

Report Title:	Climate Partnership
Contains Confidential or Exempt Information	No - Part I
Cabinet Member:	Councillor Stimson, Cabinet Member for Sustainability and Climate Action
Meeting and Date:	31 March 2022
Responsible Officer(s):	Andrew Durrant, Executive Director Place; Chris Joyce, Head of Infrastructure, Sustainability and Economic Growth
Wards affected:	All



REPORT SUMMARY

In September 2021, Cabinet approved the principle of setting up an independent Climate Partnership to provide leadership to the delivery of the Borough-Wide targets set out in the Environment and Climate Strategy.

This paper sets out the initial arrangements of the Climate Partnership for the start-up phase. The paper seeks approval, and delegated authority, for appointment of an initial board for a period of 12 months and the selection process for the appointment of a Chair from the Board. Subsequently, the Climate Partnership will become a self-funding independent body and determine its own governance.

1. DETAILS OF RECOMMENDATION(S)

RECOMMENDATION: That Cabinet notes the report and:

- i) Approves setting up a new Community Interest Company (CIC) known as the RBWM Climate Partnership and the principles of its operation.**
- ii) Notes the proposed appointments of the initial Board Members for a period of 12 months to complete the start-up phase of the Partnership, and delegates authority to the Chief Executive, in consultation with the Cabinet Member for Sustainability and Climate Action to appoint the appropriate initial Board Members and any subsequent appointments if any of the appointed board members are no longer able to fulfil their role or resign in the first twelve months.**
- iii) Approves the selection process for the initial Chair of the Partnership and delegates authority to the Chief Executive, in consultation with the Cabinet Member for Sustainability and Climate Action and members of the Board, to appoint the Chair of the Partnership and any additional directors.**

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

- 2.1 In June 2019, the Council declared a climate emergency and resolved to create an Environment and Climate Strategy through a cross-party working group. The draft strategy was unanimously approved by Full Council in June 2020 and following a public consultation was adopted by Cabinet in December 2020.

- 2.2 In September 2021, Cabinet approved setting up an independent climate Partnership to bring together public sector, private sector and communities. The Partnership will provide broad leadership to the strategy and allow the Council's in-house sustainability team to focus on delivering our own decarbonisation targets and key projects across the four themes committed to in the strategy.

Options

Table 1: Options arising from this report

Option	Comments
Set up a CIC, appoint the initial Board Members and undertake the selection process for the initial Chair of the Partnership from the Board. This is the recommended option	This will provide a clear separation from the Council which will allow, over time, the Partnership to form its own direction and constitution.
Set up an alternative form of organisation, such as an incorporated association. This is not recommended	This would require the Council to remain as the legal entity for employment which would reduce its independence and long-term credibility.
Run a full open process of recruitment for a board and Chair from the outset of the organisation. This is not recommended	The start-up phase of the organisation will require a different set of skills to the longer-term work to deliver Climate Action and to protect the natural environment. Appointing the Board for an initial term of 12 months will allow the Partnership to set on the course to success. There will be the opportunity to review this after 12 months and it will be for the Partnership to determine how the long-term board and organisation structure will work.

Appointment of the board and Chair

- 2.3 The purpose of the board of the Climate Partnership is to provide leadership. This will include setting future strategy and action plans, community and business engagement, and project delivery as well as monitoring delivery and performance against borough-wide targets.
- 2.4 The Partnership is proposed to be a membership organisation allowing everyone who has an interest in all aspects of environmental and climate improvement to join and take part. The board needs to provide leadership for such an organisation both in its start-up phase as well as driving forward the Environment and Climate Strategy. This will require a different set of skills to the longer-term running of the organisation. Whilst the officer team is recruited the Partnership will be reliant on the expertise and endeavour of the board, particularly the Chair, to establish the organisation and its processes.

- 2.5 Therefore, the proposed board appointments provide the leadership experience to support an organisation through its formation of policies, process and procedures to support compliance as well as knowledge to support the delivery of the strategy across the four themes: energy, circular economy, transport and natural environment. Overall, this will deliver a much broader range of benefits including driving innovation, tackling fuel poverty, improving local air quality and biodiversity as well as improved physical and mental health.
- 2.6 The initial board is intended to provide a breadth of public, private sector and community representatives. The Board must collectively be knowledgeable of climate action (mitigation and resilience), environmental protection, wellbeing and community engagement. For the start-up phase, knowledge and experience of good governance, relationship building, and funding mechanisms will also be essential. The proposed appointments have been derived from an informal engagement process with many organisations and individuals to identify appropriate candidates.
- 2.7 Board members are not representing any organisations they work for or are members of and these appointments are personal appointments (with the exception of the ex-officio Council roles). Being a Board member is not simply about attending meetings but about how much energy and endeavour people are prepared to put into developing the company and Partnership. Table 2 outlines the people who will be invited to join the board for the first 12 months:

Table 2: Proposed appointments to the initial board

Board Member	What they bring
Nick Baird	Senior leadership experience in private, public and charity sectors with expertise in energy, fuel poverty and education.
Sarah Bowden	Senior leadership and Chair experience in the private and charity sectors and the local community with expertise in the built environment, programme management, UK governance and community engagement.
Barnaby Briggs	Senior leadership and Chair experience in the private and charity sectors with expertise in policy development, generating social value, energy, transport and biodiversity.
Chris Joyce	Senior Leadership experience in public and private sector. Expertise in transport & infrastructure, sustainability, planning, economic development with roles focussing on stakeholder and community engagement.
Cllr Donna Stimson	Senior business development leader, trained in sustainable development and business leadership. Experience in setting up small businesses. Experience in the property industry and former management consultant in large scale behaviour change
Simon Wilkes	Senior leadership in private sector in property investment, development, asset management and planning.

- 2.8 Following positive discussions with Frimley ICS, it is expected that a representative will join the Partnership Board. This will be undertaken once the structural changes to the ICS are complete, and their Green Plan is adopted. RBWM Youth Council will also be asked if they would like to nominate a representative to the Board. It would be expected that as the company develops up to four further board members may be appointed giving a target number of twelve board members. These appointments are likely to include expertise in education, natural environment and innovation.
- 2.9 If any of the appointed board members are no longer able to fulfil their role or resign in the first twelve months, the Chief Executive will have delegated authority to appoint a new board member, in consultation with the interim Chair of the Partnership, ensuring there continues to be a balance of private, public and third sector experience as well as knowledge across climate action, environmental protection, wellbeing and community engagement. After twelve months it is expected the Board would be responsible for future appointments through whichever arrangements are agreed.
- 2.10 The initial Chair would be appointed from the Board and would have an initial term of 12 months. This would be a paid role for two days per week to lead the process of setting up the Partnership and the appointment of the secretariat, in conjunction with the other board members.
- 2.11 The process for appointing the Chair would be an open process, with all members of the board able to apply for the position and a panel of board members, partners and Councillors (cross party) involved in the selection process. After the initial term of 12 months another process to appoint a Chair for a longer term will take place.
- 2.12 Whilst the Board will play a key role in fulfilling the executive function of the Partnership, there will be many other people and organisations engaged in delivering its purpose. The activities of the Partnership will engage a range of public sector organisations, businesses, charities, community groups and individuals – especially the members of the Partnership - to achieve the overall ambitions of the Climate and Environment Strategy.

Setting up the Partnership

- 2.13 The RBWM Climate Partnership will be set up in the first instance as a Community Interest Company (CIC). This will provide a separate legal entity to the Council to ensure its independence. The Council will appoint a group of Directors and as the Partnership develops it will have the opportunity to review and change those arrangements.
- 2.14 As part of the process of setting up the organisation, the initial articles of association will set out the rules governing the organisation. It is expected that the board will review, adapt and amend this over time to develop the organisational strategy and governance arrangements.
- 2.15 The Climate and Environment strategy requires the Borough as a whole to play its part in addressing these issues and the Climate Partnership will initially be funded by the Council. As such, the Climate Partnership should provide quarterly updates to the Council as well as publishing details of their work in the

public domain. This will engender accountability, wider engagement and transparency.

3. KEY IMPLICATIONS

- 3.1 The Climate Partnership will play a key role in delivery of the Council and community ambitions of taking action to tackle climate change and its consequences and improving our natural environment. It will support co-ordination of action to drive down carbon emissions, protect the natural environment and reduce waste. The Partnership will promote best practice, work together to maximise funding opportunities and drive collaboration to accelerate delivery of its goals.
- 3.2 Setting up an independent organisation to take this forward will broaden the leadership across the public and private sector as well as providing additional resource to manage a programme of borough-wide activities. It will allow the Council officer team to focus on delivering the Council's priority projects to reduce carbon emissions from its own estate as well as driving forward key initiatives across the four themes of the Environment and Climate Strategy.

4. FINANCIAL DETAILS / VALUE FOR MONEY

- 4.1 There will be legal costs associated with setting up the new CIC and costs for the recruitment process for the officers. The Chair is intended to be a two day a week paid role. This will all require funding.
- 4.2 The principle of allocating budget for the Climate Partnership was approved by Cabinet on 30 September 2021, with £250,000 approved for the next three years. The 2022/23 budget was approved by Full Council on 22 February 2022 and this included a growth item which added £250,000 to the sustainability team budget to allow for this. This budget will be used to fund any costs associated with setting up the Partnership and therefore will have no further financial implications to the wider revenue budget.

5. LEGAL IMPLICATIONS

- 5.1 Setting up an independent organisation will require legal support. It has been agreed that the Council will secure external legal advice through an established procurement framework, under advice from the in-house Legal Services team.
- 5.2 A CIC has been chosen as the initial structure as being simple and straightforward to set up through an online process. This will enshrine its purpose of delivering community benefit through its structure. Once the Partnership is established, it will be for the Board to work with the secretariat to review and set out its own processes, policies and procedures. The Council will provide support as required for the start-up phase.

6. RISK MANAGEMENT

- 6.1 The key risks are outlined in Table 3:

Table 3: Impact of risk and mitigation

Risk	Level of uncontrolled risk	Controls	Level of controlled risk
The Partnership does not have long term financial sustainability.	High	The initial appointments have been selected to set up the Partnership for success. The board will be responsible for ensuring the Partnership is seen to add value and develop a long-term funding strategy.	Medium
The Partnership becomes overly focussed on one issue or area of the Environment and Climate Strategy.	Medium	The broad nature of the objectives of the Partnership will be included its articles of association to provide direction. The board has a mix of private, public and charitable sector appointments across the four themes to ensure balance across the areas of priority.	Low
The Partnership is seen as part of the Council or political in nature reducing its ability to engage with all stakeholders.	High	Setting up a separate legal entity provides independence from the Council. The board will need to work with all Councillors across all parties, including independents, and ensure transparency in its work and engagement, including public scrutiny.	Medium

7. POTENTIAL IMPACTS

- 7.1 Equalities. A screening assessment was previously undertaken for the decision to set up the Climate Partnership and this has been reviewed and updated in light of the content of this paper. It has not identified any potential negative impacts at this stage. The Council will continue to play a key role in the climate Partnership, and any projects that the Council takes forward as part of the Partnership will make appropriate consideration of our obligations under the Equalities Act.
- 7.2 Climate change/sustainability. The climate Partnership will increase engagement and involvement of key public and private sector organisations in the delivery of the Borough's Environment and Climate Strategy. Therefore, it is expected to have a positive impact on delivery of the key outcomes within the strategy.

7.3 Data Protection/GDPR. Setting up the Partnership will not create any new data protection or GDPR issues for the Council. The Partnership would need to set up appropriate processes to manage any issues that arise. If it collects or retains personal information, then it would need to make sure that there are appropriate processes and policies in place for managing these issues.

8. CONSULTATION

8.1 The proposals have been developed through informal discussions with a range of stakeholders within and outside the Council.

9. TIMETABLE FOR IMPLEMENTATION

9.1 If the recommendations are approved then, subject to the call-in procedures, the work to implement them would begin immediately, seeking to meet the original target of having the Climate Partnership fully operational by 1 May 2022.

10. APPENDICES

10.1 This report is supported by two appendices:

- Appendix A – Equality Impact Assessment

11. 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		
Emma Duncan	Deputy Director of Law and Strategy / Monitoring Officer		
<i>Deputies:</i>			
Andrew Vallance	Head of Finance (Deputy S151 Officer)	09/03/22	14/03/22
Elaine Browne	Head of Law (Deputy Monitoring Officer)	10/03/22	11/03/22
Karen Shepherd	Head of Governance (Deputy Monitoring Officer)	11/03/22	11/03/22
<i>Mandatory:</i>		<i>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	09/03/22	09/03/22
Andrew Durrant	Executive Director of Place	07/03/22	09/03/22
Kevin McDaniel	Executive Director of Children's Services		
Hilary Hall	Executive Director of Adults, Health and Housing		

Confirmation relevant Cabinet Member(s) consulted	Cabinet Member for Sustainability and Climate Action	Yes
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REPORT HISTORY

Decision type:	Urgency item?	To follow item?
Key decision First entered into the Cabinet Forward Plan: 24 February 2022	No	No

Report Author: Chris Joyce, Head of Infrastructure, Sustainability and Economic Growth
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ROYAL BOROUGH OF WINDSOR AND MAIDENHEAD

EQUALITY IMPACT ASSESSMENT

EqlA : Climate Partnership

Essential information

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

Strategy		Plan	X	Project		Service procedure	
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Responsible officer	Chris Joyce – Head of Infrastructure, Sustainability and Economic Growth	Service area	Infrastructure, Sustainability and Economic Growth	Directorate	Place
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Stage 1: EqlA Screening (mandatory)	Date created: 07/03/2022	Stage 2 : Full assessment (if applicable)	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): Chris Joyce

Dated: 07/03/2022

ROYAL BOROUGH OF WINDSOR AND MAIDENHEAD

EQUALITY IMPACT ASSESSMENT

EqlA : Climate Partnership

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 : Climate Partnership

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 aim is to provide a more robust and independent delivery structure for the Borough's Environment and Climate Strategy, enabling the public and private sector to work with community organisations to deliver a net zero borough by 2050 at the latest. The RBWM Climate Partnership will provide a broader base of leadership of the strategy, sharing of best practice and additional resource. This will free up the council's own sustainability team to focus on delivering projects to support the outcomes of the Environment and Climate Strategy.

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 : Climate Partnership

Protected characteristics	Relevance	Level	Positive/negative	Evidence
Age	Relevant	Low	Positive	Impact of not tackling climate change likely to have negative impact on all ages. Taking action will have a larger positive impact for younger generations who would otherwise experience more of the consequences of climate change.
Disability	Not relevant			The overarching strategy and the actions are not expected to have a specific impact on those with disabilities over other groups. Individual projects can be assessed as they are developed and taken forward to ensure this continues to be the case. Engagement activity to support the public consultation included a presentation to the disability and inclusion forum.
Gender re-assignment	Not relevant			There are no actions suggested within the strategy that will impact this group compared to others. Individual projects can be assessed as they are developed and taken forward to ensure this continues to be the case.
Marriage/civil partnership	Not relevant			There are no actions suggested within the strategy that will impact this group compared to others. Individual projects can be assessed as they are developed and taken forward to ensure this continues to be the case.
Pregnancy and maternity	Not relevant			There are no actions suggested within the strategy that will impact on a particular race compared to others. Individual projects can be assessed as they are developed and taken forward to ensure this continues to be the case.
Race	Not relevant			At this stage, there are no actions suggested within the plan that should specifically impact any religion.
Religion and belief	Not relevant			The strategy and action plan should not impact differently on different sex, those with gender reassignment or sexual orientation. We will continue to screen the impacts of individual actions to ensure this continues to be the case.
Sex	Not relevant			See above
Sexual orientation	Not relevant			See above

ROYAL BOROUGH OF WINDSOR AND MAIDENHEAD

EQUALITY IMPACT ASSESSMENT

EqIA : Climate Partnership

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	N/A		
Does the strategy, policy, plan etc require amendment to have a positive impact?	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).

ROYAL BOROUGH OF WINDSOR AND MAIDENHEAD

EQUALITY IMPACT ASSESSMENT

EqIA : Climate Partnership