

## Notice of Meeting

### Overview and Scrutiny Commission

Councillor Pickering (Chair), Councillor Welch (Vice-Chair),  
Councillors Barnard, C Eberle, Egglestone, M Forster, Haffegge,  
McKenzie-Boyle, McLean, C Thompson, Watts and Webb



**Wednesday 16 August 2023, 6.30 - 7.30 pm**  
**Council Chamber - Time Square,**  
**Market Street, Bracknell, RG12 1JD**

### Agenda

*All councillors at this meeting have adopted the Mayor's Charter  
which fosters constructive and respectful debate.*

| Item | Description                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                          | Page  |
|------|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-------|
| 1.   | <b>Apologies for Absence</b>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                         |       |
|      | To receive apologies for absence and to note the attendance of any substitute Members.                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                               |       |
| 2.   | <b>Minutes of previous meeting</b>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                   | 3 - 4 |
|      | To approve as a correct record the minutes of the meeting of the Overview and Scrutiny Commission held on 6 July 2023.                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                               |       |
| 3.   | <b>Declarations of Interest and Party Whip</b>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                       |       |
|      | <p>Members are asked to declare any disclosable pecuniary or affected interests and the nature of that interest, including the existence and nature of the party whip, in respect of any matter to be considered at this meeting.</p> <p>Any Member with a Disclosable Pecuniary Interest in a matter should withdraw from the meeting when the matter is under consideration and should notify the Democratic Services Officer in attendance that they are withdrawing as they have such an interest. If the Disclosable Pecuniary Interest is not entered on the register of Members interests the Monitoring Officer must be notified of the interest within 28 days.</p> <p>Any Member with an Affected Interest in a matter must disclose the interest to the meeting. There is no requirement to withdraw from the meeting when the interest is only an affected interest, but the Monitoring Officer should be notified of the interest, if not previously notified of it, within 28 days of the meeting.</p> |       |
| 4.   | <b>Urgent Items of Business</b>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                      |       |
|      | Any other items which, pursuant to Section 100B(4)(b) of the Local Government Act 1972, the Chairman decides are urgent.                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                             |       |

### **EMERGENCY EVACUATION INSTRUCTIONS**

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|    |                                                                                                                                                                                |       |
|----|--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-------|
| 5. | <b>Public Participation</b>                                                                                                                                                    |       |
|    | To receive submissions from members of the public which have been submitted in advance in accordance with the Council's Public Participation Scheme for Overview and Scrutiny. |       |
| 6. | <b>Council recommendation on Thames Water</b>                                                                                                                                  | 5 - 8 |
|    | To consider the Council's recommendation that members of the Overview and Scrutiny Commission undertake a scrutiny review into Thames Water.                                   |       |

### **Date of next meeting**

The next Overview and Scrutiny Commission meeting is scheduled for 31 August 2023. The focus of the meeting will be the Bracknell Forest Council Corporate Performance Overview Report (CPOR).

### **Forward plan and decisions taken**

Commission members are able to view upcoming decisions by looking at [Browse forward plans | Bracknell Forest Council \(bracknell-forest.gov.uk\)](https://www.bracknell-forest.gov.uk) and consider decisions taken since the last Commission meeting by using this link [What's newly published | Bracknell Forest Council \(bracknell-forest.gov.uk\)](https://www.bracknell-forest.gov.uk) and altering the date range.

Sound recording, photographing, filming and use of social media is permitted. Please contact Louise Connelly, 01344 353108, [louise.connelly@bracknell-forest.gov.uk](mailto:louise.connelly@bracknell-forest.gov.uk), so that any special arrangements can be made.

Published: 7 August 2023

### **EMERGENCY EVACUATION INSTRUCTIONS**

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**OVERVIEW AND SCRUTINY COMMISSION –  
ADVISORY MEETING  
6 JULY 2023  
18:00-19:05**



**Present:**

Councillors Pickering (Chair), Welch (Vice-Chair), Barnard, C Eberle, Egglestone, M Forster, Haffegée, C Thompson and Webb

**Present virtually:**

Councillor McKenzie-Boyle and Watts

**Executive Members:**

Councillors Bidwell, Temperton and Wright

**Also present:**

Councillors Brown, Purnell (in person) and Hayes (virtually)

**In attendance virtually:**

Susan Halliwell, Chief Executive

Kevin Gibbs, Executive Director: Delivery, Bracknell Forest

**4. Apologies for Absence**

Councillors McLean and Victoria Hill (Parent Governor Representative)

**5. Minutes of previous meeting**

**RESOLVED** that the minutes of the meeting of the Commission held on 24 May 2023 be approved as a correct record, and signed by the Chairman.

**6. Declarations of Interest and Party Whip**

There were no indications that members would be participating while under the party whip.

**7. Urgent Items of Business**

There were no items of urgent business.

**8. Public Participation**

No submissions had been made by members of the public under the Council's Public Participation Scheme for Overview and Scrutiny.

**9. Statutory Scrutiny Officer Report**

The Statutory Scrutiny Officer, Kevin Gibbs, introduced the Statutory Scrutiny Officer Report covering an overview of good governance and scrutiny and a reduction in the number of meetings of the Overview & Scrutiny Commission in the forthcoming year.

It was explained that Overview & Scrutiny Panels were expected to pull together ideas from members of their Panels for topics to scrutinise over the next four years. Ideas would be fed back into a future Commission meeting to decide which ones to take forward.

Members of the Commission also discussed the need for training and support to enable Councillors to put a good work programme together and stressed the importance of the voice of people with 'lived experience' being part of those reviews.

**RESOLVED** that the Commission reduce the number of meetings from ten to five meetings this year (April 2023-March 2024) and the Commission use the previous work programme to help focus their work in the future.

10. **Overview and Scrutiny Review Reports - Enforcement Strategy and Child Criminal Exploitation**

The Statutory Scrutiny Officer, Kevin Gibbs, drew Overview and Scrutiny Commission members' attention to two outstanding reports carried out by the previous administration which did not have the opportunity to be presented to the Executive and three options to resolve how they would be dealt with.

A discussion took place which included the following points:

- The importance of the reviews going to the Executive as soon as possible so as not to delay any positive impact the recommendations would have on children.
- Members of the Commission who had been involved in the reviews advocated how useful they had been and that the recommendations should be presented to the Executive as soon as possible.
- Some members of the Panel felt they had not had an opportunity to read the documents thoroughly and a discussion was had about document accessibility.

**RESOLVED** – that Option 1 be followed, and the Chairs of the relevant Panels present both reports and recommendations, in their entirety, to the Executive on 19 September 2023.

**CHAIRMAN**

**TO: The Overview and Scrutiny Commission  
15 August 2023**

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## **Council recommendation on Thames Water Statutory Scrutiny Officer**

### **1 Purpose of Report**

- 1.1 To inform the Overview and Scrutiny Commission of a decision taken at Council on 12 July 2023 which recommended:

***“Bracknell Forest Council recognises that many residents are extremely concerned about sewage discharges, specifically those flowing from Thames Water facility works in our Borough, into streams and water courses. These concerns have been amplified by the recent news over financial problems at Thames Water. Furthermore, the Council recommends that Overview and Scrutiny commits to work with other Local Authorities across the Thames Valley to challenge the failures of Thames Water to collectively minimise the environmental damage we are all facing”.***

- 1.2 Members of the Overview and Scrutiny Commission are asked to consider the above request by Council and the following recommendation:

### **2 Recommendation**

- 2.1 **The Overview and Scrutiny Commission are asked to agree one of the following options:**

**Option A: Approve the Council recommendation to carry out a scrutiny review in line with the motion text. Therefore, for the Environment and Communities Overview & Scrutiny Panel to be commissioned to scope, review and produce a final report for council.**

**Option B: Agree a scrutiny review on Thames Water, with a revised scope. For this review to be undertaken by the Environment and Communities Overview & Scrutiny Panel, in line with normal commissioning processes. For the Panel to produce a report to the Executive, for the Executive to report to Council.**

**Option C: Reject the referral from Council.**

### **3 Reasons for Recommendation**

- 3.1 Council on the 12 July, passed a motion to refer the Thames Water issue to the council’s overview and scrutiny function. The Commission must therefore consider this referral and take what it considers to be the appropriate action in response.
- 3.2 The Local Government Act 2000 which introduced Executive Arrangements requires the Council to have at least one Overview and Scrutiny Committee. The legislation requires such committees to have the power: “...to make reports or recommendations to the Council or the Executive on matters which affect the Borough or its inhabitants”.
- 3.3 The Council’s Constitution states that:  
The Overview and Scrutiny Commission shall [must]:  
(i) Develop a four-year strategic work programme aligned to the Council Plan following input from scrutiny members, the Executive, Corporate Management Team, partners and the public, ensuring that it is flexible enough to accommodate urgent short-term issues.

(ii) Co-ordinate the work of the Overview & Scrutiny Panels to make the best use of available resources which will include allocating topics to Panels and agreeing the scope of activity.

(v) Prioritise scrutiny activity to ensure that the overview and scrutiny function concentrates on the delivery of work of genuine value and relevant to the work of the Council

**Part 3 – Section 2 (2.1, 2.2)**

3.4 The constitution goes on to state:

“...overview and scrutiny panels shall [must]

(i) conduct focussed enquiries and deep dive reviews across a wide range of topics which support the delivery of the Council’s objectives commissioned by the Overview and Scrutiny Commission from an agreed work-programme preparing such evidence-based reports and recommendations as it deems necessary.

(iii) Where appropriate refer to the Overview and Scrutiny Commission any such issues, arising from the outcome of the scrutiny process, that it considers should be reported to Council.

**Part 3- Section 2 (3.2)**

**4 Alternative Options Considered**

4.1 None, as recommendations cover the options open to the Commission.

**5 Supporting Information**

Recommendation slide agreed by Council on 12 July 2023

5.1 Council met on 12 July and the recommendation as set out at 1.1 of this report can be seen on the slide.



5.2 The link to the full meeting of Council is below:

[Agenda for Council on Wednesday, 12 July 2023, 7.30 pm | Bracknell Forest Council \(bracknell-forest.gov.uk\)](https://www.bracknell-forest.gov.uk/agenda-for-council-on-wednesday-12-july-2023-7-30-pm)

## **6 Advice Received from Statutory and Other Officers**

### Legal Advice

6.1 As set out in the body of this report the recommendation flows from an amended Motion passed at the Council meeting of 12 July. That Motion was carefully worded in recognition of the fact that Council did not have the authority to compel the Overview and Scrutiny Commission to incorporate a new item in its work programme but could only request that it does so. The current recommendation provides the OSC with a binary option of accepting that request or choosing not to do so. It also includes an alternative option of enabling the relevant Scrutiny Panel to undertake a review of Thames Water setting out its own Terms of Reference independently of the Council Motion.

### Financial Advice

6.2 There are no specific finance implications relevant to this report.

### Other Consultation Responses

6.3 None specific

### Equalities Impact Assessment

6.4 An Equalities Impact Assessment will be carried out as part of a scrutiny review.

### Strategic Risk Management Issues

6.5 There are no specific strategic risk implications relevant to this report.

### Climate Change Implications

6.6 Climate Change implications will be considered as part of a scrutiny review.

### Health & Wellbeing Considerations

6.7 Health and Wellbeing considerations will be considered as part of a scrutiny review.

### Background Papers

BFC Constitution Part 3 (Overview and Scrutiny) revised October 2022

[PART 3 - OVERVIEW AND SCRUTINY \(bracknell-forest.gov.uk\)](https://www.bracknell-forest.gov.uk/part-3-overview-and-scrutiny)

### Contact for further information

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