

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

**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.

The image is a screenshot of a YouTube video player. At the top, it says "You Tube Watch Council here" with a close button (X). Below that is the "Council" channel name with a logo and a share icon. The video content is split into two panels. The left panel shows a slide titled "Agenda Item 7 – Alternative Motion". The slide text reads: "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." The right panel shows a photograph of a council meeting in progress, with several people seated around a large table in a conference room. At the bottom of the video player, there is a "MORE VIDEOS" button, a progress bar showing 1:39:32 / 2:24:26, and icons for closed captions (CC), settings (gear), and the YouTube logo.

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)

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