabeth II.



Report Title:	<b>Corporate Overview and Scrutiny Panel - Annual Report 2021/22</b>
Contains Confidential or Exempt Information	No - Part I
Member Reporting:	Councillor Gerry Clark, Chairman of the Panel
Lead Officers:	Duncan Sharkey, Chief Executive Adele Taylor, Executive Director of Resources
Meeting and Date:	Full Council – 27 September 2022

## **REPORT SUMMARY**

Part 9A B4 of the [council constitution](#) requires an Overview and Scrutiny Panel to report annually to Full Council on 'its workings and make recommendations for future work programmes and amended working methods if appropriate'.

### **1. DETAILS OF RECOMMENDATION(S)**

**RECOMMENDATION: That Full Council notes the annual report of the Corporate Overview and Scrutiny Panel.**

### **2. CHAIRMAN'S INTRODUCTION**

- 2.1 The Corporate Overview and Scrutiny Panel met six times during the year and scrutinised 17 reports.
- 2.2 The Chairman would like to thank; all Members of the Panel for their contributions to the scrutiny function, officers of the council for the time and effort that they have put into the preparation of papers and their responses to questions asked by Members prior to and during the meetings, and the registered public speakers for their valued comments and suggestions.

### **3. TOPICS SCRUTINISED DURING THE MUNICIPAL YEAR 2021/22**

- 3.1 The 17 reports considered by the Panel included:
  - Q4 Performance Report (June 2021)
  - Workforce Profile Report (June 2021)
  - Q1 Performance Report (October 2021)
  - Annual Complaints and Compliments Report (October 2021)
  - Review of Council Governance of RBWM Property Company (October 2021)
  - Corporate Plan Challenge (October 2021)
  - Corporate Transformation Strategy & Action Plan (November 2021)
  - Resident Scrutiny Suggestion – RBWM App (November 2021)
  - CIPFA Action Plan Update (November 2021)
  - Financial Update (November 2021)

- Draft Budget 2022/23 Scrutiny Challenge (December 2021)
- Draft Budget 2022/23 - Fees and Charges (January 2022)
- Budget 2022/23 - Car Parking Income Targets (January 2022)
- Q2 Data and Performance Report (January 2022)
- Future Performance Reporting Arrangements (January 2022)
- Corporate Plan Performance Management and Q3 Performance Summary (April 2022)
- Financial Update (April 2022)

- 3.2 In October 2021, the Panel scrutinised the Corporate Plan in a 'Challenge Session'.
- 3.3 Prior to the meeting all Members of the Council were invited to submit questions, written responses were prepared by officers ahead of a pre-briefing to establish the key lines of enquiry.
- 3.4 During the 'Challenge Session' three registered public speakers addressed the Panel. The Panel challenged the 'assumptions and targets' of the Corporate Plan, making several recommendations that were subsequently accepted by Cabinet.
- 3.5 In December, the Panel scrutinised the Draft Budget 2022/23 in another 'Challenge Session' with an expanded Panel of 10 Members. This comprised of Members from other Overview and Scrutiny Panels and followed a similar process as the 'Corporate Plan Challenge'.
- 3.6 One registered Public Speaker addressed the Panel, several recommendations and minority comments were recorded.
- 3.7 In January 2022, the Panel received a report relating to 'Future Reporting Arrangements'. Cabinet had agreed that the Corporate Overview and Scrutiny Panel should take overarching responsibility for reviewing the council's performance against the Corporate Plan. This will enable scrutiny of the council's performance as a whole, thereby providing greater strategic oversight of overall performance, preventing a siloed approach.
- 3.8 To enable the Corporate Overview and Scrutiny Panel to fulfil this role, the Panel will receive quarterly performance reports as a standing agenda item.
- 3.9 Reporting will be by exception, focusing the Panel's attention on areas where there are challenges, or where there has been significant progress. These reports will be published and available to all other Overview and Scrutiny Panels.
- 3.10 In addition, Panel Members will be able to review the data on the Citizen's Portal. This new, public-facing, performance dashboard will share performance information across all goals, major programmes and key operational performance metrics and will enable Members and the public to review progress and identify issues independently.

#### **4. CALL-INS CONSIDERED DURING THE MUNICIPAL YEAR 2021/22**

- 4.1 No calls-ins have been considered by the Panel this municipal year.

## **5. RESIDENT SUGGESTIONS CONSIDERED DURING THE MUNICIPAL YEAR 2021/22**

- 5.1 RBWM App – Panel Members welcomed the suggestion and agreed that it was a good idea and worthy of further exploration. Officers are currently working on the suggestion and will report back to the Panel towards the end of 2022.

## **6. TASK AND FINISH GROUPS ESTABLISHED DURING THE MUNICIPAL YEAR 2021/22**

- 6.1 No Task and Finish Groups have been established by the Panel this municipal year.

## **7. PROPOSALS FOR IMPROVED WORKING METHODS**

- 7.1 Be more proactive in requesting early sight of relevant reports that are on the Cabinet Forward Plan.
- 7.2 Distribute ‘to note’ reports to Panel Members electronically and only bring the reports to Panel meetings if necessary or requested by Panel Members for debate or in depth questions.
- 7.3 Work closely with Cabinet to ensure that the Panel is more involved with policy development, rather than only once the report has been finalised.
- 7.4 Monitor the ‘value for money’ aspect of the Panel, considering what changes and improvements the Panel has instigated.
- 7.5 Look at alternative ways of conducting Task and Finish groups, for example a “single day Task and Finish”.

## **8. THANKS**

- 8.1 All Members of the Panel would like to convey their thanks to everyone who has contributed to the function of Corporate Overview and Scrutiny Panel meetings:
- Mark Beeley – Clerk to the Panel
  - Officers of the council
  - Local residents

## **9. PROPOSED WORK PROGRAMME FOR THE MUNICIPAL YEAR 2022/23**

- 9.1 Items suggested but not yet programmed:
- Customer Journey
  - Communication
  - RBWM App
- 9.2 Dan Brookman is currently working on the RBWM App agenda item, it’s anticipated this will be on the agenda for a meeting later in the year. It’s likely

the Customer Journey and Communication items will be incorporated into this item.

## 10. APPENDICES

10.1 This report is supported by one appendix:

- Appendix A – Corporate Overview and Scrutiny Panel Work Programme 2022/23

### REPORT HISTORY

Decision type:	<b>Urgency item?</b>	<b>To follow item?</b>
For information	No	No

Report Author: Mark Beeley, Democratic Services Officer, <a href="mailto:mark.beeley@rbwm.gov.uk">mark.beeley@rbwm.gov.uk</a> , 01628 796345
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## WORK PROGRAMME - CORPORATE OVERVIEW AND SCRUTINY PANEL

<b>EXECUTIVE DIRECTORS</b>	<ul style="list-style-type: none"> <li>• Duncan Sharkey (Chief Executive)</li> <li>• Adele Taylor (Executive Director of Resources and S151 Officer)</li> <li>• Emma Duncan (Monitoring Officer and Deputy Director of Law and Strategy)</li> <li>• Andrew Durrant (Executive Director of Place)</li> </ul>
<b>LINK OFFICERS &amp; HEADS OF SERVICES</b>	<ul style="list-style-type: none"> <li>• Elaine Browne (Head of Law)</li> <li>• Nikki Craig (Head of HR, Corporate Projects &amp; IT)</li> <li>• Karen Shepherd (Head of Governance)</li> <li>• Andrew Vallance (Head of Finance and Deputy S151 Officer)</li> </ul>

### MEETING: 25<sup>th</sup> JULY 2022

ITEM	RESPONSIBLE OFFICER
Corporate Plan Performance Management and Q4 Performance Summary	<b>Rebecca Hatch</b> , <i>Head of Strategy</i>
Updated Workforce Profile 22/23	<b>Nikki Craig</b> , <i>Head of HR, Corporate Projects &amp; IT</i>
Budget Build	<b>Andrew Vallance</b> , <i>Head of Finance</i>
Medium Term Financial Strategy 2023/24 – 2027/28	<b>Andrew Vallance</b> , <i>Head of Finance</i>
Property Company Governance Action Plan Update	<b>Adele Taylor</b> , <i>Executive Director of Resources</i>
Work Programme	Panel Clerk

### MEETING: 4<sup>th</sup> OCTOBER 2022

ITEM	RESPONSIBLE OFFICER
Annual Complaints and Compliments Report	<b>Nikki Craig</b> , <i>Head of HR, Corporate Projects &amp; IT</i>
Customer Journey, Communication and the RBWM App	<b>Dan Brookman</b> , <i>Head of Transformation</i>
Corporate Plan Review	<b>Key Officers</b>
Corporate Plan Performance Management and Q1 Performance Summary	<b>Rebecca Hatch</b> , <i>Head of Strategy</i>
Work Programme	Panel Clerk

### MEETING: 14<sup>th</sup> DECEMBER 2022

ITEM	RESPONSIBLE OFFICER
Budget 2023/24	<b>Andrew Vallance</b> , <i>Head of Finance</i>
Work Programme	Panel Clerk

**MEETING: 30<sup>th</sup> JANUARY 2023**

ITEM	RESPONSIBLE OFFICER
Corporate Plan Performance Management and Q2 Performance Summary	<b>Rebecca Hatch</b> , <i>Head of Strategy</i>
Work Programme	Panel Clerk

**MEETING: 3<sup>rd</sup> APRIL 2023**

ITEM	RESPONSIBLE OFFICER
Work Programme	Panel Clerk

**ITEMS SUGGESTED BUT NOT YET PROGRAMMED**

ITEM	COMMENTS
The delivery of Equality, Diversity & Inclusion within the community and Council	<i>Suggested by Cllr Price – discussion at June 2022 meeting. Scoping document required.</i>

[Terms of Reference for the Corporate Overview and Scrutiny Panel](#)

Report Title:	<b>Adults, Children's and Health Overview and Scrutiny Panel - Annual Report</b>
Contains Confidential or Exempt Information?	No - Part I
Member reporting:	Councillor Hunt, Chairman of the Panel
Lead Officers:	Hilary Hall, Director of Adults, Health and Commissioning, and Kevin McDaniel, Director of Children's Services
Meeting and Date:	Full Council 27 September 2022

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## REPORT SUMMARY

Part 9A B4 of the [council constitution](#) requires an Overview and Scrutiny Panel to report annually to full Council on *'its workings and make recommendations for future work programmes and amended working methods if appropriate'*.

## DETAILS OF RECOMMENDATION(S)

### 1 RECOMMENDATION: That full Council notes the annual report of the Adults, Children's and Health Overview and Scrutiny Panel

### 2 CHAIRMAN'S INTRODUCTION

- The Panel have met 5 times during the municipal year which includes this meeting. It is noted that three of the five meetings have been virtual.
- A Task and Finish Group was set up to look at information on the current provision and the recommissioning of domiciliary care for older people and people with physical disabilities.
- It has been mentioned in previous years the brief for this Panel is very wide. There are 4 Forums plus one Health and Wellbeing Board with a total number of meetings for the municipal year of 23. Members have interacted with this brief by attending these meetings for Children's Services and Adult Services.
- Implementation of the new rolled out FUEL programme was implemented
- Support for Children in Care up to 25 years old was agreed and implemented
- Relaunch Shared Lives Scheme has been implemented
- A new long-term package for integrated care implemented
- A new Task and Finish Group was agreed to go forward to review and comment on Value for Money for Care Packages

### 3 TOPICS SCRUTINISED DURING THE MUNICIPAL YEAR 2021/22

- 1 Percentage of users who received rehabilitation support on leaving hospital who subsequently were at home 91 days later stayed consistent, with more than 80 per cent of people not returning to hospital within three months of discharge. This had assisted with creating adequate hospital capacity during the second wave of Covid.

- 2 Mandatory restrictions had prevented a number of day services from operating and scrutinised the many alternative methods of support brought in so as not to disadvantage people who used these services
- 3 A review of the capacity and skills in the Borough's finance and strategic commissioning teams following new structures to be put in place
- 4 Reviewed and agreed recommendations following Ofsted Report on Children's Services Improvement Plan
- 5 Reviewed on the presentation on Optalis Review Performance
- 6 Reviewed the Drug and Alcohol Services recommissioning
- 7 Reviewed the CIPFA update for Achieving for Children and Optalis
- 8 Reviewed the Joint Health and Wellbeing Strategy
- 9 Reviewed the Complaints and Compliments Report
- 10 Reviewed the Management Reports
- 11 Reviewed and agreed the Domiciliary Care Contract

## **5 CALL-INS CONSIDERED DURING THE MUNICIPAL YEAR 2021/22**

There were no Call-Ins during the municipal year

## **6 RESIDENT SUGGESTIONS CONSIDERED DURING THE MUNICIPAL YEAR 2021/22**

There were no resident suggestions considered during the municipal year

## **7 TASK AND FINISH GROUPS ESTABLISHED DURING THE MUNICIPAL YEAR 2021/22**

Members of the panel instigated a focussed task and finish group to understand the current provision of domiciliary care across the borough and to make recommendations to inform the future commissioning of care at home for older people and people with a physical disability. In August 2021, the panel met to gain an understanding of the services that are currently provided and the providers in the local market. The Chairman invited a local provider of services to present to the panel in order that members could speak to and ask questions about Care Quality Commission registered providers. At the meeting members outlined the type and quality of provision that they believed would best serve residents. In September 2021, the panel met again to review and challenge the draft specification for the new service.

Members noted that aspects from their previous discussions were included in the tender such as the need for electronic call monitoring and the option given for those receiving care at home to change providers. Members were pleased to note only



providers that were inspected as good or outstanding by the Care Quality Commission are to be considered.

## 8 PROPOSALS FOR IMPROVED WORKING METHODS

The new proposals for virtual meetings of the Forums were agreed and implemented during the municipal year. However, meetings were held in person for Overview and Scrutiny Panels whilst complying with government's protocol.

## 9 THANKS

The Panel would like to thank the following individuals and organisations for their involvement in the scrutiny process this year:

Hilary Hall and the Optalis Team, and Kevin McDaniel and the Achieving for Children Team for their expertise guiding the Panel.

## 10 PROPOSED WORK PROGRAMME FOR THE MUNICIPAL YEAR 2022/23

Update on Lynwood Clinic Work Programme  
Family Hubs implementation  
Implementation of Health and Care White Paper  
Update on the Re-Commissioning of Day Opportunities  
Update of the Current Transformation Project  
Edge of Care  
Review of day service provision of Hubs following closures of Day Centres  
A Report on all children's and Youth Groups and what they do and the funding  
Implementation of Health & Care White Paper

<b>Decision type:</b> For information	<b>Urgency item?</b> No	<b>To Follow item?</b> No
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Report Title:	<b>Communities Overview and Scrutiny Panel - Annual Report 2021/22</b>
Contains Confidential or Exempt Information	No - Part I
Member Reporting:	Councillor Bowden, Chairman of the Panel
Lead Officers:	Andrew Durrant, Executive Director of Place, David Scott, Head of Communities
Meeting and Date:	Full Council – 27 September 2022

## **REPORT SUMMARY**

Part 9A B4 of the [council constitution](#) requires an Overview and Scrutiny Panel to report annually to full Council on 'its workings and make recommendations for future work programmes and amended working methods if appropriate'.

### **1. DETAILS OF RECOMMENDATION(S)**

**RECOMMENDATION:** That Full Council notes the annual report of the Infrastructure Overview and Scrutiny Panel.

### **2. CHAIRMAN'S INTRODUCTION**

- 2.1 Again, a difficult year within Covid restrictions. Most meetings were virtual, and or including online participants. This has restricted work programmes, and task and finish groups were not appropriate.

### **3. TOPICS SCRUTINISED DURING THE MUNICIPAL YEAR 2021/22**

- 3.1 Embedding Community Response
- 3.2 Library Transformation
- 3.3 Budget 2021/2022
- 3.4 District Enforcement
- 3.5 Thames Valley Police
- 3.6 Performance Management
- 3.7 Compliments and Complaints Annual Report
- 3.8 Maidenhead Heritage Centre
- 3.9 Performance of the Tivoli Contract for Grounds Maintenance
- 3.10 Allotments

### **4. CALL-INS CONSIDERED DURING THE MUNICIPAL YEAR 2021/22**

- 4.1 Battlemead Common

### **5. RESIDENT SUGGESTIONS CONSIDERED DURING THE MUNICIPAL YEAR 2021/22**

- 5.1 Parking on Footpaths and verges – The recommendation was that this topic was considered by the Communities Overview and Scrutiny Panel and the

Panel noted the report and agreed to consider the issue again after three months. This was considered at Panel on 9 November 2021 and the Panel received an update at the meeting on 12 April 2022 which stated that there had been no change on the bill to ban footway parking nationally.

## **6. TASK AND FINISH GROUPS ESTABLISHED DURING THE MUNICIPAL YEAR 2021/22**

6.1 No Task and Finish Groups established in the municipal year 2021/22.

## **7. PROPOSALS FOR IMPROVED WORKING METHODS**

7.1 People should feel positive about attending a scrutiny panel and embrace the work that goes with it. Meetings should be shorter and more focussed asking quality questions to scrutinise item.

7.2 Prior to meetings, topics studied more and prepare quality questions to ask.

7.3 No more 'scrutiny in arrears'. Be more abreast of the wider picture and get ahead of decision making and help to shape the agreement not hear about it once everything is in place. The Panel should look at the Cabinet forward plan and have an overview before cabinet makes its decision. This would make for better decision-making and be less confrontational. Involve Scrutiny Panels at beginning of process.

7.4 Summarise main points and actions. It's not always clear that what we've discussed has been taken on board or will ultimately make a difference.

7.5 Invite relevant community groups, experts and residents. Spend more time understanding what the Panel would like to scrutinise and invite groups accordingly.

7.6 More timely documents. At least a week in advance so we can properly scrutinise. Try and avoid 'to follow' reports.

7.7 More frequent meetings. Plan the municipal years meetings at the beginning of the year for better planning.

7.8 Set achievable, measurable goals. Make use of task and finish.

7.9 Better reflect the ethos of overview and scrutiny, which is to be a 'friendly critic' of the administration. What added value do we currently provide through our meetings? The role of Cabinet members should be to clarify areas, that they are present at a meeting to answer questions and provide clarification, not to participate in discussion.

7.10 Review of the budget process. We should give feedback on what worked well and what could be improved whilst this is still fresh in our mind. By doing so the process will be better for next year. Keep the budget process meeting to only one item for better scrutiny. This was dropped this year, but it's not clear why. We absolutely should be scrutinising the impact of budget proposals on our communities.

- 7.11 In order to foster a more cohesive approach I would recommend that we circulate all members of the Panel with ideas/comments/suggestions.
- 7.12 We will have had seven meetings in 2021/2022 (nine in the year 2021) but achieved very little. There needs to be a genuine appetite for scrutiny from all members of the panel, if it is to be successful, and that means being a 'friendly critic' of the administration, not backing them up at all times.
- 7.13 Speed up the process to get work items onto the work programme. Climate Change was requested in June 2021 by Cllr Price, a scoping document has been produced by Cllr del Campo but as yet, nothing has happened. Similarly, Cllr Del Campo repeatedly asked for updates from Norden Farm and Old Court before the February budget meeting but while nobody said no, it hasn't happened either.
- 7.14 Prioritise work items of most importance, such as Climate Change, and do them well, but don't lose sight of other matters. Briefing notes seem to be a good way to achieve this, but they seem to have been quietly shelved.
- 7.15 Add to the agenda of every meeting, "Actions and matters arising". We do these when prompted by panel members, but it should be a routine part of every meeting.
- 7.16 Scrutinise quarterly performance sooner — the new performance portal should assist with this. There doesn't seem to be much value in the performance reports at the moment though as they are so out of date.
- 7.17 Explore whether Parish Councillor Pat McDonald can be loaned an iPad to allow him to join meetings, or invite him to send a substitute.

## **8. THANKS**

- 8.1 The Panel would like to thank the following individuals and organisations for their involvement in the scrutiny process this year:
- Thames Valley Police
  - District Enforcement
  - Tivoli
  - Maidenhead Heritage Centre
  - David Scott, Lead Officer
  - Shilpa Manek, Clerk
  - Andrew Durrant, Executive Head of Service
  - All other officers who have attended to present reports or helped with the smooth running of meetings.
  - Margaret Lenton (Wraysbury Parish Council)
  - Members of the Public
  - Members of the Council

## **9. PROPOSED WORK PROGRAMME FOR THE MUNICIPAL YEAR 2022/23**

- 9.1 The Panel proposes to consider the following topic areas for scrutiny in the coming municipal year:

Topics already in progress/carried over from 2021/22:

- Norden Farm and Old Court
- Maidenhead Heritage Centre
- Tivoli update
- SERCO update

New topics:

- Climate Change
- Foodshare Windsor and Maidenhead
- Community Facilities Review
- Community Safety Partnership
- Boulters Lock car park
- Waste Management Strategy

## REPORT HISTORY

<b>Decision type:</b>	<b>Urgency item?</b>	<b>To follow item?</b>
For information	No	No

Report Author: Councillor Bowden, Chair of the Communities O&S Panel
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Report Title:	<b>Infrastructure Overview and Scrutiny Panel - Annual Report 2021/22</b>
Contains Confidential or Exempt Information	No - Part I
Member Reporting:	Councillor Luxton, Chairman of the Panel
Lead Officers:	Duncan Sharkey, Managing Director Andrew Durrant, Executive Director of Place Services Alyse Strachan, Head of Neighbourhood Services Tracy Hendren, Head of Housing and Environmental Health Service Chris Joyce, Head of Infrastructure, Sustainability & Economic Growth Adrien Waite, Head of Planning
Meeting and Date:	Full Council – 27 September 2022

## **REPORT SUMMARY**

*Part 9A B4 of the [council constitution](#) requires an Overview and Scrutiny Panel to report annually to full Council on ‘its workings and make recommendations for future work programmes and amended working methods if appropriate’.*

### **1. DETAILS OF RECOMMENDATION(S)**

**RECOMMENDATION: That Full Council notes the annual report of the Infrastructure Overview and Scrutiny Panel.**

### **2. CHAIRMAN’S INTRODUCTION**

2.1 During the Municipal year 2021/22, the Infrastructure Overview and Scrutiny Panel considered several issues which impacted the residents of the Royal Borough of Windsor and Maidenhead.

Due to the disruption of COVID and the newly structured way of working and process of adding items to the agenda, only 5 items were discussed during this period. We have some items on the future work programme, where we have to conduct a scoping document to see if it is an important issue and if needed, it can be added to the agenda for the next meeting. This has been a great way to structure future meetings too. In terms of the items on the current work programme, these will be monitored by the panel to oversee progress as we go along.

Executive Members, officers of the Council, Cabinet Members and Councillors were invited to attend the meetings to provide evidence, answer questions, address issues raised and prioritise decisions taken by the Panel.

The Infrastructure Overview and Scrutiny Panel also considered a number of reports, decisions, as well as call-ins relating to Executive Cabinet decisions, listed below.

### **3. TOPICS SCRUTINISED DURING THE MUNICIPAL YEAR 2021/22**

- 3.1 Q4, Q1 & Q2 Performance Reports
- 3.2 Bus routes update
- 3.3 Annual Complaints & Compliments Report 2020/21

### **4. CALL-INS CONSIDERED DURING THE MUNICIPAL YEAR 2021/22**

- 4.1 No Call-ins were made during the municipal year 2021/22

### **5. RESIDENT SUGGESTIONS CONSIDERED DURING THE MUNICIPAL YEAR 2021/22**

- 5.1 Maidenhead Town Centre CIL was suggested by Councillor Baldwin and residents as a potential resident scrutiny topic. This is currently in the process of being scoped and will be completed in the new municipal year.

### **6. TASK AND FINISH GROUPS ESTABLISHED DURING THE MUNICIPAL YEAR 2021/22**

- 6.1 No Task & Finish Groups were established during the municipal year 2021/22

### **7. PROPOSALS FOR IMPROVED WORKING METHODS**

- 7.1 Councillor Davey - Suggestion for each panel member to bring a proposed scoping document to the panel with a 'Purpose of Review and Criteria for Selection' pencilled in. These can be discussed and 2 would be selected by the panel for further scoping with officers.
- 7.2 Councillor Singh expressed his disappointment at the minimal overview and total lack of scrutiny that actually took place throughout the municipal year. A huge amount of the agenda was scrapped, and he found the new process of bringing items or leading members forward for scrutiny to be complicated and obstructive to the Panel - It did nothing to help the process. Councillor Davey echoed these words and added that positive steps had been taken to improving scrutiny, however further revision was required.

### **8. THANKS**

- 8.1 The Panel would like to thank the following individuals and organisations for their involvement in the scrutiny process this year:
  - Emma Duncan, Monitoring Officer for her help in instigating the new Performance Management Framework and the introduction of scoping documents.
  - Oran Norris-Browne, Clerk to the panel for his aid in maximising the productivity of the panel.
  - Shilpa Manek, Former Democratic Services Officer, for her help in aiding the panel in producing scoping documents.



PROPOSED WORK PROGRAMME FOR THE MUNICIPAL YEAR 2022/23

8.2 The Panel proposes to consider the following topic areas for scrutiny in the coming municipal year:

Topics already in progress/carried over from 2021/22:

- Maidenhead Town Centre CIL
- Review of Street Lighting
- Ascot Redevelopment and The Oaks Leisure Centre
- Digital Infrastructure & 5G

**9. APPENDICES**

9.1 This report is supported by 1 appendix:

- Appendix A- Work Programme

**REPORT HISTORY**

<b>Decision type:</b>	<b>Urgency item?</b>	<b>To follow item?</b>
For information	No	No

Report Author:  
 -Oran Norris-Browne, Democratic Services Officer on behalf of the Panel  
 -Councillor Sayonara Luxton, Chairman of Infrastructure Overview & Scrutiny Panel

## Appendix A

### WORK PROGRAMME - INFRASTRUCTURE OVERVIEW AND SCRUTINY PANEL

To include consideration of items scheduled on the [Cabinet Forward Plan](#).

<b>EXECUTIVE DIRECTORS</b>	<ul style="list-style-type: none"> <li>• Duncan Sharkey (Chief Executive)</li> <li>• Andrew Durrant (Executive Director of Place Services)</li> </ul>
<b>LINK OFFICERS &amp; HEADS OF SERVICE</b>	<ul style="list-style-type: none"> <li>• Tracy Hendren (Head of Housing and Environmental Health Service)</li> <li>• Chris Joyce (Head of Infrastructure, Sustainability &amp; Economic Growth)</li> <li>• Adrien Waite (Head of Planning)</li> <li>• Alysse Strachan (Head of Neighbourhood Services)</li> </ul>

#### MEETING: 15<sup>th</sup> September 2022

ITEM	RESPONSIBLE OFFICER
In-Depth Performance Reports referred by Corporate O&S Panel	<b>Andrew Durrant</b> , <i>Executive Director of Place</i>
Work Programme	Panel Clerk

#### MEETING: 31<sup>st</sup> January 2023

ITEM	RESPONSIBLE OFFICER
In-Depth Performance Reports referred by Corporate O&S Panel	<b>Andrew Durrant</b> , <i>Executive Director of Place</i>
Work Programme	Panel Clerk

#### MEETING: 12<sup>th</sup> April 2023

ITEM	RESPONSIBLE OFFICER
In-Depth Performance Reports referred by Corporate O&S Panel	<b>Andrew Durrant</b> , <i>Executive Director of Place</i>
Work Programme	Panel Clerk

#### ITEMS SUGGESTED BUT NOT YET PROGRAMMED

ITEM	RESPONSIBLE OFFICER
Review of Street Lighting	<b>Alysse Strachan</b> , <i>Head of Neighbourhood Services</i>

Ascot Redevelopment and The Oaks Leisure Centre	<b>Chris Joyce,</b> <i>Head of Infrastructure, Sustainability &amp; Economic Growth</i>
5G & Digital Infrastructure	<b>Chris Joyce,</b> <i>Head of Infrastructure, Sustainability &amp; Economic Growth</i>

<b>TASK AND FINISH GROUP SUGGESTIONS</b>	<b>RESPONSIBLE OFFICER</b>

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Report Title:	<b>Constitutional Amendments</b>
Contains Confidential or Exempt Information	No - Part I
Cabinet Member:	Councillor Rayner (Chairman of the Member Standards Panel)
Meeting and Date:	Full Council – 27 September 2022
Responsible Officer(s):	Emma Duncan, Deputy Director of Law and Strategy, Monitoring Officer / Karen Shepherd, Head of Governance
Wards affected:	All



## REPORT SUMMARY

*The power to amend the constitution resides with full Council. This report details recommendations to make amendments to the constitution to provide clarity, improve consistency and transparency, and support efficient and effective council meetings and decision making.*

*The Member Standards Panel met on 8 June 2022 and agreed to make the recommendations to the Members’ Code of Conduct as detailed below, for full Council consideration.*

### 1. DETAILS OF RECOMMENDATION(S)

**RECOMMENDATION:** That full Council notes the report and considers the recommendation from the Member Standards Panel to amend the Members’ Code of Conduct as detailed in Appendix B.

### 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 Section 2 and Appendix B  <b>This is the recommended option</b>	The amendments in the updated constitution will ensure the Code of Conduct reflects the current, up to date model LGA Code
Modify the changes to the constitution detailed in Section 2 and Appendix B	Members may wish to propose and consider amendments to the recommended changes.
Do not approve the changes to the constitution detailed in Section 2 and Appendix B	The constitution will not promote best practice or reflect the current, up to date model LGA Code

## Members Code of Conduct

- 2.1 The Council adopted the LGA Model Code of Conduct in May 2021; since that time the LGA has made minor amendments to the Code to make it clearer. The Member Standards Panel met on 8 June 2022 and unanimously agreed to recommend the changes to full Council.

## 3. KEY IMPLICATIONS

3.1

**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	Amendments not approved and updated constitution not published	Amendments approved and updated constitution published	n/a	n/a	July 2022

## 4. FINANCIAL DETAILS / VALUE FOR MONEY

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

## 5. LEGAL IMPLICATIONS

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

## 6. RISK MANAGEMENT

6.1

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

<b>Risk</b>	<b>Level of uncontrolled risk</b>	<b>Controls</b>	<b>Level of 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

## 7. POTENTIAL IMPACTS

- 7.1 Equalities. An Equality Impact Assessment screening form has been completed and is available as Appendix A.

7.2 Climate change/sustainability. None identified.

7.3 Data Protection/GDPR. None identified.

## 8. CONSULTATION

8.1 The Member Standards Panel met on 8 June 2022 and unanimously agreed to propose the recommendations detailed above.

## 9. TIMETABLE FOR IMPLEMENTATION

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

**Table 4: Implementation timetable**

Date	Details
27 September 2022	Full Council considers the recommendations
October 2022	Constitution updated and published to the council website

## 10. APPENDICES

10.1 This report is supported by two appendices:

- Appendix A – EQIA
- Appendix B – proposed amendments to Part 7A of the council constitution – Members’ Code of Conduct

## 11. BACKGROUND DOCUMENTS

11.1 This report is supported by one background document:

- The [current council constitution](#) (v. 21.2)

## 12. CONSULTATION

Name of consultee	Post held	Date sent	Date returned
<i>Mandatory:</i>	<i>Statutory Officers (or their deputies)</i>		
Adele Taylor	Executive Director of Resources/S151 Officer	9/6/22	13/6/22
<i>Deputy:</i>			
Andrew Vallance	Head of Finance (Deputy S151 Officer)	9/6/22	
Elaine Browne	Head of Law (Deputy Monitoring Officer)	9/6/22	
<i>Other consultees:</i>			

<i>Directors (where relevant)</i>			
Duncan Sharkey	Chief Executive	9/6/22	9/6/22
Andrew Durrant	Executive Director of Place	9/6/22	9/6/22
Kevin McDaniel	Executive Director of Children's Services	9/6/22	
<i>Heads of Service (where relevant)</i>			
N/A			
<i>External (where relevant)</i>			
N/A			

Confirmation relevant Cabinet Member(s) consulted	Councillor Rayner, Chairman of the Member Standards Panel	Yes
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## REPORT HISTORY

<b>Decision type:</b>	<b>Urgency item?</b>	<b>To follow item?</b>
Council decision	No	No

Report Author: Emma Duncan, Monitoring Officer / Karen Shepherd, Head of Governance
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**ROYAL BOROUGH OF WINDSOR AND MAIDENHEAD  
EQUALITY IMPACT ASSESSMENT**

**EqlA : Title of EQIA**

**Essential information**

**Items to be assessed: (please mark 'x')**

Amendments to Member Code of Conduct

<b>Strategy</b>		<b>Policy</b>		<b>Plan</b>		<b>Project</b>		<b>Service/Procedure</b>	X
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<b>Responsible officer</b>	Emma Duncan	<b>Service area</b>	Monitoring Officer	<b>Directorate</b>	Law, Governance, Strategy
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<b>Stage 1: EqlA Screening (mandatory)</b>	Date created: 260522	<b>Stage 2 : Full assessment (if applicable)</b>	Date created : n/a
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**Approved by Head of Service / Overseeing group/body / Project Sponsor:**

*"I am satisfied that an equality impact has been undertaken adequately."*

**Signed by (print):** Emma Duncan

**Dated:** 260522

# ROYAL BOROUGH OF WINDSOR AND MAIDENHEAD

## EQUALITY IMPACT ASSESSMENT

### EqlA : Title of EQIA

#### Guidance notes

##### What is an EqlA and why do we need to do it?

The Equality Act 2010 places a 'General Duty' on all public bodies to have 'due regard' to:

- Eliminating discrimination, harassment and victimisation and any other conduct prohibited under the Act.
- Advancing equality of opportunity between those with 'protected characteristics' and those without them.
- Fostering good relations between those with 'protected characteristics' and those without them.

EqlAs are a systematic way of taking equal opportunities into consideration when making a decision, and should be conducted when there is a new or reviewed strategy, policy, plan, project, service or procedure in order to determine whether there will likely be a detrimental and/or disproportionate impact on particular groups, including those within the workforce and customer/public groups. All completed EqlA Screenings are required to be publicly available on the council's website once they have been signed off by the relevant Head of Service or Strategic/Policy/Operational Group or Project Sponsor.

##### What are the "protected characteristics" under the law?

The following are protected characteristics under the Equality Act 2010: age; disability (including physical, learning and mental health conditions); gender reassignment; marriage and civil partnership; pregnancy and maternity; race; religion or belief; sex; sexual orientation.

##### What's the process for conducting an EqlA?

The process for conducting an EqlA is set out at the end of this document. In brief, a Screening Assessment should be conducted for every new or reviewed strategy, policy, plan, project, service or procedure and the outcome of the Screening Assessment will indicate whether a Full Assessment should be undertaken.

##### Openness and transparency

RBWM has a 'Specific Duty' to publish information about people affected by our policies and practices. Your completed assessment should be sent to the Strategy & Performance Team for publication to the RBWM website once it has been signed off by the relevant manager, and/or Strategic, Policy, or Operational Group. If your proposals are being made to Cabinet or any other Committee, please append a copy of your completed Screening or Full Assessment to your report.

##### Enforcement

Judicial review of an authority can be taken by any person, including the Equality and Human Rights Commission (EHRC) or a group of people, with an interest, in respect of alleged failure to comply with the general equality duty. Only the EHRC can enforce the specific duties. A failure to comply with the specific duties may however be used as evidence of a failure to comply with the general duty.

# ROYAL BOROUGH OF WINDSOR AND MAIDENHEAD

## EQUALITY IMPACT ASSESSMENT

EqIA : Title of EQIA

### Stage 1 : Screening (Mandatory)

#### 1.1 What is the overall aim of your proposed strategy/policy/project etc and what are its key objectives?

Amendments to Code of Conduct

75

**1.2 What evidence is available to suggest that your proposal could have an impact on people (including staff and customers) with protected characteristics? Consider each of the protected characteristics in turn and identify whether your proposal is Relevant or Not Relevant to that characteristic. If Relevant, please assess the level of impact as either High / Medium / Low and whether the impact is Positive (i.e. contributes to promoting equality or improving relations within an equality group) or Negative (i.e. could disadvantage them). Please document your evidence for each assessment you make, including a justification of why you may have identified the proposal as “Not Relevant”.**

# ROYAL BOROUGH OF WINDSOR AND MAIDENHEAD

## EQUALITY IMPACT ASSESSMENT

### EqlA : Title of EQIA

Protected characteristics	Relevance	Level	Positive/negative	Evidence
<b>Age</b>	None			<i>Key data: The estimated median age of the local population is 42.6yrs [Source: <a href="#">ONS mid-year estimates 2020</a>]. An estimated 20.2% of the local population are aged 0-15, and estimated 61% of the local population are aged 16-64yrs and an estimated 18.9% of the local population are aged 65+yrs. [Source: <a href="#">ONS mid-year estimates 2020</a>, taken from <a href="#">Berkshire Observatory</a>]</i>
<b>Disability</b>	None			
<b>Gender re-assignment</b>	None			
<b>Marriage/civil partnership</b>	None			
<b>Pregnancy and maternity</b>	None			
<b>Race</b>	None			<i>Key data: The 2011 Census indicates that 86.1% of the local population is White and 13.9% of the local population is BAME. The borough has a higher Asian/Asian British population (9.6%) than the South East (5.2%) and England (7.8%). The forthcoming 2021 Census data is expected to show a rise in the BAME population. [Source: 2011 Census, taken from <a href="#">Berkshire Observatory</a>]</i>
<b>Religion and belief</b>	None			<i>Key data: The 2011 Census indicates that 62.3% of the local population is Christian, 21.7% no religion, 3.9% Muslim, 2% Sikh, 1.8% Hindu, 0.5% Buddhist, 0.4% other religion, and 0.3% Jewish. [Source: 2011 Census, taken from <a href="#">Berkshire Observatory</a>]</i>
<b>Sex</b>	None			<i>Key data: In 2020 an estimated 49.6% of the local population is male and 50.4% female. [Source: <a href="#">ONS mid-year estimates 2020</a>, taken from <a href="#">Berkshire Observatory</a>]</i>
<b>Sexual orientation</b>	None			

**ROYAL BOROUGH OF WINDSOR AND MAIDENHEAD**  
**EQUALITY IMPACT ASSESSMENT**

**EqlA : Title of EQIA**

**Outcome, action and public reporting**

Screening Assessment Outcome	Yes / No / Not at this stage	Further Action Required / Action to be taken	Responsible Officer and / or Lead Strategic Group	Timescale for Resolution of negative impact / Delivery of positive impact
Was a significant level of negative impact identified?	No			
Does the strategy, policy, plan etc require amendment to have a positive impact?	No			

If you answered **yes** to either / both of the questions above a Full Assessment is advisable and so please proceed to Stage 2. If you answered “No” or “Not at this Stage” to either / both of the questions above please consider any next steps that may be taken (e.g. monitor future impacts as part of implementation, re-screen the project at its next delivery milestone etc).

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APPENDIX B

**PART 7 – THE CODES, PROTOCOLS  
AND ADVICE**

**A – MEMBERS’ CODE OF CONDUCT**

## **Royal Borough of Windsor & Maidenhead Members' Code of Conduct**

### **Definitions**

For the purposes of this Code of Conduct, a “councillor” means a member or co-opted member of a local authority or a directly elected mayor. A “co-opted member” is defined in the Localism Act 2011 Section 27(4) as “a person who is not a member of the authority but who

- a) is a member of any committee or sub-committee of the authority, or;
- b) is a member of, and represents the authority on, any joint committee or joint subcommittee of the authority;

and who is entitled to vote on any question that falls to be decided at any meeting of that committee or sub-committee”.

For the purposes of this Code of Conduct, “local authority” includes county councils, district councils, London borough councils, parish councils, town councils, fire and rescue authorities, police authorities, joint authorities, economic prosperity boards, combined authorities and National Park authorities.

### **Purpose of the Code of Conduct**

The purpose of this Code of Conduct is to assist you, as a councillor, in modelling the behaviour that is expected of you, to provide a personal check and balance, and to set out the type of conduct that could lead to action being taken against you. It is also to protect you, the public, fellow councillors, local authority officers and the reputation of local government. It sets out general principles of conduct expected of all councillors and your specific obligations in relation to standards of conduct. The LGA encourages the use of support, training and mediation prior to action being taken using the Code. The fundamental aim of the Code is to create and maintain public confidence in the role of councillor and local government.

### **General principles of councillor conduct**

Everyone in public office at all levels; all who serve the public or deliver public services, including ministers, civil servants, councillors and local authority officers; should uphold the [Seven Principles of Public Life](#), also known as the Nolan Principles.

Building on these principles, the following general principles have been developed specifically for the role of councillor.

In accordance with the public trust placed in me, on all occasions:

- I act with integrity and honesty
- I act lawfully
- I treat all persons fairly and with respect; and
- I lead by example and act in a way that secures public confidence in the role of councillor.

In undertaking my role:

- I impartially exercise my responsibilities in the interests of the local community
- I do not improperly seek to confer an advantage, or disadvantage, on any person



- I avoid conflicts of interest
- I exercise reasonable care and diligence; and
- I ensure that public resources are used prudently in accordance with my local authority's requirements and in the public interest.

### **Application of the Code of Conduct**

This Code of Conduct applies to you as soon as you sign your declaration of acceptance of the office of councillor or attend your first meeting as a co-opted member and continues to apply to you until you cease to be a councillor.

This Code of Conduct applies to you when you are acting in your capacity as a councillor which may include when:

- you misuse your position as a councillor
- Your actions would give the impression to a reasonable member of the public with knowledge of all the facts that you are acting as a councillor;

The Code applies to all forms of communication and interaction, including:

- at face-to-face meetings
- at online or telephone meetings
- in written communication
- in verbal communication
  - in non-verbal communication
  - in electronic and social media communication, posts, statements and comments

You are also expected to uphold high standards of conduct and show leadership at all times when acting as a councillor.

Your Monitoring Officer has statutory responsibility for the implementation of the Code of Conduct, and you are encouraged to seek advice from your Monitoring Officer on any matters that may relate to the Code of Conduct. Town and parish councillors are encouraged to seek advice from their Clerk, who may refer matters to the Monitoring Officer.

### **Standards of councillor conduct**

This section sets out your obligations, which are the minimum standards of conduct required of you as a councillor. Should your conduct fall short of these standards, a complaint may be made against you, which may result in action being taken.

Guidance is included to help explain the reasons for the obligations and how they should be followed.

### **General Conduct**

#### **1. Respect**

##### **As a councillor:**

**1.1 I treat other councillors and members of the public with respect.****1.2 I treat local authority employees, employees and representatives of partner organisations and those volunteering for the local authority with respect and respect the role they play.**

Respect means politeness and courtesy in behaviour, speech, and in the written word. Debate and having different views are all part of a healthy democracy. As a councillor, you can express, challenge, criticise and disagree with views, ideas, opinions and policies in a robust but civil manner. You should not, however, subject individuals, groups of people or organisations to personal attack.

In your contact with the public, you should treat them politely and courteously. Rude and offensive behaviour lowers the public's expectations and confidence in councillors.

In return, you have a right to expect respectful behaviour from the public. If members of the public are being abusive, intimidatory or threatening you are entitled to stop any conversation or interaction in person or online and report them to the local authority, the relevant social media provider or the police. This also applies to fellow councillors, where action could then be taken under the Councillor Code of Conduct, and local authority employees, where concerns should be raised in line with the local authority's councillor-officer protocol.

**2. Bullying, harassment and discrimination****As a councillor:****2.1 I do not bully any person****2.2 I do not harass any person.****2.3 I promote equalities and do not discriminate unlawfully against any person.**

The Advisory, Conciliation and Arbitration Service (ACAS) characterises bullying as offensive, intimidating, malicious or insulting behaviour, an abuse or misuse of power through means that undermine, humiliate, denigrate or injure the recipient. Bullying might be a regular pattern of behaviour or a one-off incident, happen face-to-face, on social media, in emails or phone calls, happen in the workplace or at work social events and may not always be obvious or noticed by others.

The Protection from Harassment Act 1997 defines harassment as conduct that causes alarm or distress or puts people in fear of violence and must involve such conduct on at least two occasions. It can include repeated attempts to impose unwanted communications and contact upon a person in a manner that could be expected to cause distress or fear in any reasonable person.

Unlawful discrimination is where someone is treated unfairly because of a protected characteristic. Protected characteristics are specific aspects of a person's identity defined by the Equality Act 2010. They are age, disability, gender reassignment, marriage and civil partnership, pregnancy and maternity, race, religion or belief, sex and sexual orientation.

The Equality Act 2010 places specific duties on local authorities. Councillors have a central role to play in ensuring that equality issues are integral to the local authority's performance and strategic aims, and that there is a strong vision and public commitment to equality across public services.

You must undertake training arranged by the Council on equality and diversity within two calendar months of your election and annually thereafter.

### **3. Impartiality of officers of the council**

**As a councillor:**

#### **3.1 I do not compromise, or attempt to compromise, the impartiality of anyone who works for, or on behalf of, the local authority.**

Officers work for the local authority as a whole and must be politically neutral (unless they are political assistants). They should not be coerced or persuaded to act in a way that would undermine their neutrality. You can question officers in order to understand, for example, their reasons for proposing to act in a particular way, or the content of a report that they have written. However, you must not try and force them to act differently, change their advice, or alter the content of that report, if doing so would prejudice their professional integrity.

### **4. Confidentiality and access to information**

**As a councillor:**

#### **4.1 I do not disclose information:**

- a. given to me in confidence by anyone
- b. acquired by me which I believe, or ought reasonably to be aware, is of a confidential nature, unless
  - i. I have received the consent of a person authorised to give it;
  - ii. I am required by law to do so;
  - iii. the disclosure is made to a third party for the purpose of obtaining professional legal advice provided that the third party agrees not to disclose the information to any other person; or
  - iv. the disclosure is:
    1. reasonable and in the public interest; and
    2. made in good faith and in compliance with the reasonable requirements of the local authority; and
    3. I have consulted the Monitoring Officer prior to its release.

#### **4.2 I do not improperly use knowledge gained solely as a result of my role as a councillor for the advancement of myself, my friends, my family members, my employer or my business interests.**

#### **4.3 I do not prevent anyone from getting information that they are entitled to by law.**

Local authorities must work openly and transparently, and their proceedings and printed materials are open to the public, except in certain legally defined circumstances. You should

work on this basis, but there will be times when it is required by law that discussions, documents and other information relating to or held by the local authority must be treated in a confidential manner. Examples include personal data relating to individuals or information relating to ongoing negotiations.

## **5. Disrepute**

### **As a councillor:**

#### **5.1 I do not bring my role or local authority into disrepute.**

As a Councillor, you are trusted to make decisions on behalf of your community and your actions and behaviour are subject to greater scrutiny than that of ordinary members of the public. You should be aware that your actions might have an adverse impact on you, other councillors and/or your local authority and may lower the public's confidence in you or your local authority's ability to discharge your/it's functions. For example, behaviour that is considered dishonest and/or deceitful can bring your local authority into disrepute.

You are able to hold the local authority and fellow councillors to account and are able to constructively challenge and express concern about decisions and processes undertaken by the council whilst continuing to adhere to other aspects of this Code of Conduct.

## **6. Use of position**

### **As a councillor:**

#### **6.1 I do not use, or attempt to use, my position improperly to the advantage or disadvantage of myself or anyone else.**

Your position as a member of the local authority provides you with certain opportunities, responsibilities and privileges, and you make choices all the time that will impact others. However, you should not take advantage of these opportunities to further your own or others' private interests or to disadvantage anyone unfairly.

## **7. Use of local authority resources and facilities**

### **As a councillor:**

#### **7.1 I do not misuse council resources**

#### **7.2 I will, when using the resources of the local or authorising their use by others:**

- a. act in accordance with the local authority's requirements; and**
- b. ensure that such resources are not used for political purposes unless that use could reasonably be regarded as likely to facilitate, or be conducive to, the discharge of the functions of the local authority or of the office to which I have been elected or appointed.**

You may be provided with resources and facilities by the local authority to assist you in carrying out your duties as a councillor.

Examples include:

- office support
- stationery
- equipment such as phones, and computers
- transport
- access and use of local authority buildings and rooms.

These are given to you to help you carry out your role as a councillor more effectively and are not to be used for business or personal gain. They should be used in accordance with the purpose for which they have been provided and the local authority's own policies regarding their use.

## **8. Complying with the Code of Conduct**

**As a Councillor:**

**8.1 I undertake Code of Conduct training provided by my local authority.**

**8.2 I cooperate with any Code of Conduct investigation and/or determination.**

**8.3 I do not intimidate or attempt to intimidate any person who is likely to be involved with the administration of any investigation or proceedings.**

**8.4 I comply with any sanction imposed on me following a finding that I have breached the Code of Conduct.**

It is extremely important for you as a councillor to demonstrate high standards, for you to have your actions open to scrutiny and for you not to undermine public trust in the local authority or its governance. If you do not understand or are concerned about the local authority's processes in handling a complaint you should raise this with your Monitoring Officer.

## **Protecting your reputation and the reputation of the local authority**

### **9. Interests**

**As a councillor:**

**9.1 I register and disclose my interests.**

Section 29 of the Localism Act 2011 requires the Monitoring Officer to establish and maintain a register of interests of members of the authority .

You need to register your interests so that the public, local authority employees and fellow councillors know which of your interests might give rise to a conflict of interest. The register is a public document that can be consulted when (or before) an issue arises. The register also protects you by allowing you to demonstrate openness and a willingness to be held accountable. You are personally responsible for deciding whether or not you should disclose an interest in a meeting, but it can be helpful for you to know early on if others think that a potential conflict might arise. It is also important that the public know about any interest that

might have to be disclosed by you or other councillors when making or taking part in decisions, so that decision making is seen by the public as open and honest. This helps to ensure that public confidence in the integrity of local governance is maintained.

You should note that failure to register or disclose a disclosable pecuniary interest as set out in Table 1, is a criminal offence under the Localism Act 2011.

Appendix B sets out the detailed provisions on registering and disclosing interests. If in doubt, you should always seek advice from your Monitoring Officer.

## **10. Gifts and hospitality**

### **As a councillor:**

- 10.1 I do not accept gifts or hospitality, irrespective of estimated value, which could give rise to real or substantive personal gain or a reasonable suspicion of influence on my part to show favour from persons seeking to acquire, develop or do business with the local authority or from persons who may apply to the local authority for any permission, licence or other significant advantage.**
- 10.2 I register with the Monitoring Officer any gift or hospitality with an estimated value of at least £25 within 28 days of its receipt.**
- 10.3 I register with the Monitoring Officer any multiple or recurring gift or hospitality (with an individual value of less than £25 but a combined total of £50 over a three-month period) received from an individual or group, within 28 days of its receipt.**
- 10.4 I register with the Monitoring Officer any significant gift or hospitality that I have been offered but have refused to accept.**

In order to protect your position and the reputation of the local authority, you should exercise caution in accepting any gifts or hospitality which are (or which you reasonably believe to be) offered to you because you are a councillor. The presumption should always be not to accept significant gifts or hospitality. However, there may be times when such a refusal may be difficult if it is seen as rudeness in which case you could accept it but must ensure it is publicly registered. However, you do not need to register gifts and hospitality which are not related to your role as a councillor, such as Christmas gifts from your friends and family. It is also important to note that it is appropriate to accept normal expenses and hospitality associated with your duties as a councillor. If you are unsure, do contact your Monitoring Officer for guidance.

## **Appendices**

### **Appendix A – The Seven Principles of Public Life**

The principles are:

#### **Selflessness**

Holders of public office should act solely in terms of the public interest.

### **Integrity**

Holders of public office must avoid placing themselves under any obligation to people or organisations that might try inappropriately to influence them in their work. They should not act or take decisions in order to gain financial or other material benefits for themselves, their family, or their friends. They must disclose and resolve any interests and relationships.

### **Objectivity**

Holders of public office must act and take decisions impartially, fairly and on merit, using the best evidence and without discrimination or bias.

### **Accountability**

Holders of public office are accountable to the public for their decisions and actions and must submit themselves to the scrutiny necessary to ensure this.

### **Openness**

Holders of public office should act and take decisions in an open and transparent manner. Information should not be withheld from the public unless there are clear and lawful reasons for so doing.

### **Honesty**

Holders of public office should be truthful.

### **Leadership**

Holders of public office should exhibit these principles in their own behaviour. They should actively promote and robustly support the principles and be willing to challenge poor behaviour wherever it occurs.

## **Appendix B**

### **Registering interests**

Within 28 days of becoming a member or your re-election or re-appointment to office you must register with the Monitoring Officer the interests which fall within the categories set out in **Table 1 (Disclosable Pecuniary Interests)** which are as described in "The Relevant Authorities (Disclosable Pecuniary Interests) Regulations 2012". You should also register details of your other personal interests which fall within the categories set out in **Table 2 (Other Registerable Interests)**.

**"Disclosable pecuniary interest"** means an interest of yourself, or of your partner if you are aware of your partner's interest, within the descriptions set out in Table 1 below.

**"Partner"** means a spouse or civil partner, or a person with whom you are living as husband or wife, or a person with whom you are living as if you are civil partners.

1. You must ensure that your register of interests is kept up-to-date and within 28 days of becoming aware of any new interest, or of any change to a registered interest, notify the Monitoring Officer.
2. A 'sensitive interest' is as an interest which, if disclosed, could lead to the councillor, or a person connected with the councillor, being subject to violence or intimidation.
3. Where you have a 'sensitive interest' you must notify the Monitoring Officer with the reasons why you believe it is a sensitive interest. If the Monitoring Officer agrees they will withhold the interest from the public register.

### **Non participation in case of disclosable pecuniary interest**

4. Where a matter arises at a meeting which directly relates to one of your Disclosable Pecuniary Interests as set out in **Table 1**, you must disclose the interest, not participate in any discussion or vote on the matter and must not remain in the room unless you have been granted a dispensation. If it is a 'sensitive interest', you do not have to disclose the nature of the interest, just that you have an interest. Dispensation may be granted in limited circumstances, to enable you to participate and vote on a matter in which you have a disclosable pecuniary interest.
5. Where you have a disclosable pecuniary interest on a matter to be considered or is being considered by you as a Cabinet member in exercise of your executive function, you must notify the Monitoring Officer of the interest and must not take any steps or further steps in the matter apart from arranging for someone else to deal with it.

### **Disclosure of Other Registerable Interests**

6. Where a matter arises at a meeting which **directly relates** to one of your Other Registerable Interests (as set out in Table 2), you must disclose the interest. You may speak on the matter only if members of the public are also allowed to speak at the meeting but otherwise must not take part in any discussion or vote on the matter and must not remain in the room unless you have been granted a dispensation. If it is a 'sensitive interest', you do not have to disclose the nature of the interest.

### **Disclosure of Non- Registerable Interests**

7. Where a matter arises at a meeting which **directly relates** to your financial interest or well-being (and is not a Disclosable Pecuniary Interest set out in Table 1) or a financial interest or well-being of a relative or close associate, you must disclose the interest. You may speak on the matter only if members of the public are also allowed to speak at the meeting but otherwise must not take part in any discussion or vote on the matter and must not remain in the room unless you have been granted a dispensation. If it is a 'sensitive interest', you do not have to disclose the nature of the interest.
8. Where a matter arises at a meeting which **affects** –



- a. your own financial interest or well-being;
- b. a financial interest or well-being of a friend, relative, close associate; or
- ~~c. a body included in those you need to disclose under Disclosable Pecuniary Interests as set out in Table 1~~
- c. a financial interest or well-being of a body included under Other Registrable Interests as set out in Table 2

you must disclose the interest. In order to determine whether you can remain in the meeting after disclosing your interest the following test should be applied.

9. Where a matter (referred to in paragraph 8 above) **affects** ~~the your~~ financial interest or well-being:
- a. to a greater extent than it affects the financial interests of the majority of inhabitants of the ward affected by the decision and;
  - b. a reasonable member of the public knowing all the facts would believe that it would affect your view of the wider public interest

You may speak on the matter only if members of the public are also allowed to speak at the meeting but otherwise must not take part in any discussion or vote on the matter and must not remain in the room unless you have been granted a dispensation.

If it is a 'sensitive interest', you do not have to disclose the nature of the interest.

10. Where you have an Other Registrable Interest or Non-Registrable Interest on a matter to be considered or is being considered by you as a Cabinet member in exercise of your executive function, you must notify the Monitoring Officer of the interest and must not take any steps or further steps in the matter apart from arranging for someone else to deal with it. Where you have a personal interest in any business of your authority and you have made an executive decision in relation to that business, you must make sure that any written statement of that decision records the existence and nature of your interest.

**Table 1: Disclosable Pecuniary Interests**

This table sets out the explanation of Disclosable Pecuniary Interests as set out in the Relevant Authorities (Disclosable Pecuniary Interests) Regulations 2012.

Subject	Description
Employment, office, trade, profession or vocation	Any employment, office, trade, profession or vocation carried on for profit or gain. [Any unpaid directorship.]

<b>Subject</b>	<b>Description</b>
<b>Sponsorship</b>	<p>Any payment or provision of any other financial benefit (other than from the council) made to the councillor during the previous 12-month period for expenses incurred by him/her in carrying out his/her duties as a councillor, or towards his/her election expenses.</p> <p>This includes any payment or financial benefit from a trade union within the meaning of the Trade Union and Labour Relations (Consolidation) Act 1992.</p>
<b>Contracts</b>	<p>Any contract made between the councillor or his/her spouse or civil partner or the person with whom the councillor is living as if they were spouses/ civil partners (or a firm in which such person is a partner, or an incorporated body of which such person is a director* or a body that such person has a beneficial interest in the securities of*) and the council —</p> <p>(a) under which goods or services are to be provided or works are to be executed; and which has not been fully discharged</p>
<b>Land and Property</b>	<p>Any beneficial interest in land which is within the area of the council.</p> <p>'Land' excludes an easement, servitude, interest or right in or over land which does not give the councillor or his/her spouse or civil partner or the person with whom the councillor is living as if they were spouses/ civil partners (alone or jointly with another) a right to occupy or to receive income.</p>
<b>Licenses</b>	<p>Any licence (alone or jointly with others) to occupy land in the area of the council for a month or longer</p>

<b>Subject</b>	<b>Description</b>
<b>Corporate tenancies</b>	Any tenancy where (to the councillor’s knowledge)— (a)the landlord is the council; and the tenant is a body that the councillor, or his/her spouse or civil partner or the person with whom the councillor is living as if they were spouses/ civil partners is a partner of or a director* of or has a beneficial interest in the securities* of.
<b>Securities</b>	Any beneficial interest in securities* of a body where— (a)that body (to the councillor’s knowledge) has a place of business or land in the area of the council; 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 if the share capital of that body is of more than one class, the total nominal value of the shares of any one class in which the councillor, or his/ her spouse or civil partner or the person with whom the councillor is living as if they were spouses/civil partners has a beneficial interest exceeds one hundredth of the total issued share capital of that class.

\* ‘director’ includes a member of the committee of management of an industrial and provident society.

\* ‘securities’ means shares, debentures, debenture stock, loan stock, bonds, units of a collective investment scheme within the meaning of the Financial Services and Markets Act 2000 and other securities of any description, other than money deposited with a building society.

**Table 2: Other Registerable Interests**

You must register as an Other Registerable Interest:  
a) any unpaid directorships

b ) any body of which you are a member or are in a position of general control or management and to which you are nominated or appointed by your authority

c) any body

(i) exercising functions of a public nature

(ii) directed to charitable purposes or

(iii) one of whose principal purposes includes the influence of public opinion or policy (including any political party or trade union)

of which you are a member or in a position of general control or management

~~You have a personal interest in any business of your authority where it relates to or is likely to affect:~~

~~a) any body of which you are in general control or management and to which you are nominated or appointed by your authority~~

~~b) any body~~

~~(i) exercising functions of a public nature~~

~~(ii) any body directed to charitable purposes or~~

~~one of whose principal purposes includes the influence of public opinion or policy (including any political party or trade union)~~

## Appendix C – the Committee on Standards in Public Life

The LGA has undertaken this review whilst the Government continues to consider the recommendations made by the Committee on Standards in Public Life in their report on [Local Government Ethical Standards](#). If the Government chooses to implement any of the recommendations, this could require a change to this Code.

The recommendations cover:

- Recommendations for changes to the Localism Act 2011 to clarify in law when the Code of Conduct applies
- The introduction of sanctions
- An appeals process through the Local Government Ombudsman
- Changes to the Relevant Authorities (Disclosable Pecuniary Interests) Regulations 2012
- Updates to the Local Government Transparency Code
- Changes to the role and responsibilities of the Independent Person
- That the criminal offences in the Localism Act 2011 relating to Disclosable Pecuniary Interests should be abolished

The Local Government Ethical Standards report also includes Best Practice recommendations. These are:

**Best practice 1:** Local authorities should include prohibitions on bullying and harassment in codes of conduct. These should include a definition of bullying and harassment, supplemented with a list of examples of the sort of behaviour covered by such a definition.

**Best practice 2:** Councils should include provisions in their code of conduct requiring councillors to comply with any formal standards investigation and prohibiting trivial or malicious allegations by councillors.

**Best practice 3:** Principal authorities should review their code of conduct each year and regularly seek, where possible, the views of the public, community organisations and neighbouring authorities.

**Best practice 4:** An authority's code should be readily accessible to both councillors and the public, in a prominent position on a council's website and available in council premises.

**Best practice 5:** Local authorities should update their gifts and hospitality register at least once per quarter, and publish it in an accessible format, such as CSV.

**Best practice 6:** Councils should publish a clear and straightforward public interest test against which allegations are filtered.

**Best practice 7:** Local authorities should have access to at least two Independent Persons.

**Best practice 8:** An Independent Person should be consulted as to whether to undertake a formal investigation on an allegation, and should be given the option to review and comment on allegations which the responsible officer is minded to dismiss as being without merit, vexatious or trivial.

**Best practice 9:** Where a local authority makes a decision on an allegation of misconduct following a formal investigation, a decision notice should be published as soon as possible on its website, including a brief statement of facts, the provisions of the code engaged by the allegations, the view of the Independent Person, the reasoning of the decision-maker, and any sanction applied.

**Best practice 10:** A local authority should have straightforward and accessible guidance on its website on how to make a complaint under the code of conduct, the process for handling complaints, and estimated timescales for investigations and outcomes.

**Best practice 11:** Formal standards complaints about the conduct of a parish councillor towards a clerk should be made by the chair or by the parish council, rather than the clerk in all but exceptional circumstances.

**Best practice 12:** Monitoring Officers' roles should include providing advice, support and management of investigations and adjudications on alleged breaches to parish councils within the remit of the principal authority. They should be provided with adequate training, corporate support and resources to undertake this work.

**Best practice 13:** A local authority should have procedures in place to address any conflicts of interest when undertaking a standards investigation. Possible steps should include asking the Monitoring Officer from a different authority to undertake the investigation.

**Best practice 14:** Councils should report on separate bodies they have set up or which they own as part of their annual governance statement and give a full picture of their relationship

with those bodies. Separate bodies created by local authorities should abide by the Nolan principle of openness and publish their board agendas and minutes and annual reports in an accessible place.

**Best practice 15:** Senior officers should meet regularly with political group leaders or group whips to discuss standards issues.

## **Appendix D**

### **Arrangements for dealing with breaches of the Code of Conduct**

Complaints in respect of this Code of Conduct are made to the Monitoring Officer.

#### **1. Receipt and Acknowledgment of the Complaint**

The Monitoring Officer will acknowledgment a Code of Conduct complaint within 5 working days. An initial response will then be sent within 10 working days after that, either seeking further clarification, or setting out how the council will consider the complaint. The onus is on the complainant to ensure that all relevant information is given. The complainant will be told that full details of their complaint will be given to the Councillor concerned (“the Subject Member”).

Anonymous complaints will not be considered unless accompanied by documentary or photographic evidence, evidencing an exceptionally serious or significant matter.

If the Subject Member is a Parish or Town Councillor, the clerk will be informed of the complaint on a confidential basis.

## 2. Response of the Subject Member

The Subject Member will be informed of the complaint within 5 working days of the complaint being received and clarified. The Subject Member will be asked to supply written comments within 10 working days from the complaint being received or such longer time as determined by the Monitoring Officer. A Subject Member will be informed that he or she is entitled under the Localism Act 2011 to seek support from one of the Council's Independent Persons

## 3. Initial Assessment of the complaint by the Monitoring Officer

Once a response has been received from the Subject Matter, or when a reasonable time has passed and no responses has been received, the Monitoring Officer will carry out an initial assessment of the complaint. The purpose of the initial assessment by the Monitoring Officer is to determine whether the complaint should be accepted for further consideration or rejected. In determining whether a complaint should proceed the Monitoring Officer may apply the following criteria:

- Acting as a Member: Was the Subject Member acting as a Member at the time of the allegation?<sup>1</sup>
- Seriousness of the complaint – is the complaint trivial, vexatious, malicious, politically motivated, or 'tit for tat'? Would the resources/cost involved in investigating and determining the complaint be disproportionate to the allegation if proven? Where complaints are raised by Members alleging a lack of respect or courtesy by the Subject Member then the Monitoring Officer may reject the complaint - see guidance on 'Respect - what a reasonable person would regard as disrespectful to others ' Appendix 3.
- Duplication – Is the complaint substantially similar to a previous allegation or is it subject of an existing investigation? If there is a current complaint about the same matter then a repeat allegation will be rejected unless the complainant is directly harmed by the allegation or they can provide new evidence.
- Length of time – Did the events or behaviour to which the complaint relates take place more than six months prior to receipt of the complaint. Does the time lapse mean that those involved are unlikely to remember matters clearly, or does the lapse of time mean that there would be little benefit in taking action
- Public Interest – In all cases, is the public interest served in referring the complaint further. Has the Subject Member offered an apology or other remedial action which is satisfactory to the Monitoring Officer, taking into account the circumstances of the complaint?

The complainant and the Subject Member will normally be informed by the Monitoring Officer of the initial assessment decision within 10 working days of it being made. Should it be determined by the Monitoring Officer, in consultation with an Independent Person where appropriate, that the complaint should not proceed, then the complaint shall be dismissed. There is no right of appeal for the complainant under these rules.

## 4. Decision of the Monitoring Officer

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<sup>1</sup> See guidance at Appendix 4

Should it be determined, having regard to the criteria referred to in section 3 above, that the complaint be accepted for further consideration, the Monitoring Officer shall, subject to consultation with an Independent Person, have delegated authority to decide to take one of the following actions:

- If there is clear evidence that there has been no breach of the Code of Conduct, the Monitoring Officer will write a No Breach Decision Notice explaining the reason for the decision which will be given to the complainant and the Subject Member. The Parish or Town Clerk, if appropriate, will be informed that there is no breach.
- Where there has been a clear breach of the Code of Conduct the Monitoring Officer will write a report with a recommendation for a decision for a breach of the Code of Conduct, giving reasons for that recommended decision, and then refer the matter to a Members Standards Sub-Committee for a formal decision. The Member Standards Sub-Committee will conduct a local hearing following the procedure in Appendix 6 of this Part, and make a decision in accordance with paragraph 2.2.
- Where there has possibly been a breach of the Code of Conduct, the Monitoring Officer will require a formal investigation and a written investigation report by an Investigating Officer. An indicative timescale for the process should be given to the complainant and the Subject Member. At least a monthly update report will be provided to all parties in an ongoing investigation. The investigation report shall conclude whether or not there has been a breach of the Code of Conduct and give clear reasons for that conclusion.



## **5. Finding on Investigation**

### **5.1 No Breach of Code of Conduct**

Where an investigation finds no evidence that the Subject Member has failed to comply with the Code of Conduct, the Monitoring Officer, in consultation with an Independent Person and the Chairman of the Member Standards Panel, shall make a decision to take no further action. The Monitoring Officer will write a No Breach Decision Notice explaining the reason for the decision which will be given to the complainant and the Subject Member. The Parish or Town Clerk, if appropriate, will be informed that there is no breach, but no further information will be supplied.

### **5.2 Breach of Code of Conduct**

Where there is evidence that the Subject Member has failed to comply with the Code of Conduct, the Monitoring Officer, in consultation with an Independent Person and the Chairman of the Member Standards Panel, shall make a decision to refer the Investigating Officer's report to a Member Standards Sub-committee. The Member Standards Sub-Committee will conduct a local hearing following the procedure Appendix 6 of this Part, and make a decision in accordance with paragraph 2.2.

The Member Standards Sub Committee will usually hear a complaint within one calendar month of the date that the Monitoring Officer has referred the matter to the Sub Committee. The Subject Member and complainant will be informed of the decision.

## **6. Appeals, Transparency and Confidentiality**

### **6.1 Appeals**

There is no right of appeal under the Code of Conduct and the decision of the Monitoring Officer or the Member Standards Sub Committee will be final. However, Subject Members who have been found in breach of the Code of Conduct may make a statement about the complaint and the findings. This statement shall be published on the Council's website for the period stated in Transparency section below.

If the complainant is unhappy with this decision, they may write to the Local Government and Social Care Ombudsman to complain if he or she believes that proper process has not been followed. The Ombudsman will not however have authority to change the decision itself. Note that the Ombudsman will not consider a complaint from a Councillor.

### **6.2 Transparency**

The decision of the Monitoring Officer or Member Standards Sub Committee will be sent to the Subject Member and the complainant. A decision that a Subject Member is in breach of the Code of Conduct will be published on the Council's website. The decision will be publicised for 12 months unless the Member Standards Sub-Committee consider an alternative time is appropriate.

Unless the Member Standards Sub-Committee determines otherwise, the decision notice, the Group Leader/ Chairman's statement and the Subject Member's statement only will be published on the website.

### **6.3 Confidentiality**

Subject to the requirements of Data Protection legislation, unless the Monitoring Officer or Member Standards Sub Committee decides otherwise or unless stated to the contrary in this Part, the complaint, all communications and correspondence, investigation reports, reports and decisions will remain confidential. Statements and investigations will be conducted with an expectation that such information will only be released to the parties involved under these arrangements.

The members 'need to know' in relation to access to information shall only extend to the Subject Member, the complainant (where such is a member) and members of the Member Standards Sub Committee.

Requests for information will be provided on the basis of the expectation of confidentiality by the parties and exemptions under the various statutory schemes. Where investigation reports have been prepared, only summary or the conclusions will be released.

## **Appendix E**

### **1 Procedure for Member Standards Sub Committee**

#### **1.1 Appointment, Composition and Terms of Reference of the Member Standards Sub Committee**

The Monitoring Officer is required to convene a Member Standards Sub Committee from the membership of the Member Standards Panel as necessary. The Member Standards Sub Committee will therefore not have a fixed membership.

The Member Standards Sub Committee shall comprise of two members of the Member Standards Panel, and one of the Council's Independent Persons. If the complaint relates to a Town or Parish Councillor then a co-opted Town or Parish Councillor may also be an additional member of the Member Standards Sub Committee, but will not have voting rights.

#### **1.2 Pre Hearing Process**

The date of the hearing will be arranged by the Monitoring Officer in consultation with the members of the Member Standards Sub Committee and the Subject Member.

Once the date for the Member Standards Sub Committee has been arranged the Subject Member will be notified and asked if they:

- a) wish to attend the hearing;
- b) wish to be accompanied or represented at the hearing by any other person;
- c) wish to submit any written evidence or documentation to be considered by the Sub Committee. This must be sent no later than 3 working days prior to the hearing and will be passed to the complainant and the Investigating Officer for any comment. Additional evidence or documentation not submitted by this deadline may not be accepted by the Sub Committee;
- d) wish to call relevant witnesses to give evidence at the hearing. The Chairman of the Member Standards Sub Committee appointed at the meeting will have the final decision on how many witnesses may reasonably be needed.

The Member Standards Sub Committee and the Subject Member, and the Independent Person will each receive a report from the Monitoring Officer which will include a copy of the Investigating Officer's final report, on a strictly confidential basis.

The Members Standards Sub Committee will be held in private and this will be confirmed at the hearing. The complainant will not attend unless the Chairman of the Member Standards Sub Committee agrees, or the Subject Member requests that they attend for the purposes of answering questions on the evidence provided.

#### **1.3 Procedure for the Member Standards Sub Committee**

The procedure for the Member Standards Sub Committee will be as follows:

- a) The Chairman will confirm the names and status of those attending. If the Subject Member is not present at the start of the hearing, and they had indicated their intention to attend, the Chairman shall ask the Monitoring Officer whether the Subject Member has provided any reasons why he or she would not be present. From the response the Member Standard Sub Committee will decide whether to make a determination in the absence of the Subject Member or adjourn the hearing to another date.
- b) If an Investigating Officer was used then the Investigating Officer, or in his/her absence the Monitoring Officer, shall present the Investigating Officer's report having particular regard to any points of difference identified by the Subject Member and why the Investigating Officer had concluded, on the basis of their findings of fact, that the Subject Member had failed to comply with the Code of Conduct. The Investigating Officer or Monitoring Officer may call witnesses as necessary in order to substantiate his/her findings.
- c) The Subject Member will then be given the opportunity to ask the Investigating Officer, or any of the witnesses, questions relating to the report or matters that have arisen during the witness statements.
- d) Members of the Member Standards Sub Committee, the Independent Person and the Monitoring Officer will then have the opportunity of asking the Investigating Officer, or any of the witnesses, questions relating to the report or matters that have arisen in the witness statements.
- e) The Subject Member will then be invited to respond to the Investigating Officer's report and provide evidence, either by calling witnesses or by making representations to the Member Standards Sub Committee as to why they consider that they did not fail to comply with the Code of Conduct.
- f) The Investigating Officer will then be given the opportunity to ask the Subject Member and any witnesses, questions relating to the representations made to the Member Standards Sub Committee.
- g) Members of the Member Standards Sub Committee, the Independent Person and the Monitoring Officer will then have the opportunity to ask the Subject Member, and any witnesses, questions relating to the representations made to the Member Standards Sub Committee.
- h) The Investigating Officer will then be given the opportunity to sum up.
- i) The Subject Member will then be given the opportunity to sum up
- j) The Independent Person will then be invited to comment and outline their view in respect of the complaint.
- k) The Chairman will check with the other members of the Member Standards Sub Committee whether they are satisfied that they have sufficient evidence to come to a considered conclusion on the matter. If it is decided that additional evidence is

required before a determination can be made then the hearing will be adjourned and the Investigating Officer or Monitoring Officer will be asked either to seek and provide such additional evidence and/or undertake further investigation on any point specified by the Member Standards Sub Committee.

- l) If the Member Standards Sub Committee is satisfied that that they do have sufficient evidence to make a decision this will conclude the evidence gathering part of the hearing. The Investigating Officer, the Subject Member, the Independent Person and any witnesses that might be present will be asked to leave at this point, but the clerk and Monitoring Officer to the Sub Committee will remain.
- m) The Member Standards Sub Committee will then determine the complaint on the balance of probabilities. If the Member Standards Sub Committee determine that there has been a failure to follow the Code they shall seek advice from the Monitoring Officer as to what action they believe should be taken against the Subject Member.

## **2 Findings of the Member Standards Sub Committee**

### **2.1 No Finding of a Failure to follow the Code of Conduct**

If the Member Standards Sub Committee determine that the Subject Member has not failed to follow the Code of Conduct then the complaint will be dismissed.

The Monitoring Officer shall prepare a decision notice in consultation with the Chairman of the Member Standards Sub Committee stating the Member Standards Sub Committee's findings in relation to a non-failure to follow the Code of Conduct . The decision notice will be provided to the Subject Member, the Investigating Officer if relevant, the complainant and the Independent Person for their information.

### **2.2 Finding of Failure to follow the Code of Conduct**

If the Member Standards Sub Committee determines that the Subject Member has failed to follow the Code of Conduct then it can decide to take any or more of the following actions:

- a) Formally censure the Subject Member in writing for their failure to follow the Code of Conduct;
- b) Recommend to the Subject Member's Group Leader (or in the case of un-grouped Members, recommend to Council or any subcommittee(s) of Council that the Subject Member be removed from any or all subcommittee(s) of the Council;
- c) Recommend to the Leader of Council that the Subject Member be removed from the Cabinet, or removed from particular portfolio responsibilities;
- d) Instruct the Monitoring Officer (or recommend that the relevant Town/Parish Council, as appropriate) to arrange training for the Subject Member;

- e) Remove (or recommend to the relevant Town/Parish Council that the Subject Member be removed) from all outside appointments to which he/she has been appointed or nominated by the authority (or by the Town/Parish Council);
- f) Withdraw (or recommend to the relevant Town/Parish Council that it withdraws) facilities provided to the Subject Member by the Council, such as a computer, website and/or e-mail and internet access;
- g) Exclude (or recommend that the relevant Town/Parish Council exclude) the Subject Member from the Council's offices or other premises, with the exception of meeting rooms as necessary for attending Council or Panel meetings; or
- h) Report its findings to the Crown Prosecution Service in respect of a Subject Member that has been found to have committed an offence under s30 and/or s31 Localism Act 2011.

### **2.3 Publication of the Decision on Finding a Breach of the Code of Conduct**

Within 5 working days of the decision, the Monitoring Officer shall prepare a formal decision notice in consultation with the Chairman of the Member Standards Sub Committee. A copy of the decision notice will be sent to the complainant, the Subject Member (and, if applicable, the relevant Town/Parish Council) and the Independent Person for their information.

A decision that a Subject Member is in breach of the Code of Conduct will be published on the Council's website for 12 months unless the Member Standards Sub-Committee consider an alternative time is appropriate.

The Subject Member has no right of appeal to the Council against a decision of the Monitoring Officer or the Member Standards Sub Committee.

Report Title:	<b>Members' Allowances Scheme</b>
Contains Confidential or Exempt Information	No - Part I
Cabinet Member:	Councillor Johnson, Leader of the Council
Meeting and Date:	Full Council – 27 September 2022
Responsible Officer(s):	Emma Duncan, Deputy Director, Law and Strategy / Karen Shepherd, Head of Governance
Wards affected:	All



## **REPORT SUMMARY**

The Independent Remuneration Panel (IRP) for the Royal Borough of Windsor and Maidenhead has undertaken an interim review of Member allowances, following a request by Full Council.

The IRP's report (attached as Appendix B) details a number of recommendations to amend the Members' Allowances Scheme for consideration by full Council.

Regular reviews of the scheme support the Corporate Plan objective 'A Council trusted to deliver' as they ensure the Members' Allowances Scheme is up to date and in line with best practice.

## **1. DETAILS OF RECOMMENDATION(S)**

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

- i) Considers the recommendations of the Independent Remuneration Panel set out in paragraph 2.3 and detailed in Appendix B**
- 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.**

## **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 council has a duty to 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 interim review was initiated by a resolution of full Council in February 2022. The IRP has made three recommendations for amendments to the scheme, summarised below. The IRP report, including detailed explanation and rationale for the recommendations, is attached as Appendix B.

**RECOMMENDATION 1: The following wording be removed from paragraph 17 (first bullet point) of the Members' Allowances Scheme:**

*Brought back to full Council each year for decision on whether to go ahead dependent on situation.*

**RECOMMENDATION 2: The following amendments (*in italics*) be made to Paragraph 15 (Renunciation) of the Members' Allowances Scheme:**

**Councillors may by notice in writing given to the Head of Governance elect to forgo any part of their entitlement to an allowance under this scheme. To minimise the administrative burden of managing the scheme:**

- *All Members are requested to provide such notification, or to confirm they do not wish to renounce any part of their allowances, by 1 April each year. Following local elections, newly elected Members are requested to provide a similar notification within 1 calendar month of election.*
- *All Members are requested to confirm to Payroll their wish to participate in the GAYE scheme by 1 April each year. Following local elections, newly elected Members are requested to provide a similar notification within 1 calendar month of election.*

**RECOMMENDATION 3: The Panel recommends that the SRA for the Chairman of the Borough-wide DM Panel be removed from the scheme with immediate effect.**

**RECOMMENDATION 4: The Panel recommends the amendments detailed above be implemented with immediate effect.**



### 3. KEY IMPLICATIONS

#### 3.1

**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	October 2022
Statutory notice placed in a local newspaper	Statutory notice not placed	Statutory notice placed	n/a	n/a	October 2022

### 4. FINANCIAL DETAILS / VALUE FOR MONEY

- 4.1 The Panel's recommendations in relation to indexation have no impact on the Members' Allowances budget, but will improve efficiency in terms of officer time required to manage the scheme.
- 4.2 The recommendation to delete the SRA for the Chairman of the Borough-wide DM Panel would represent a saving of £6,355 per annum, however it should be noted that, as the Panel has not existed since May 2020, the allowance has also not been paid out during this time.

### 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>Risk</b>	<b>Level of uncontrolled risk</b>	<b>Controls</b>	<b>Level of 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. No impacts identified. An Equality Impact Assessment screening document is available as Appendix A.
- 7.2 Climate change/sustainability: No impacts identified.
- 7.3 Data Protection/GDPR. No impacts identified.

**8. CONSULTATION**

- 8.1 All Members were given the opportunity to complete an email survey on the Members' Allowance Scheme in May 2022. The IRP invited four Members to meet with them in person to discuss issues in detail in June 2022.

**9. TIMETABLE FOR IMPLEMENTATION**

- 9.1 The IRP has recommended that the amendments be implemented immediately.

**Table 4: Implementation timetable**

<b>Date</b>	<b>Details</b>
27 September 2022	Full Council consideration of IRP recommendations
October 2022	Members' Allowance Scheme in the constitution updated as appropriate
October 2022	Statutory notice placed in a local newspaper
27 October 2022	All Members to notify the Head of Governance if they wish to renounce the indexation element (or any other amount) of their allowances for the 22/23 financial year; or to confirm they do not wish to renounce any part of their allowance

**10. APPENDICES**

- 10.1 This report is supported by two appendices:
- Appendix A – Equality Impact Assessment
  - Appendix B – The Twelfth Report of the RBWM IRP

## 11. BACKGROUND DOCUMENTS

11.1 This report is supported by one background document:

- The current [Members' Allowances Scheme](#) (Part 9 A of the council constitution)

## 12. CONSULTATION

Name of consultee	Post held	Date sent	Date returned
<i>Mandatory: Statutory Officers (or deputies)</i>			
Adele Taylor	Executive Director of Resources/S151 Officer	1/7/22	6/7/22
<i>Deputies:</i>			
Andrew Vallance	Head of Finance (Deputy S151 Officer)	1/7/22	
Elaine Browne	Head of Law (Deputy Monitoring Officer)	1/7/22	
<i>Mandatory: Procurement Manager (or deputy) - if report requests approval to go to tender or award a contract</i>			
Lyn Hitchinson	Procurement Manager	N/A	N/A
<i>Other consultees:</i>			
<i>Directors (where relevant)</i>			
Duncan Sharkey	Chief Executive	1/7/22	1/7/22
Andrew Durrant	Executive Director of Place	1/7/22	1/7/22
Kevin McDaniel	Executive Director of Children's Services	1/7/22	4/7/22
<i>Heads of Service (where relevant)</i>			
Nikki Craig	Head of HR, Corporate Projects and IT	1/7/22	1/7/22
<i>External (where relevant)</i>			
	N/A		

Confirmation relevant Cabinet Member(s) consulted	Councillor Johnson, Leader of the Council and Councillor Rayner, Cabinet Member for Business, Corporate & Residents Services, Culture & Heritage, & Windsor	Yes
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### REPORT HISTORY

Decision type:	Urgency item?	To follow item?
Council decision	No	No
Report Author: Karen Shepherd, Head of Governance, 07766 778286		

## APPENDIX A - EQUALITY IMPACT ASSESSMENT

### Essential information

Items to be assessed: (please mark 'x')

Strategy		Policy		Plan		Project		Service/Procedure	X
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Responsible officer	Karen Shepherd	Service area	Governance	Directorate	Law and Strategy
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<b>Stage 1: EqlA Screening (mandatory)</b>	Date created: 29/6/22	<b>Stage 2 : Full assessment (if applicable)</b>	Date created : N/A
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**Approved by Head of Service / Overseeing group/body / Project Sponsor:**

*"I am satisfied that an equality impact has been undertaken adequately."*

**Signed by (print):** K. Shepherd

**Dated:** 29/6/22

## Guidance notes

### What is an EqlA and why do we need to do it?

The Equality Act 2010 places a 'General Duty' on all public bodies to have 'due regard' to:

- Eliminating discrimination, harassment and victimisation and any other conduct prohibited under the Act.
- Advancing equality of opportunity between those with 'protected characteristics' and those without them.
- Fostering good relations between those with 'protected characteristics' and those without them.

EqlAs are a systematic way of taking equal opportunities into consideration when making a decision, and should be conducted when there is a new or reviewed strategy, policy, plan, project, service or procedure in order to determine whether there will likely be a detrimental and/or disproportionate impact on particular groups, including those within the workforce and customer/public groups. All completed EqlA Screenings are required to be publicly available on the council's website once they have been signed off by the relevant Head of Service or Strategic/Policy/Operational Group or Project Sponsor.

### What are the "protected characteristics" under the law?

The following are protected characteristics under the Equality Act 2010: age; disability (including physical, learning and mental health conditions); gender reassignment; marriage and civil partnership; pregnancy and maternity; race; religion or belief; sex; sexual orientation.

### What's the process for conducting an EqlA?

The process for conducting an EqlA is set out at the end of this document. In brief, a Screening Assessment should be conducted for every new or reviewed strategy, policy, plan, project, service or procedure and the outcome of the Screening Assessment will indicate whether a Full Assessment should be undertaken.

### Openness and transparency

RBWM has a 'Specific Duty' to publish information about people affected by our policies and practices. Your completed assessment should be sent to the Strategy & Performance Team for publication to the RBWM website once it has been signed off by the relevant manager, and/or Strategic, Policy, or Operational Group. If your proposals are being made to Cabinet or any other Committee, please append a copy of your completed Screening or Full Assessment to your report.

### Enforcement

Judicial review of an authority can be taken by any person, including the Equality and Human Rights Commission (EHRC) or a group of people, with an interest, in respect of alleged failure to comply with the general equality duty. Only the EHRC can enforce the specific duties. A failure to comply with the specific duties may however be used as evidence of a failure to comply with the general duty.

## Stage 1: Screening (Mandatory)

### 1.1 What is the overall aim of your proposed strategy/policy/project etc and what are its key objectives?

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 Council's IRP has met to undertake an interim review the scheme, the report to Council on 19 July 2022 presents the IRP's recommendations.

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1.2 What evidence is available to suggest that your proposal could have an impact on people (including staff and customers) with protected characteristics? Consider each of the protected characteristics in turn and identify whether your proposal is Relevant or Not Relevant to that characteristic. If Relevant, please assess the level of impact as either High / Medium / Low and whether the impact is Positive (i.e. contributes to promoting equality or improving relations within an equality group) or Negative (i.e. could disadvantage them). Please document your evidence for each assessment you make, including a justification of why you may have identified the proposal as "Not Relevant".

<b>Protected characteristics</b>	<b>Relevance</b>	<b>Level</b>	<b>Positive/negative</b>	<b>Evidence</b>
<b>Age</b>	Relevant	Low	Positive	The structure of the Allowance Scheme should enable people from all backgrounds to consider putting themselves forward as a candidate, and if elected, to undertake the role of a councillor
<b>Disability</b>	Relevant	Low	Positive	The structure of the Allowance Scheme should enable people from all backgrounds to consider putting themselves forward as a candidate, and if elected, to undertake the role of a councillor
<b>Gender re-assignment</b>	Relevant	Low	Positive	The structure of the Allowance Scheme should enable people from all backgrounds to consider putting themselves forward as a candidate, and if elected, to undertake the role of a councillor
<b>Marriage/civil partnership</b>	Relevant	Low	Positive	The structure of the Allowance Scheme should enable people from all backgrounds to consider putting themselves forward as a candidate, and if elected, to undertake the role of a councillor
<b>Pregnancy and maternity</b>	Relevant	Low	Positive	The structure of the Allowance Scheme should enable people from all backgrounds to consider putting themselves forward as a candidate, and if elected, to undertake the role of a councillor
<b>Race</b>	Relevant	Low	Positive	The structure of the Allowance Scheme should enable people from all backgrounds to consider putting themselves forward as a candidate, and if elected, to undertake the role of a councillor
<b>Religion and belief</b>	Relevant	Low	Positive	The structure of the Allowance Scheme should enable people from all backgrounds to consider putting themselves forward as a candidate, and if elected, to undertake the role of a councillor

<b>Sex</b>	Relevant	Low	Positive	The structure of the Allowance Scheme should enable people from all backgrounds to consider putting themselves forward as a candidate, and if elected, to undertake the role of a councillor
<b>Sexual orientation</b>	Relevant	Low	Positive	The structure of the Allowance Scheme should enable people from all backgrounds to consider putting themselves forward as a candidate, and if elected, to undertake the role of a councillor

### Outcome, action and public reporting

<b>Screening Assessment Outcome</b>	<b>Yes / No / Not at this stage</b>	<b>Further Action Required / Action to be taken</b>	<b>Responsible Officer and / or Lead Strategic Group</b>	<b>Timescale for Resolution of negative impact / Delivery of positive impact</b>
<b>Was a significant level of negative impact identified?</b>	No	N/A		
<b>Does the strategy, policy, plan etc require amendment to have a positive impact?</b>	No	N/A		

If you answered **yes** to either / both of the questions above a Full Assessment is advisable and so please proceed to Stage 2. If you answered “No” or “Not at this Stage” to either / both of the questions above please consider any next steps that may be taken (e.g. monitor future impacts as part of implementation, re-screen the project at its next delivery milestone etc).



# **A Review of Members' Allowances for the Royal Borough of Windsor & Maidenhead The Twelfth Report by the Independent Remuneration Panel**

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

**June 2022**

## **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)*. 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 review of the indexation element of the scheme, following a resolution of full Council in February 2022. The Panel also took the opportunity to review the Special Responsibility Allowances for Chairmen of Development Management Committees, given changes in the committee structure since the last review.

## **Terms of Reference**

4. The Panel was given the following terms of reference, namely to make recommendations on:
  - i) 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
  - ii) Whether the Special Responsibility Allowance for the Chairmen of Development Management Committees should be amended to reflect the current committee structure

## **The Panel**

5. The Royal Borough of Windsor & Maidenhead reconvened its Panel with the following Members appointed to carry out the 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 41 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 at the Royal Borough of Windsor and Maidenhead.

### **Process and Methodology**

7. The Panel met at the Town Hall, Maidenhead, on 4 May 2022 to consider background information including indexation arrangements in Member Allowance Schemes used by a range of other local authorities across the Southeast. The Panel also considered the issue of the SRA for Chairmen of the Development Management Committees.
8. Following the meeting, a survey was issued by email to all Members to seek their views on indexation, including a variety of potential options; 17 (of 41) Councillors provided written feedback: Cllrs Baskerville, Bhangra, Bond, Brar, Cannon, Coppinger, Davey, Del Campo, Hilton, Hill, Hunt, G. Jones, L. Jones, Rayner, Shelim, Stimson and Targowski.
9. Following consideration of the written responses, the Panel decided to interview four Members who represented the range of views expressed during the survey, to seek further understanding. The Panel convened again at the Town Hall, Maidenhead on 29 June 2022 to meet in person with Councillors Cannon, Del Campo, Hilton and L. Jones.
10. Following the Member interviews, the Panel considered all the evidence and finalised their recommendations.
11. The Panel meetings were held in private session to enable the Panel to meet with Members and Officers and consider the evidence in confidence.

## **INDEXATION**

### ***Benchmarking***

12. The Panel has reviewed and evaluated the evidence and representations within a comparative context. In particular, the Panel has considered indexation arrangements in a number of comparator councils. The latest data set available to the Panel was the South East Employers 2021 annual survey of Member Allowance Schemes, which includes data for all types of authorities across the south east, including the five other Berkshire unitary authorities.
13. The Panel noted that there were a number of approaches taken to indexation. Of the 69 local authorities that responded to the latest SEE survey (including RBWM), 47 confirmed their scheme included a formula for updating allowances on an annual basis. 18 local authorities confirmed that their scheme did not include a formula for indexation. Of those with an indexation formula, 40 schemes linked indexation to staff pay awards (whether increases were agreed nationally or locally). Two schemes used RPI or CPI as a benchmark. Two schemes used a flat rate of indexation agreed for a specific time period.
14. In making its recommendations, the Panel has not been driven by the allowance schemes for 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.

### ***Context***

15. The Panel noted that since the last full review of the Members Allowances Scheme by the Panel in 2020, both the Basic Allowance and all Special Responsibility Allowances (SRA) had increased marginally following indexation. As per the scheme, this was in line with the average pay increase given to Royal Borough employees of 2% in 2021/22 and a further 2% in 2022/23.
16. The Panel noted that at the conclusion of the last full review in late 2020, Members had agreed to insert the following wording into the Scheme in relation to indexation:
  - *Brought back to full Council each year for decision on whether to go ahead dependent on situation.*

However, following discussions between the Monitoring Officer and Section 151 officer in early February 2021 it was determined that this could not occur without the Panel first being convened to consider the issue and make recommendations to full Council. The budget proposed to Members for consideration therefore included automatic indexation of Member Allowances, subject to approval of a pay award for officers. The ability for

individual Members to renounce the indexation under the provisions of the scheme remained.

17. During the debate on the 2021/22 budget at Full Council in February 2021, a number of Members expressed concern about the indexation of Member Allowances. Subsequently, 23 Councillors informed the Head of Governance, as required by the scheme, that they wished to forgo the 2% increase in their allowances (Basic and SRA as appropriate) for the 2021/22 financial year.
18. During the debate the following year on the 2022/23 budget at Cabinet in early February 2022, some Members again expressed concern about the indexation of Member Allowances, particularly when council officers were being required to identify savings to ensure a balanced budget could be set, and at a time of significant cost of living increases for residents.
19. A recommendation was therefore included in the budget report presented to full Council in late February 2022, which was approved by a majority of Members:

*That full Council approves a request to the Independent Remuneration Panel to review the indexation element of the Members' Allowances Scheme and to report back to full Council.*

20. The Panel was therefore convened to consider the issues using the methodology detailed in paragraphs 7-11 above. The written representations made to the Panel in survey responses from Members varied widely, from the view that there should be no indexation of allowances at all, through to support for maintenance of the status quo.
21. Members who wished for indexation to continue (approximately one third of respondents) emphasised the need to ensure individuals from all walks of life were able to consider standing as a candidate, without concern about the impact on their financial situation. It was acknowledged that Members were not employees, and the Basic Allowance did not replace remuneration for paid work (nor was it intended to) but indexation would allow for the financial support provided to remain in line with local economic conditions. The Panel noted that many members of staff were also residents of the borough and therefore a pay award to those individuals reflected, to some extent, local economic conditions.
22. Members who supported the removal of indexation entirely from the scheme (approximately one third of respondents) explained that they felt it was not appropriate for Members to receive an increase in allowance payments at a time when residents were experiencing a cost-of-living crisis. It was also suggested that individuals standing for election were not necessarily aware that the scheme included an indexation element. Removing indexation would provide clarity in advance of an election as to what the level of allowance would be for the duration of the term of office.

### **Panel Considerations**

23. In all their deliberations, the Panel were very mindful of the current financial context including the wide-ranging and long-term impacts of Covid, and the current cost-of-living crisis including high levels of inflation.
24. The Panel took into account that the prime purpose of Members' allowances schemes was not to 'attract' candidates for Council; rather to allow individuals to undertake the role and responsibilities of a councillor by compensating them for costs incurred (particularly in relation to ward work) taking into account such factors as the nature of the council, local economic conditions and good practice.
25. It was acknowledged that 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 publicly 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. Thus, in its deliberations, 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.
26. The Member survey included a number of potential models of indexation for comment, all of which were considered in detail by the Panel:
  - *No indexation at all during the four-year period between full reviews.*
  - *Annual indexation linked to CPI*
  - *Annual indexation at a specified, fixed rate for the four-year period, not linked in any way to officer pay awards*
  - *Indexation at a specified, fixed rate, not linked in any way to officer pay awards, applied only once during the four-year period (e.g. half way through the term of office)*
  - *Annual indexation at a level x% below that of any officer pay award*
  - *Annual indexation in line with average officer pay awards (i.e. the status quo)*

Members were also invited to suggest any other models for consideration; none were put forward.

27. The Panel acknowledged removing indexation entirely from the scheme was marginally the most administratively efficient option. It would also be easier in terms of council budget setting as Members' Allowances increases would not be a variable for consideration. It had been suggested by some Members that this option would also provide clarity on allowance levels to individuals considering standing for election. However, the Panel

noted that the next full review of the scheme was due in 2024, part way through the next administration, and therefore with any option, candidates would have clarity on the level of allowance for the first 18 months of the term of office only.

28. The Panel decided that, as illustrated by the current increasing levels of inflation, indexation linked to CPI would not provide clarity and would make it significantly more difficult for the council to plan for future budgets. This option was therefore not considered for recommendation.
29. Both the CPI option and the options for fixed indexation (either annually or at set periods during the four-year review period) could lead to Members receiving higher increases than any staff pay award. A number of Members had stated that this would not be appropriate, and the Panel agreed, particularly given staff pay awards were set directly by councillors, taking into account the various local economic factors at the time.
30. The option of indexation at a level x% below that of any officer pay award was not considered appropriate by the Panel as, if an increase for officers (many of whom were residents) was supported to reflect the economic situation, the Panel felt an equivalent increase should be considered for Members.
31. The Panel considered the view expressed by some Members that removal of the indexation element could disadvantage those on a low income and therefore they would be discouraged from standing for election. In terms of the rising costs of petrol and diesel, it was noted that mileage costs (at the standard HMRC rates) for attending council meetings could be claimed separately by Members, but that travel costs for ward work were covered by the Basic Allowance that was subject to indexation.
32. The Panel also took into account that the current scheme allowed individual councillors to renounce all or part of their allowances (both Basic and SRA) and that over half had chosen to do so in the last financial year.

### **Conclusion**

33. Having considered all the representations provided, the Panel concluded that no argument had been made that overrode the logic of linking the indexation of allowances to average officer pay awards. This model was also more efficient to administer than all the other indexation options considered (aside of no indexation at all). If individual Members had concerns about the appropriateness of an allowance increase given their personal circumstances, the scheme already provided the ability to renounce all or part of their allowances.
34. The Panel also noted that as private individuals Members could choose to donate all or part of their allowance to charity. Following a request from Members, a 'Give as You Earn' (GAYE) scheme (a tax-efficient way of

making regular donations to charity) had been set up in August 2021 and had subsequently been advertised to Members.

35. The Panel acknowledged that there was an important balance to strike, but that democracy came at a cost. There had been no clear consensus among the 17 councillors who had responded to the Member survey on the issue. The Panel felt it was not appropriate to recommend a significant change to the scheme given Members who individually felt indexation was inappropriate had the ability to renounce this or any part of their allowance.
36. In relation to the advice by the Monitoring Officer detailed in paragraph 16, the Panel considered that a review every year would reduce clarity for individuals considering standing for election, was unlikely to provide a consistent response, and would result in a more unmanageable and inefficient scheme. For completeness, the reference to such a review should therefore be recommended for removal from the scheme.
37. The Panel noted that in the previous financial year, councillors deciding to renounce the indexation element had done so at various times during the financial year, which had imposed an unacceptable administrative burden on officers managing the scheme. The Panel were therefore of the view that the scheme should strongly encourage Members to notify the Head of Governance of their request to renounce all or part of their allowances, or participate in the GAYE scheme, within a short timeframe following approval of the council budget so that any adjustments could be made at the start of the financial year. If the recommendations were approved at full Council on 19 July 2022, the Panel strongly encouraged Members to notify the Head of Governance by 19 August 2022 for the current financial year. The Panel also recommended to officers that increased advertising of both options to Members be made at the appropriate time each year to ensure all Members were reminded of the relevant deadline.

***Recommendations:***

38. **RECOMMENDATION 1:** The following wording be removed from paragraph 17 (first bullet point) of the Members' Allowances Scheme:

***Brought back to full Council each year for decision on whether to go ahead dependent on situation.***

39. **RECOMMENDATION 2:** The following amendments (*in italics*) be made to Paragraph 15 (Renunciation) of the Members' Allowances Scheme:

**Councillors may by notice in writing given to the Head of Governance elect to forgo any part of their entitlement to an allowance under this scheme. *To minimise the administrative burden of managing the scheme:***

- ***All Members are requested to provide such notification, or to***



***confirm they do not wish to renounce any part of their allowances, by 1 April each year. Following local elections, newly elected Members are requested to provide a similar notification within 1 calendar month of election.***

- ***All Members are requested to confirm to Payroll their wish to participate in the GAYE scheme by 1 April each year. Following local elections, newly elected Members are requested to provide a similar notification within 1 calendar month of election.***

## **SRA FOR THE CHAIRMAN OF THE BOROUGH-WIDE DEVELOPMENT MANAGEMENT COMMITTEE**

### **Context**

40. The current scheme includes the following SRAs:

- Chairman of the Area Development Management Panels (maximum of 2): £6,355
- Chairman of the Borough-wide Development Management Panel: £6,355

### **Panel Considerations**

41. During the last full review of the Scheme in 2020, 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.
42. The Panel was appraised of the interim arrangements in place at the time, in light of the COVID-19 situation, which meant that just one Development Management Committee was then meeting. The Panel commented at the time that if the structure of 2 Area DM Panels and 1 Borough-wide DM Panel was simply reinstated at a later date, the Panel would be minded to review the allowances for this area of the scheme
43. In May 2021 the legislation allowing councils to hold decision making meetings in a virtual capacity ended. Meetings such as Development Management Committees returned to being held in person and have done so ever since. In June 2021 full Council considered a review of the Development Management Committee structure and decided on a two committee structure (Maidenhead DM Committee and Windsor & Eton DM Committee) but requested the Head of Planning to review the situation within a year.
44. A further report was therefore considered by full Council on 26 April 2022 that included a recommendation from officers to establish a single Royal

Borough Development Management Committee. The recommendation was rejected by Members and a structure of two DM Committees therefore remains.

***Conclusion***

45. The Panel agreed that, given the changes to Committee structure in June 2021, reconfirmed in April 2022, the SRA for the Chairman of the Borough-wide DM Panel is no longer required and should be removed from the scheme with immediate effect.

***Recommendation***

46. **RECOMMENDATION 3: The Panel recommends that the SRA for the Chairman of the Borough-wide DM Panel be removed from the scheme.**

**IMPLEMENTATION**

47. **RECOMMENDATION 4: The Panel recommends the amendments detailed above be implemented with immediate effect.**

## **Appendix 2**

### **Background information considered 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. Comparative data on indexation from the South East Employers 2021 Members Allowances survey.

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Report Title:	Medium Term Financial Strategy and Plan 2023/24 – 2027/28
Contains Confidential or Exempt Information	No - Part I
Cabinet Member:	Councillor Hilton, Cabinet Member for Asset Management & Commercialisation, Finance & Ascot
Meeting and Date:	Full Council - 27 September 2022
Responsible Officer(s):	Andrew Vallance, Head of Finance Adele Taylor, Executive Director of Resources & Section 151 Officer
Wards affected:	All

## REPORT SUMMARY

This report sets out the Council's proposed key themes of the Medium-Term Financial Strategy (MTFS) for 2023/24 - 2027/28 and shows the close relationship between this strategy and the Council's new Corporate Plan. This now needs to be formally adopted by full Council following the recommendation from Cabinet to approve it. The report also includes a Medium-Term Financial Plan (MTFP), identifying future budget gaps as at July 2022.

The Council needs to consider the actions it needs to take to ensure the affordability of its services and ensure it reviews its financial sustainability over the medium term in response to the challenges it faces.

## 1. DETAILS OF RECOMMENDATION(S)

**RECOMMENDATION: That Full Council APPROVES:**

- i) the proposed key themes of the Medium-Term Financial Strategy set out in the report; and
- ii) the Medium-Term Financial Plan set out in Appendix A.

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

### Options

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

Option	Comments
To recommend to full Council the Medium-Term Financial Strategy and Plan.	This is the recommended option.
To not recommend to full Council the Medium-Term Financial Strategy and Plan.	If not recommended the 2023/24 budget will be developed without regard to the wider financial challenge facing the Council.

- 2.1 This report sets out the proposed financial strategy for the Royal Borough of Windsor and Maidenhead across the next 5 years.
- 2.2 The report demonstrates the close relationship between the new Corporate Plan and the MTFs, being based on the same principles that the Corporate Plan was developed against.
- 2.3 This report was reviewed by Cabinet on 21<sup>st</sup> July 2022. It recommended the proposed key MTFs themes and the MTFP for approval to Full Council.

**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>
Services delivered within approved budget	Budget overspend >£250,000	Budget variance +/- £250,000	Budget underspend >£250,000 <£1,500,000	Budget underspend >£1,500,000	31 March 2028

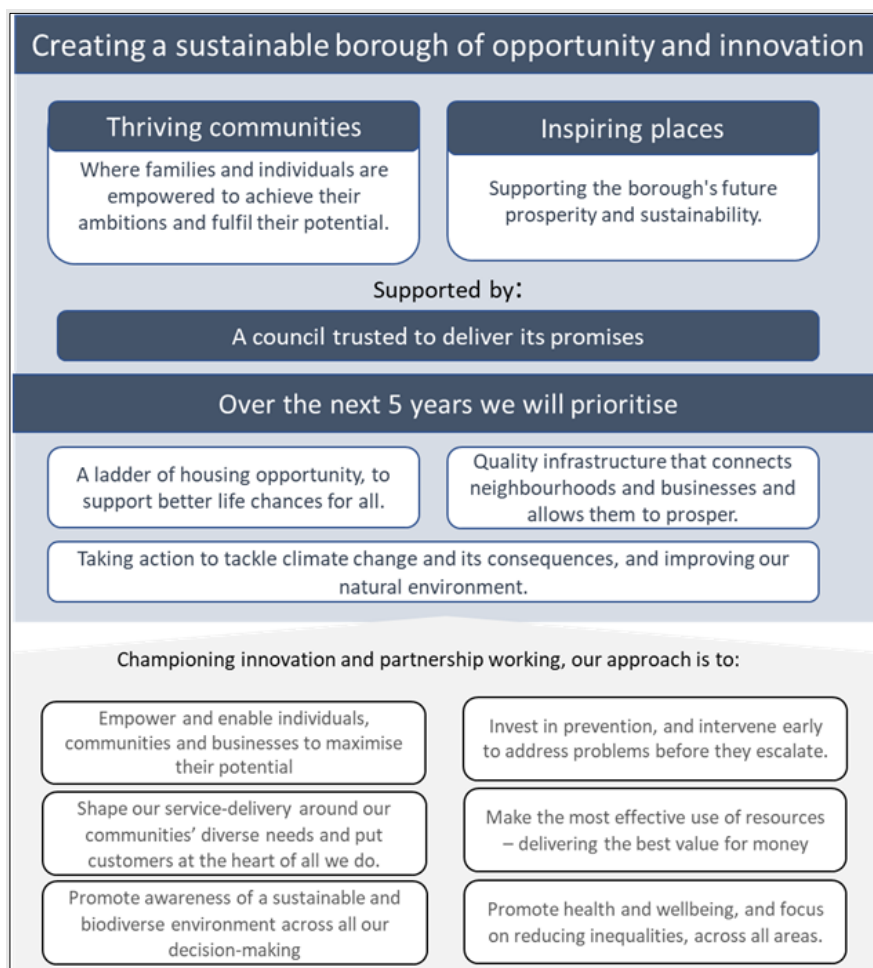
**4. FINANCIAL DETAILS / VALUE FOR MONEY**

**Introduction**

- 4.1 Just like many other councils, the Royal Borough of Windsor and Maidenhead has faced considerable financial challenges because of the Covid-19 pandemic. This has led to increased costs and large reductions in income in the last two financial years.
- 4.2 Like many councils, the Council is also experiencing growth in demand for several services, with Children’s Services and Adult Social Care being some of the most significant impacted by demographic demands alongside other demand led services such as housing and homelessness.
- 4.3 Unlike some other councils, the lowest council tax in the country outside of London and our low levels of reserves coupled with increasing levels of borrowing have made the RBWM financial position more challenging. The low level of council tax results in an inability to raise funds to the same amount as other councils
- 4.4 The current financial outlook in terms of rising inflation and interest rates as well as the increasing cost of living rises that our residents and businesses are facing, alongside the Council, are also areas that will need to be addressed as part of both its short and longer-term financial planning.
- 4.5 This document explains the financial context for RBWM and sets out the areas where the Council will seek to make savings, efficiencies and prioritise our resources in line with the objectives in the Corporate Plan.

**Corporate priorities**

- 4.6 The Council's priorities must be at the heart of any financial strategy. In many ways they inform one another. The Council's Corporate Plan for the period 2021-2026, "Creating a sustainable borough of opportunity and innovation", was agreed at Full Council on 23<sup>rd</sup> November 2021.
- 4.7 The Corporate Plan forms the overarching strategy for the Council for the next four years and replaced the Interim Strategy 2020-21, which was developed as a temporary plan in response to the pandemic. The Corporate Plan sets out the Council's new objectives, and the specific goals to be achieved in support of those objectives, over the 2021-26 period. It was agreed in November 2021 and so this is now the opportunity to refresh the financial strategy to reflect the outcomes of that plan.
- 4.8 The Corporate Plan has been designed to crystallise focus on where the Council most needs to drive change. It recognises that the Council must make difficult choices about where it focuses its resources. The Corporate Plan acts as a strategic framework to guide resource allocation decisions.
- 4.9 Finance is both the enabler that allows the Council to deliver its goals and objectives, and the constraint within which the Council needs to work as it makes tough decisions on what it can deliver. The goals within the Corporate Plan have been formulated to be deliverable within current and expected future resource levels although as the delivery plans continue to crystallise for all aspects of the corporate strategy, the Medium-Term Financial Strategy and Plan will be regularly refreshed to ensure there is a close alignment between these two integral strategies.
- 4.10 In addition to setting out what we aim to achieve, the Corporate Plan also sets out the Council's approach to achieving change – how it will work as well as what it will focus on. 'Making the most effective use of resources – delivering the best value for money' is included as an underpinning principle of our approach to emphasise its importance across every area of the Council's work. This includes making best use of the opportunities offered by digital technologies, working in closer partnership with communities, and maximising income generated. The Corporate Plan also includes a focus on prevention and early intervention, which can help to reduce demand on the most cost-intensive services.



### Financial climate

- 4.11 Over recent years all local authorities have faced significant cuts to their funding from central government because of austerity, at a time when pressure on core service delivery has increased, particularly in Children's Services and Adult Social Care. This has placed considerable pressure on discretionary services, including Early Help services for children and families.
- 4.12 The Covid-19 pandemic has increased costs in many areas but has also severely reduced councils' income on both a temporary basis as well as potentially eroded some income budgets over a medium-term basis.
- 4.13 All councils have adopted different approaches to address their budget gap during that time. This has included reviewing the operating frameworks for some of our services including partnerships with other councils.
- 4.14 The current financial outlook in terms of rising inflation and interest rates as well as the increasing cost of living risks that our residents and businesses are facing, alongside the Council, are also areas that the Council will need to assess as part of both its short and longer-term financial planning.

### RBWM context

- 4.15 RBWM is on the face of it better placed than some councils to meet the financial challenges that it faces.
- Lower levels of deprivation mean that it does not have the same level of pressure on Adult Care and Children's Services that some councils have



experienced. We have relatively low numbers of people that we support although this does make any increases proportionally larger.

- Significant capital assets have enabled it to continue to fund its capital program at a time when government support for capital schemes has diminished.
- Lower reliance on Government Grant also meant that the impact of austerity was less than in some other councils, noting the corollary of the increased importance of Council Tax, compared to others.

4.16 RBWM has still had to make significant savings and has already delivered around £75m savings from the start of austerity. It has also been able to protect “discretionary” local services to a greater extent than other councils through some of the actions that it took including sharing services with other councils and changing delivery models particularly around Children’s and Adults services.

4.17 In more recent years RBWM has also embarked on significant investment in regenerating the borough which will in the medium to long term provide some financial benefits overall, both directly and indirectly in terms of helping to manage future demand for some services.

4.18 For all councils there is a fine line between financial security and a financial position that can give rise to concern. The tipping point will be different from council to council and ensuring that we understand both risks and opportunities is an important part of ensuring ongoing financial sustainability.

4.19 RBWM has several significant risks that need to be considered as part of its medium-term financial plans and any potential mitigations identified, where possible.

- **Council Reserves are under considerable pressure.** They are insufficient to absorb the financial pressure projected for 2023/24 and beyond unless significant savings are made on an ongoing and sustainable basis. Reserves have been strengthened over the last couple of years, but this will need to remain a focus going forwards to ensure the Council can remain financially resilient.
- **The Pension fund deficit** means that a growing share of Council funding is required to cover pension deficits in the future
- **Substantial levels of borrowing** mean that an increasing share of the Council’s budget is required to service debt before money can be spent on day-to-day services. There is also a reliance on capital receipts in future years.
- **Maintaining a low level of council tax**, means that the Council has missed out on additional revenue from raising council tax in previous years. It also means that any future increases will generate less as they start from a lower base.
- **Growing pressures around Children and Adult Services and other demand lead services** have been widening the budget gap further. This is

compounded by the inflexibility of having low spend and comparatively smaller numbers of clients in these services.

- **The longer-term consequences of the pandemic are not yet apparent.** Government support for the Council has ended but the full economic and health effects of the pandemic are yet to be revealed. This may lead to impacts on the Council’s budget in terms of increased demand for services and a more permanent change to the way in which residents and businesses operate.
- **Inflation and interest rate risks.** Assumptions on these have been reviewed as part of the MTFP given the current inflationary and cost of living pressures that are becoming apparent.
- **Reforms to Adult Social Care.** Work is currently underway to identify the full impact of the proposed reforms on future Council budgets.
- **Reforms to future national funding arrangements.** Assumptions on these will be reviewed as part of the MTFP.
- **Other legislative changes.**

4.20 In short, there is a considerable level of uncertainty around financial plans for 2023/24 and beyond.

## 5. MEDIUM-TERM FINANCIAL POSITION

5.1 A revised Medium-Term Financial Plan is attached as **Appendix A**. The table below shows the projected savings required during the period of the MTFS and MTFP. This has been updated to reflect current economic estimates.

**Table 3: Required savings**

2023/24	2024/25	2025/26	2026/27	2027/28
£7.306m	£1.821m	£2.968m	£3.183m	£2.451m

5.2 In addition, the Council may need to finance the net additional costs of Adult Social Care reform not funded by the Government. This may add £3 million or more each year to the savings gap. This assumes that government will fund some, but not all, of the likely pressures but these estimates will need to be continually reviewed as more information about the reforms emerges.

- 5.3 The following assumptions have been made in determining the MTFP in Appendix A. CPI and RPI assumptions are based on current Office for Budget Responsibility forecasts. The notes section of the MTFP describes why other inflation factors have been included at these levels.
- CPI inflation 4.5% in 2023/24 then 2.5% each year thereafter.
  - RPI inflation 5.5% in 2023/24 then 3.5% each year thereafter.
  - Pay awards 2% each year.
  - Council Tax increases of 1.99% each year.
- 5.4 Appendix B shows the impact of any changes to these assumptions. These assumptions will be reviewed throughout the budget process.
- 5.5 The Council may need to deliver total ongoing savings of £18m over the 5-year period 2023/28, unless government funding in the form of grant or council tax flexibility improves before the Council identifies other interventions. This also does not take account of the significant changes that are affecting adult social care in the future and other legislative changes.
- 5.6 The Council has insufficient reserves to sustain a budget deficit and will therefore have to generate substantial cost reductions or increased income plans. These will need to be linked to the Corporate Plan objectives.

## **6. DELIVERING A SUSTAINABLE BUDGET IN LINE WITH CORPORATE PLAN OBJECTIVES**

- 6.1 RBWM continues to face considerable financial pressures. The only uncertainty is around the scale of the financial pressures in some areas. All councils are having to make some tough choices around the way they manage their finances to remain financially viable.
- 6.2 This section sets out how the Council will align its financial objectives to several of those in the Corporate Plan and the objectives are based on the principles of the corporate plan. The types of activities that will deliver against those objectives are indicated.
- Objective 1: Empower and enable individuals, communities, and businesses to maximise their potential**
- 6.3 The Council will encourage the community to support the design of more efficient and effective services. This will produce long-term savings as part of the prevention agenda by investing in early intervention where possible and shift resourcing to activities that reduce future demand.
- 6.4 The Council will continue to build partnerships with the voluntary sector and build its organisational resilience so that it can lead these initiatives.
- 6.5 The Council will also review service provision with other organisations and improve engagement with partners.

**Objective 2: Invest in prevention, and intervene early to address problems before they escalate**

- 6.6 The Council will identify preventative and early measures to contain growth given we have both low unit cost and relatively low numbers.
- 6.7 The focus will remain on:
- Adult Social Care;
  - Children's Services; and
  - Homelessness.
- 6.8 This may require significant investment in preventative measures with savings or reduced growth requirements in later years so the Council will review how it can fund those activities in the short term.

**Objective 3: Shape our service delivery around our communities' diverse needs and put customers at the heart of all we do**

- 6.9 The Council will work with partners such as health and the police to integrate services for our communities to ensure that our focus is on our customers rather than organisational structure and boundaries.
- 6.10 The Council will review contracts and procurement activity to respond to legislative change and improve services and improve value for money.
- 6.11 The Council will undertake targeted reviews of specific services to improve efficiency and effectiveness and enhance the transformation agenda.

**Objective 4: Make the most effective use of resources – delivering the best value for money**

- 6.12 The Council will continue to seek commercial and income generation opportunities where these support our delivery agenda.
- 6.13 The Council will undertake a fundamental fees and charges review on a regular basis to ensure that these are proportionate, fair, and relevant.
- 6.14 The Council will co-ordinate the introduction of several new systems to maximise the potential benefits from digitalisation of services. This will include a pilot of Robotic Process Automation.
- 6.15 The Council will build on its transformation activities to date particularly in Adult Social care and look to identify opportunities to improve the way in which we do things and work with others to ensure we maximise the value for money opportunities in terms of service delivery.
- 6.16 The Council will make the best use of its assets for the benefit of our residents and local taxpayers including appropriate levels of investment, disinvestment, and commercial activity.

**Objective 5: Promote awareness of a sustainable and biodiverse environment across all our decision making**

- 6.17 The Council will seek to become more sustainable, thereby reducing its energy costs.

**Objective 6: Promote health and wellbeing, and focus on reducing inequalities, across all areas**

- 6.18 The focus on preventative measures will promote health and wellbeing.

**7. SUMMARY AND CONCLUSIONS**

- 7.1 The proposed key themes of the strategy in this paper sets out a way forward for the Council to make its finances as sustainable as possible in the medium to long term.
- 7.2 Achieving sustainable finances is not going to be an easy task for the reasons outlined in this report and some tough choices will need to be taken to achieve long term stability but having a close link between our agreed corporate plan outcomes and the resources to deliver in a sustainable way is important.
- 7.3 In the current financial climate, there are no quick fixes, and all councils face considerable financial uncertainty that is beyond their control.
- 7.4 All councils need to have a clear understanding of how that uncertainty can impact on their financial plans and ensure that they protect themselves as far as possible against that uncertainty.
- 7.5 The success of this strategy and subsequent financial plan will depend in part on decisions beyond the control of the Council particularly Government decisions around future funding and council tax levels

**8. LEGAL IMPLICATIONS**

- 8.1 None at this stage of the budget process.

**9. RISK MANAGEMENT**

- 9.1 Failure to identify sufficient savings as part of the budget process would risk the Council being unable to maintain minimum levels of reserves.
- 9.2 The Council is already at a more significant risk because it has moved up the commercial risk curve and is anticipating income for charges and capital schemes.
- 9.3 Several assumptions have been made in developing the Medium-Term Financial Plan and any variation in these will impact on the required savings. Appendix B provides more detail on the financial implications from any movement in these assumptions.
- 9.4 Whilst not a current likelihood and because of all the factors mentioned in this report, the Council remains at significant risk of financial failure due to the inability to raise council tax income. Any significant unexpected financial change could have serious consequences.

## 10. POTENTIAL IMPACTS

- 10.1 Equalities. A full EQIA will be undertaken on the budget submitted to Council in February 2023 and a draft EQIA developed alongside the Medium-Term Financial Plan and updated throughout the budget setting process as appropriate.
- 10.2 Climate change/sustainability. The potential impact of budget recommendations will be considered once details of budget submissions are published.
- 10.3 Data Protection/GDPR. Not applicable.

## 11. CONSULTATION

- 11.1 The draft budget approved by Cabinet in November 2022 will be fully consulted on before final proposals are made to Cabinet and Council in February 2023. Appropriate consultation will also take place when developing proposals with our key stakeholders and partners.

## 12. APPENDICES

- 12.1 This report is supported by two appendices:
- Appendix A – Medium Term Financial Plan
  - Appendix B – Sensitivity Analysis
  - Appendix C - EQIA

## 13. BACKGROUND DOCUMENTS

- 13.1 This report is supported by one background document, the [Corporate Plan](#).

## 14. CONSULTATION

Name of consultee	Post held	Date sent	Date returned
<i>Mandatory:</i>			
<i>Statutory Officers (or deputies)</i>			
Adele Taylor	Executive Director of Resources/S151 Officer	6/7/22	8/7/22
Emma Duncan	Deputy Director of Law and Strategy / Monitoring Officer	6/7/22	
<i>Deputies:</i>			
Andrew Vallance	Head of Finance (Deputy S151 Officer)	Report Author	
Elaine Browne	Head of Law (Deputy Monitoring Officer)	6/7/22	7/7/22
Karen Shepherd	Head of Governance (Deputy Monitoring Officer)	6/7/22	7/7/22
<i>Other consultees:</i>			

<i>Directors (where relevant)</i>			
Duncan Sharkey	Chief Executive	6/7/22	
Andrew Durrant	Executive Director of Place	6/7/22	11/7/22
Kevin McDaniel	Executive Director of Children's Services	6/7/22	7/7/22

Confirmation relevant Cabinet Member(s) consulted	Cabinet Member for Asset Management & Commercialisation, Finance and Ascot	Yes
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## REPORT HISTORY

<b>Decision type:</b>	<b>Urgency item?</b>	<b>To follow item?</b>
Council decision	No	No

Report Author: Andrew Vallance, Head of Finance
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	2023/24 £'000	2024/25 £'000	2025/26 £'000	2026/27 £'000	2027/28 £'000	Notes
<b>SERVICE BASE BUDGET</b>	<b>92,180</b>	<b>89,491</b>	<b>92,152</b>	<b>93,944</b>	<b>95,936</b>	
Inflation						
- Pay (excludes DSG funded)	1,132	1,155	1,178	1,202	1,226	1
- Utilities (water, gas, electricity)	107	29	30	31	32	2
- Contract inflation	4,314	2,840	2,936	3,035	3,137	3
- Fees & charges	(934)	(542)	(556)	(570)	(584)	4
- Adult Social Care client charges	(356)	(207)	(212)	(217)	(223)	5
Demographic Growth	1,500	1,583	1,638	1,695	1,755	6
Savings already identified	0	0	0	0	0	
Removal of one-off COVID budgets	(1,092)	0	0	0	0	7
Full year effect of previously agreed savings / pressures	(55)	(376)	(255)	0	0	8
<b>Service Base Budget Before Savings</b>	<b>96,796</b>	<b>93,973</b>	<b>96,911</b>	<b>99,120</b>	<b>101,279</b>	
Efficiency Savings (-ve) - TO BE IDENTIFIED	(7,306)	(1,821)	(2,968)	(3,183)	(2,451)	9
<b>Service Net Expenditure</b>	<b>89,491</b>	<b>92,152</b>	<b>93,944</b>	<b>95,936</b>	<b>98,828</b>	
<b>NON-SERVICE BUDGETS</b>						
Interest received	(580)	(462)	(422)	(420)	(419)	10
Interest paid	5,921	5,716	5,238	4,817	4,507	10
Broker fees	120	138	128	107	92	
Interest on schools balances	77	58	52	52	52	10
Capitalised interest	(193)	0	0	0	0	
Bank and transaction charges	220	230	235	240	245	
Minimum revenue provision	3,233	3,499	3,772	3,890	3,804	11
Environment Agency Levy	168	171	174	177	180	
Pensions deficit	4,311	4,467	4,467	4,467	4,467	12
LGPS prepayment	(114)	(114)	(114)	(114)	(114)	13
<b>Total Non-Service Budget</b>	<b>13,163</b>	<b>13,703</b>	<b>13,530</b>	<b>13,216</b>	<b>12,814</b>	
<b>TOTAL EXPENDITURE</b>	<b>102,654</b>	<b>105,855</b>	<b>107,474</b>	<b>109,152</b>	<b>111,642</b>	
<b>NON-COUNCIL TAX FUNDING</b>						
NNDR	(14,226)	(13,517)	(12,767)	(12,017)	(12,017)	14
Income from trading companies	(210)	(210)	(210)	(210)	(210)	
Education Services Grant	(315)	(315)	(315)	(315)	(315)	15
Social Care Grant	(3,725)	(3,725)	(3,725)	(3,725)	(3,725)	15
Lower Tier Services Grant	(192)	(192)	(192)	(192)	(192)	15
Market Sustainability and Fair Cost of Care Fund	(322)	(322)	(322)	(322)	(322)	15
Services Grant	(500)	(500)	(500)	(500)	(500)	15
Revenue Support Grant	(2)	(2)	(2)	(2)	(2)	15
Family Annexe Council Tax Discount Grant	(17)	(17)	(17)	(17)	(17)	15
New Homes Bonus	0	0	0	0	0	15 / 16
Use of Earmarked Reserve	(1,600)	0	0	0	0	
Transfer (surplus)/deficit to Council Tax Collection Fund	1,600	0	0	0	0	
Transfer (surplus)/deficit to NNDR Collection Fund - spreading	1,600	0	0	0	0	
<b>Total non-council tax funding</b>	<b>(17,909)</b>	<b>(18,800)</b>	<b>(18,050)</b>	<b>(17,300)</b>	<b>(17,300)</b>	
<b>COUNCIL TAX</b>						
Adult Social Care Precept	(139)	(139)	(139)	(139)	(139)	
Council Tax at Band D	(1,049)	(1,073)	(1,097)	(1,121)	(1,147)	
Special Expenses	(35)	(36)	(37)	(37)	(38)	
<b>Total Council Tax</b>	<b>(84,745)</b>	<b>(87,055)</b>	<b>(89,424)</b>	<b>(91,852)</b>	<b>(94,342)</b>	
<b>TOTAL FUNDING</b>	<b>(102,654)</b>	<b>(105,855)</b>	<b>(107,474)</b>	<b>(109,152)</b>	<b>(111,642)</b>	

	No. Band D properties	No. Band D properties	No. Band D properties	No. Band D properties	No. Band D properties	
Council Taxbase	70,236	70,736	71,236	71,736	72,236	17
Unparished Taxbase	36,680	37,180	37,680	38,180	38,680	17

**ASSUMPTIONS**

CPI	4.50%	2.50%	2.50%	2.50%	2.50%
RPI	5.50%	3.50%	3.50%	3.50%	3.50%
CTAX increase (%)	1.99%	1.99%	1.99%	1.99%	1.99%
Pay inflation (%)	2.00%	2.00%	2.00%	2.00%	2.00%
Utility inflation (%)	10.00%	2.50%	2.50%	2.50%	2.50%
Contract inflation not linked to CPI / RPI (%)	5.50%	3.50%	3.50%	3.50%	3.50%
Fees & charges inflation (%)	4.50%	2.50%	2.50%	2.50%	2.50%
Adult Social Care Income (usually related to pensions / benefits) (%)	4.50%	2.50%	2.50%	2.50%	2.50%
Growth in tax base (Band D properties) £'000	500	500	500	500	500
Increase in environment agency levy £'000	3	3	3	3	3
Bank of England base rate	3.00%	2.25%	2.00%	2.00%	2.00%
Government Grant inflation	0.00%	0.00%	0.00%	0.00%	0.00%

**NOTES**

1. Pay inflation includes staff in Optalis and AfC, but excluding those funded through ring-fenced DSG and Public Health grant.
2. Utility inflation excludes budgets funded by ring-fenced DSG and Public Health.
3. Where relevant, contract inflation has been linked to RPI / CPI. For other contracts a general assumption of inflation is included in the assumptions above.
4. Fees & charges inflation is usually done in line with RPI.
5. Adult Social Care charges mostly increase in line with state pension and benefits uplifts, the former being the main determinant. Pensions are protected by the triple lock, meaning they go up by the higher of CPI, wage inflation or 2.5%.
6. Demographic growth is assumed at £1.5m per annum, with costs inflated in line with contract inflation.

7. The remaining Covid support budgets are £0.500m in parking, and £0.592m in leisure.
8. This represents the ongoing impact of savings and growth agreed in previous budget setting rounds.
9. This is the budget gap, or the amount of efficiency savings or additional funding that is required to set the budget.
10. Current advice from treasury advisors is for base rate to be 2.25% in 23/24, worst case 3%. Some market sources suggesting 3.5%, but that is considered a high estimate.
11. Provision for repayment of debt.
12. Per the last actuarial report.
13. Benefit from early payment of contribution to pension fund.
14. Reflects the regeneration of Maidenhead and the reduction in projected business rates as a result (estimated).
15. There is provision in the model to assume a general uplift to government funding - see assumptions above. Grants are assumed to continue throughout period of planning.
16. The New Homes Bonus is not assumed not to continue.
17. Assumes growth in taxbase Band D properties - see assumptions above.

= current assumption built into MTFP

### **Inflation**

The base assumption is CPI of 4.5% and RPI of 5.5%. A 1% increase costs £0.730m (note this cost is net of Adult Social Care charges which are also linked to inflation via state pensions and the triple lock).

Inflation assumption (CPI / RPI)	2.5% / 3.5%	3.5% / 4.5%	<b>4.5% / 5.5%</b>	5.5% / 6.5%	6.5% / 7.5%	7.5% / 8.5%	8.5% / 9.5%
Cost (£000)	2,497	3,228	<b>3,958</b>	4,688	5,418	6,148	6,878
Additional / (reduced) cost from current MTFP (£000)	(1,461)	(730)	<b>0</b>	730	1,460	2,190	2,920

### **Pay inflation**

The base assumption is pay inflation of 2%. Each percentage point costs £0.567m.

Pay inflation	2%	1%	<b>2%</b>	3%	4%	5%	6%
Cost (£000)	0	566	<b>1,132</b>	1,699	2,265	2,831	3,397
Additional / (reduced) cost from current MTFP (£000)	(1,132)	(566)	<b>0</b>	567	1,133	1,699	2,265

### **Fees & charges**

The base assumption is fees & charges are uplifted by 4.5%. Each additional 1% generates £0.207m of income assuming demand remains unchanged.

Fees & Charges inflationary increase	1.5%	2.5%	3.5%	<b>4.5%</b>	5.5%	6.5%	7.6%
Income generated (£000)	(311)	(519)	(726)	<b>(934)</b>	(1,141)	(1,349)	(1,557)
(Additional) / reduced income from current MTFP (£000)	(623)	(415)	(208)	<b>0</b>	207	415	623

### **Council Tax**

The base assumption is a Council Tax increase of 1.99%. Each 1% of Council tax generates £0.831m of income.

CTAX increase (%)	0%	1%	<b>1.99%</b>
Income generated (£000)	(83,092)	(83,923)	<b>(84,745)</b>
Cost (£000)	1,653	822	<b>0</b>

### **Bank of England base rate**

This rate impacts on borrowing costs and investment returns. The base assumption is 3%, but the positive and pessimistic views from our advisors are outlined below. Each 1% increase costs £0.864m.

Bank of England base rate	2.25%	<b>3%</b>	3.50%
Net interest costs (£000)	4,769	<b>5,418</b>	5,850
Additional / (reduced) cost from current MTFP (£000)	(649)	<b>0</b>	432

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# ROYAL BOROUGH OF WINDSOR AND MAIDENHEAD

## EQUALITY IMPACT ASSESSMENT

### EqIA : Medium-Term Financial Strategy and Plan 2023/24-2027/28

#### Essential information

Items to be assessed: (please mark 'x')

Strategy	x	Plan	x	Project		Service procedure	
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Responsible officer	Andrew Vallance	Service area	Finance	Directorate	Resources
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Stage 1: EqIA Screening (mandatory)	Date created: 15/09/2022	Stage 2 : Full assessment (if applicable)	Date created : NA
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Approved by Head of Service / Overseeing group/body / Project Sponsor:

*"I am satisfied that an equality impact has been undertaken adequately."*

Signed by (print): Andrew Vallance

Dated: 15/09/2022

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# ROYAL BOROUGH OF WINDSOR AND MAIDENHEAD

## EQUALITY IMPACT ASSESSMENT

### EqlA : Medium-Term Financial Strategy and Plan 2023/24-2027/28

#### Guidance notes

##### What is an EqlA and why do we need to do it?

The Equality Act 2010 places a 'General Duty' on all public bodies to have 'due regard' to:

- Eliminating discrimination, harassment and victimisation and any other conduct prohibited under the Act.
- Advancing equality of opportunity between those with 'protected characteristics' and those without them.
- Fostering good relations between those with 'protected characteristics' and those without them.

EqlAs are a systematic way of taking equal opportunities into consideration when making a decision, and should be conducted when there is a new or reviewed strategy, policy, plan, project, service or procedure in order to determine whether there will likely be a detrimental and/or disproportionate impact on particular groups, including those within the workforce and customer/public groups. All completed EqlA Screenings are required to be publicly available on the council's website once they have been signed off by the relevant Head of Service or Strategic/Policy/Operational Group or Project Sponsor.

##### What are the "protected characteristics" under the law?

The following are protected characteristics under the Equality Act 2010: age; disability (including physical, learning and mental health conditions); gender reassignment; marriage and civil partnership; pregnancy and maternity; race; religion or belief; sex; sexual orientation.

##### What's the process for conducting an EqlA?

The process for conducting an EqlA is set out at the end of this document. In brief, a Screening Assessment should be conducted for every new or reviewed strategy, policy, plan, project, service or procedure and the outcome of the Screening Assessment will indicate whether a Full Assessment should be undertaken.

##### Openness and transparency

RBWM has a 'Specific Duty' to publish information about people affected by our policies and practices. Your completed assessment should be sent to the Strategy & Performance Team for publication to the RBWM website once it has been signed off by the relevant manager, and/or Strategic, Policy, or Operational Group. If your proposals are being made to Cabinet or any other Committee, please append a copy of your completed Screening or Full Assessment to your report.

##### Enforcement

Judicial review of an authority can be taken by any person, including the Equality and Human Rights Commission (EHRC) or a group of people, with an interest, in respect of alleged failure to comply with the general equality duty. Only the EHRC can enforce the specific duties. A failure to comply with the specific duties may however be used as evidence of a failure to comply with the general duty.

# ROYAL BOROUGH OF WINDSOR AND MAIDENHEAD

## EQUALITY IMPACT ASSESSMENT

### EqIA : Medium-Term Financial Strategy and Plan 2023/24-2027/28

#### Stage 1 : Screening (Mandatory)

##### 1.1 What is the overall aim of your proposed strategy/policy/project etc and what are its key objectives?

This report sets out the Council's proposed key themes of the Medium-Term Financial Strategy (MTFS) for 2023/24 - 2027/28 and shows the close relationship between this strategy and the Council's new Corporate Plan. This will need to be formally adopted by full Council following a recommendation from Cabinet. The report also includes a Medium-Term Financial Plan (MTFP), identifying future budget gaps.

##### RECOMMENDATION: That Council APPROVES:

- i) the proposed key themes of the Medium-Term Financial Strategy set out in the report; and
- ii) the Medium-Term Financial Plan set out in Appendix A.

1.2 What evidence is available to suggest that your proposal could have an impact on people (including staff and customers) with protected characteristics? Consider each of the protected characteristics in turn and identify whether your proposal is Relevant or Not Relevant to that characteristic. If Relevant, please assess the level of impact as either High / Medium / Low and whether the impact is Positive (i.e. contributes to promoting equality or improving relations within an equality group) or Negative (i.e. could disadvantage them). Please document your evidence for each assessment you make, including a justification of why you may have identified the proposal as "Not Relevant".

# ROYAL BOROUGH OF WINDSOR AND MAIDENHEAD

## EQUALITY IMPACT ASSESSMENT

### EqIA : Medium-Term Financial Strategy and Plan 2023/24-2027/28

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Protected characteristics	Relevance	Level	Positive/negative	Evidence
<b>Age</b>	Not Relevant			Further EQIAs will be produced at later stages on detailed budget proposals and the overall budget
<b>Disability</b>	Not Relevant			
<b>Gender re-assignment</b>	Not Relevant			
<b>Marriage/civil partnership</b>	Not Relevant			
<b>Pregnancy and maternity</b>	Not Relevant			
<b>Race</b>	Not Relevant			
<b>Religion and belief</b>	Not Relevant			
<b>Sex</b>	Not Relevant			
<b>Sexual orientation</b>	Not Relevant			



# ROYAL BOROUGH OF WINDSOR AND MAIDENHEAD

## EQUALITY IMPACT ASSESSMENT

### EqlA : Medium-Term Financial Strategy and Plan 2023/24-2027/28

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#### Outcome, action and public reporting

Screening Assessment Outcome	Yes / No / Not at this stage	Further Action Required / Action to be taken	Responsible Officer and / or Lead Strategic Group	Timescale for Resolution of negative impact / Delivery of positive impact
Was a significant level of negative impact identified?	No	Not at this stage		
Does the strategy, policy, plan etc require amendment to have a positive impact?	No	Not at this stage		

If you answered **yes** to either / both of the questions above a Full Assessment is advisable and so please proceed to Stage 2. If you answered “No” or “Not at this Stage” to either / both of the questions above please consider any next steps that may be taken (e.g. monitor future impacts as part of implementation, re-screen the project at its next delivery milestone etc).

**ROYAL BOROUGH OF WINDSOR AND MAIDENHEAD**

**EQUALITY IMPACT ASSESSMENT**

**EqlA : Medium-Term Financial Strategy and Plan 2023/24-2027/28**

**Stage 2 : Full assessment**

**2.1 : Scope and define**

**2.1.1 Who are the main beneficiaries of the proposed strategy / policy / plan / project / service / procedure? List the groups who the work is targeting/aimed at.**

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# ROYAL BOROUGH OF WINDSOR AND MAIDENHEAD

## EQUALITY IMPACT ASSESSMENT

### EqIA : Medium-Term Financial Strategy and Plan 2023/24-2027/28

**2.1.2 Who has been involved in the creation of the proposed strategy / policy / plan / project / service / procedure? List those groups who the work is targeting/aimed at.**

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#### 2.2 : Information gathering/evidence

**2.2.1 What secondary data have you used in this assessment? Common sources of secondary data include: censuses, organisational records.**

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**2.2.2 What primary data have you used to inform this assessment? Common sources of primary data include: consultation through interviews, focus groups, questionnaires.**

**ROYAL BOROUGH OF WINDSOR AND MAIDENHEAD**

**EQUALITY IMPACT ASSESSMENT**

**EqlA : Medium-Term Financial Strategy and Plan 2023/24-2027/28**



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**Eliminate discrimination, harassment, victimisation**

# ROYAL BOROUGH OF WINDSOR AND MAIDENHEAD

## EQUALITY IMPACT ASSESSMENT

### EqlA : Medium-Term Financial Strategy and Plan 2023/24-2027/28

Protected Characteristic	Advancing the Equality Duty : Does the proposal advance the Equality Duty Statement in relation to the protected characteristic (Yes/No)	If yes, to what level? (High / Medium / Low)	Negative impact : Does the proposal disadvantage them (Yes / No)	If yes, to what level? (High / Medium / Low)	Please provide explanatory detail relating to your assessment and outline any key actions to (a) advance the Equality Duty and (b) reduce negative impact on each protected characteristic.
Age					
Disability					
Gender reassignment					
Marriage and civil partnership					
Pregnancy and maternity					
Race					
Religion and belief					
Sex					
Sexual orientation					

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**Advance equality of opportunity**

# ROYAL BOROUGH OF WINDSOR AND MAIDENHEAD

## EQUALITY IMPACT ASSESSMENT

### EqlA : Medium-Term Financial Strategy and Plan 2023/24-2027/28

Protected Characteristic	Advancing the Equality Duty : Does the proposal advance the Equality Duty Statement in relation to the protected characteristic (Yes/No)	If yes, to what level? (High / Medium / Low)	Negative impact : Does the proposal disadvantage them (Yes / No)	If yes, to what level? (High / Medium / Low)	Please provide explanatory detail relating to your assessment and outline any key actions to (a) advance the Equality Duty and (b) reduce negative impact on each protected characteristic.
Age					
Disability					
Gender reassignment					
Marriage and civil partnership					
Pregnancy and maternity					
Race					
Religion and belief					
Sex					
Sexual orientation					

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# ROYAL BOROUGH OF WINDSOR AND MAIDENHEAD

## EQUALITY IMPACT ASSESSMENT

### EqlA : Medium-Term Financial Strategy and Plan 2023/24-2027/28

#### Foster good relations

Protected Characteristic	Advancing the Equality Duty : Does the proposal advance the Equality Duty Statement in relation to the protected characteristic (Yes/No)	If yes, to what level? (High / Medium / Low)	Negative impact : Does the proposal disadvantage them (Yes / No)	If yes, to what level? (High / Medium / Low)	Please provide explanatory detail relating to your assessment and outline any key actions to (a) advance the Equality Duty and (b) reduce negative impact on each protected characteristic.
Age					
Disability					
Gender reassignment					
Marriage and civil partnership					
Pregnancy and maternity					
Race					
Religion and belief					
Sex					
Sexual orientation					

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**2.4 Has your delivery plan been updated to incorporate the activities identified in this assessment to mitigate any identified negative impacts? If so please summarise any updates.**  
*These could be service, equality, project or other delivery plans. If you did not have sufficient data to complete a thorough impact assessment, then an action should be incorporated to collect this information in the future.*

**ROYAL BOROUGH OF WINDSOR AND MAIDENHEAD**

**EQUALITY IMPACT ASSESSMENT**

**EqlA : Medium-Term Financial Strategy and Plan 2023/24-2027/28**



Report Title:	<b>Capital budget additions 2022/23</b>
Contains Confidential or Exempt Information	No – Part I
Cabinet Member:	Councillor Hilton Cabinet Member for Asset Management & Commercialisation Finance & Ascot
Meeting and Date:	Full Council - 27 September 2022
Responsible Officer(s):	Adele Taylor Executive Director of Resources/S151 Officer Andrew Vallance Head of Finance (Deputy S151 Officer)
Wards affected:	All

## **REPORT SUMMARY**

Following on from the July & August 2022 Cabinets, this report recommends that Council approves two budget additions to the capital programme: RBWM Tennis Courts and Cavalry Crescent, Windsor.

## **1. DETAILS OF RECOMMENDATION(S)**

### **RECOMMENDATION:**

**That full Council:**

- i) Approves the tennis court improvement project as a fully externally funded capital scheme.**
- ii) Approves the capital expenditure budget of £22,550,202 (inclusive of interest and fees) to acquire from Annington Homes Limited the freehold acquisition of the fully refurbished existing 53 houses and the 10 new build flats at Cavalry Crescent, Windsor.**

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

### **Options**

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

<b>Option</b>	<b>Comments</b>
<b>Tennis Court provision:</b> <b>Option 1</b> Officers continue discussions with the LTA to obtain funding to improve tennis court facilities and access opportunities for residents of RBWM as part of a fully externally funded capital scheme <b>This is the recommended option.</b>	This approach secures funding from outside the council to maintain and improve tennis court facility provision within the borough.

Option	Comments
<p><b>Option 2</b> Not to continue discussions with the LTA to obtain funding and/or refuse to progress as a fully funded capital scheme project. This is not recommended</p>	<p>If the borough do not progress discussions, it will mean further deterioration in tennis court facilities within RBWM or financing will be required from council funds to maintain provision</p>
<p><b>Cavalry Crescent :</b> <b>Option 1</b> Approve the capital expenditure budget of £22,550,202,(inclusive of interest and fees) for the conditional acquisition of the fully refurbished existing 53 houses and 10 New Build flats at Cavalry Crescent. <b>This is the recommended option</b></p>	<p>Cavalry Crescent was identified in the Property Company's Business Plan. Approving the conditional acquisition will enable RBWM Property Company Limited to deliver part of its strategic objectives and to deliver the proposed scheme with Annington Property Limited.</p>
<p><b>Option 2</b> Do nothing. This is not recommended</p>	<p>RBWM Property Company Limited will not be able to fulfil its strategic objective to deliver its Business Plan.</p>

### **Tennis Participation and Facility improvement for RBWM Tennis Courts**

- 2.1 Approval is requested to commence the tennis court improvement project as a fully externally funded capital scheme. This scheme was originally considered by Cabinet on 25 August 2022 and has a net nil impact on the capital programme budget.
- 2.2 The investment (potentially around £110,000), which is subject to site surveys and final contract awards, will be used to upgrade ten hard surface courts where there is identified demand and potential for improvement. These are the three dedicated tennis courts at Maidenhead's Kidwells Park, two at Desborough Park, two at Oaken Grove, and three at Goswells Park/Alexandra Gardens in Windsor.
- 2.3 The funding is part of the UK Government and LTA's joint investment of more than £30m to refurbish public tennis courts across Britain and support a new generation of players to get into the sport.
- 2.4 Subject to finalising the funding agreement with the LTA, work is scheduled to start in the autumn of 2022. Specific works at each site will depend on what improvements are needed and will include surface reconditioning, new nets, posts and fencing. There will also be an enhanced local tennis programme, including some free sessions, as part of the partnership with the LTA.
- 2.5 Access-controlled entry gates with an online booking system, now standard at many other venues, will ensure residents and groups can reserve their slots online before they turn up to play. This will benefit players at peak times, maximise court

usage, increase participation and support the sustainable operation and maintenance of courts to a high standard.

2.6 The Government and LTA investment is designed to open-up the sport to people of all backgrounds, support the Government's commitment to levelling up sports provision across the nation, and provide greater opportunities for children and adults to be active. This will see thousands of public park tennis courts in poor or unplayable condition brought back to life for the benefit of local communities and importantly sustain these facilities into the future.

2.7 In parallel with this the borough is re-tendering the leisure facilities contract and also developing a sport and leisure strategy with the primary objective of 'more residents, more active more often and more healthy', which will support and inform the future role of the leisure facilities as a key strand to our overall sport and leisure delivery in RBWM.

### **Cavalry Crescent, Windsor**

2.8 Approval is requested for a capital expenditure budget of £22,550,202 (including interest and fees) to acquire from Annington Property Limited the freehold acquisition of the fully refurbished existing 53 houses and the completed new build flats at Cavalry Crescent, Windsor. This scheme was originally considered by Cabinet on 21 July 2022.

2.9 Cavalry Crescent, Windsor is a former Defence Estates property consisting of 53 2 and 3 bedrooomed houses. There are two small parcels of land at the site that, subject to Planning Consent, can accommodate 10 new build apartments. Cavalry Close is owned by Annington Property Limited, a residential Asset management business. The site has been declared surplus to requirement, is vacant and Annington Homes will sell the freehold site on the open market.

2.10 The report to July 2022 Cabinet provided an update on the discussion and negotiations with Annington Property Limited regarding the purchase of the site. The site would provide 53 houses and 10 new apartments to rent. As an investment this would, contribute to the proposed Asset Portfolio set out in the Business Plan. The properties would be managed by the Prop Co. The site provides the opportunity to meet a range of housing need in the Borough through a variety of homes to rent in collaboration with RBWM Housing Department.

2.11 The strategy is to purchase the freehold of the 53 houses and two infill sites via a Purchase and Development Agreement. The contract will require Annington Property Limited to fully refurbish the properties to an agreed specification to market habitation standards and to obtain Planning Permission and build the 10 new residential apartments on the infill sites. To inform discussion with Annington Property limited and assess the potential purchase values independent market valuation advice has been provided.

2.12 The valuation advice forms part of the wider due diligence that informs the site value(s), potential income values and financing requirement. This will include the cost of borrowing, particularly inflation on interest, capital repayment, Minimum Revenue Provision (MRP), maintenance, and management cost. In addition legal and tax advice will be taken on the final contract form, funding structure and tax implications.

2.13 This report requests approval by full Council of a new capital expenditure budget approval of £22,550,202 to be added to the 2022/23, 2023/24 and 2024/25 Capital Programmes. The budget covers the acquisition cost for the delivery of the proposed schemes, the on-costs including professional and survey fees, SDLT, development allowance and capitalised interest.

### 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>
<b>Refurbishment</b> - Provides a route to growing the development activities of the Prop Co	April 2023	March 2023	May 2023	n/a	March 2023
<b>New Build</b> - Provides a route to growing the development activities of the Prop Co	30 May 2024	30 Apr 2024	June 2024	n/a	30 Apr 2024

### 4. FINANCIAL DETAILS / VALUE FOR MONEY

<b>REVENUE COSTS</b>	<b>2022/23</b>	<b>2023/24</b>	<b>2024/25</b>
	<b>£'000</b>	<b>£'000</b>	<b>£'000</b>
Gross Affordable Rental income	0	0	(106)
Market Rental income	0	(1,067)	(1,185)
Void & Bad Debt costs	0	43	52
MRP & interest costs at 3.57%	0	851	842
<b>Net Impact</b>	<b>0</b>	<b>(173)</b>	<b>(397)</b>

<b>CAPITAL COSTS</b>	<b>2022/23</b>	<b>2023/24</b>	<b>2024/25</b>
	<b>£'000</b>	<b>£'000</b>	<b>£'000</b>
Additional total	£20,811	£46	£1,693
Reduction	£0	£0	£0
Net Impact	£20,811	£46	£1,693

## 5. LEGAL IMPLICATIONS

5.1 See respective Cabinet reports

## 6. RISK MANAGEMENT

6.1 See respective Cabinet reports.

## 7. POTENTIAL IMPACTS

7.1 EqIA implications. See respective Cabinet reports

7.2 Climate change/sustainability. See respective Cabinet reports

7.3 Data Protection/GDPR. See respective Cabinet reports.

## 8. TIMETABLE FOR IMPLEMENTATION

8.1 See respective Cabinet reports

## 9. APPENDICES

- None

## 10. BACKGROUND DOCUMENTS

10.1 This report is supported by two background documents:

- Report to Cabinet 25 August 2022 - Tennis participation and facility improvement for identified RBWM park tennis courts
- Report to Cabinet 21 July 2022 - Cavalry Crescent, Windsor

## 11. CONSULTATION

<b>Name of consultee</b>	<b>Post held</b>	<b>Date sent</b>	<b>Date returned</b>
<i>Mandatory: Statutory Officers (or deputies)</i>			
Adele Taylor	Executive Director of Resources/S151 Officer		

Emma Duncan	Director of Law, Strategy and Public Health / Monitoring Officer	16/9/22	16/9/22
<i>Deputies:</i>			
Andrew Vallance	Head of Finance (Deputy S151 Officer)	16/9/22	16/9/22
Elaine Browne / Sean O'Connor	Head of Law (Deputy Monitoring Officer)		
Karen Shepherd	Head of Governance (Deputy Monitoring Officer)		
<i>Mandatory: Procurement Manager (or deputy) - if report requests approval to award, vary or extend a contract</i>			
Lyn Hitchinson	Procurement Manager		
<i>Other consultees:</i>			
<i>Directors (where relevant)</i>			
Duncan Sharkey	Chief Executive		
Andrew Durrant	Executive Director of Place		
Kevin McDaniel	Executive Director of People Services		
<i>Heads of Service (where relevant)</i>			
<i>External (where relevant)</i>			
N/A			

Confirmation relevant Cabinet Member(s) consulted	Councillor Hilton Cabinet Member for Asset Management & Commercialisation Finance & Ascot	Yes
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## REPORT HISTORY

<b>Decision type:</b>	<b>Urgency item?</b>	<b>To follow item?</b>
Council decision	No	No

<b>Report Author:</b> Andrew Vallance Head of Finance (Deputy S151 Officer)
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Report Title:	Virement of Capital within the Approved Capital Programme, to fund the overage payment due under the contract for the purchase of Land Purchase at Thriftwood Farm
Contains Confidential or Exempt Information	No – Part I
Cabinet Member:	Councillor Hilton Cabinet Member for Asset Management & Commercialisation Finance & Ascot
Meeting and Date:	Council 27 September 2022
Responsible Officer(s):	Andrew Durrant, Executive Director of Place
Wards affected:	All

## **REPORT SUMMARY**

*This report deals with Capital expenditure required to pay an overage sum that is due to the vendor of the land at Thriftwood, Ockwells Road, Cox Green, which the Council purchased in 2016 and formed part of the contractual agreement of sale.*

*The overage sum isn't within the approved Budget but can be paid by using a virement as authorised under the Constitution. The in-year virement requires Cabinet approval, however the overage payment is a contractual obligation for the Council that relates to the original terms of the sale/purchase back in 2016 (and related verification of the urgent decision made by officers which was reported to Council on the 10 August 2016) and such payment was made under the urgency provisions in the Constitution.*

*The proposed virement is to re-allocate some of the approved capital provision which is within the approved Capital Programme of the Council for the further expansion of the Hostile Mitigation Measure for Windsor (CC60). This is not currently required for the that scheme and the proposal is to use this, to fund the overage payment (Thriftwood CX36).*

*At the time of purchase there was a known risk that an overage payment could become due if planning permission was obtained for the site. There has now been an independent valuation completed by an expert witness to assess the overage payment and the value of the amount due. This report addresses that funding requirement and advises Council that the debt has been paid so to avoid any further interest payments being incurred.*

## **1. DETAILS OF RECOMMENDATION(S)**

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

- i) Approves the virement of capital funds from the approved scheme CC60 Hostile Vehicle Mitigations Measures to CX36 Purchase of land at Thriftwood as set out in Appendix 3.**

- ii) **Notes the decision taken under the Urgent Powers within the Constitution to make the payment to seek to stop further interest payments**

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

### **Options**

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

<b>Option</b>	<b>Comments</b>
To approve this proposed virement to fund the payment that is contractually due. <b>This is the recommended option</b>	This proposed virement does not increase the overall total of the approved capital scheme.
To identify an alternative capital scheme or seek to increase the capital programme to fund this payment.	This option would require an increase in the current capital programme, if an alternative capital programme could be identified which has funds available to cover this amount. No other scheme has been identified at this time.

- 2.1 The Council purchased 86 acres of land at Thriftwood Farm, Cox Green on the 17 August 2016 at auction, as it was adjacent to Ockwells Park. The purchase of the land was to increase the Council's overall open space available for residents to enjoy.
- 2.2 As part of that purchase there was an overage clause that stipulated that overage was payable on the granting of any planning permission. The overage clause provided that any increase in the value of the land would trigger a 40% overage payment. On the 8<sup>th</sup> May 2022 the change of use of the land from agriculture to public open amenity space was valued in accordance with the terms of the sale agreement, by a jointly appointed single expert valuer. An overage payment became payable as an outcome of this valuation review.
- 2.3 The payment includes an uplift in value of the land and interest payable on this uplift. In addition, there is also the Council's share of the cost of the independent expert valuer. In total there is a capital requirement as set out in Appendix 3 and it is proposed that this sum be provided for by a virement from the current capital scheme CC60 Hostile Vehicles Mitigations Measures for Windsor. (This sum was included in the capital scheme as a subsequent phase to the works completed in 2019/20, but is not currently being progressed).

## **3. KEY IMPLICATIONS**

- 3.1 The Council is contractually obligated to make this overage payment, and the value has been determined in accordance with the overage contractual terms agreed at the time of the land sale/purchase. Although the level of virement is within the delegations to Cabinet, the payment has been made under the urgency powers provided for in the Standing Orders of RBWM Constitution to ensure the council



was able to meet its legal obligations, and accordingly are being reported to the next full Council meeting. The Officer decision form is shown in Appendix 2

**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>
The overage payment is provided for in the approved Capital programme.	Overspend on the capital code for the project	Payment is made	N/A	N/A	21 June 2022
The decision taken under the urgent powers is noted	N/A	Decision is noted.	N/A	N/A	21 June 2022

3.2 The report is seeking to obtain formal approval for the virement of the capital provision that enabled the Thriftwood overage payment to be made within the current approved overall capital programme and to avoid the further accumulation of interest and avoid legal action for non-payment of the debt.

3.3 The decision to make the payment under the urgent powers provided for within the RBWM Constitution is noted. The terms of the overage required payment within 10 working days of the determination by the expert and became payable on the 15 June 2022.

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

4.1 The provisions for virement are set out in rules F1.10 to F1.19 of the Finance Rules. The rules are applied to virement between budgets and the levels delegated to officers are:

- Directors can vire up to £25,000 in respect of budgets under their control without the consent of the Head of Finance
- The Head of Finance, in consultation (via email if appropriate) with the Corporate Leadership Team can vire £25,000 up to £100,000 with the consent of Cabinet
- Cabinet can vire £100,001 to £500,000 without the consent of Full Council.

4.2 The virement will enable the payment to be made from within the existing approved capital programme. Funds to the required value as set out in Appendix 2 will be moved from Cost Centre CC60 Hostile Mitigation Measure for Windsor to Cost Centre CX36 Thriftwood.

4.3 This will avoid the need for any additional capital requirements within the already approved overall capital programme and potential increased borrowing requirements.

## **5. LEGAL IMPLICATIONS**

5.1 The Council was aware of the overage clauses at the time that the council purchased the land. In 2021, the original vendor approached the Council to seek payment and an independent expert valuer was jointly appointed to complete the revised valuation and overage calculation. Legal Services have been directly involved in this process and have advised, ensuring the Council meets its contractual obligations.

5.2 To avoid any further interest payments the balances due were made as soon as the valuation work was completed and the overage and interest payments were confirmed to avoid any further interest payments being required.

5.3 The decision was taken under the urgency powers to avoid any further interest payments being accrued once the revised valuation was confirmed. As it was not practicable to convene a full meeting of the Council and there was no elected Chairman of the Place Overview and Scrutiny Panel the Mayor was asked to give consent in accordance with the requirements of the Constitution.

## **6. RISK MANAGEMENT**

6.1 The steps taken to avoid any further interest payments and to cover the capital requirements through a virement from an existing capital scheme have been taken to reduce the risks of any further financial costs against the council. On the basis that once the overage payments had been identified it was in the Council's best interest to meet its contractual obligations as quickly as possible.

## **7. POTENTIAL IMPACTS**

7.1 There are no EqIA implications arising directly from this report, see Appendix 1

7.2 Climate change/sustainability. There are no impacts on the Climate change and Sustainability policy arising from this report.

7.3 Data Protection/GDPR. This report is being considered under Part II of the agenda as the matter relates to the contractual financial obligations between the Council and Purchaser and a private individual as vendor, which arose as the result of the purchase agreement made in 2016 when the land was bought.

## **8. CONSULTATION**

8.1 The Mayor of RBWM has been consulted as there was no elected Chair of the Place Overview and Scrutiny Panel.

## **9. TIMETABLE FOR IMPLEMENTATION**

9.1 Implementation date if not called in: As a full Council decision, there is no provision for call in.

9.2 This decision is being report retrospectively in accordance with the provisions set out above as it was taken under the urgent powers and relates to the contractual obligations which formed part of the terms of the contract for sale in 2016.

## 10. APPENDICES

This report is supported by three appendices:

- Appendix 1 – EQIA Screening Form
- Appendix 2 - Officer Decision Form
- Appendix 3 - Value of the Virement between capital codes being approved by Council.

## 11. BACKGROUND DOCUMENTS

11.1 This report is supported by one background document:

- Report to full Council 10 August 2016

## 12. CONSULTATION

<b>Name of consultee</b>	<b>Post held</b>	<b>Date sent</b>	<b>Date returned</b>
<i>Mandatory: Statutory Officers (or deputies)</i>			
Adele Taylor	Executive Director of Resources/S151 Officer	5/7/22	8/7/22
Emma Duncan	Director of Law, Strategy and Public Health / Monitoring Officer	5/7/22	7/7/22
<i>Deputies:</i>			
Andrew Vallance	Head of Finance (Deputy S151 Officer)	5/7/22	
Elaine Browne / Sean O'Connor	Head of Law (Deputy Monitoring Officer)	4/7/22	5/7/22
Karen Shepherd	Head of Governance (Deputy Monitoring Officer)	4/7/22	7/7/22
<i>Mandatory: Procurement Manager (or deputy) - if report requests approval to award, vary or extend a contract</i>			
Lyn Hitchinson	Procurement Manager	N/A	
<i>Other consultees:</i>			
<i>Directors (where relevant)</i>			
Duncan Sharkey	Chief Executive	5/7/22	6/7/22
Andrew Durrant	Executive Director of Place	4/7/22	5/7/22
Kevin McDaniel	Executive Director of People Services	N/A	
<i>Heads of Service (where relevant)</i>			

Zarqa Raja	Corporate Accountant	4/7/22	5/7/22
<i>External (where relevant)</i>			
N/A			

Confirmation relevant Cabinet Member(s) consulted	Councillor Hilton Cabinet Member for Asset Management & Commercialisation Finance & Ascot	Yes
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## REPORT HISTORY

Decision type:	Urgency item?	To follow item?
Council decision	Yes – The Mayor has been consulted as there was no Chairman of the Place O&S Panel	No

Report Author: David Scott Head of Communities 07710 352 095
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**ROYAL BOROUGH OF WINDSOR AND MAIDENHEAD**

**EQUALITY IMPACT ASSESSMENT**

**EqlA : Thriftwood Overage payment**

**Essential information**

Items to be assessed: (please mark 'x')

<b>Strategy</b>		<b>Policy</b>		<b>Plan</b>		<b>Project</b>	X	<b>Service/Procedure</b>	
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<b>Responsible officer</b>	Andrew Durrant	<b>Service area</b>	Parks and Open Spaces	<b>Directorate</b>	Place
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<b>Stage 1: EqlA Screening (mandatory)</b>	Date created: 4 /07/2022	<b>Stage 2 : Full assessment (if applicable)</b>	Date created : NA
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**Approved by Head of Service / Overseeing group/body / Project Sponsor:**

*"I am satisfied that an equality impact has been undertaken adequately."*

**Signed by (print):** David Scott Head of Communities

**Dated:** 08/07/2022

## ROYAL BOROUGH OF WINDSOR AND MAIDENHEAD

### EQUALITY IMPACT ASSESSMENT

#### EqlA : Thriftwood Overage payment

##### Guidance notes

##### What is an EqlA and why do we need to do it?

The Equality Act 2010 places a ‘General Duty’ on all public bodies to have ‘due regard’ to:

- Eliminating discrimination, harassment and victimisation and any other conduct prohibited under the Act.
- Advancing equality of opportunity between those with ‘protected characteristics’ and those without them.
- Fostering good relations between those with ‘protected characteristics’ and those without them.

EqlAs are a systematic way of taking equal opportunities into consideration when making a decision, and should be conducted when there is a new or reviewed strategy, policy, plan, project, service or procedure in order to determine whether there will likely be a detrimental and/or disproportionate impact on particular groups, including those within the workforce and customer/public groups. All completed EqlA Screenings are required to be publicly available on the council’s website once they have been signed off by the relevant Head of Service or Strategic/Policy/Operational Group or Project Sponsor.

##### What are the “protected characteristics” under the law?

The following are protected characteristics under the Equality Act 2010: age; disability (including physical, learning and mental health conditions); gender reassignment; marriage and civil partnership; pregnancy and maternity; race; religion or belief; sex; sexual orientation.

##### What’s the process for conducting an EqlA?

The process for conducting an EqlA is set out at the end of this document. In brief, a Screening Assessment should be conducted for every new or reviewed strategy, policy, plan, project, service or procedure and the outcome of the Screening Assessment will indicate whether a Full Assessment should be undertaken.

##### Openness and transparency

RBWM has a ‘Specific Duty’ to publish information about people affected by our policies and practices. Your completed assessment should be sent to the Strategy & Performance Team for publication to the RBWM website once it has been signed off by the relevant manager, and/or Strategic, Policy, or Operational Group. If your proposals are being made to Cabinet or any other Committee, please append a copy of your completed Screening or Full Assessment to your report.

##### Enforcement

Judicial review of an authority can be taken by any person, including the Equality and Human Rights Commission (EHRC) or a group of people, with an interest, in respect of alleged failure to comply with the general equality duty. Only the EHRC can enforce the specific duties. A failure to comply with the specific duties may however be used as evidence of a failure to comply with the general duty.

## ROYAL BOROUGH OF WINDSOR AND MAIDENHEAD

### EQUALITY IMPACT ASSESSMENT

#### EqlA : Thriftwood Overage payment

##### Stage 1 : Screening (Mandatory)

###### **1.1 What is the overall aim of your proposed strategy/policy/project etc and what are its key objectives?**

The EqlA relates to an overage payment approval report for Full Council in connection with the purchase of land at Thriftwood in 2016, which has become due. The project to purchase the land was completed in 2016 and since then the land has become a new public open space adjacent to the established Ockwells Park in Cox Green Maidenhead.

The report to full Council seeks to complete the decision reporting process in connection with the payment of the overall sum which is the consequence of the contract terms of the purchase agreement made between the Council and the Vendor in 2016.

**1.2 What evidence is available to suggest that your proposal could have an impact on people (including staff and customers) with protected characteristics? Consider each of the protected characteristics in turn and identify whether your proposal is Relevant or Not Relevant to that characteristic. If Relevant, please assess the level of impact as either High / Medium / Low and whether the impact is Positive (i.e. contributes to promoting equality or improving relations within an equality group) or Negative (i.e. could disadvantage them). Please document your evidence for each assessment you make, including a justification of why you may have identified the proposal as “Not Relevant”.**

## ROYAL BOROUGH OF WINDSOR AND MAIDENHEAD

## EQUALITY IMPACT ASSESSMENT

## EqIA : Thriftwood Overage payment

Protected characteristics	Relevance	Level	Positive/negative	Evidence
Age	No			<i>This report is completing the reporting of a decision in connection with an overage payment that became due under the terms of the contract made when the land was purchased in 2016.</i>
Disability	No			<i>This report is completing the reporting of a decision in connection with an overage payment that became due under the terms of the contract made when the land was purchased in 2016.</i>
Gender re-assignment	No			<i>This report is completing the reporting of a decision in connection with an overage payment that became due under the terms of the contract made when the land was purchased in 2016.</i>
Marriage/civil partnership	No			<i>This report is completing the reporting of a decision in connection with an overage payment that became due under the terms of the contract made when the land was purchased in 2016.</i>
Pregnancy and maternity	No			<i>This report is completing the reporting of a decision in connection with an overage payment that became due under the terms of the contract made when the land was purchased in 2016.</i>
Race	No			<i>This report is completing the reporting of a decision in connection with an overage payment that became due under the terms of the contract made when the land was purchased in 2016.</i>
Religion and belief	No			<i>This report is completing the reporting of a decision in connection with an overage payment that became due under the terms of the contract made when the land was purchased in 2016.</i>
Sex	No			<i>This report is completing the reporting of a decision in connection with an overage payment that became due under the terms of the contract made when the land was purchased in 2016.</i>
Sexual orientation	No			<i>This report is completing the reporting of a decision in connection with an overage payment that became due under the terms of the contract made when the land was purchased in 2016.</i>



**ROYAL BOROUGH OF WINDSOR AND MAIDENHEAD**

**EQUALITY IMPACT ASSESSMENT**

**EqlA : Thriftwood Overage payment**

**Outcome, action and public reporting**

<b>Screening Assessment Outcome</b>	<b>Yes / No / Not at this stage</b>	<b>Further Action Required / Action to be taken</b>	<b>Responsible Officer and / or Lead Strategic Group</b>	<b>Timescale for Resolution of negative impact / Delivery of positive impact</b>
<b>Was a significant level of negative impact identified?</b>	No			
<b>Does the strategy, policy, plan etc require amendment to have a positive impact?</b>	No			

If you answered **yes** to either / both of the questions above a Full Assessment is advisable and so please proceed to Stage 2. If you answered “No” or “Not at this Stage” to either / both of the questions above please consider any next steps that may be taken (e.g. monitor future impacts as part of implementation, re-screen the project at its next delivery milestone etc).

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Customer id Anonymous

Channel website

Call id 0

SLA

Associated UPRN

Payment indicator nothing

Payment reference

Fund code

uprn

Ward

Parish

Decision title Thriftwood Overage Agreement

Date of decision Mon, 20th June 2022

Decision maker name Andrew Durrant

Decision maker job title Exec Director Place Service

Decision maker email Andrew.Durrant@rbwm.gov.uk

Authority for delegated decision Part 2, approval at Full Council

Key decision subject to call-in? No

Part II (Confidential) decision? Yes

If yes above, which paragraph(s) of Schedule 12A of the Local Government Act 1972 apply?



- Information relating to any individual
- Information relating to the financial or business affairs of any particular person (including the authority holding that information)

Wards affected Cox Green

Consultation undertaken Consultation with senior statutory officers & Chair of O&S / Mayor

Decision made

To pay the full amount owing in relation to the Thriftwood Overage Agreement as a result of a land transfer to the council, agreed in 2016

Reasons for decision

The overage agreement is a legally binding contract between the council and land owner, avoidance of payment at this stage will attract further litigation and interest chargers.

Details of any associated risks and mitigation To not pay will attract further costs to the authority

Details of any associated finance considerations Approval by Council to allocate Capital Budget.

Name of Finance officer who provided advice Adele Taylor

Date advice given Fri, 17th June 2022

Name of legal officer who provided advice Sean O'Connor

Date advice given Mon, 30th May 2022

Details of any associated equality/ sustainability /data protection considerations  
None

Details of any alternative options considered and reasons for rejection None



Associated documents

Details of any declarations of interest made None

If you would like to receive an email receipt, then please enter your email address and confirm it below Andrew.Durrant@rbwm.gov.uk

Confirm email address Andrew.Durrant@rbwm.gov.uk

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Appendix 3 – Thriftwood Overage Payment

*The value of the virement of capital funds within the approved capital programme scheme from CC60 Hostile Vehicle Mitigations Measures to CX36 Purchase of land at Thriftwood to accommodate the overall payment, interest and the RBWM share of the expert surveyor's fee is £223,100*

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Report Title:	<b>Political Balance</b>
Contains Confidential or Exempt Information	No - Part I
Meeting and Date:	Full Council 27 September 2022
Responsible Officer(s):	Emma Duncan, Director - Law, Strategy & Public Health and Monitoring Officer / Karen Shepherd, Head of Governance
Wards affected:	All



## **REPORT SUMMARY**

A review of the political balance on the council's committees is required following a change in the membership of political groups, including the creation of a new political group. 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.

Ensuring the appropriate political balance is in place supports the council's governance framework and therefore the Corporate Plan objective 'A Council trusted to deliver its promises.'

### **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 2 and 3.**

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

#### **Options**

**Table 1: 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 the 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

- 2.1 In accordance with Regulation 8 of the Local Government (Committees and Political Groups) Regulations 1990, Councillors have given notice to the Chief Executive of their wish to be regarded as members of political groups. On 13 September 2022 one Member (Councillor C. Da Costa) formally notified the council that she had left the Local Independents group and joined the newly

established West Windsor Residents Association (WWRA) group with Councillor W. Da Costa.

2.2 The number of seats currently held on the council is therefore as follows:

- Conservative: 22 seats
- Liberal Democrat: 10 seats
- Local Independents: 6 seats
- West Windsor Residents Association: 2 seats

2.3 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.

2.4 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*

2.5 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 2 sets out the overall allocation of seats on ordinary committees; Table 3 demonstrates how this applies to individual panels, committees and forums:

**Table 2: Overall allocation of seats**

	Political composition- percentage of members out of 40	Proposed allocation of actual seats on ordinary committees out of 70 seats	Percentage outcome of allocation of 70 seats
<b>Conservative Group</b>	55%	41	58.5%
<b>Liberal Democrat Group</b>	25%	17	24.3%
<b>Local Independents Group</b>	15%	10	14.3%
<b>West Windsor Residents Association Group</b>	5%	2	2.9%
<b>Total</b>	100%	70	100%

**Table 3: Allocation of seats on individual Panels, Committees and Forums**

	Seats	Conservative	Liberal Democrat	Local Independents	WWRA
<b>Ordinary committees</b>					
Appeals Panel	5	3	1	1	0
Berkshire Pension Fund Committee	5	3	1	0	1
Windsor and Ascot Development Management Committee	9	5	2	1	1
Member Standards Panel	8	5	2	1	0
Licensing Panel	11	6	3	2	0
Appointment Committee	5	3	1	1	0
Maidenhead Development Management Committee	9	5	3	1	0
Audit and Governance Committee	5	3	1	1	0
Rights of Way & Highway Licensing Panel	8	5	2	1	0
Statutory Officer Panel	5	3	1	1	0
<b>Other relevant bodies</b>					
People O&S Panel	11	6	3	1	1
Corporate O&S Panel	11	6	3	2	0
Place O&S Panel	11	6	3	2	0
Maidenhead Town Forum	11	6	3	2	0
Windsor Town Forum	11	6	2	2	1
Aviation Forum	5	3	1	1	0
Corporate Parenting Forum	5	3	1	0	1
Grants Panel	5	3	1	1	0
School Improvement Forum	3	2	1	0	0
East Berkshire Joint Health O&S Committee	3	2	0	0	1
Joint East Berkshire Health O&S Committee with Buckinghamshire CC	3	2	1	0	0
Berkshire Fire and Rescue Authority	3	2	1	0	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>					

- 2.6 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.
- 2.7 Council could, if it so resolved by a resolution with no Member voting against the resolution, depart from the proportionality rules as detailed above.
- 2.8 Following approval of the amended political balance, the Head of Governance will write to all relevant Group Leaders to request confirmation of appointments to amended seats for their respective group.

**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	27 September 2022 onwards

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

4.1 There are no direct financial implications arising from this report.

**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>Risk</b>	<b>Level of uncontrolled risk</b>	<b>Controls</b>	<b>Level of 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; a screening form is available as Appendix A.

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 were notified of the requirement for a review of the political balance on receipt of the formal notification of the creation of a new political group.

## 9. TIMETABLE FOR IMPLEMENTATION

9.1 The full implementation stages are set out in Table 6.

**Table 6: Implementation timetable**

Date	Details
27 September 22	Council considers recommendations
October 2022	Group Leaders inform Head of Governance of amended memberships as appropriate; council website updated as required

## 10. APPENDICES

10.1 This report is supported by one appendix:

- Appendix A – EQIA

## 11. BACKGROUND DOCUMENTS

11.1 This report is supported by one background document:

- [Council constitution](#)

## 12. CONSULTATION

Name of consultee	Post held	Date sent	Date returned
<i>Mandatory:</i>		<i>Statutory Officers (or deputies)</i>	
Adele Taylor	Executive Director of Resources/S151 Officer	14/9/22	
Emma Duncan	Director of Law, Strategy & Public Health/ Monitoring Officer	14/9/22	14/9/22
<i>Deputies:</i>			
Andrew Vallance	Head of Finance (Deputy S151 Officer)	14/9/22	
Elaine Browne	Head of Law (Deputy Monitoring Officer)	14/9/22	
<i>Mandatory:</i>		<i>Procurement Manager (or deputy) - if report requests approval to go to tender or award a contract</i>	

Lyn Hitchinson	Procurement Manager	N/A	N/A
<b>Mandatory:</b>		<i>Data Protection Officer (or deputy) - if decision will result in processing of personal data; to advise on DPIA</i>	
Emma Young	Data Protection Officer	N/A	N/A
<b>Mandatory:</b>		<i>Equalities Officer – to advise on EQiA, or agree an EQiA is not required</i>	
Ellen McManus	Equalities & Engagement Officer	14/9/22	
<b>Other consultees:</b>			
<b>Directors (where relevant)</b>			
Duncan Sharkey	Chief Executive/DASS	14/9/22	14/9/22
Andrew Durrant	Executive Director of Place	14/9/22	
Kevin McDaniel	Executive Director of People Services	14/9/22	
<b>Heads of Service (where relevant)</b>			
	N/A		
<b>External (where relevant)</b>			
N/A			

## REPORT HISTORY

<b>Decision type:</b>	<b>Urgency item?</b>	<b>To follow item?</b>
Council decision	No	No

Report Author: Karen Shepherd, Head of Governance, 07766 778286
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## APPENDIX A - EQUALITY IMPACT ASSESSMENT

### Essential information

Items to be assessed: (please mark 'x')

Strategy		Policy		Plan		Project		Service/Procedure	X
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Responsible officer	Karen Shepherd	Service area	Governance	Directorate	Law, Strategy & Public Health
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<b>Stage 1: EqlA Screening (mandatory)</b>	Date created: 13/9/2022	<b>Stage 2 : Full assessment (if applicable)</b>	Date created: N/A
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**Approved by Head of Service / Overseeing group/body/Project Sponsor:**

*"I am satisfied that an equality impact has been undertaken adequately."*

**Signed by (print):** K. Shepherd

**Dated:** 13/9/22

## Guidance notes

### What is an EqIA and why do we need to do it?

The Equality Act 2010 places a 'General Duty' on all public bodies to have 'due regard' to:

- Eliminating discrimination, harassment and victimisation and any other conduct prohibited under the Act.
- Advancing equality of opportunity between those with 'protected characteristics' and those without them.
- Fostering good relations between those with 'protected characteristics' and those without them.

EqIAs are a systematic way of taking equal opportunities into consideration when making a decision, and should be conducted when there is a new or reviewed strategy, policy, plan, project, service or procedure in order to determine whether there will likely be a detrimental and/or disproportionate impact on particular groups, including those within the workforce and customer/public groups. All completed EqIA Screenings are required to be publicly available on the council's website once they have been signed off by the relevant Head of Service or Strategic/Policy/Operational Group or Project Sponsor.

### What are the "protected characteristics" under the law?

The following are protected characteristics under the Equality Act 2010: age; disability (including physical, learning and mental health conditions); gender reassignment; marriage and civil partnership; pregnancy and maternity; race; religion or belief; sex; sexual orientation.

### What's the process for conducting an EqIA?

The process for conducting an EqIA is set out at the end of this document. In brief, a Screening Assessment should be conducted for every new or reviewed strategy, policy, plan, project, service or procedure and the outcome of the Screening Assessment will indicate whether a Full Assessment should be undertaken.

### Openness and transparency

RBWM has a 'Specific Duty' to publish information about people affected by our policies and practices. Your completed assessment should be sent to the Strategy & Performance Team for publication to the RBWM website once it has been signed off by the relevant manager, and/or Strategic, Policy, or Operational Group. If your proposals are being made to Cabinet or any other Committee, please append a copy of your completed Screening or Full Assessment to your report.

### Enforcement

Judicial review of an authority can be taken by any person, including the Equality and Human Rights Commission (EHRC) or a group of people, with an interest, in respect of alleged failure to comply with the general equality duty. Only the EHRC can enforce the specific duties. A failure to comply with the specific duties may however be used as evidence of a failure to comply with the general duty.



## Stage 1: Screening (Mandatory)

### 1.1 What is the overall aim of your proposed strategy/policy/project etc and what are its key objectives?

The overall aim of the proposal is to confirm the political balance on the council committees, panels and forums in line with the updated political balance.

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1.2 What evidence is available to suggest that your proposal could have an impact on people (including staff and customers) with protected characteristics? Consider each of the protected characteristics in turn and identify whether your proposal is Relevant or Not Relevant to that characteristic. If Relevant, please assess the level of impact as either High / Medium / Low and whether the impact is Positive (i.e. contributes to promoting equality or improving relations within an equality group) or Negative (i.e. could disadvantage them). Please document your evidence for each assessment you make, including a justification of why you may have identified the proposal as “Not Relevant”.

Protected characteristics	Relevance	Level	Positive/negative	Evidence
Age	Not relevant			All councillors (subject to political balance and within their respective groups) can be nominated to sit on the various panels, committees and forums.
Disability				
Gender re-assignment				
Marriage/civil partnership				
Pregnancy and maternity				
Race				
Religion and belief				
Sex				
Sexual orientation				

**Outcome, action and public reporting**

<b>Screening Assessment Outcome</b>	<b>Yes / No / Not at this stage</b>	<b>Further Action Required / Action to be taken</b>	<b>Responsible Officer and / or Lead Strategic Group</b>	<b>Timescale for Resolution of negative impact / Delivery of positive impact</b>
<b>Was a significant level of negative impact identified?</b>	No	None	-	-
<b>Does the strategy, policy, plan etc require amendment to have a positive impact?</b>	No	None	-	-

If you answered **yes** to either / both of the questions above a Full Assessment is advisable and so please proceed to Stage 2. If you answered “No” or “Not at this Stage” to either / both of the questions above please consider any next steps that may be taken (e.g. monitor future impacts as part of implementation, re-screen the project at its next delivery milestone etc).

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Report Title:	<b>Appointment of Statutory Scrutiny Officer</b>
Contains Confidential or Exempt Information	No - Part I
Cabinet Member:	Councillor Johnson, Leader of the Council
Meeting and Date:	Full Council 27 September 2022
Responsible Officer(s):	Emma Duncan, Director of Law, Strategy and Public Health / Karen Shepherd, Head of Governance
Wards affected:	All

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## **REPORT SUMMARY**

Section 9FB of the Local Government Act 2000 (as amended by the Localism Act 2011) places a duty on county and unitary councils to designate an Officer to act as the council’s Statutory Scrutiny Officer. This is an important role in ensuring an effective scrutiny function and therefore supports the Corporate Plan objective ‘A council trusted to deliver its promises’

### **1. DETAILS OF RECOMMENDATION(S)**

**RECOMMENDATION:** That full Council notes the report and appoints Mark Beeley – Democratic Services Officer, as the council’s Statutory Scrutiny Officer.

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

#### **Options**

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

<b>Option</b>	<b>Comments</b>
Appoint Mark Beeley as the council’s Statutory Scrutiny Officer <b>This is the recommended option</b>	The council will have complied with the requirement in Section 9FB of the Local Government Act 2000
Do not appoint Mark Beeley as the council’s Statutory Scrutiny Office	The council will not have complied with the requirement in Section 9FB of the Local Government Act 2000

2.1 In line with Section 9FB of the Local Government Act 2000, county and unitary authorities are required to designate an Officer to undertake the following statutory functions:

- Promote the role of the Council’s Overview and Scrutiny Committees
- Provide support to the Council’s Overview and Scrutiny Committees and the members of those bodies

- Provide support and guidance to Members and Officers of the Council and the Executive on the functions of its Overview and Scrutiny Committees

2.2 Following the departure of the Democratic Services Team Manager previously designated as the council's Statutory Scrutiny Officer, it is necessary for the council to make a new appointment. Mark Beeley, the Democratic Services Officer proposed to be appointed, has been shadowing the Democratic Services Team Manager in this specific role for the last two years. He will continue to be supported by the Head of Governance.

2.3 The Corporate Peer Review in early 2022 recommended that the Monitoring Officer provide dedicated support to the Overview and Scrutiny function. This proposal is subject to a growth bid for 2023/24. If successful, the new postholder would be expected to be proposed for appointment as the Statutory Scrutiny Officer.

### 3. KEY IMPLICATIONS

3.1

**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>
Statutory Scrutiny Officer appointed	Statutory Scrutiny Officer not appointed	Statutory Scrutiny Officer appointed	n/a	n/a	27 September 2022

### 4. FINANCIAL DETAILS / VALUE FOR MONEY

4.1 An allowance will be paid for the duration of the appointment to reflect the additional responsibilities; this is contained within current salary budgets.

### 5. LEGAL IMPLICATIONS

5.1 Originally introduced by the Local Democracy, Economic Development and Construction Act 2009, the requirement for councils to appoint a Statutory Scrutiny Officer can now be found at Section 9FB of the Local Government Act 2000 (following amendment pursuant to the Localism Act 2011).

5.2 The Statutory Scrutiny Officer cannot be the council's Head of Paid Service, Chief Finance Officer or Monitoring Officer.

## 6. RISK MANAGEMENT

### 6.1

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

<b>Risk</b>	<b>Level of uncontrolled risk</b>	<b>Controls</b>	<b>Level of controlled risk</b>
Insufficient support of the Overview and Scrutiny function	Medium	Appointment of an appropriate officer as statutory Scrutiny Officer	Low

## 7. POTENTIAL IMPACTS

7.1 Equalities. An Equality Impact Assessment is attached as Appendix A.

7.2 Climate change/sustainability. None.

7.3 Data Protection/GDPR. None

## 8. CONSULTATION

8.1 N/A

## 9. TIMETABLE FOR IMPLEMENTATION

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

**Table 4: Implementation timetable**

<b>Date</b>	<b>Details</b>
27 September 2022	Appointment of statutory Scrutiny Officer

## 10. APPENDICES

10.1 This report is supported by one appendix:

- Appendix A – Equality Impact Assessment

## 11. BACKGROUND DOCUMENTS

11.1 This report is supported by four background documents:

- Local Democracy, Economic Development and Construction Act 2009
- Local Government Act 2000
- Localism Act 2011
- Council's Constitution

## 12. CONSULTATION

Name of consultee	Post held	Date sent	Date returned
<i>Mandatory: Statutory Officers (or deputies)</i>			
Adele Taylor	Executive Director of Resources/S151 Officer	22/8/22	23/08/22
Emma Duncan	Director of Law, Strategy & Public Health/ Monitoring Officer	2/8/22	03/08/22
<i>Deputies:</i>			
Andrew Vallance	Head of Finance (Deputy S151 Officer)	22/8/22	
Elaine Browne	Head of Law (Deputy Monitoring Officer)	22/8/22	22/8/22
<i>Mandatory: Procurement Manager (or deputy) - if report requests approval to go to tender or award a contract</i>			
Lyn Hitchinson	Procurement Manager	N/A	
<i>Mandatory: Data Protection Officer (or deputy) - if decision will result in processing of personal data; to advise on DPIA</i>			
Emma Young	Data Protection Officer	N/A	
<i>Mandatory: Equalities Officer – to advise on EQiA, or agree an EQiA is not required</i>			
Ellen McManus	Equalities & Engagement Officer	22/8/22	
<i>Other consultees:</i>			
<i>Directors (where relevant)</i>			
Duncan Sharkey	Chief Executive/DASS	22/8/22	
Andrew Durrant	Executive Director of Place	22/8/22	
Kevin McDaniel	Executive Director of People Services	22/8/22	
<i>Heads of Service (where relevant)</i>			
Nikki Craig	Head of HR, Corporate Projects and IT	22/8/22	5/9/22
<i>External (where relevant)</i>			
N/A			

Confirmation relevant Cabinet Member(s) consulted	Councillor Johnson, Leader of the Council / Councillor Rayner Business, Corporate & Residents Services, Culture & Heritage, & Windsor	Yes
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### REPORT HISTORY

Decision type:	Urgency item?	To follow item?
Council decision	No	No

Report Author: Karen Shepherd, Head of Governance, 07766 778286



## APPENDIX A - EQUALITY IMPACT ASSESSMENT

### Essential information

Items to be assessed: (please mark 'x')

Strategy		Policy		Plan		Project		Service/Procedure	X
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Responsible officer	Karen Shepherd, Head of Governance	Service area	Governance	Directorate	Law, Strategy and Public Health
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<b>Stage 1: EqIA Screening (mandatory)</b>	Date created: 2/8/22	<b>Stage 2 : Full assessment (if applicable)</b>	Date created: N/A
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**Approved by Head of Service / Overseeing group/body / Project Sponsor:**

*"I am satisfied that an equality impact has been undertaken adequately."*

**Signed by (print):** *K. Shepherd*

**Dated:** 2/8/22

## Guidance notes

### What is an EqlA and why do we need to do it?

The Equality Act 2010 places a 'General Duty' on all public bodies to have 'due regard' to:

- Eliminating discrimination, harassment and victimisation and any other conduct prohibited under the Act.
- Advancing equality of opportunity between those with 'protected characteristics' and those without them.
- Fostering good relations between those with 'protected characteristics' and those without them.

EqlAs are a systematic way of taking equal opportunities into consideration when making a decision, and should be conducted when there is a new or reviewed strategy, policy, plan, project, service or procedure in order to determine whether there will likely be a detrimental and/or disproportionate impact on particular groups, including those within the workforce and customer/public groups. All completed EqlA Screenings are required to be publicly available on the council's website once they have been signed off by the relevant Head of Service or Strategic/Policy/Operational Group or Project Sponsor.

### What are the "protected characteristics" under the law?

The following are protected characteristics under the Equality Act 2010: age; disability (including physical, learning and mental health conditions); gender reassignment; marriage and civil partnership; pregnancy and maternity; race; religion or belief; sex; sexual orientation.

### What's the process for conducting an EqlA?

The process for conducting an EqlA is set out at the end of this document. In brief, a Screening Assessment should be conducted for every new or reviewed strategy, policy, plan, project, service or procedure and the outcome of the Screening Assessment will indicate whether a Full Assessment should be undertaken.

### Openness and transparency

RBWM has a 'Specific Duty' to publish information about people affected by our policies and practices. Your completed assessment should be sent to the Strategy & Performance Team for publication to the RBWM website once it has been signed off by the relevant manager, and/or Strategic, Policy, or Operational Group. If your proposals are being made to Cabinet or any other Committee, please append a copy of your completed Screening or Full Assessment to your report.

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Judicial review of an authority can be taken by any person, including the Equality and Human Rights Commission (EHRC) or a group of people, with an interest, in respect of alleged failure to comply with the general equality duty. Only the EHRC can enforce the specific duties. A failure to comply with the specific duties may however be used as evidence of a failure to comply with the general duty.

**Stage 1: Screening (Mandatory)**

**1.1 What is the overall aim of your proposed strategy/policy/project etc and what are its key objectives?**

To appoint a Statutory Scrutiny Officer

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1.2 What evidence is available to suggest that your proposal could have an impact on people (including staff and customers) with protected characteristics? Consider each of the protected characteristics in turn and identify whether your proposal is Relevant or Not Relevant to that characteristic. If Relevant, please assess the level of impact as either High / Medium / Low and whether the impact is Positive (i.e. contributes to promoting equality or improving relations within an equality group) or Negative (i.e. could disadvantage them). Please document your evidence for each assessment you make, including a justification of why you may have identified the proposal as “Not Relevant”.

Protected characteristics	Relevance	Level	Positive/negative	Evidence
<b>Age</b>	Not relevant			<i>The decision to appoint an officer as Statutory Scrutiny Officer has no impact on individuals with a protected characteristic</i>
<b>Disability</b>	Not relevant			
<b>Gender re-assignment</b>	Not relevant			
<b>Marriage/civil partnership</b>	Not relevant			
<b>Pregnancy and maternity</b>	Not relevant			
<b>Race</b>	Not relevant			
<b>Religion and belief</b>	Not relevant			
<b>Sex</b>	Not relevant			
<b>Sexual orientation</b>	Not relevant			

### Outcome, action and public reporting

Screening Assessment Outcome	Yes / No / Not at this stage	Further Action Required / Action to be taken	Responsible Officer and / or Lead Strategic Group	Timescale for Resolution of negative impact / Delivery of positive impact
Was a significant level of negative impact identified?	No			
Does the strategy, policy, plan etc require amendment to have a positive impact?	No			

If you answered **yes** to either / both of the questions above a Full Assessment is advisable and so please proceed to Stage 2. If you answered “No” or “Not at this Stage” to either / both of the questions above please consider any next steps that may be taken (e.g. monitor future impacts as part of implementation, re-screen the project at its next delivery milestone etc).

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