



WOKINGHAM BOROUGH COUNCIL

A Meeting of the **COMMUNITY AND CORPORATE OVERVIEW AND SCRUTINY COMMITTEE** will be held in David Hicks 1 - Civic Offices **MONDAY 10 SEPTEMBER 2018 AT 7.00 PM**

A handwritten signature in black ink, appearing to read 'Manjeet Gill', is written over a light grey rectangular background.

Manjeet Gill
Interim Chief Executive
Published on 31 August 2018

The role of Overview and Scrutiny is to provide independent “critical friend” challenge and to work with the Council’s Executive and other public service providers for the benefit of the public. The Committee considers submissions from a range of sources and reaches conclusions based on the weight of evidence – not on party political grounds.

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WOKINGHAM BOROUGH COUNCIL

Our Vision

A great place to live, an even better place to do business

Our Priorities

Improve educational attainment and focus on every child achieving their potential

Invest in regenerating towns and villages, support social and economic prosperity, whilst encouraging business growth

Ensure strong sustainable communities that are vibrant and supported by well designed development

Tackle traffic congestion in specific areas of the Borough

Improve the customer experience when accessing Council services

The Underpinning Principles

Offer excellent value for your Council Tax

Provide affordable homes

Look after the vulnerable

Improve health, wellbeing and quality of life

Maintain and improve the waste collection, recycling and fuel efficiency

Deliver quality in all that we do

MEMBERSHIP OF THE COMMUNITY AND CORPORATE OVERVIEW AND SCRUTINY COMMITTEE

Councillors

Guy Grandison (Chairman)	Mike Haines (Vice-Chairman)	Rachel Burgess
Clive Jones	Dianne King	David Sleight
Bill Soane	Shahid Younis	

Substitutes

Andy Croy	Carl Doran	Graham Howe
Helen Power	Malcolm Richards	Rachelle Shepherd-DuBey

ITEM NO.	WARD	SUBJECT	PAGE NO.
11.		APOLOGIES To receive any apologies for absence.	
12.		MINUTES OF PREVIOUS MEETING To confirm the Minutes of the meeting held on 18 June 2018.	5 - 8
13.		DECLARATION OF INTEREST To receive any declarations of interest.	
14.		PUBLIC QUESTION TIME To answer any public questions A period of 30 minutes will be allowed for members of the public to ask questions submitted under notice. The Council welcomes questions from members of the public about the work of this committee. Subject to meeting certain timescales, questions can relate to general issues concerned with the work of the Committee or an item which is on the Agenda for this meeting. For full details of the procedure for submitting questions please contact the Democratic Services Section on the numbers given below or go to www.wokingham.gov.uk/publicquestions	
15.		MEMBER QUESTION TIME To answer any member questions.	
16.	None Specific	HIGHWAYS AND TRANSPORTATION CONTRACT RENEWAL UPDATE To consider a progress report on the process for letting major contracts relating to highways and transportation services.	9 - 40

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|-----|---------------|--|----------------|
| 17. | None Specific | <p>PUBLIC PROTECTION SHARED SERVICE AND FEES AND CHARGES</p> <p>To consider the effectiveness of the Public Protection Shared Service and the process for setting fees and charges.</p> | 41 - 70 |
| 18. | None Specific | <p>FLOOD RISK MANAGEMENT END OF YEAR UPDATE</p> <p>To consider an update on flooding issues and partnership working with Towns, Parishes and community groups.</p> | 71 - 76 |
| 19. | None Specific | <p>RESPONSE TO APPROACH FOR FINCHAMPSTEAD PARISH COUNCIL ON FOOTWAYS, KERBSIDES AND ROAD SIGN ISSUES</p> <p>To consider progress following the discussion at the June 2018 meeting.</p> | 77 - 86 |
| 20. | None Specific | <p>WORK PROGRAMME 2018/19</p> <p>To consider the Committee's work programme for 2018-19 and to prioritise items for future meetings.</p> | 87 - 92 |

Any other items which the Chairman decides are urgent

A Supplementary Agenda will be issued by the Chief Executive if there are any other items to consider under this heading

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**MINUTES OF A MEETING OF THE
COMMUNITY AND CORPORATE OVERVIEW AND SCRUTINY COMMITTEE
HELD ON 18 JUNE 2018 FROM 7.00 PM TO 8.30 PM**

Committee Members Present

Councillors: Guy Grandison (Chairman), Mike Haines (Vice-Chairman), Rachel Burgess, Clive Jones, Dianne King, David Sleight, Bill Soane and Shahid Younis

Other Councillors Present

Councillors: Malcolm Richards

Officers Present

Callum Wernham (Democratic and Electoral Services Specialist), Neil Carr (Democratic & Electoral Services Specialist), Peter Baveystock (Service Manager - Cleaner & Greener Services) and Alex Deans (Highways and Transportation Services - Reprourement Lead)

1. ELECTION OF CHAIRMAN

RESOLVED: That Councillor Guy Grandison be elected Chairman of the Community and Corporate Overview and Scrutiny Committee for the 2018/19 municipal year.

2. APPOINTMENT OF VICE-CHAIRMAN

RESOLVED: That Councillor Mike Haines be appointed Vice Chairman of the Community and Corporate Overview and Scrutiny Committee for the 2018/19 municipal year.

3. APOLOGIES

There were no apologies for absence.

4. MINUTES OF PREVIOUS MEETING

The Minutes of the meeting of the Committee held on 12 March 2018 were confirmed as a correct record and signed by the Chairman.

5. DECLARATIONS OF INTEREST

There were no declarations of interest.

6. PUBLIC QUESTION TIME

There were no public questions.

7. MEMBER QUESTION TIME

There were no Member questions.

8. HIGHWAYS AND TRANSPORTATION CONTRACTS RENEWAL UPDATE

The Committee considered a report, set out in agenda pages 11-38, which provided an update on the progress on the process of letting major contracts relating to highways and transportation services.

The report gave details of the re-provision of the term Highways and Transportation Contracts including background, stakeholder and market engagement, scope of tendered services, partnering governance and contract form, performance management and timetable and contract award.

The report confirmed that 24 companies had registered interest in the upcoming contracts and that this showed that the Council was seen as an attractive client. The feedback received from stakeholders had favoured offering one professional services contract and one works contract. It was noted that a draft agreement had been made by the Berkshire Authorities whereby they could use Wokingham's highways management services for a charge. It was added that Wokingham's needs would always come before that of the Berkshire Authorities.

The report commented that the contracts would be for a seven year duration (from April 2019) with an option to extend the contract for a further three years. It was noted that the contracts would be financially incentivised on a curve when the contractor achieved 75% of their targets up to 100%. The new contracts would be managed using the performance framework attached to the report.

The report noted that costs of current contracts would be compared to the new tenders with the aim of delivering value for money to the Borough and its residents.

Rachel Burgess asked for clarification on the financial incentivisation of the contracts and the potential to penalise the operators in they were not hitting their targets. Alex Deans, Highways and Transportation Services – Reprocurement Lead, clarified that companies could be penalised for not performing via not receiving the financial gains which were triggered by achieving 75% and 100% of their performance targets. Alex added that this method would both penalise failing companies and encourage those who wanted to deliver the best possible service in order to maximise the financial returns.

Clive Jones queried the criteria and administrative process for filling in potholes and the resurfacing of roads. Alex Deans confirmed that the criteria and process would form a part of the new highways contracts.

Clive Jones also asked whether the Highways Team were on target to complete the contract process and whether there would be any savings when compared to the current contracts. In response, Alex Deans confirmed that Officers were still on course to meet their timetable (with regards to completing and implementing the new contracts) and in some areas there would be savings whereas in others the Council would see far better performance than was previously achieved.

RESOLVED: That:

- 1) Alex Deans be thanked for attending the meeting;
- 2) a progress report on the Highways and Transportation contracts renewal be brought to the September 2018 meeting of the Committee;
- 3) Members' of the Committee be provided with ongoing updates regarding the Highways and Transportation contracts renewal process.

9. WORK PROGRAMME 2018-19

The Committee considered a report, set out in agenda pages 39-44, which gave details of its proposed work programme for 2018/19. The Chairman asked Members' to notify him of potential additional items for inclusion in the work programme.

Members' discussed that they would like an additional meeting to be held in October 2018, in order to cover additional items in more depth. Members added that they would like to meet with the Fire Service Commander and the Police Area Commander at the October meeting.

Rachel Burgess felt that the town centre regeneration project was such a key issue that should be included on Agenda. Rachel Burgess felt that it would be too late to review the topic in November as the Market Place was scheduled to be completed by that time. Members stated that they would like regular email updates on the town centre regeneration ahead of the item due to come to the November meeting. If the updates highlighted any urgent issues, the Committee may decide to bring the item forward from November.

RESOLVED That:

- 1) the work programme for 2018/19, as amended, be noted;
- 2) Members' notify the Chairman of any further potential Scrutiny items for inclusion in the work programme;
- 3) an additional meeting of the Committee be organised for October;
- 4) the Fire Service Commander and the Police Area Commander be invited to the October 2018 meeting of the Committee;
- 5) Members receive an update briefing on Wokingham Town Centre Regeneration; to include accessibility issues;
- 6) Members notify Democratic Services of any other issues to be included in the Town Centre briefing.

10. SCRUTINY REQUEST - FINCHAMPSTEAD PARISH COUNCIL

The Committee considered a report, set out in Agenda pages 45 to 50, which provided an overview of the issues Finchampstead Parish Council was facing relating to the conditions of their footways, kerbsides and roadways.

The report gave details of some of the key areas in the Finchampstead Parish where conditions of the roadways and road furniture had been damaged or degraded over time. Other areas of concern included leaf litter and debris on kerbsides, blocked gullies which could cause flooding and damaged or dirty road signs which were not fit for purpose. Members stated that this issue was not specific to Finchampstead, and that many of their wards had similar issues.

Members discussed the process of residents reporting these issues to the Council. Peter Baveystock, Service Manager - Cleaner & Greener Services, stated that it was preferable for residents to ring up and report any issues that they had with footways, kerbsides, roadways or street furniture. He added that cases could be followed through with Finchampstead Parish Council to create an action plan which could be evaluated to see if it could be deployed Borough wide.

Guy Grandison felt that this issue tied in to the roadside contract and suggested bringing this matter to the upcoming Borough Parish Liaison Forum.

Peter Baveystock stated that in instances where issues had been reported but not rectified, the Locality Team, Cleaner & Greener Team and the Highways Team would look in to why it had taken so long for the issue to be resolved.

Members raised a number of queries regarding how Wokingham Borough Council (WBC) incorporated technology to help focus resources. Alex Deans, Highways and Transportation Services – Reprocurement Lead, stated that WBC were incorporating smarter technology to help with highway issues. One example of this was a new IT system which would allow residents to see where the 'gully cleaner' was and what it had cleaned.

In response to a Member query regarding preventative measures, Alex Deans stated that WBC did not currently have a preventative regime. He added that the current system required a Highways Inspector to spot an issue or for a resident to bring it to the Council's attention so it could be resolved.

There were a number of Member queries regarding costs associated with cleaning highways. Peter Baveystock stated that cleaning a section of the Reading Road had recently cost approximately £8,500. Peter added that where it was necessary to make sure that when these jobs were undertaken that they were carried out thoroughly.

Steve Bromley and Rowland Cundy, Finchampstead Parish Council, asked the Committee to consider who would be liable were an accident to happen due to a neglected road sign or roadway. They added that Finchampstead Parish Council were willing to buy in to a better system to make Wokingham's roads safer and cleaner, once an agreed standard was established.

A number of Members' expressed their thanks to Peter Baveystock and his team (the Cleaner and Greener Team) for all of their hard work over the years, citing fast response times and thorough work.

RESOLVED That:

- 1) Peter Baveystock, Steve Bromley and Rowland Cundy be thanked for attending the meeting;
- 2) the matter of highways, roadways and kerbsides conditions be referred to the upcoming Borough Parish Liaison Forum;
- 3) other Town and Parish Councils be invited to supply examples of footways, kerbsides and road signs requiring repair and maintenance;
- 4) a progress report be brought back to the September meeting of the Committee with an invitation extended to Peter Baveystock to present the report.

TITLE	Highways and Transportation Contract Renewal Update
FOR CONSIDERATION BY	Community and Corporate Overview and Scrutiny Committee on 10 September 2018
WARD	None Specific;
DIRECTOR	Director of Locality and Customer Services - Josie Wragg
LEAD MEMBER	Anthony Pollock, Executive Member for Highways and Transportation

OUTCOME / BENEFITS TO THE COMMUNITY

The benefits of effective and efficient Highways and Transportation Services provided by these contracts are borough wide and include:

- Enable travelling around the borough safely for all highway users
- Manage the network minimising disruption, congestion ensuring timely journeys
- Provide suitably maintained and lit roads and pavements
- Ensure the primary network is clear of snow, ice and frost during the Winter time
- Support reducing car ownership and promote sustainable forms of transport and journeys including public transport, cycling and walking
- Control delivery of Council and third party highway schemes and infrastructure development to improve the network and support growth
- Promote and facilitate economic prosperity including catering for the delivery of goods, services and commuter journeys
- Provide safe access to education for school children and students
- Provide access to leisure services including the public rights of way network
- Cater for utility services including gas, water, electric and telecommunications
- Minimise resident and business risk to flooding and various environmental issues
- Maximise the use of resources and budgets to ensure value for money for highway users and the residents and businesses of Wokingham

RECOMMENDATION

Members are requested to consider and note:

1. The procurement process which commenced with stakeholder engagement in 2016, soft market engagement with potential suppliers during 2017; and
2. the formal procurement process which has been underway since January 2018 and proposals for mobilisation.

SUMMARY OF REPORT

The report provides a comprehensive update on the re-provision of the term Highways and Transportation Contracts including:

- Background
- Stakeholder & Market Engagement
- Scope of Tendered Services
- Partnering, Governance and Contract Form
- Performance Management, Reporting, Review and Improvement
- Procurement and Tender Evaluation Process
- Timetable, Contract Award and Mobilisation

Background

Wokingham's highway asset is considerable, comprising of:

- 736 km road length (includes 8 km of non-Highways England motorway)
- 1,889 adopted streets (18.5% of the network is traffic sensitive)
- 820 km footway length
- 8 Million m² highway verges
- 250 structures (including 166 bridges)
- 16,000 street lights
- 30,000 road gullies

It has a combined value of £4B comprising of £1.3B gross replacement cost plus £2.7B land value, and is the Council's most valuable asset relied upon by the majority of Wokingham's residents and businesses on a daily basis.

The network has been managed and maintained since 2008 by Wokingham Highways Alliance being a partnership comprising of Wokingham Borough Council (the Council), WSP Professional Services Consultancy Contractor (PSCC) and Balfour Beatty Living Places (BBLP) the term Maintenance and Construction Contractor (MCC) together delivering highways and transportation services to Wokingham. The Council also has a small structures/bridge maintenance contract with BBLP, a street lighting contract with BBLP and a gully cleaning contract with FM Conway, which all expire 31 March 2019.

The timing of these current arrangements has been carefully programmed to allow new Highways and Transportation Services and contracts to be delivered holistically from 1 April 2019. It was recognised very early in the planning stages that engaging with stakeholders to understand their views on the existing services, what works well, where the problems are, and what should be improved for the new contracts was paramount.

Stakeholder Engagement

Key stakeholders were identified as: elected Members; Town and Parish Councils; senior Council officers; 21C team; ICT and customer services team; current Alliance partners; local businesses and of course most importantly Wokingham's residents who are the key users of the network and services. Throughout 2016-2018 there has been numerous activities to engage with stakeholders including: Member and T&P Council briefing events and workshops; officer workshops; service reviews; service and process design sessions; National Highways and Transportation (NHT) resident and business annual surveys conducted by Ipsos MORI. The Council also undertook an online Wokingham Transport and Highways survey from the Council website, with hard copies distributed around the community buildings and libraries around the borough during late 2017. The survey was very popular with over 1,000 residents and commuters completing the survey by the end of December 2017. The purpose of this engagement was to find out which parts of the highway network, and which services, are most important to customers, where problems were encountered and how customers preferred to interact. The outcome of the survey is available on the Council's website at this link: <http://www.wokingham.gov.uk/news-and-consultation/consultation-and-having-your-say/finished-consultations/?entryid206=442965&p=2> Stakeholder and survey data was also used to undertake transport visioning work, to understand what will become more or less important as we move into the future to 2036, which is the same period of

Wokingham's emerging Local Plan and Local Transport Plan. Engagement provided data enabling the service to evolve to meet the needs of Wokingham's key stakeholders both now and into the future.

A high level summary of the stakeholder information is provided below:

Challenges to 2036	Opportunities to 2036
Community Isolation	Local Plan and Strategic Control
Affordable Housing	CIL & Infrastructure Delivery
Congestion/Air quality	Improvement in IT & data
Move to a driverless world	Public transport/walking/cycling
Climate Change & Flood Risk	Health & Wellbeing

New Highways & Transportation Contracts from 2019 what is key?

- Customer Focus (self-serve, ICT, comms & expectation)
- Smarter Working (21CC ICT for staff & customers)
- One Team (partnership working/reduce man marking)
- Network Coordination (manage works & congestion)
- Network Resilience (operation & asset performance)
- Providing Flexibility (network & technological)
- Outcome based performance measures (shared vision)
- Congestion / Journey Times / Air Quality / Carbon Reduction
- Innovation / IT / Customer Experience & Satisfaction

A review of the Highways & Transportation service has been taking place as part of the Council's 21st Century Council programme. This is being implemented during 2018, designed where the Council structure will cater for current arrangements, but evolve to meet the requirements for the new contractual arrangements from the 1st April 2019. The form of the new contracts has been tailored to meet Wokingham's 21CC priorities which include:

- Focus on the customer experience
- Redesign processes around the ideal customer journey
- Inform customers what to expect and keep them up to date along the way
- Make processes digital by default, but with alternative access channels where appropriate
- Address issues at first point of contact
- Collect information once, and only if we actually need it
- Move as much work forward, to self-serve or customer facing roles as possible
- Move work quickly and easily around the organisation by using workflows and automated process prompts
- Automate controls within processes to ensure compliance
- Measure performance as part of the process/workflow to drive improvements
- Manage customer capability to enable customers to do more for themselves
- Manage customer demand to prevent and shape demand where appropriate

Market Engagement

As well as tailoring the contracts to Wokingham's stakeholder preferences and requirements, it was critical the services tendered and contract commissioning model selected would attract interest and competition from the Highways and Transportation service provider market, which due to high levels of housebuilding and government investment in major infrastructure over recent years was of concern.

To mitigate this risk the Council hosted market engagement workshops during 2017. The initial June 2017 was a "Discovery" event hosted in the Council Chamber where the Council outlined to suppliers its current arrangements, what works well, what can be improved, and aspirations for the future contracts. This event was well attended by 24 organisations (please see Appendix A for attendance log). Further to the event comprehensive written feedback was submitted by 15 organisations. These 15 organisations represented the majority of the major players in the UK highway and transportation sector plus a selection of smaller and international organisations. Consequently, the Council was confident that the feedback was representative of the market's views of this procurement opportunity and the likely level of appetite and competition. A summary of this market feedback is provided below:

- The Council was seen as an attractive client due to its innovative approach and collaborative attitude.
- Wokingham was seen as an attractive location due to its geography and projected economic growth.
- Most of the professional firms were firmly in favour of a separate PSCC and a term MCC.
- Four suppliers that responded preferred an integrated (single) contract.
- All contractors proposed increasing the scope and the turnover of the contract in order to make it attractive.

Based on market feedback, options evaluation aligned to the government promoted Highway Maintenance Efficiency Programme (HMEP) procurement toolkit, and subsequent analysis, it was determined that the preferred commissioning model comprised of two contracts being:

- A PSCC
- A term MCC including street lighting, structures (bridges) and drainage

This model aligns most closely with the Council's objectives ensuring delivery of the full range of services, and ensured the continued interest of both the professional service providers and the majority of contracting organisations therefore maximising overall market appetite for this opportunity ensuring a competitive process and value for money (VFM).

A subsequent "Informing" event was hosted in the Council Chamber in September 2017, when the Council outlined to suppliers its proposals including the commissioning model, forms of contract, service scope. A discussion forum took place as part of the event, and a further opportunity was provided for suppliers to write in following the event stating their support, or highlighting any concerns at that time. Broad support was secured from the market, recorded in the final round of written feedback, and additionally a procurement timetable was agreed between the Council and suppliers, when both parties could ensure the resources required would be available.

Scope of Tendered Services

The current Wokingham Highways Alliance delivers the following services:

- Network Management
- Streetworks
- Transport Planning
- Road safety
- Public and corporate transport support
- Asset Management
- Maintenance (reactive & planned)
- Street lighting
- Winter Services
- Flood Management & drainage
- Developer Works (s278/38)
- Projects (design and delivery)

The new contracts will continue to deliver this broad range of Highways and Transportation services. However market engagement and analysis to date has highlighted the following opportunities for further efficiencies and service improvement, which are proposed within the new contracts subject to further discussion with suppliers, and with the Council's key stakeholders.

- The PSCC will be a strategic partner to the Council where the contract can be used to access the wide range of specialist skills and expertise.
- Routine elements of the PSCC services will be transferred to the Council.
- Reactive highway maintenance and highway inspection function will be transferred from the Council to the MCC.
- A design and build option for projects will be provided within the MCC.
- The MCC will host the ICT and CRM solution for routine highways enquiries for example: potholes repairs; gully cleaning and street lighting faults, delivering improved efficiency, service excellence and improved customer service.
- The Council's Housing stock (roads/pavements/lighting and drainage) and metalled public rights of way will be inspected and maintained within the MCC.
- An option to deliver street cleansing services from 1 April 2020.

Market engagement highlighted that increasing the value of spend through the contracts would make them more attractive to suppliers, and therefore more efficient. To meet this aspiration the Council engaged with the other five Berkshire Council's during 2017, who with the exception of the Royal Borough of Windsor and Maidenhead have submitted Expressions of Interest to access the contracts from 1 April 2019. A draft Service Level Agreement (SLA) has been issued where Wokingham Borough Council as the client would have control to ensure the third party request would not impact adversely on the services being provided in Wokingham. With Wokingham Borough Council's prior approval third party Berkshire Councils can access the services of both the PSCC and term MCC. Under the SLA third party Council's accessing the services would be charged by Wokingham Borough Council a Contract Access Fee. This collaborative approach is promoted by government and welcomed by the neighbouring Berkshire Councils. Additionally all of Wokingham's Town and Parish Councils are named to have access to use the contracts and services.

Partnering, Governance and Contract Form

Stakeholder and market engagement determined the key features of any future commissioning contract model would be focussed upon:

- Partnership working underpinned by ISO44001 promoting a collaborative business relationship
- Long-term relationships with suppliers focusing on shared vision and outcomes
- Integration of the skills of the Council and suppliers
- Enable collaboration between partners and stakeholders
- Commitment to being open, transparent and accountable
- Enables investment
- Encourage innovation, review and continual improvement
- Aligned with the 21CC programme

A shared vision focussed on outcomes, was considered paramount to forming a successful partnership ensuring the right cultures and behaviours within Wokingham's newly formed Highways Alliance. Suppliers were asked as part of the tender requirements to explain how their organisations would support this objective, including proposing a governance and organisational structure that will deliver both the strategic and operational requirements of the Wokingham Highways Alliance, ensuring true partnership working and collaboration, and proposals to ensure innovation, continual review and improvement throughout the life of the contracts.

The governance arrangements proposed, and to be refined, will ensure the Wokingham Highways Alliance partners and contracts are focussed aligned to the Council's strategic and operation requirements from the outset, and for the full term of the contracts. The procurement process is being overseen and steered by the Executive Member for Highways and Transportation Cllr Anthony Pollock's Highways and Transportation Contract Renewal Member Group, which is cross party and geographically dispersed to fully represent the borough of Wokingham. Additionally an officer Highways and Transportation Review Board has been operating since 2016 ensuring the commissioning model, contract form and services tendered fully meet the requirements of the Council, aligned closely with the emerging 21st Century Council operating model as it is embedded throughout 2018. It is proposed these groups will oversee the mobilisation of these contracts from October 2018 to March 2019.

There has been a high emphasis, forming part of supplier's tender submission, to demonstrate their understanding of both the strategic and operational requirements of the newly formed Wokingham Highways Alliance, and how suppliers will support and bring expertise and value to the partnership. During mobilisation partnership and contract meetings at various levels including representation from elected Members and senior officers at Board, Partnership and Operational level will be designed, agreed and scheduled with defined objectives and terms of reference, ensuring appropriate governance, accountability, reporting and transparency.

The MCC procurement utilises the HMEP suite of documents promoted by government, which is a highways specific version of the nationally recognised NEC3 suite (New Engineering and Construction) of contract documents, widely accepted throughout the industry. The core clauses are well understood and specific information is presented in a consistent manner; saving considerable time and effort for all parties. NEC3 and its

derivatives are accepted by the Council's partner Shared Legal Solutions as an appropriate basis for contracts. As with the MCC, the PSCC procurement utilises the NEC3 suite of documents but, in this case, they are drawn from the Professional Services Contract set.

Further to the MCC and PSCC contracts the Council has requested a tri-party partnering NEC contract that will ensure the Council, the successful PSCC and the successful MCC, forming the new Wokingham Highways Alliance from 1 April 2019, will work in partnership as a contractual requirement from the outset, and throughout the lifetime of the contract term.

Performance Management, Reporting, Review and Improvement

The contract terms are seven years from 1 April 2019 with an option to extend for a further three years, subject to satisfactory performance. It was acknowledged early in the process from stakeholder engagement, market feedback, the government promoted HMEP, industry best practice and NEC service contract's standard form that contract performance should be incentivised, beyond contract extension options. To meet the strategic aims of the Council including promoting partnership working, delivering service excellence and ensuring the right culture and behaviours within Wokingham's Highways Alliance, financial incentivisation was determined would best meet these objectives. A punitive approach, focussed around financial contract penalties, was not considered appropriate to deliver the desired outcomes.

The new contracts are designed to place the controls and the risks for service and project delivery with the supplier. For example, if the supplier fails to complete a pothole on time, any financial or service risk, after the Council's due date, sits with the supplier. Contract law requires that any penalties (damages) must be commensurate with the level of loss that the Council (the client) has suffered. Following through this example, the Council carries no financial risk for failure by the supplier to meet the service requirements for the pothole, therefore it would not be possible for the Council to levy financial penalties in this instance.

Although the service and financial risk sits with the MCC in this example the Council is fully aware of reputational risk for unsatisfactory performance. The partnership, governance and contractual requirements set out in the previous section under Partnering, Governance and Contract Form will ensure that the Council, the successful PSCC and successful MCC forming the Wokingham Highways Alliance will be fully aware of strategic and operational requirements, what services are paramount to Wokingham's residents, and the need to react and be agile to changing corporate and political priorities during the life of the contracts. Delivery of services and projects will be transparent and subject to appropriate oversight, monitoring and performance management.

The Council recognise the importance of service excellence and how performance is measured, reviewed and improved over the life of the contracts. In response the Council has designed and developed, in partnership with stakeholders and partners, a comprehensive draft Wokingham Alliance Performance Management Framework (Appendix B). The framework will form part of the new contractual requirements from 1 April 2019. Performance measures are summarised below under strategic, partnership and operational categories based upon an approach aligned with industry best practice,

stakeholder engagement, supported by market feedback and considered proportionate to the tendered services considering their scope and value. Performance measures are designed to be reported at the stated frequencies and considered a reasonable resource demand on Wokingham's Highways Alliance partners for the duration of the contacts, mindful that performance reporting if unrestrained can become an industry in itself.

- 24 No. Strategic Performance Measures reported annually with some data reliant on existing reporting to DfT (Department for Transport), NHT (National Highways and Transportation Networks) and APSE (Association of Public Sector Excellence) with the objective to ensure delivery of the Council's corporate and political priorities aligned to Wokingham's Transport Vision and Highway Asset Management Objectives.
- 11 No. Partnership Performance Measures reported quarterly at Highways Alliance Board with the objective to promote partnership working, business improvement, innovation and the right cultures and behaviours within the Wokingham Highways Alliance.
- 26 No. Operational Performance Measures reported monthly via Alliance Partnership Meeting with the objective to promote contract governance, performance and operational delivery and compliance within the Wokingham Highways Alliance.

During mobilisation the draft framework (Appendix B) will evolve in partnership with the successful alliance partners and the Council's stakeholders, including agreement as to where the performance measures will be reported including some externally via ICT/web live dashboards with public access, some to selected stakeholders including elected Members, to Council officers, audit and scrutiny Council committees and some of a more technical nature potentially retained internally within the Wokingham Highways Alliance. Suppliers will have made assumptions regarding the value of financial incentive they will receive over the life of the contracts, which will have been factored into their price submissions under the tendering process. This ensures the financial incentive being provided by the Council will deliver VFM for the investment, and this approach is considered to best meet the Council's requirements relating to performance.

Procurement and Tender Evaluation Process

The procurement process selected by the Council is known as a "Competitive Procedure with Negotiation". The Council designed and communicated the procedure and timescales via the soft market engagement events throughout 2017, ensuring potential tenderers could influence the process and raise any concerns. This was completed in late 2017, and the Council publicised the process, timescales, evaluation methodology and all procurement and contract documents in January 2018, allowing potential tenderers to be fully aware of the requirements and secure appropriate resources in good time should they be minded to enter the process and bid for these contracts.

The "Competitive Procedure with Negotiation" selected by the Council is a two stage process including a negotiation phase.

Under Stage 1 tenderers were required to meet pre-qualification requirements to demonstrate that their organisations were:

- Not subject to any of the statutory or discretionary exclusion criteria (as mandated by the Crown Commercial Service)
- Met the Council's regulatory and financial requirements
- Committed to comply with all requirements of a bona-fide tender

The companies that met this criteria also responded to a series of questions to demonstrate their experience of providing a similar service, grouped under the categories of: Partnership Working; Contract Experience; Service Delivery, Operational Efficiency; Resources & Supply Chain, ICT and Health & Safety. A team of Officers evaluated the tenderers responses to these questions in order to short-list ideally three but up to a maximum of five candidate organisations to take forward to Full Tender.

Under Stage 2 companies remaining were subsequently Invited to Tender (Round 1 – Initial Tender) by the Council where they were requested to complete and submit the following elements:

Element of the Evaluation	Weighting
A. Quality Element/s	60%
B. Price Element/s	40%
TOTAL	100%

The Quality element (60% weighting) of the Tender was split into the following categories, comprising a series of 15 questions, at the category weightings below, designed by the Council to ensure the quality evaluation was targeting the Council's priorities in relation to this contract:

Method Statement Category	Weighting
1. Vision, Objectives & Partnering	30%
2. Partnership working, collaboration, review & improvement	20%
3. ICT & Customer Service	20%
4. Network & Asset Management	20%
5. Environmental Management	10%
TOTAL	100%

The Price element (40% weighting) of the Tender was designed to account for the forecast level of annual spend at the activities and services forecast to be most utilised by the Council known as the Price Model. This ensured the financial evaluation would mirror the services forecast to be utilised by the Council over the contract term.

Under the Stage 2 "Negotiation Phase" following Initial Tender evaluation there were some areas the Council considered beneficial to seek further clarification upon. This was undertaken by meeting with all the remaining tenderers, and subsequently providing further written instructions, informing tenderers what additional information the Council expected within their Final Tender submissions. This provided the tenderers the opportunity to improve their initial tender responses, to better meet the Council's specified requirements, and a wider opportunity to improve their final tenders.

Under Stage 2 Final Tenders were prepared by the tenderers and submitted to the Council for evaluation. The Final Tender evaluation has been undertaken during July and August 2018.

The Quality Element (60% weighting) of the Final Tender was evaluated using the following scoring guide where a team of Officers evaluated the tenderers responses.

Score	Rating of Response
0	No response provided and/or substantial omissions which make the response fundamentally unacceptable and gives the Council cause for major concern.
1	Very poor standard of response; fails to meet nearly all requirements, Insufficient information provided or response generally not supported by evidence. Gives the Council cause for a very high level of concern.
2	Poor response; fails to meet the majority of requirements, insufficient information provided and/or response is generally not supported by evidence. Gives the Council cause for a high level of concern.
3	Inadequate response; fails to meet some requirements and is generally unsatisfactory and/or has omissions and/or is not supported by evidence. Gives the Council cause for serious concern.
4	Basic response; borderline in meeting requirements and has some satisfactory elements but is generally unsatisfactory and/or has several omissions. Gives the Council cause for concern in several areas.
5	Adequate response; generally meets requirements and is supported by a reasonable level of evidence but has a number of omissions which give the Council cause for some concerns in few areas.
6	Competent standard of response; meets requirements and is supported by a satisfactory level of evidence although there are a few issues which give the Council cause for some minor concerns.
7	Good standard of response; meets requirements and is supported by evidence although there are a few very minor omissions and/or very minor issues which gives the Council cause for some very minor concerns.
8	Very Good standard of response; meets requirements and is supported by comprehensive evidence which gives the Council a very good level of confidence.
9	Excellent standard of response; exceeds the requirements in a number of areas and is supported by strong evidence which gives the Council a high level of confidence.
10	Exceptional standard of response; exceeds requirements in most areas and is supported by very strong evidence which gives the Council a very high level of confidence.

The Price element (40% weighting) of the Final Tender was calculated in line with the Chartered Institute of Public Finance and Accounting (CIPFA) scoring model, according to the formula:

$$\text{Score of Other tender (\%)} = \text{maximum Price Score (\%)} \times \frac{\text{Lowest tender total price}}{\text{Other tender total price}}$$

The lowest priced tender was awarded the maximum Price score (Price Element Percentage Weighting). The Other tender scores were then calculated relative to this.

Timetable, Contract Award and Mobilisation

A project programme tilted Highways and Transport Contract Renewal Programme for the renewal of these contracts is provided in Appendix C showing the numerous activities that have been satisfactorily completed to date, and what activities are required prior to the new contracts going live including during the mobilisation phase. The procurement process and activities to date are considered comprehensive, robust, aligned with best practice, and designed to best meet the Council's objectives over the period of the newly formed Wokingham Highways Alliance from April 2019. Key milestones of the formal procurement timetable were agreed with suppliers and the Council's procurement specialist lead during market engagement during 2017:

1. Mid-January 2018 Issue Contract Notice & all documents
2. Mid-February Selection Questionnaires Returns (5 weeks)
3. Mid-March confirm Initial Tenders (8 weeks)
4. Early May Initial Tender Returns
5. Initial evaluation & Negotiation (2+4 weeks)
6. Mid-June Issue Final Tender (4 weeks)
7. Mid-July Final Tender Returns
8. August-September Evaluation & Executive/Full Council for 20 September 2018
9. Contract Award – mid October (25 weeks mobilisation)
10. Contract Start – 1st April 2019

Programme items 1-7 have been satisfactorily completed and have delivered their objectives. During August some minor matters are being clarified with tenderers relating to Final Tenders, and the overall procurement process remains on programme to provide Recommendations regarding the PSCC and MCC procurement processes, in good time for Executive and Full Council Committees on 20 September 2018.

Should the Council decide to Award the PSCC and MCC contracts, both WSP and BBLP will commence their demobilisation programs which will run from October 2018 to 31 March 2019. During this period both WSP and BBLP will be required to transfer any data and records to the Council and/or new PSCC/MCC, and will endeavour to close down and complete their larger schemes and projects by the 31 March, resolving as many legacy issues as practicable within this period. The Thames Valley Park & Ride major capital project will run over into Summer 2019, however as this project has its own site based project team, BBLP are committed to completing this project. Both the PSCC and MCC will have indemnity and guarantee periods beyond the contract end dates, and how this is delivered post that date will be agreed during demobilisation. BBLP will be required to vacate Toutley Depot, including complying with all their lease obligations as part of their exit and demobilisation strategy.

Under the procurement process mobilisation plans have been received by potential PSCC and MCC suppliers. These plans will be refined by the Council, the new PSCC/MCC and integrated with the demobilisation plans from WSP and BBLP to ensure a joined up mobilisation strategy, ensuring efficiency and service delivery are maintained throughout this period.

Toutley Depot is provided by the Council to the MCC under the existing contract. This arrangement is also proposed within the new MCC, and discussions are underway with the Council's property team to ensure the Toutley site is suitable for use as a highways depot for the life of the new contract term.

Although the six months demobilisation/mobilisation will minimise disruption and ensure essential services are maintained throughout, there will be a tailoring down of the more major schemes, and reducing ability to deliver non-planned works particularly during the period of January to April 2019, while BBLP wind down to vacate Toutley Depot and the newly awarded MCC takes occupation of the site, and starts to deliver the new service along with taking delivery of the new plant, fleet, materials and ICT systems the service will be reliant upon, however all parties will strive to minimise the impact, ensuring core and essential services are prioritised during this period of change.

FINANCIAL IMPLICATIONS OF THE RECOMMENDATION

	How much will it Cost/ (Save)	Is there sufficient funding – if not quantify the Shortfall	Revenue or Capital?
Current Financial Year (Year 1)	To be provided at Full Council	To be provided at Full Council	Capital & Revenue
Next Financial Year (Year 2)	To be provided at Full Council	To be provided at Full Council	Capital & Revenue
Following Financial Year (Year 3)	To be provided at Full Council	To be provided at Full Council	Capital & Revenue

Other Financial Information

Costs associated with new Wokingham Highways Alliance form and contracted services have being evaluated against the current PSCC (WSP) and MCC (BBLP) contracts, tenders received by the Council under the procurement process and subject to a benchmarking exercise, to ensure the contracts will deliver VFM. Services are also being re-designed in line with the 21C programme, to ensure the new services and contracts are aligned with stakeholder requirements, and to ensure efficient services that deliver VFM.

Cross-Council Implications

No specific cross cutting themes

Reasons for considering the report in Part 2

Part 2 Papers will be provided to support the Full Council report containing commercially sensitive data and information relating to the Tender Evaluation process

List of Background Papers

O&S Committee- Contract Update- 18 June 2018
 Appendix A- Companies attending soft market engagement event- 19 June 2016
 Appendix B- Wokingham Highways Alliance Performance Management Framework

Appendix C- Highways & Transport Contract Renewal Programme

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Report Title: H&TReview- Supplier Registration
 Version/Date: 170612
 Report Owner: Alex J Deans



24 suppliers have registered to attend the Soft Market Testing “Discovery” workshop Monday the 19 June 2017

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Professional Services	Term maintenance and Projects	Integrated (potentially both)
WSP	Balfour Beatty Living Places	Balfour Beatty Living Places
Atkins	Ringway	Costain
Project Centre	Costain	Ringway/Jacob
Waterman	Tarmac	Keir
Jacobs	Volker Highways	
Aecom	Colas	
	Keir	
Hyperion (Asset Management)	Eurovia	
Ridge	Valoriza Conservación Infraestructuras	
Elliot Asset Management	Lagan Operations & Maintenance	
Gateway TSP	Galliford Try	
Arup * late registration	Osborne	
	Conway * late registration	

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Desired Outcomes:

The Highways Alliance partnership will be focused and incentivised enabling the Professional Services Consultancy Contractor (PSCC) and Maintenance and Construction Contractor (MCC) to perform and innovate in partnership with the Council, to ensure delivery of the partnerships priorities and objectives, ensuring a high level of performance, efficient service delivery including mechanisms for continual review and improvement for the full term of the contracts.

Drivers:

A contact audit in 2016/17 included review and modernisation of performance management of the contracts which remained in their original 2008 form
Recommissioning of Highways and Transportation Services from April 2019 aligned to political, corporate, service and operational requirements
Stakeholder engagement events over 2016 and 2017 including elected Members requested more robust, accountable and visible performance reporting
Performance measures have been designed to be reported at the stated frequencies with minimal additional burden on alliance partner staff resources

Proposal:

24 No. Strategic Performance Measures (SPM):

Reported annually with some data reliant on existing reporting to DfT (Department for Transport), NHT (National Highways and Transportation Networks) and APSE (Association of Public Sector Excellence)

Ensure delivery of the Council's corporate and political priorities aligned to Wokingham's Transport Vision and Highway Asset Management Objectives

11 No. Partnership Performance Measures (PPM):

Reported quarterly at Highways Alliance Board

Promote partnership working, business improvement, innovation and the right cultures and behaviours within the Highways Alliance

26 No Operational Performance Measures (OPM)

Reported monthly via Alliance Partnership Meeting

Promote contract governance, performance and operational delivery and compliance within the Highways Alliance

External Reporting:

During mobilisation it will be discussed and agreed with the alliance partners and WBC stakeholders how and where the performance measures will be reported including some externally via ICT/web live dashboards with public access, to selected stakeholders/Members and those retained internally

Incentive: *NB Appendix PMF1: Incentive Methodology / Appendix PMF2: Incentive Formula Spreadsheet Calculation & performance Log*

Market engagement, HMEP, industry best practice and NEC service contracts standard form recommend contract performance is incentivised

Performance scoring of PPMs and OPMs have been designed to be in full control of the Highways Alliance partners, and therefore form the basis for incentives

Review:			
The PMF will be subject to review and improvement aligned to changing Highways Alliance objectives, service and operational priorities and objectives			
Our vision for Wokingham Borough			
“A great place to live and an even better place to do business”			
The Transport Vision			
The Council’s vision to 2036 is to deliver and maintain a safe, reliable and joined-up transport system that connects new and existing communities, businesses, commercial centres while providing leisure opportunities. The vision will future-proof the transport network for new and emerging technology; reduce social exclusion; improve network resilience; accommodate climate change; reduce congestion and improve productivity.			
Objectives			
Infrastructure	Environment	Social	Technological
<ol style="list-style-type: none"> 1. To optimise connectivity, accessibility and productivity through an integrated approach to land use and infrastructure. 2. To invest in infrastructure enabling and promoting walking, cycling and the use of public transport. 3. To provide new roads alongside new developments enhancing economic growth. 4. To create innovative ways of funding for maintaining infrastructure. 5. To provide well maintained roads by adopting a whole life approach. 6. To optimise investment by collaboratively working with neighbours and partners, for a seamless journey. 7. To address congestion pinch points. 	<ol style="list-style-type: none"> 1. To provide safe, accessible alternative travel options to the car, giving health, air quality and carbon benefits. 2. To maximise the use of low cost renewable energy in operating and maintaining transport assets, minimising the Council’s carbon footprint. 3. To provide greenways for walking and cycling, and green corridors with active biodiversity integral to the travel network. 4. To adapt to climate change and ensure that our transport networks are resilient to severe weather events. 	<ol style="list-style-type: none"> 1. To future proof travel networks to meet a more aged and diverse population whilst meeting the expectations of new generations. 2. To provide a transport system that can accommodate the travel needs of communities, commercial and retail businesses and the leisure sector. 3. To create well connected communities through enabling sustainable travel within and between existing and new housing. 4. To enhance the health and well-being of communities and their residents, through quality social infrastructure, and access to facilities, through alternatives to the car. 5. To reduce long commutes. 	<ol style="list-style-type: none"> 1. To provide a future-proofed travel network that can assimilate emerging and new technologies such as Connected Autonomous Vehicles. 2. To provide an improved customer journey experience, through optimising use of Big Data. 3. To enable dynamic travel choices and optimised network performance, through the provision of borough wide availability of real-time travel information. 4. To allow all travellers to access information on travel opportunities through technological enhancements. 5. Connected council and alliance partners enabling value-added decision making on-site.

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Wokingham Highways Alliance- Strategic Performance Measures (reported annually)							
SPM No	Link to Transport Vision to 2036	Description	Owner	2017/18 (GAP)	2018/19 (GAP)	Target	Comments Mitigation Actions
SPM1	Infrastructure 5	Condition of principal roads- percentage of network to be considered for maintenance	WBC	4% (1%)		3% DfT Nat Ave	Reported to DfT in Autumn
SPM2	Infrastructure 5	Condition of B & C roads- percentage of network to be considered for maintenance	WBC	5% (1%)		<5% WBC (6% DfT Nat Ave)	Reported to DfT in Autumn
SPM3	Infrastructure 5	Condition of unclassified roads- percentage of network to be considered for maintenance	WBC	13% (4%)		<13% WBC (17% DfT Nat Ave)	Reported to DfT in Autumn
SPM4	Infrastructure 5 Social 4 & 5	Condition of footways – percentage of network to be considered for maintenance	WBC	4% (1%)		<4% WBC	Collected by WBC asset team
SPM5	Infrastructure 5 Social 5	Bridge condition indicators Average & Critical	WBC	93% (7%) 83% (4%)		>93% 86% APSE Nat Ave >83% 79% APSE Nat Ave	Reported to APSE in Autumn

SPM6	Social 2, 3, 4 & 5	Resident satisfaction with ease of access onto the network	WBC	75.6% (2.0%)		77.6% NHT Nat average	Data provided annually in November NHT reports
SPM7	Social 1, 2, 3, 4 & 5	Resident satisfaction with local bus services	WBC	58.1% (3.1%)		61.2% NHT Nat average	Data provided annually in November NHT reports
SPM8	Social 1 & 2	Resident satisfaction with community transport	WBC	57.3% (0.3%)		57.6% NHT Nat Average	Data provided annually in November NHT reports
SPM9	Infrastructure 5 Social 4	Resident satisfaction with pavements and footpaths	WBC	63% (7.1%)		>63% WBC (55.9% NHT Nat Average)	Data provided annually in November NHT reports
SPM10	Environment 3 Social 3 & 4	Resident satisfaction with the Public Rights of Way network	WBC	56.7% (1.4%)		58.1% NHT Nat Average	Data provided annually in November NHT reports
SPM11	Social 5	Resident satisfaction with traffic levels and congestion	WBC	36% (9.5%)		45.5% NHT Nat Average	Data provided annually in November NHT reports

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SPM12	Infrastructure 5 Social 5	Resident satisfaction with management of roadworks	WBC	50.3% (1.6%)		51.9% NHT Nat Average	Data provided annually in November NHT reports
SPM13	Social 2 & 4	Resident satisfaction with local road safety	WBC	60.6% (1.7%)		>60.6% (58.9% NHT Nat Average)	Data provided annually in November NHT reports
SPM14	Infrastructure 5 Technological 5	Resident satisfaction with highway condition	WBC	39.6% (2.2%)		>39.6% (37.4% NHT Nat Average)	Data provided annually in November NHT reports
SPM15	Infrastructure 5 Technological 5	Resident satisfaction with highway maintenance	WBC	58.5% (4.9%)		>58.5% (53.6% NHT Nat Average)	Data provided annually in November NHT reports
SPM16	Infrastructure 5 Technological 5	Resident satisfaction with highway condition	WBC	64.9% (1.7%)		66.6% NHT Nat Average	Data provided annually in November NHT reports
SPM17	Infrastructure 5 Social 1	Total number of road casualties killed or seriously injured	WBC	3 No (3 No) Oct 16- Oct 17		0 / annual decline WBC	Quarterly reporting 8 weeks behind via the Safer Roads Partnership Berkshire

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SPM18	Infrastructure 5 Social 1	Total number of road casualties slightly injured	WBC	231 No (231 No) Oct 16- Oct 17		0 / annual decline WBC	Quarterly reporting 8 weeks behind via the Safer Roads Partnership Berkshire
SPM19	Infrastructure 5	Number of properties protected by flood mitigation measures	WBC	40 (10)		50 WBC	
SPM20	Infrastructure 7 Social 5	Car journey times across the borough	WBC	TBC		<2015 WBC modelling data	Measured annually at various locations across Wokingham borough aligned with DfT criteria
SPM21	Infrastructure 7 Social 5	Bus punctuality	WBC	77% (18%)		95% DfT target	Reported to DfT in June
SPM22	Environmental 1	Number of electric vehicles registered in the borough	WBC	321 No (Q3)		Annual increase of 5%	Data available quarterly from DVLA table veh 0131
SPM23	Environmental 1 & 2 Social 4	Percentage of schools covered by travel plans	WBC	35% (65%)		100%	
SPM24	Technological 5	Percentage of Customer Service Enquiries resolved by self-serve	WBC	TBC		Annual increase of 10%	Measured by hits on selected web-links

Wokingham Highways Alliance- Partnership Performance Measures reported quarterly at Alliance Board							
PPM No	Partnership performance & business improvement	Description	Owner	2017/18 (GAP)	2018/19 (GAP)	Target	Comments Mitigation Actions
PPM1	Performance	Early warnings and CE's actioned within 28 days of being raised	WBC PSCC MCC			100%	
PPM2	Performance	H&S compliance including employees and highway users	WBC PSCC MCC			100%	Requires H&S Partnership Framework / RIDDOR / claims
PPM3	Performance	Attendance and participation at Alliance project collaborative planning	WBC PSCC MCC			100%	
PPM4	Performance	Attendance and active participation at Alliance Business Improvement Initiative	WBC PSCC MCC			100%	
PPM5	Performance	Evidence of promoting innovation, ICT enhancement and new ways of working on a quarterly basis	WBC PSCC MCC			100%	
PPM6	Performance	Evidence pf promoting and/or progressing environmental improvements on a quarterly basis	WBC PSCC MCC			100%	

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PPM7	Performance	Trainees and apprentices provided in compliance with agreed/contractual requirements	WBC PSCC MCC			100%	
PPM8	Performance	Internal promotion of Highways Alliance with key stakeholders, staff and supply chain including good news, initiatives, workshops and news letter	WBC PSCC MCC			100%	Tri-party feedback/discussion and 360 when required to agree score. If agreement cannot be reached WBC reserve the right to score
PPM9	Performance	External promotion and performance of public facing Highways Alliance of all including branding, sub-contractors and supply chain partners	WBC PSCC MCC			100%	Tri-party feedback/discussion and 360 when required to agree score. If agreement cannot be reached WBC reserve the right to score
PPM10	Performance	Effective Leadership of the Highways Alliance meeting political, corporate, operational and staffing requirements	WBC PSCC MCC			100%	Tri-party feedback/discussion and 360 when required to agree score. If agreement cannot be reached WBC reserve the right to score
PPM11	Performance	Partnership health score	WBC PSCC MCC			100%	Tri-party feedback/discussion and 360 when required to agree score. If agreement cannot be reached WBC reserve the right to score

Wokingham Highways Alliance- Operational Performance Measures reported monthly at Alliance Partnership							
OPM No	Contract performance & business improvement	Description	Owner	2017/18 (GAP)	2018/19 (GAP)	Target	Comments Mitigation Actions
OPM1	Performance	Issue of accurate Task Orders to PSCC and MCC	WBC			100%	
OPM2	Performance	Approval/response to Service Briefs within 5 working days of submission	WBC			100%	
OPM3	Performance	Responding to Service and Contract Queries within 5 working days of receipt	WBC			100%	
OPM4	Performance	Financial processing of invoices in line with contract payment timescales	WBC			100%	
OPM5	Performance	“Contact Us” Customer Service enquiries dealt within 10 working days (without escalation)	WBC			100%	
OPM6	Performance	Resolution of escalated customer Service Requests resolved without further escalation to formal stage	WBC			100%	

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OPM7	Performance	Service Requests delivered on time (commencement and completion)	PSCC			100%	
OPM8	Performance	Task Orders delivered within cost estimates	PSCC			100%	
OPM9	Performance	Invoices submitted within 28 days of Task Order completion	PSCC			100%	
OPM10	Performance	H&S Safety File issued to contractor as part of design package	PSCC			100%	
OPM11	Performance	Designed project passing road safety audit (2 & 3) without excessive re-design and project cost escalation	PSCC			100%	
OPM12	Performance	Highway inspections being undertaken in accordance with WHIP frequency	MCC			100%	
OPM13	Performance	Category 1 Task Orders completed within 2hr/24hr timescales	MCC			100%	
OPM14	Performance	Category 2 "Standard" Task Orders completed within 28 day timescales	MCC			100%	

OPM15	Performance	Street lights and illuminated signs/bollards in light	MCC	99% (1%)		99-100%	Data available from CMS
OPM16	Performance	Gullies, manholes and catchpits cleared in accordance with agreed programme (quality and frequency)	MCC			100%	Vehicles fitted with GPS from April 2019
OPM17	Performance	Compliance with Winter Maintenance Plan ensuring no successful claims for non-compliance of policy against WBC	MCC			100%	Vehicles fitted with GPS from April 2019
OPM18	Performance	Reactive works Task Orders completed "right first time" without Defect Correction being applied by WBC	MCC			100%	
OPM19	Performance	Reactive works Task Orders completed and invoiced without Withholding Notice being applied by WBC for works being "not suitable for use by WBC	MCC			100%	
SPM20	Performance	Third party claims that are successfully defended by WBC supported by MCC aligned to compliance with WHIP	MCC			100%	Information held and reported via WBC insurance team

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OPM21	Performance	Schemes and projects successfully designed to service (WBC) requirements	MCC			100%	
OPM22	Performance	Schemes and projects successfully delivered “right first time” within agreed and communicated programme phases and timescales	MCC			100%	
OPM23	Performance	Schemes accurate invoices submitted with 28 days of completion of Task Order or interim measure/assessment	MCC			100%	
OPM24	Performance	Issue of project H&S Safety File & As Built Asset Owner data within 28 days of scheme project site completion	MCC			100%	
OPM25	Performance	Customer Service Request dealt within 2hr, 24hr or 28 days (without escalation) including call answering within 90 seconds 24/7	MCC			100%	
OPM26	Performance	Resolution of escalated Customer Service Requests without further escalation to WBC or formal stage	MCC			100%	

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Appendix PMF1: Incentive Methodology

Market engagement in 2017, HMEP/industry best practice and NEC service contracts strongly recommend contract performance is financially incentivised

Performance scoring of PPMs and OPMs have been designed to be in full control of the Highways Alliance partners, and therefore form the basis for incentive payments from the incentive fund

PPMs and OPMs have equal weighting unless agreed by the partners or directed by WBC

PPMs will be scored in partnership with the same score assigned to WBC, PSCC and MCC, whereas OPMs have been independently assigned and will be scored independently for WBC, PSCC and MCC, where agreement cannot be reached between the alliance partners for the limited subjective scoring of PPM 8-PPM11 the final score will be determined reasonably by WBC

High levels of performance relating to delivery of Highways & Transport Services, partnership working and collaboration are considered paramount to WBC and WBC expects performance for both the PSCC and MCC within the top quartile (>75%) throughout the life of the contracts and further performance below the top quartile (<75%) would be considered unacceptable performance

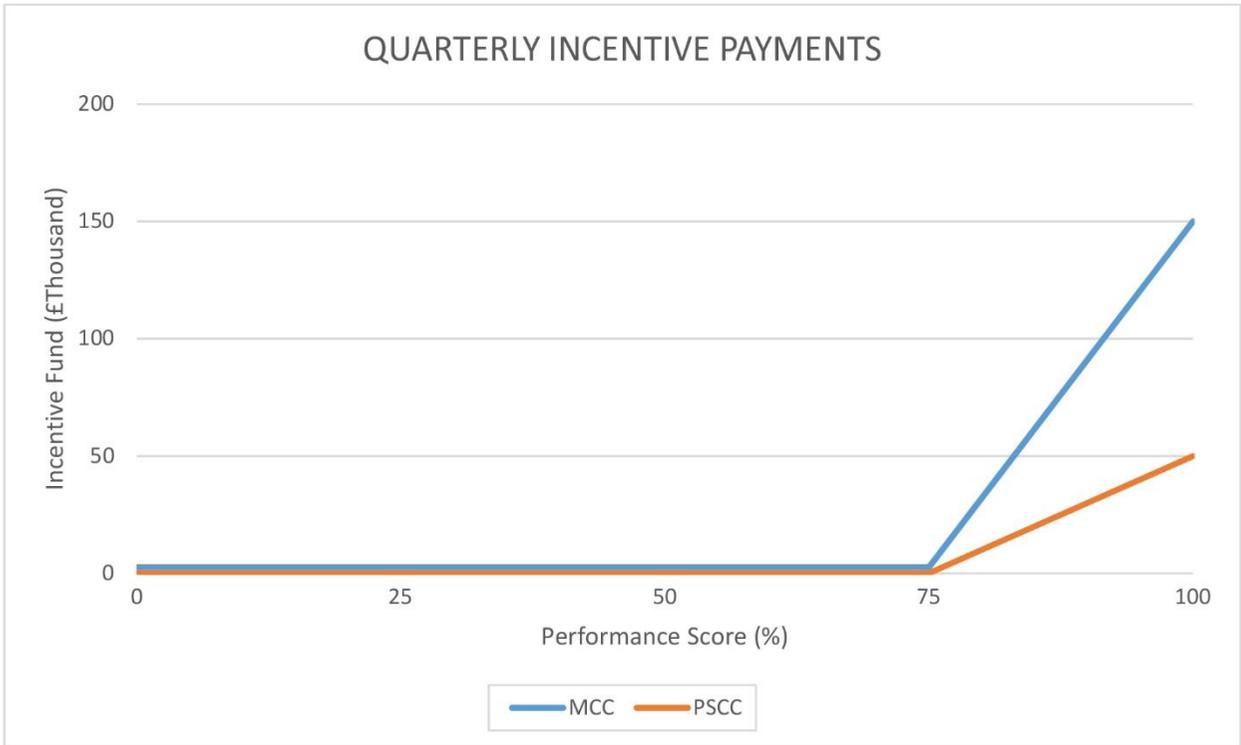
All PPMs and OPMs have been designed where a score for the Alliance Partners of 100% is considered realistic and would represent optimum performance however if optimum performance is achieved then the performance measures and scoring criteria would be reviewed and modernised in partnership to ensure continual improvement throughout the life of the contracts

The incentive fund has been determined in value to ensure that the PSCC and MCC are financially incentivised to promote high performance across the Highways Alliance

WBC will ensure budget provision for the incentive fund from 1st April 2019 and paid when due to the PSCC and MCC following quarterly reporting and authorisation at the Highways Alliance Board Meeting with the incentive fund being subject to annual indexation in line with the Consumer Prices Index applied from the 1st April 2019 and applied annually from this date with the un-awarded balance of the incentive fund will be utilised by WBC in collaboration with partners to improve partnership performance, service and operational priorities

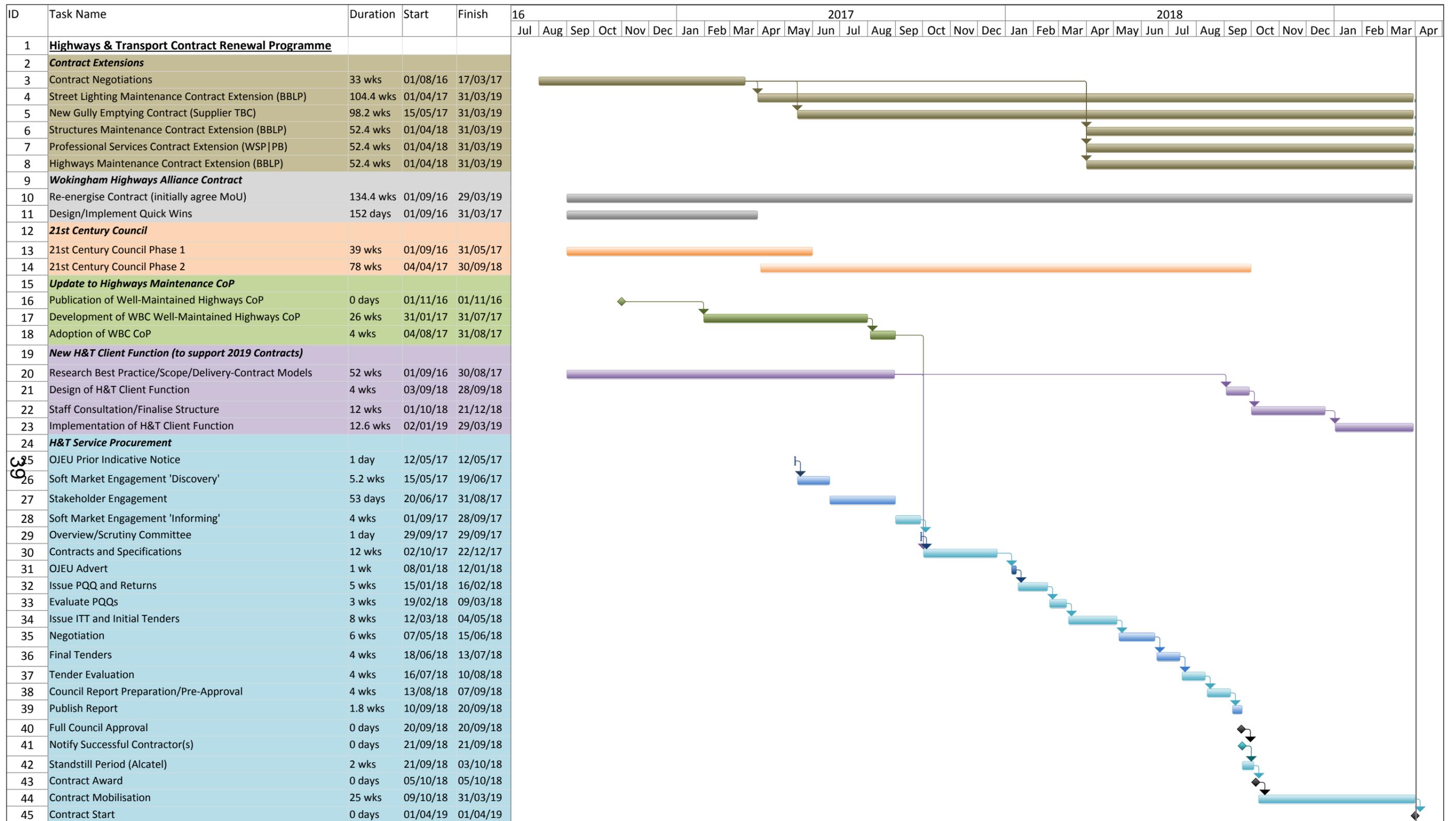
Performance scoring within the top quartile of 75-100% will cause incentive payments according to Appendix PMF2: Incentive Payment Formula below with incentive funds up to £50K for the PSCC and £150K for MCC from 1st April 2019, plus future indexation

Appendix PMF1: Incentive Payment Formula



$$\text{Quarterly Incentive Payment} = \frac{\left(\frac{\text{Score} - 75}{25}\right) \times \text{Annual Incentive Fund}}{4}$$

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TITLE	Public Protection Partnership
FOR CONSIDERATION BY	Community and Corporate Overview and Scrutiny Committee on 10 September 2018
WARD	None specific
DIRECTOR	Josie Wragg, Interim Director of Environment

OUTCOME / BENEFITS TO THE COMMUNITY

- The new service delivered a 70K recurring saving to WBC
- The new governance arrangements have created a shared service with very clear joint oversight, policy setting and management arrangements
- The new delivery model built on the National Intelligence Model has ensured the service delivery objectives are strongly focussed on local need and priorities

RECOMMENDATION

Following consideration of the report that the Committee:

- 1) note the progress made in the first 18 months;
- 2) note the fees and charges methodology at Appendix 2 to this report;
- 2) agree to receive another report on progress in 12 months' time.

SUMMARY OF REPORT

In June 2010 Wokingham Borough Council entered into a shared service arrangement with West Berkshire Council for the delivery of a shared trading standards service. This was followed in January 2012 with a shared service arrangement covering the environmental health and licensing functions. The governance arrangement in the original agreement was a Joint Service Review Panel which had an advisory role. In reality the delivery of the service was delegated to West Berkshire Council and over time this arrangement led to a view that Wokingham Borough Council had lost control and oversight of their services. Both agreements ended in January 2017

In 2016, discussions began between West Berkshire District Council and Wokingham Borough Council about a new arrangement for a shared service together with a new partner Bracknell Forest Council. This gave the opportunity to partners reconsider the type of service, its operating model and governance arrangements.

The new arrangement is significantly different to the previous shared service in its governance approach. A Joint Committee made up of two representatives from each partner authority is responsible to set the strategic direction, policies and financial position of the PPP Shared Service. However, partner councils set their own budget and fees and charges for the service. Wokingham Council has saved £70k through the new service in additional to the £180k saving from entering into the shared service originally

Operationally, the service adopted the National Intelligence Model which allows the Joint Committee to set priorities that will filter through the management structure to inform the allocation of work. The aim is to ensure that resources are targeted on priority areas and those of greatest impact and risk. This has provided a greater amount of flexibility to respond to changing needs and priorities such as changes legislation or circumstances on the ground.

The service is now integrated across the three authorities but faces a number challenges including loss of licensing income, the need to move to full cost recovery, ICT and accommodation. A review is currently taking place into areas identified as ones where further work is needed

Analysis of Issues

1. Background

The 2010 and 2012 Shared Service Models

In June 2010, WBC entered into a 5 year agreement with West Berkshire Council for the delivery of the Trading Standards Service, and this was then followed by further five year agreement for Environmental Health and Licensing Services in January 2012. The Trading Standards agreement has been extended and both agreements come to an end in January 2017.

Under the then shared service arrangements, all WBC Environmental Health, Licensing and Trading Standards functions were delegated to and delivered by West Berkshire Council though WBC retained its own Licensing Committee and sub Committees / Panels When the shared service was set up, all WBC staff were TUPE Transferred to the host authority West Berkshire Council.

There were several drivers for setting up the 2010 and 2012 shared service agreements. One of the main drivers was finance and the merger enabled WBC to realise £180k per annum mainly through reduced management costs and reduced overheads. In addition, as the Council had been finding it difficult attract staff, establishing the shared service enabled greater resilience, allowing it to recruit and retain staff, to develop specialisms, and to gain additional resource by attracting alternative funding.

The 2017 Shared Service Model

In 2016 Bracknell Forest Council approached the shared service to investigate the possibility of entering into a shared service arrangement. Given the expiry date of January 2017, there was an opportunity to develop a new shared service to include them as a partner to form a three-way shared service (Bracknell Forest, West Berkshire and Wokingham Borough Councils). This new service arrangement was subsequently approved by all three Councils and the Environmental Health, Licensing and Trading Standards functions delegated to a new Joint Committee to be delivered by a new service to be known as the Public Protection Partnership.

The Current Governance Arrangements

The current Governance arrangements are set out in the Business Plan in Appendix 1 to this report. This fundamentally differs from the previous arrangements because the responsibility for the shared service is no longer delegated directly to the host, but to a Joint Committee made up of all partners which was tasked with setting the strategic direction, policies and oversee the financial arrangements of the shared service.

The Joint Committee made up of 6 members (2 from each partner authority with one substitute) has now met 6 times and considered agreed a number of key strategy and policy arrangements. These include the Business Plan, Strategic Assessment (priorities) and Control Strategy (work plan) It also considered and recommended the 2018/19 budget and considered key policies on the use of monies received under the

asset recovery incentivisation scheme including setting up the successful Public Protection Community Fund. Finally it has received regular performance reports. All PP Joint Committee papers can be found here:

<https://wokingham.moderngov.co.uk/ieListMeetings.aspx?Committeeld=363>

It is important to recognise that this Committee is as much a Committee of this Council as is any other committee with delegated powers. It is clear 6 meetings in that this new arrangement consisting of the Joint Committee and the Joint Management Board has meant that WBC has a greater level of control over the priorities and policies of the shared service, and over budget setting and other financial matters.

Operational issues

The PPP has delivered a high level of performance on a reduced budget. The performance paper considered by the Joint Committee in June 2018 sets this out in detail. Because of the size of PPP, the service has been able to draw on expertise to develop areas such as the intelligence function, case management unit, financial investigation team and its approach to programme delivery. It is recognised as an effective and high quality service by others and currently delivers services such as case management, petroleum enforcement, animal health, animal feed work and financial investigations to other authorities. Finally it has been able to attract grant funding for regional and national investigations where the offences affect local residents but the offending is cross border.

That said there are still operational challenges. A review of the service is currently taking place to examine if current arrangements are suitable as the service continues to embed the National Intelligence Model. This will report in October and will be considered by the Joint Committee in due course.

IT is a significant problem and the service still has three databased operating on two servers. Work is underway to procure a new single system for PPP. There is also the issue of accommodation. It is clear that being spread over multiple sites is not helpful to service cohesion and culture. This is likely to feature in the forthcoming review although any change could require significant investment.

Finance

The Joint Committee makes representatives to each partner authority about the cost of the service and fees and charges but the Council sets its own budget and fees and charges through its annual budget setting process.

The WBC contribution to PPP in 2018/19 is £1.14M which equates to approximately 33.6% of the PPP budget. The new service produced a recurring saving of 70K per annum for WBC. This was in addition to the £180K produced by the previous shared service.

The service continues to develop and innovate but there are significant financial challenges. While WBC has saved £250K per annum through delivering services through PPP, the continued demand for further budget reductions is likely to be maintained over the short to medium term. It is likely that further savings will be achieved in 2019/20.

Income is problematic also particularly loss of income from Licensing Act 2003 activities with a significant number of licensed premises closing. A full review of discretionary fees has taken place ahead of the 2019/20 budget setting process with a view to aligning the former BFC and West Berkshire/Wokingham fees structures where appropriate. The basis is full cost recovery and any decision to set fees lower will amount to a subsidy of those fees which is a matter for each individual authority.

Fees and Charges

As part of the move towards full cost recovery the Joint Committee has taken a three stage approach. In the first instance a full cost recovery rate of £53 per hour was approved. This is now £55 per hour. In the second instance it was agreed that principle of full cost recovery should apply to all discretionary fees and charges set by the Councils. Finally the Joint Committee agreed a methodology for setting fees. Details are shown at Appendix 2 to this report.

The next stage will be for the Joint Committee to propose a 2019/20 fees and charges schedule to each Council. This is an agenda item for their meeting on the 18th September 2018. It is important to stress that whilst the Joint Committee has an obligation to recommend a budget and a fees and charges schedule to each of the Councils, it remains the responsibility of each council to set its own budget with respect of PPP including fees and charges and anything proposed can be varied locally including any decision to lower the fee and effectively provide a local subsidy.

Opportunities for the future

The PP continues to seek new sources of income. This could include undertaking work on behalf of other local authorities. These decisions will be taken by the Joint Committee but if the proposal is to have another full partner join the shared service, this would be considered by each partner Council's Executive. Where efficiencies give rise to savings, the legal agreement provides a mechanism for equitable sharing of any future savings based on the original cost basis.

Engagement with Partner Authorities and Others

Shared services are driven largely by the financial challenges local authorities now face and to achieve resilience in service delivery. PPP is committed to raising the profile of issues, its work and the partner councils as it delivers its vital protective services. It also seeks to work with other aspects of partner authorities work. This is very evident with Wokingham Council where the service currently works with planning and housing functions regularly over poor housing standards, illegal caravan sites etc. It also works with adult social care on Support with Confidence and safeguarding matters and with colleagues in public health to deliver the youth alcohol and tobacco harm reduction strategies.

The service will continue to engage directly with Members of each of the partner Councils to highlight work going on in the priority areas such as poor housing, doorstep crime, licensing etc. Examples of this engagement include the Members Bulletin and Licensing Bulletin.

In terms of other key local partners we work closely with Thames Valley Police, RBFRS, schools and where appropriate town and parish councils amongst others.

In short the PPP although a shared service is very much a local service focussed on local issues.

Other financial information relevant to the Recommendation/Decision
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There will be a further reduction in funding in 2019/20

Cross-Council Implications

As set out in report

List of Background Papers

Joint Public Protection Committee reports and Minutes at https://wokingham.moderngov.co.uk/ieListMeetings.aspx?Committeeld=363

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Date 31 August 2018	Version No. 1

Public Protection Partnership

Bracknell Forest
West Berkshire
Wokingham

A shared service provided by Bracknell Forest Council, West Berkshire District Council and Wokingham Borough Council.

BUSINESS PLAN

An outline of the arrangements designed to guide service delivery.

2017

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DRAFT

1. BACKGROUND AND INTRODUCTION

Since 2010 Wokingham and West Berkshire Councils have been working together in delivering joint services and they have been considered to be successful, both in terms of financial savings and protecting valuable frontline public protection services (Trading Standards, Environmental Health and Licensing). This arrangement expired in January 2017.

Following discussions between Bracknell Forest, West Berkshire and Wokingham Councils there was general agreement between officers and members that a new joint service could be formed which assimilated best practise from a range of other successful joint services and help deliver further efficiencies and provide professional resilience.

During 2016 a business case) was developed to evaluate the need for an expanded joint Public Protection Service ('the Service'). A Project Board was set up consisting of senior officers from Bracknell Forest, West Berkshire and Wokingham Councils ('the Partners') and a series of meetings led to the production of this business plan which is designed to give direction to the new service.

The legal mechanism which binds the Partners is referred to as the 'Inter Authority Agreement' (the Agreement) and this business plan expands on the details required to ensure a healthy working relationship – it is the primary schedule attached to the Agreement and any changes to it requires approval from all the Partners.

The complex nature of the various statutory responsibilities this new service will be required to undertake does require a great deal of explanation. Given the challenges facing local government resources, it is vital that the Partners understand how the new service will meet these requirements and appreciate how the various priorities are balanced against the resources that are available. These priorities will be established through the evaluation of evidence, information and professional judgement. This business plan will communicate how decisions will be made, why they are made and how the risks attached to those decisions will be managed.

The governance arrangements of the new service, which will be discussed in more detail later on in this document, aim to provide fairness, equity and transparency to the Partners through a Joint Committee and to the public these organisations serve. There should be no loss of local input and community needs will be a vital part of any decision making.

2. VISION

To protect and support residents and legitimate business through the successful use of information and intelligence, delivering safe and healthy neighbourhoods.

3. MISSION

The purpose of the service is to: -

- Provide people information to enable them to make informed decisions and understand their rights and responsibilities.
- Create an atmosphere where legitimate and compliant businesses can thrive and not have their interests undermined by those who choose not to comply.

- Preserve the health, wellbeing and safety of the communities we serve.

4. VALUES

Our values have a major influence on the way we want to be seen:

- Objectivity in decision making.
- The desire to meet the needs of the community.
- An approach to service delivery which is professional on every level.

5. AIMS

Schedule 5 of the IAA outlines the strategic aims:

- The sharing of expertise and best practice.
- The creation of greater resilience and robustness to cope with unforeseen challenges such as disease outbreaks, large scale investigations or loss of key personnel.
- Sharing and developing resources to drive efficiency and effectiveness including systems and areas of specialist knowledge such as legal, finance and investigative skills.
- Eliminating duplication by needing to do things only once across all locations and elements of the service for example procedures and standard documentation.
- Building on the success and innovation of the partners to agreement and learning from each other and implementing that learning.
- The effective use of communication to protect communities and enhance the reputation of the Partnership and the Councils.
- Reduce costs by operating jointly.
- Making effective use of partnership funding, service specific grants and monies received from the Proceeds of Crime Incentivisation Scheme.
- Development of the Service in ways which drive further efficiencies and service improvements.
- Playing our role and enhancing our reputation on a regional and national level.

6. SCOPE OF THE SERVICE

Each area of work carried out by the Service originates from a legal requirement placed on local authorities. It is stated in the Constitution of each local authority Partner how these functions can be

delegated, and the Agreement sets out the mechanism by which this delegation of powers has been achieved.

6.1 Relevant Functions

Below is a list which provides a general guide to the regulatory and public protection functions which will be delivered by the Service (definitive list is at Schedule 2 of the Agreement):

- Air quality management
- Animal warden
- Animal welfare
- Contaminated land
- Communicable diseases
- Community education
- Community mediation
- Consumer advice
- Environmental nuisance protection
- Fair trading
- Financial investigations
- Fraud and counterfeiting
- Food and Feed safety, standards and hygiene
- Gambling
- Health and safety at work
- Health promotion
- Industrial pollution
- Licensing
- Metrology
- Overloaded vehicles
- Pest control
- Petroleum and explosives
- Primary Authority
- Private sector housing
- Product safety
- Public health
- Rogue trading
- Scams
- Taxi licensing
- Underage sales
- Water supplies

7. GOVERNANCE

A defining feature of the Service will be the open and transparent way for each of the Partners to come together and make decisions, understand the complexities of the functions being delivered and appreciate the rationale for service priorities. There will be 3 distinct layers of governance (see below), allowing for a good balance between flexibility and oversight, encouraging discussions between officers and members and keeping a firm set of priorities at the heart of everything the Service does.

7.1 Joint Committee ('The Committee')

This is the top tier of governance consisting of each Partners Executive Member covering the full range of Environmental Health, Licensing and Trading Standards. In addition each Partner nominates a second Member and a substitute Member

The purpose of the Committee is primarily to determine on matters of policy and strategic direction for the partnership, including considering and determining applications to be part of the Partnership or the services provided by it. Additionally the Committee will have financial oversight to ensure that budgets are being well managed, to understand any risks that may arise during the term of the agreement, keep under review the agreed percentages and proposing a fee structure for the three Councils.

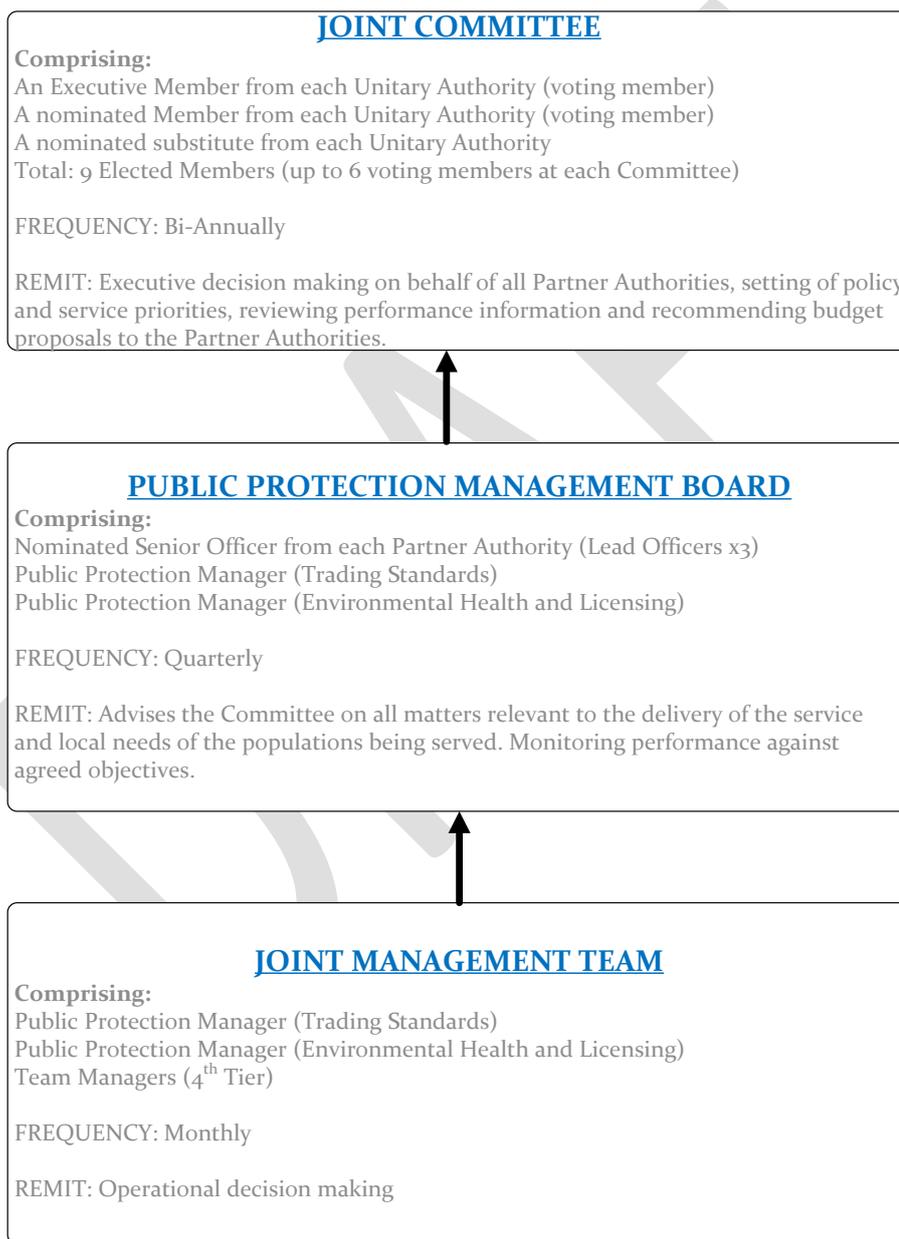
7.2 Joint Management Board ('The JMB')

The JMB advises the Committee and consists of nominated Lead Officers (LO) from each of the Partners.

Each Partner must have a LO on the Management Board, which assesses a variety of criteria to ensure the good health of the Service, monitors its performance against agreed objectives and chooses the items considered most relevant to update the Committee every 6 months.

7.3 Joint Management Team ('The JMT')

This team will consist of the Public Protection Managers (Third Tier) and Operational Team Managers (Fourth Tier). This team will consider the application of the operating model (see section 8.3) and ensure that the appropriate level of information and intelligence is provided to the JMB.



7.4 Licensing Committee

Each Partner will continue to have a distinct Committee for the purposes of licensing decisions and the setting of the following policies:

- Licensing Policy – for the purposes of the Licensing Act 2003.

- Gambling Policy – for the purposes of the Gambling Act 2005.
- All Taxi and Private Hire Matters.
- All other policy matters which are delegated to each of the Partners' Licensing Committees as part of their Constitution.

Constitutional and procedural advice to the Licensing Committee will remain the responsibility of each Partner's legal and associated democratic services. This is to maintain the in-house knowledge and consistency that members expect and that is appropriate for local accountability. This is also the case for any associated meetings in the delivery of the Licensing Committee.

For Sub-Committees, local members will have full control of their delegated functions. The Service will ensure that each and every case referred to the appropriate Sub-Committee is properly made and in accordance with the requirements of the relevant legislation.

Appeals and challenges to Licensing Committee decisions will be managed and defended by each Partner in line with their own policies. Any technical licensing advice required in the process will be provided by the Service. This is to ensure that Members who make decisions are held to account by their own legal and financial services and it does not become a matter for the Board. For example, an appeal to the Magistrates against a decision by a Partners licensing sub-Committee will be represented by the Partners own legal team and any costs incurred will be met by the Partner outside of the Service's legal agreement.

8. APPROACH TO GENERAL POLICY AND DECISION MAKING

In line with the legal agreement and the appropriate delegations, the Service will develop its own distinct set of general policies. In the early stages of the agreement, the Service will aim to adhere to the Partners existing policy, which may be different across the different administrative boundaries but over time it will be a primary aim to reduce these local variations.

The Committee will set any policy for the Service, ensuring each Partner can contribute to the way the Service interacts with the community.

8.1 Public Protection Operating Model - Application of the National Intelligence Model¹

The Service will be managed by the JMT using an approach which firmly links the development of local knowledge, professional risk management and the gathering of information to generate intelligence. This operating model is considered very effective in explaining why, on a daily basis, officers follow a particular course of action. This is vital in the current financial climate and ensures that Members are well briefed on the service priorities, staff receive better tasking and direction and that public protection matters are more clearly defined.

There are specific products that are generated as a result of this operating model:

- **Strategic Assessment** – The Committee will be briefed annually (or more frequently if appropriate) on the status of the assessment which provides Members the best

¹ Referencing the Practice Advice produced on behalf of the Chief Police Officers by the National Centre for Policing Excellence (2007)

overview of current, emerging and long-term issues and leads to setting service priorities.

- **Tactical Assessment** – The JMT will focus on the more immediate issues being dealt with and review their priorities and resource allocation on a monthly basis.
- **Problem profile** – Under the guidance and direction of the assessments, Team Managers (4th Tier) will set up projects to deal with a specific type of problem (i.e. under-age sales or noise nuisance) and which may be defined to a particular geographical area. This may be prevention, intelligence gathering or enforcement.
- **Subject profile** - Under the guidance and direction of the assessments, Team Managers (4th Tier) will set up projects to deal with specific individual or groups of people. This may be prevention, intelligence gathering or enforcement.
- **Tasking** – This is the process where Team Managers (4th Tier) will agree how to use resources to deliver the projects. This will always relate to the priorities and the availability of resources at the specific point in time.

The Service will take some time to evaluate the information it has available to settle on some common strategic priorities. Within the first year of operation, the service will produce a strategic assessment for the Committee to decide the priorities. The service will be guided by the JMB on Partner service levels until the first assessment is produced; this will maintain a ‘business as usual’ experience for residents and businesses.

8.2 Content and Approval of the Strategic Assessment

The production of a Strategic Assessment is the responsibility of the JMT and submitted to the JMB for first review. Once the JMB is satisfied that the product is ready for publication and submission to the Committee it is raised as an agenda item for it to consider at a meeting to be held in the first month of the financial year e.g. April.

The Strategic Assessment should include²:

- Executive Summary
- Introduction
- Performance Review
- Complaints and Intelligence Summary
- Current Control Priorities Analysis
- Emerging Issues
- Organisation Issues
- Cross Cutting Issues
- Future Control Priorities Recommendations
- Intelligence, Prevention and Enforcement Recommendations

8.3 Public Protection Control Strategy

This strategy is owned by the Committee and is a publically available document. It is the culmination of the various intelligence based assessments and published annually to communicate the service priorities. To view examples of how other authorities use these [click here](#).

² National Trading Standards Board – TS Intelligence Operating Model Reference Material Appendix 6

8.4 Evaluation of Information and Intelligence to Inform the Strategic Assessment

'Information' is data of any description and in the context of the Service might be:

- Details of businesses operating in the area.
- Residents' details.
- Previous interactions with businesses.
- Open access data from the internet.
- Data passed to the service from partner agencies.

'Intelligence' is the gathering of information and processing it, this could include:

- Evaluation of information to identify links between people and places.
- Analysis of enquiries (includes service requests and complaints) made by residents to target hotspots of criminal behaviour.
- Review of complaints about businesses to generate a list of inspections and audits.
- Conduct a 3 year historical survey of all noise investigations to identify communities at risk from noise.
- Produce risk profiles for individuals who may be targeted by criminals e.g. rogue trading.
- Organising data collected into ward level profiles to engage with local members, town and parish councils etc.

8.5 Risk Profiles

In addition to the production of the assessments and the control strategy, the JMT will ensure that each function (see 6.1) of the Service, and any other relevant issues such as management capacity or availability of technical expertise will be evaluated for the following risks:

- Public Safety
- Public Health
- Finance (internal/public)
- Reputation
- Political

The evaluation will be a professional judgement based on accumulated knowledge, current data and predicted trends from a wide variety of sources (including the Partners Lead Officer, Members, Residents and Businesses). The JMT will employ a matrix system to monitor service controls and regularly review control measures. Where 'red' risks are identified i.e. where one is considered significant and requires management intervention, an action plan will be issued to guide the Service back towards a more tolerable level of risk. This usually identifies a change in resource allocation, work pattern/methodology or an injection of new resource based on successful bidding.

Scores are ranked 1-4 in both impact and likelihood, with gross and net ratings stated (before and after controls are implemented). Each functional team is then monitored for progress and trends, based on the demands on the service and any change in local situation.

Extreme Impact - Rarely 4	Extreme Impact - Moderate 8	Extreme Impact – Likely 12	Extreme Impact - Almost certain 16
High Impact - Rarely 3	High Impact - Moderate 6	High Impact - Likely 9	High Impact - Almost certain 12
Medium Impact - Rarely 2	Medium Impact - Moderate 4	Medium Impact – Likely 6	Medium Impact - Almost certain 8
Low Impact - Rarely 1	Low Impact - Moderate 2	Low Impact - Likely 3	Low Impact - Almost certain 4

The JMT will update the JMB on the risk profiles of the Service at each of their meetings.

9. STRATEGIC PRIORITIES

In advance of the first Public Protection Partnership Control Strategy (to be published April 2018), officers have produced an initial list of priorities to maintain a ‘business as usual’ approach for residents, businesses and Members.

9.1.1 Year 1 Priorities (in no particular order)

Schedule 5 of the IAA outlines the initial priorities under the following headings:

- Community Protection
- Protecting and Improving Health
- Protection of the Environment
- Supporting Prosperity and Economic Growth
- Effective and Improving Service Delivery

9.1.2 Conclusions

These strategic priorities for year 1 do not change the overall nature of the Service or the relevant functions it is expected to deliver – see section 6.1. There will always be a level of risk to the Partners when resources do not allow for all statutory services to be delivered at any one time. However, it is the intention that the operating model together with the publication of a control strategy, should maximise transparency of why certain areas of work have been prioritised; thus helping to ensure that any work carried out has the most beneficial outcome for the community.

10. Effective Internal Systems

In addition to the Service delivering a quality operating model for its relevant functions, there are a number of areas where development should take place to ensure that staff are well managed, the Service runs smoothly and has a healthy, positive relationship with each of the Partners. Over the term of the agreement the JMT will develop the following themes:

- Ensure service management is consistent and good quality across all functions.
- Deliver quality financial information to managers and members.

- Develop online services to improve engagement with residents and business.
- Use clear professional decision making to target enforcement action against those who demonstrate a disregard for the law and the consequences of their actions.
- Regularly review operating procedures to reduce duplication.
- Protect the selection of services available to residents and businesses by charging for them.
- Develop a service specific ICT Strategy which focuses on reducing duplication, integration and cost reduction.

10.1.1 Case Management

The Service will manage the case management process to ensure that investigations and legal proceedings 'relevant functions' identified within the agreement comply with law and good practice. In general terms this would be:

- Evidence collection and preparation.
- Witness management.
- Disclosure.
- Case review.
- Production of case files
- Conduct and management of Proceeds of Crime investigation and proceedings

11. Enforcement

11.1 Enforcement Policy

In line with the Agreement the Service will operate in accordance with the enforcement Policy as follows:

- The Regulators Code will form the basis for the general approach to the delivery of the service.
- The Code for Crown Prosecutors (as amended from time to time) will be the policy basis for decisions on institution or otherwise of legal proceedings.

11.2 Age Restricted Products - Enforcement Approach

There is a legal requirement for the Councils to consider their approach to the enforcement of the age restriction requirements relating tobacco, tobacco products and aerosol spray paints. The Policy set out at **Appendix A** will apply to all age restricted product enforcement.

12. PERFORMANCE MONITORING

The Committee will set any performance targets for the Service to meet. It is intended that the performance monitoring will be presented in the following way:

- Monthly report to the JMB which includes:
 - Team news; this outlines personnel matters, complicated or high profile cases, specific political or media issues.

- Agreed measures of volume; this is a collection of relevant total numbers to demonstrate scale and demands placed upon the service.
 - Risk profiles.
 - Structure charts – to identify the teams and how they are resourced.
- Quarterly performance data which reflects the service priorities. These are currently in Schedule 5 of IAA under the Service Specification.
 - Annual report to the Committee, which includes year on year comparison data to identify trends throughout the term of the agreement between the Partners.

13. WORKFORCE PLANNING

The service will report annually to the Committee summarising the following issues:

- Recruitment and retention.
- Quality and quantity of applicants.
- Unfilled vacancies.
- Results of employee attitude surveys.
- Turnover rate.
- Feedback from exit interviews.
- Organisational development.
- Flexible working.
- Structure.
- Skills development.
- Learning and development.
- Skills resilience.
- Leadership and management development.
- Pay and reward.
- Regional benchmarking.
- Agency, Casual and Contractor use.
- Overtime.
- Use of the job evaluation process.

14. PROFESSIONAL WORKING GROUPS

The Service will support officers to participate across the wide range of professional working groups required to provide an effective service. The terms of reference and evaluation of benefits received from such participation will be assessed by the JMT, these include (but not exclusively):

- Safety Advisory Groups
- Regional specialist groups – e.g. Berkshire EH Managers, LGA Focus Groups
- Trading Standards South East Ltd
- National Groups – e.g. NTSB / NEHB, FSA Focus Groups
- Thames Valley Police Licensing Liaison
- Thames Valley Police LPA Tasking
- Corporate ICT focus groups
- Data Security
- Emergency Planning and Business Continuity
- Corporate Health and Safety
- Equalities and Diversity

Where there are concerns over the resources required to meet expectations from professional working groups this will be escalated through the governance model.

15. SERVICE LEVEL AGREEMENTS - INTERNAL SUPPORT SERVICES

15.1 Legal

Each Partner will provide legal support to the Service as instructed by the Service. In general terms this would be:

- Constitutional advice, including attendance at any relevant Committees e.g. Licensing
- Criminal and civil litigation
- Defend claims, liabilities and costs applications which may arise during the delivery of the service.
- Assist with legal interpretation matters arising from elected members.
- Attend working groups to determine enforcement policy and procedures.
- Liaise on matters relating to data protection, corporate complaint and Freedom of Information requests.

Instructions to the Partnership legal teams will be at the carried out by the Head of Service, Public Protection Managers or Case Manager. We will seek to draw upon the expertise of the various teams and instruct accordingly.

15.2 Finance

The Host manages day to day financial matters, as stated in the agreement, but it is considered necessary for each Partner to retain a degree of support for both the Client Officer and their Members.

15.2.1 Advising Members

In order to ensure that each Partner has the ability to advise its own Members on financial matters that may arise over the term of the agreement the following activities should be considered from time to time:

- Availability to attend Committee meetings.

15.2.2 Advising the Lead Officer

In order to ensure that each Partner has the ability to advise its own Lead Officers (or 'Client') on financial matters that may arise whilst operating the service the following activities should be considered from time to time:

- Facilitate the transfer of money processed by any cash office hosted by a Partner authority.
- Liaise with the relevant service manager on the calculations required to understand inflationary changes to transactions between Partners.
- Information on the service cost centres to inform decision making process at the Committee and the JMB.

15.3 Information, Communication and Technology (ICT)

Each Partner will provide suitable and sufficient ICT services and equipment in line with current agreements and standards. Areas to be included, but not exclusively are:

- Laptop's, PC's and telephones.
- Connections and network support to all hardware utilised at local sites.

- Advice on development opportunities.
- Maintenance of all hardware and software.
- IT Helpdesk facilities.
- Data security advice (this will include a policy review to align practices where possible and agreed through the JMB).

15.4 Property

Each Partner will provide suitable and sufficient accommodation, maintenance and repair for all staff located within the local offices. All existing standards should be maintained and any proposed changes to the accommodation allocated to the Service should be notified to the JMT by the Lead Officer as soon as is reasonably practicable.

This should include:

- Storage for evidence.
- Filing space.
- Equipment cupboards.
- Personal storage lockers for staff equipment and belongings.

15.4.1 Car Parking

Each Partner will provide facilities for staff to park their cars in close proximity to the local offices and any proposed changes to the parking allocated to the Service should be notified to the JMB as soon as is reasonably practicable.

15.4.2 Security Passes

Each Partner will provide facilities for staff to access the local offices and any proposed changes to the passes allocated to the Service should be notified to the JMB as soon as is reasonably practicable. Once in place, the Service will assume responsibility for the management of these issues and liaise with the appropriate Lead Officer.

15.5 Media Liaison

Each Partner will provide the Service with access to resources to process media enquiries relevant to the Service. This will include:

- Logging all media enquiries relevant to their area.
- Liaising with relevant elected members.
- Provision of advice to the service when requested.
- Assistance in promotional campaigns.

The Client Officer will advise the Service of any local procedures and facilitate where appropriate.

The Communications Strategy for the PPP is set out at **Appendix B** to this Business Plan.

15.6 Customer Services

Each Partner will provide the following:

- Local reception facilities for customers of the Service.
- Main switchboard facilities to direct calls to the Service.

- Web support for hosted pages relevant to local services.

15.6.1 Corporate Complaints

The Service deal with any direct Stage 1 complaints (defined as complaints directly relating to the delivery of the service and/or its staff) and then each Partner authority will remain responsible for Stage 2 complaints (defined as the Stage 1 complaint review process) in liaison with the Service. This also includes liaison with the Ombudsman and any MP involvement.

15.6.2 Data Protection

The Service will keep records of any DPA requests and provide them to any Partner authority who requests them.

15.6.3 Freedom of Information

The Service will keep records of any FOI requests and provide them to any Partner authority who requests them. Where multiple FOI requests are made to each Partner authority, a protocol will be agreed.

16. EXTERNAL CONTRACTS

In line with the Agreement, the Committee will consider any new external contracts on behalf of the Service or delegate to an appropriate officer. Existing contracts will be monitored by the JMT as part of normal business activity.

17. FUTURE OPPORTUNITIES

Whilst this business plan outlines the way the initial Partners will operate together, it should be noted that there will be an embedded aspiration to grow the Service to improve economies of scale, reduce duplication and generally look for opportunities to save money.

Given the highly technical and specialist areas of intelligence, investigation and case management and the relative scarcity of this expertise in the public sector, the Service will look to encourage other public bodies to consider using them to deliver these functions.

It is not the intention of the Service to produce extensive marketing to seek out commercial opportunities but, as part of ongoing service delivery, if there are enquiries as to the availability of services it is intended that such enquiries will be followed up.

The Committee will be kept informed of all enquiries that progress to viable business opportunities to grow the Service.

APPENDICES

A. AGE RESTRICTED PRODUCTS – ENFORCEMENT APPROACH

B. COMMUNICATIONS STRATEGY

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Background to Fee Setting – LGA Guidance

Licensing is an integral part of councils' broader regulatory services. Regulatory services are increasingly recognised as being at the heart of councils' approaches to economic growth, officers working in licensing have regular interactions with businesses and can therefore have an important role in helping them become established and grow, at the same time as ensuring they adhere to important safeguards.

The Licensing team are responsible for administering a range of licences and approvals relating to both national legislation and discretionary functions that are agreed locally. For the majority of these regimes the costs are recovered through fees set by the council and paid by the licence applicant. It is an accepted principle in relation to these schemes that those who benefit from the system (eg licence holders) should cover the cost of it. Locally set fees are a vital means of ensuring both that full costs can be recovered thus reducing the risk of needing a subsidy from local tax payers, and that businesses do not pay more than they should.

While the licensing role within local government may be long established, the decisions that are being made by individual councils in this area are facing increased scrutiny from businesses, the public and in the media, particularly in relation to fee setting. Recent case law resulting from the European Services Directive for example has placed an added emphasis on the need for fees to be set in a legally robust and transparent manner.

The Local Government Association (LGA) has produced guidance to help councils understand the full breadth of issues that should be considered when setting local licence fees in order to meet legal obligations and provide the necessary reassurances to local businesses. There is no 'fee calculator' as such because there is no uniformity of service design and associated costs, rather each council should be free to design the service that best serves the needs of their community and recover costs accordingly.

It is an accepted principle that licensed activities should be funded on a cost-recovery basis, paid for by those benefiting from the licensed activity, rather than drawing on the public purse.

Where councils have the flexibility to set local fees, it is possible to consider how resources can be focused on risk; whether business support is effective; and how the burden of inspections can simply be removed where it is not necessary. A streamlined approach to licensing will ensure that fees are kept to a minimum and businesses can be encouraged to prosper.

The European Services Directive aims to make it easier for service and retail providers to establish a business anywhere within Europe. The principle of ensuring that regulation is transparent and that the burdens placed on businesses are kept to a minimum is an objective that all councils can support. However, the legal requirements

in the Directive do have practical implications for local licensing regimes, including fee setting.

The Directive does not apply to licensing of taxis, or gambling activities; however, the principles remain a helpful way of providing a transparent and business-friendly approach to licensing.

The general principles of the Services Directive apply to all processes and administrative procedures that need to be followed when establishing or running a service or retail business, including the setting, charging and processing of fees for licences.

The core principles of the Directive – non-discriminatory; justified; proportionate; clear; objective; made public in advance; transparent and accessible – apply to fee setting and have the aim of ensuring a fair and transparent approach for local businesses and communities.

The principle of ‘non-discrimination’ applies to fee setting meaning that all applicants must be treated equally irrespective of location and/ or nationality. Councils should not, for instance, seek to subsidise businesses operating in one geographical area by offering comparatively lower fees than required of those operating in another. This would be discriminatory. The importance of this approach has also been established by case law on taxi and PHV licensing which, as it is not covered by the Services Directive, demonstrates that some core principles are shared between UK and EU legislation. *Cummings v Cardiff* ruled that the charges within a licensing regime for different categories of licence should not subsidise each other; so a surplus gained on hackney carriage licences should not reduce the cost of a private hire vehicle licence. This can be logically extended to mean that the fees received under one licensing regime must not subsidise fees charged under another. For instance, a surplus generated by taxi fees must be reinvested back into taxi licensing and not used to reduce the cost of, for instance, a scrap metal dealers licence.

All councils should therefore ensure that they have individual, discrete cost-calculations for each of the licensing regimes that they operate.

Under the Services Directive councils need to ensure that details of any fees are easily accessible online, including the ability to make payments online.

Councils should be able to separate out the cost of processing an initial application from those costs associated with the ongoing administration of a scheme, because this latter element cannot be charged to unsuccessful licence applicants. This was a key issue in the *Hemming v Westminster* case. In this it was established that licensing authorities need to ensure their fee structures for fees covered by the Services Directive, that application fees relate solely to the cost of authorisation procedures (ie, the costs associated with reviewing an application and granting / refusing a licence). Further more successful licence applicants should subsequently be charged an additional fee relating to the costs of administering and enforcing the relevant licensing framework.

Not all legislation permits councils to separate out elements of the fee in this way. For instance, the Licensing Act 2003 has fees set nationally, which constrains councils' ability to adopt this approach.

It is deemed appropriate that councils should calculate the notional costs of administration and enforcement separately and make applicants aware of the two elements to the fee. In addition to meeting the transparency requirements of the Services Directive, this enables councils to examine the efficiency of their internal processes and make improvements where necessary.

The Directive also includes specific requirements that apply to the charging of fees. Charges must be reasonable and proportionate to the cost of the processes associated with a licensing scheme. Councils must not use fees covered by the Directive to make a profit or act as an economic deterrent to deter certain business types from operating within an area.

Fees should be broadly cost neutral in budgetary terms, so that, over the lifespan of the licence, the budget should balance. Those benefitting from the activities permitted by the various licences should not, so far as there is discretion to do so, be subsidised by the general fund. To ensure that fees remain reasonable and proportionate it is necessary to establish a regular and robust review process. Annual reviews allow for the fine tuning of fees and allow councils to take steps to avoid either a surplus or deficit in future years.

Councils that divert fees income from the relevant licensing scheme to fund other licensing work, or to fund other council activities, will be breaking the law.

Where fees charged result in a surplus, both *Hemming v Westminster* and *Cummings v Cardiff* state that this surplus must be used to reduce the fees charged in the following year.

Deficits can similarly be recovered⁵, although where there is a significant deficit, councils may want to consider how recovery can be undertaken over more than one year so as not to financially harm otherwise viable businesses.

In the interests of transparency it is helpful to give an indication of how the fee level has been calculated; the review process in place and a contact method for businesses to query or challenge the fees. Open consultation with businesses and residents to design a local service, including understanding the implications for fees, helps to provide a robust answer to challenge.

What can be included in a licence fee?

The following elements may be considered when setting licence fees depending on whether they apply locally, or individual pieces of legislation may have specific items that may or may not be chargeable under the scheme.

Initial application costs could include:

Administration – this may cover basic office administration to process the licence

application, such as resources, photocopying, postage or the cost of handling fees through the finance department. This could also include the costs of specialist licensing software to maintain an effective database, and printing licences.

Initial visit/s – this could cover the average cost of officer time if a premises visit is required as part of the authorisation process. This may include travel time and ‘on-costs’

Third party costs – some licensing processes will require third party input from experts, such as veterinary attendance during licensing inspections at animal related premises.

Liaison with interested parties – engaging with responsible authorities and other stakeholders will incur a cost in both time and resources.

Management costs – these may be included as an average management fee where it is a standard process for the application to be reviewed by a management board or licensing committee or alternatively as an ‘on cost’

Local democracy costs – consideration of the recovery of any necessary expenditure in arranging committee meetings or hearings to consider applications may be considered.

On costs – including any recharges for payroll, accommodation, including heating and lighting, and supplies and services connected with the licensing function.

Development, determination and production of licensing policies – the cost of consultation and publishing policies can be fully recovered.

Web material – the EU Services Directive requires that applications, and the associated guidance, can be made online and the budget for this work may be included.

Advice and guidance – this includes advice in person, production of leaflets or promotional tools, and online advice.

Setting and reviewing fees – this includes the cost of time associated with the review, as well as the cost of taking it to a committee for approval.

Further compliance and enforcement costs could include:

Additional monitoring and inspection visits – councils may wish to include a charge for risk based visits to premises in between licensing inspections and responding to complaints. As with the initial licensing visit, councils can consider basing this figure on average officer time, travel, administration, management costs and on costs as above.

Local democracy costs – councils may want to recover any necessary expenditure

in arranging committee meetings or hearings to review existing licences or respond to problems.

Registers and national reporting – some licensing schemes require central government bodies to be notified when a licence is issued. The costs of doing this can be recovered.

Charging for action against unlicensed traders

A Councils' ability to charge for these costs as part of a licensing scheme depends on the licensing scheme in question. In *Hemming v Westminster*, the Supreme

Court ruled that the Services Directive made no mention of enforcement costs. Councils' ability to charge these costs to applicants for licences is therefore dependent on the UK legislation.

The Court ruled that licensing authorities are entitled under the Local Government (Miscellaneous Provisions) Act 1982 to impose fees for the grant or renewal of licences covering the running and enforcement costs of the licensing scheme; in this case, e.g. sex shops.

However, legal interpretation of taxi and PHV licensing suggests that councils do not have the power to recover the costs of any enforcement against licensed or unlicensed drivers at all, although they may recover the costs of enforcement against vehicles.

The LGA believes that section 70(1) of the 1976 Act makes it clear that the costs of enforcement against licensed operators can also be recovered through a fee; however, the position on recovering these costs is contested.

Home Office guidance under the Scrap Metal Dealers Act, which councils must have regard to, prevents the recovery of enforcement costs against unlicensed dealers only.

Unrecoverable costs

It is worth considering that the costs of defending appeals in the magistrate's court or via judicial review can be recovered through the courts. Including these costs within the fees regime could lead to recovering the costs twice, which would be inconsistent with the Services Directive.

1. PPP fee setting

The current fees for West Berkshire/Wokingham and Bracknell have not been amalgamated as yet but it is the clear wish for the PPP that they are as consistent as is possible. (current fee regimes are shown as Appendices One and Two)

This is a good opportunity to review all of the fees as a fresh start and produce a meaningful robust and transparent fee structure that are well founded.

It has been suggested that the fees should be looked at with the high volume fees as a priority-taxis and PHV licences. The differences in the two fees structures is particularly notable in this area.

It is anticipated that the timescale for this would mean a proposed set of fees could be brought back to the JMB by August.

There currently seems little point in undertaking a review of the animal licence fees as there is a proposed change to this licensing regime due to come into effect later this year which is also thought to include standard fees.

The basic model for setting the fees across the service will be to look at each licence type – taking into account the guidance of the LGA Open for Business publication and the principles it outlines on what can and cannot be charged for and arrive at a time/cost equation for the process and fee based on the hourly fee of £55.

The time element of the fees setting will be informed by time recording which is currently carried out across the service and by some additional 'time and motion' studies for each licence type. It is proposed that this will be an average figure at this stage as currently the work is carried out slightly differently in each authority-work is currently being undertaken to ensure consistency of process across the PPP both in terms of the administrative process and policies.

Once a proposed fee structure is agreed by the PPP JMB it will need to go through the appropriate process in each authority of the PPP. It is a matter for each Council if they agree the figures proposed but as the fees will be set on a cost recovery based model any diversion from this will need to be subsidised by the authority, which is a potential risk for them.

TITLE	Flood Risk Management End of Year Update
FOR CONSIDERATION BY	The Community and Corporate Overview and Scrutiny Committee on 10 September 2018
WARD	None specific
STRATEGIC DIRECTOR	Josie Wragg, Director of Environment
LEAD MEMBER	Norman Jorgenson, Executive Member for the Environment

OUTCOME/BENEFITS TO THE COMMUNITY

To inform Members of the progress made with the Lead Local Flood Authority's (LLFA) duties under the Flood and Water Management Act (FWMA) 2010 during 2017/18.

RECOMMENDATION

The Committee is asked to note the update on flooding and drainage during the financial year 2017/18.

SUMMARY OF REPORT

Flood and water management is a key responsibility of Wokingham Borough Council in its role as the Lead Local Flood Authority (LLFA) following the introduction of the Flood and Water Management Act (FWMA) in 2010. The LLFA has been progressing with the implementation of its new responsibilities whilst continuing to deliver existing related services. This report provides an update to Members of the progress made during 2017/18. The next 12 months will see further progress following the creation of a dedicated Drainage team covering flood risk management, land drainage, reactive drainage, capital drainage and planning application reviews.

BACKGROUND

During 2017/18, the Flooding and Drainage officers made progress with fulfilling Wokingham Borough Council's (WBC) statutory obligations as Lead Local Flood Authority (LLFA) under the Flood and Water Management Act (FWMA) 2010, whilst continuing to carry out its responsibilities to maintain the boroughs highway drainage system. It is expected that progress leading into 2019 and beyond will improve even further following the appointment of another drainage officer to the team, who will be tasked with helping the Authority to fulfill its role as LLFA.

ANALYSIS OF ISSUE

Key elements that have been addressed by WBC over the last 12 months have included:

1. The completion of a Surface Water Management Plan for Shinfield;
2. Production of Section 19 Flood Investigation Reports following the July 2017 surface water flooding;
3. Progression with the development of the Flood Asset Register under Section 21 of the FWMA;
4. Progression with the implementation of Land Drainage Byelaws;
5. Adoption of the Wokingham specific SuDS Strategy;
6. Community engagement;
7. Reactive and capital drainage works.

1. Completion of a Surface Water Management Plan for Shinfield

WBC's Local Flood Risk Management Strategy (available under the Flooding & Drainage section of the WBC website) states that the LLFA will carry out Surface Water Management Plans (SWMP's) in areas at risk of flooding in the borough. In 2017, officers commissioned Peter Brett Associates to carry out an SWMP for Shinfield, following various reports from residents of highway flooding in the area. The SWMP involved conducting workshops, with various different stakeholders, where information about historic flooding was gathered and analysed. Stakeholders included Shinfield Parish Council, the Borough Councillors, Thames Water, and Wokingham Borough Council. The report recommends various measures to help reduce flood risk in the parish, some of which have already been carried out. For example, additional highways drainage pipes have been added in Church Lane and Basingstoke Road to help alleviate flooding on the highway. Furthermore, officers are currently in the process of applying to Defra and the Environment Agency for funding to develop a flood alleviation scheme which is recommended in the plan to reduce flood risk in the parish. The final plan has been issued by the consultant and will be published on the Council's website imminently. Officers will continue to carry out SWMPs for other parishes at risk in the borough over the coming months.

2. Section 19 Flood Investigation Reports

On becoming aware of a flood in its area, Section 19 of the FWMA requires LLFA's to investigate which Risk Management Authorities (RMA's) have relevant flood risk management functions, and whether each of these RMA's have exercised, or is proposing to exercise, those functions in response to a flood.

In February 2013, WBC's Flood Investigations Policy was agreed via an Individual Executive Member Decision (IEMD) which set the threshold at which a formal investigation of a flooding incident is undertaken by WBC.

Following the heavy rains in July 2017, where over 75 residents reported internal flooding to their properties in Wokingham, WBC in-house consultants, WSP, conducted parish based flood investigations to determine the cause of flooding. The reports made various recommendations for RMA's and all RMA's have been notified of these recommendations and given the opportunity to comment on the final reports. Since the flooding, WBC, RMA's and residents have been implementing various measures recommended by the reports in order to reduce the risk of flooding in the future.

A summary report of the July 2018 flooding is held by WBC officers and is available on request by emailing the flooding@wokingham.gov.uk.

3. Section 21 Asset Register

Under Section 21 of the FWMA the LLFA has a duty to maintain a register of features or structures within the borough that, in the opinion of the Authority, could affect flood risk. The LLFA must also maintain a record, linked to the register, of information regarding the ownership and state of repair of each feature or structure. The register and record helps WBC officers to develop more informed maintenance regimes which can take account of assets important for managing flood risk. It also helps to establish where the borough's drainage and watercourse systems are, allowing for quicker identification of the responsible authority in incidences of flooding.

Similarly to other LLFA's, it has been decided that WBC will put this information together in the form of a Geographical Information System (GIS) map layer that can be viewed on community maps by staff and residents. This work is on-going.

4. Land Drainage Byelaws

As a LLFA WBC are able to make byelaws to ensure the effective operation of the land drainage across the Borough. Wokingham specific Byelaws give the Council control over a wider area outside of the ditch line and extending up to 8m from the top of the bank. Not only does this have clear benefits in terms of protecting the natural floodplain of smaller watercourses and ditches but it would also assist with providing a 'buffer zone' for biodiversity. In 2017 WBC's land drainage byelaws were approved by Central Government and are available to view on the WBC website. Officers continue to use the byelaws to help deter residents and developers from carrying out inappropriate activities such as blocking an ordinary watercourse or culverting a ditch without permission from the local authority.

5. Sustainable Drainage Systems (SuDS)

Government consulted on the implementation of Schedule 3 of the FWMA between December 2012 and March 2013. Prior to the consultation, WBC was expecting to become a SuDS Approving Body (SAB) which would have placed responsibility on the Council for approval, adoption, and maintenance of SuDS on new developments. However, as a result of the consultation, in September 2014 Government proposed making better use of the planning system to secure SuDS in new development. It was confirmed in December 2014 that this approach would be taken forward and this was implemented as of 6th April 2015. It was also proposed that to support local planning authorities (LPAs) in assessing the provision of SuDS in new development, LLFAs would be made statutory consultees on all major planning applications with surface water drainage implications.

To deliver this enhanced planning system, planning guidance has been strengthened to give increased weight to the provision and maintenance of SuDS in the determination of planning applications. Non statutory technical standards for sustainable drainage systems have been published by DEFRA and the National Planning Policy Framework (NPPF) – Planning Practice Guidance (PPG) – Flood Risk and Coastal Change has been updated to provide further clarification on managing flood risk and securing the use of SuDS.

Officers have developed a standard Pre-Application Drainage Advice Note which sets out the requirements in terms of SuDS to support the various types of Planning Application. This is being issued to developers to inform them of our requirements at the Pre-Application stage. WBC has had a long standing commitment to consider adopting SuDS within the Borough and a

Wokingham specific SuDS Strategy has also been developed to ensure the SuDS are designed appropriately. This document sets out WBCs local requirements for sustainable drainage in the borough and provides guidance on the suitability of the various SuDS options in different areas of the Borough. The document, intended for use by developers and their consultants, was formally adopted in February 2017 and is being used by various stakeholders when designing and delivering and retrofitting drainage infrastructure in Wokingham.

6. Community Engagement

The Borough has a duty to engage with the public and representative bodies and share information with them.

Quarterly meetings are held with the Loddon Valley Residents Association. These meetings are used by local residents groups to voice their concerns. Thames Water, National Flood Forum and Environment Agency also attend these meetings. Officers also regularly attend the meetings of the Swallowfield Flood Action Group and are engaging with students and lecturers at the University of Reading to develop flood related research projects that aim to improve information sharing and knowledge of flooding within the borough.

Progress is being made with the setting up of Flood Action Groups and the recruitment of flood wardens in parishes at flood risk. Officers have been at various events to raise awareness of the benefits of Flood Action Groups and flood wardens. Information about

this has also been shared through social media, the WBC website, and borough and parish newsletters.

7. Reactive and Capital Drainage Works

Capital Works

In the financial year 2017/18 various capital schemes were completed including:

- Emmbrook Road capital drainage scheme, which involved the installation of approximately 100 metres of additional drainage pipe to alleviate flooding under the railway bridge on Emmbrook Road;
- Mole Road capital drainage scheme, which involved the installation of a new culvert underneath the road as well as ditch clearance to reduce the risk of future highway floods on this road;
- Basingstoke Road capital drainage scheme, which involved the installation of approximately 180 metres of additional drainage pipe and the installation of a number of acco drains outside residents properties to reduce the risk of flooding to the highway and to resident properties;
- Thames Street and High Street Sonning, capital drainage scheme which involved manhole lid replacements, gully lid replacements, the replacement of existing pipes, jetting and CCTVing of the existing system. This was combined with other highways works such as resurfacing and road sweeping in order to ensure collaborative working during the road closure;
- Grovelands Avenue Capital drainage scheme, which involved the installation of approximately 80 metres of filter drain to intercept surface water runoff during heavy rains;
- Reading Road phase 1 capital drainage scheme, which involved the replacement of an existing drainage pipe as well as CCTVing and jetting;
- Barkham Road capital drainage scheme, which involved various works including gully lid replacement, manhole lid replacement, ditch clearance, CCTVing and jetting. This will be followed by further drainage works as part of the Barkham Bridge replacement scheme;
- Wilderness Road phase 1 capital drainage scheme, which involved the replacement of a collapsed drainage pipe as well as CCTVing, root cutting and jetting.

Revenue Works

Throughout the financial year 2017/18 numerous reactive works were carried out to repair the drainage infrastructure in the borough including the emptying of 31,002 gullies, 9100 of which were cleared twice. Furthermore, over 1000 works orders were issued to the contractor to carry out repair works on the boroughs highway drainage.

FINANCIAL IMPLICATIONS OF THE RECOMMENDATION

The Council faces severe financial challenges over the coming years as a result of the austerity measures implemented by the Government and subsequent reductions to public sector funding. It is estimated that Wokingham Borough Council will be required to make budget reductions in excess of £20m over the next three years and all Executive decisions should be made in this context.

	How much will it Cost/ (Save)	Is there sufficient funding – if not quantify the Shortfall	Revenue or Capital?
Current Financial Year (Year 1)	n/a	n/a	n/a
Next Financial Year (Year 2)	n/a	n/a	n/a
Following Financial Year (Year 3)	n/a	n/a	n/a

Other financial information relevant to the Recommendation/Decision
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n/a

Cross-Council Implications

n/a

Reasons for considering the report in Part 2

n/a

List of Background Papers

The Flood and Water Management Act 2010 Wokingham SuDS Strategy 2017 Wokingham Land Drainage Byelaws
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Contact Francesca Hobson	Service Highways and Transport
Telephone No x6569	Email Francesca.hobson@wokingham.gov.uk
Date 31 th August 2018	Version No. 3

TITLE	Response to Approach for Finchampstead Parish Council on Footways, Kerbsides and Road Sign Issues
FOR CONSIDERATION BY	Community & Corporate Overview and Scrutiny Committee on 10 th September 2018
WARD	None specific;
DIRECTOR	Josie Wragg, Director of Environment;
LEAD MEMBER	Norman Jorgensen & Anthony Pollock, Executive Members for Environment & Highways & Transport

OUTCOME / BENEFITS TO THE COMMUNITY

To listen, engage and respond to Parish and Town Councils on specific highway concerns in their respective areas. And to recognise the part they can play on helping us improve.

RECOMMENDATION

- 1. To note the progress in dealing with the initial issues raised at the June Committee meeting;**
- 2. To look at strengthening the relationship between service delivery and the Parish & Town Councils.**

SUMMARY OF REPORT

This report provides the actions taken following the approach from Finchampstead PC in relation to ongoing issues such as:

- Dirty highway signage
- Damaged highway signage
- Street cleansing
- Footpath encroachment
- Highway drainage
- Obscured signs

This report also sets out the importance of engagement to develop a better understanding of available resources and what the respective services should deliver and what issues such as private vegetation may not be as easy and quick to resolve.

Background

The Council were approached by Finchampstead Parish Council on various highway issues and attended Overview & Scrutiny on 18th June when they presented various

issues as detailed above. To gain further understanding a meeting was arranged on 12th July which included representatives from; Cleaner & Greener, Traffic Management and Highway Drainage. This meeting was part meeting and part tour of the area. Following the meeting an Action Plan was drawn up that addressed the issues raised and is attached below.

Analysis of the Issues

Dirty / damaged highway signage – Highway signage should be spotted through the normal highway inspections and where a sign cannot be read properly an order is raised to have it cleaned or even replaced.

Street cleansing – Street cleansing is a statutory function and in general residential roads are swept every six weeks but some main roads are swept every four weeks with some rural roads only being swept every ten weeks. This should include the removal of all litter and detritus for the carriageway and footway. However, weeds are not removed during a scheduled sweep as these are treated three time a year with a non-residual weed killer with the weeds gradually being removed during following sweeps. On some occasions when the spray doesn't work we do carry out a manual removal of weeds.

Footpath encroachment – This happens mainly on rural pathways where a sweeper cannot gain access and we see a gradual encroachment of detritus and ensuing vegetation thereby reducing the width of the footway. The situation is worse on footpaths that have vegetation on both sides and results in the manual removal of the established vegetation.

Highway drainage – Highway gullies (drains) are cleared/cleaned every six months to a year depending on road use with A roads being done every six months. The cleansing includes removing all liquid and detritus, then refilling and ensuring the drain is running away. If there's a problem they will either clear it whilst there or report it for further investigation/action.

Obscured signs – This is a serious issue and falls into two distinctive areas as detailed below:

- a) Vegetation that is owned / maintained by the Council or
- b) Vegetation that is privately owned

In relation to both a) and b) we recommend that residents call Customer Services to report this. If it falls under a) then Cleaner & Greener will instruct Grounds Maintenance Contractor, Tivoli to attend within a timescale depending on the urgency. If it falls under b) then Highways will write to the property concerned asking them to clear their vegetation (most residents respond to this) if this isn't acted on then a second, individually addressed letter is sent which generally has the desired result. However, we do have the option to remove the vegetation and recharge the work but this does require a third letter.

Please note that the above also applies to overhanging / encroaching vegetation.

FINANCIAL IMPLICATIONS OF THE RECOMMENDATION

The Council faces severe financial challenges over the coming years as a result of the austerity measures implemented by the Government and subsequent reductions to public sector funding. It is estimated that Wokingham Borough Council will be required to make budget reductions in excess of £20m over the next three years and all Executive decisions should be made in this context.

	How much will it Cost/ (Save)	Is there sufficient funding – if not quantify the Shortfall	Revenue or Capital?
Current Financial Year (Year 1)	0	0	0
Next Financial Year (Year 2)	0	0	0
Following Financial Year (Year 3)	0	0	0

Other financial information relevant to the Recommendation/Decision

The current monitoring, inspection and operational resources deliver the current service and whilst we're always looking to improve the services we provide, any increases in these would require increased funding.

Cross-Council Implications

Highlights the importance of partnership working across the Council and with the Parish & Town

List of Background Papers

None

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Date 10 th September 2018	Version No 1

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Highways Issues Action Plan – Updated August 2018

	<u>Issue</u>	<u>Detail</u>	<u>Short term action</u>	<u>Meeting comments 12th July</u>	<u>Update August 2018</u>	<u>Action</u>
1	Blocked drain – Finchampstead Road at Spring Gardens	Road frequently floods here. Several accidents on ice at this location	Drainage to investigate	Discussed and investigation to take place	Work to take place during planned road closure between 29 th and 31 st August	Eddie Napper
2	Blocked drain – Longwater Lane		Drainage to investigate	Discussed and investigation to take place - investigation not conclusive - Possible scheduling of work during closure between 29 th August & 7 th September	Will not be completed during the Jubilee Road closure. It is being programmed in for a later date	Eddie Napper
3	Blocked gullies and flooded parking bays - California Crossroads (2 images)	Reported repeatedly to WBC since 2015 but no action taken despite many promises. Have recently finally referred to Peter Baveystock	Drainage to investigate	Work agreed	Works order placed to replace both drains	Eddie Napper
4	Broken gateway sign – Finchampstead Road	2014. Both broke in 2016 and were repaired. Broke again in 2017. WBC has agreed to	A works order will be raised for smaller signs	To be replaced with smaller signs	Sizes need to be determined and a works order will be raised	Highway Operations

Highways Issues Action Plan – Updated August 2018

		replace with smaller versions to match others in the Parish. Gateway signs on the Barkham Road and Reading Road are also broken.				
5	Clutter and obscured/dirty signs – Park Lane		Signs to be cleansed / removed	Not visited but to be programmed	Works order to be raised	Cleaner & Greener
6	Obscured Sign – Barkham Ride Roundabout	Vegetation also hanging low over footway. Reported to WBC	Letter has already been sent to property owner	Private vegetation	2nd letter has been sent to property owner	Highway Operations
7	Dirty roundabout sign – Barkham Ride		Works order has been raised to clean several signs on Barkham Ride		Signs have been cleaned	Highway Operations
8	Dirty signs x3 on Finchampstead Road (2 images)		- Works order has been raised to clean several signs on Finchampstead road		To be chased	Highway Operations

Highways Issues Action Plan – Updated August 2018

<p>9</p>	<p>Obstructed footway – Finchampstead Road / Church Lane junction (3 images)</p>	<p>Part of footway including dropped kerb covered in debris – both sides of the road. The hedge is also overgrown. Result is that pedestrians have to cross at a point where there is no visibility. We have asked the local farmer to cut back the hedge - after nesting season. He may also clear the footway.</p>	<p>Significant encroachment on footway at this location</p>	<p>Cut back to be organised</p>	<p>Still not done but needs to be planned due to “traffic management”</p>	<p>Highway Operations</p>
<p>10</p>	<p>Footway – Sandhurst Road</p>	<p>Footway narrowed by debris and surface in poor condition. Debris at gully.</p>		<p>Visited but not perceived to be that bad</p>	<p>Reminder to be put on to clear pavement of detritus</p>	<p>Cleaner & Greener</p>
<p>11</p>	<p>Footway debris - Barkham Ride pelican crossing</p>	<p>Leaf litter across footway including at the crossing. Reported to WBC several times autumn/winter 17/18. Eventually cleared by a Councillor.</p>	<p>(C&G) Sweeping</p>	<p>This had been done at time of visit</p>	<p>Ongoing problem so reminder to be put on to OCS</p>	<p>Cleaner & Greener</p>

Highways Issues Action Plan – Updated August 2018

12	Half obscured roundabout sign – Finchampstead Road		If this the roundabout sign near number 277, letter has been sent to property owner to cut back vegetation	Private vegetation so second letter to be sent	2 nd letter will be sent	Highway Operations
13	Missing sign – Barkham Ride roundabout	Signs were missing for several years – just two tall bent posts left. New posts and signs installed December 2017. Within days the upper sign had slipped and was removed. Not replaced to date.	Street lighting were dealing with this as this is an illuminated sign	Are these signs required?	Illuminated sign – needs investigating	Dave Halley/Sara Allman
14	Narrow footway – Rectory Hill				To be investigated	Highway Operations
15	Narrow Footway – Finchampstead Road				Not conclusive where this is so no action for now	NA
16	Narrow footway – Finchampstead		Location needs to be swept by C&G and then highways can		To be cut back by Cleaner & Greener	Cleaner & Greener

Highways Issues Action Plan – Updated August 2018

	Road / Spring Gardens		see if sidings are required.			
17	Obscured 40mph sign on right – Park Lane			Private vegetation	Letter to be sent	Highway Operations
18	Posts above signs – California Crossroads	Are signs missing or are the extra unsightly lengths of post redundant?	Highways will look into		Looking on google the missing signs are directions signs for Barkham Antiques Centre which is no longer there, so signs no longer required	Highway Operations
19	School sign obscured – Barkham Ride		Letter has been issued to property owner		Vegetation has been cut back	Highway Operations
20	Obscured sign – Barkham Ride Roundabout		Letter has been issued to property owner		2 nd letter has been sent to property owner	Highway Operations

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TITLE	Work Programme 2018/19
FOR CONSIDERATION BY	Community and Corporate Overview and Scrutiny Committee – 10 September 2018
WARD	None Specific
LEAD OFFICER	Andrew Moulton, Assistant Director, Governance

OUTCOME / BENEFITS TO THE COMMUNITY

Effective Overview and Scrutiny helps to improve services, holds decision makers to account and engages with local communities. In so doing it helps to demonstrate that the Council and other public service providers are open and transparent and are delivering high quality, value for money services.

RECOMMENDATION

The Committee is requested to:

- 1) review its Work Programme for 2018/19 (Annex A);
- 2) prioritise the items in the work programme and allocate items to forthcoming meetings;
- 3) consider any other potential Scrutiny items for consideration during 2018/19.

SUMMARY OF REPORT

Effective work programming is a Member-led process aimed at shortlisting and prioritising issues of community concern together with issues arising out of the Council Plan and major policy or service changes. It aims to:

- reflect local needs and concerns;
- prioritise topics for scrutiny which have the most impact or benefit;
- involve local residents and stakeholders;
- be flexible enough to respond to new or urgent issues.

Each year the Overview and Scrutiny Management Committee approves work programmes for itself and the Council's three Overview and Scrutiny Committees.

As this is the Committee's first meeting of the new Municipal Year the work programme is set out at Annex A for Members to consider and to prioritise items for future meetings.

Background

An effective Overview and Scrutiny function is underpinned by robust work programming. Effective work programming lays the foundations for targeted scrutiny of issues of local importance. It helps to ensure that Overview and Scrutiny adds value and makes a difference. Effective work programming helps to:

- prioritise issues for in-depth work where Overview and Scrutiny can make an impact and add value;
- reduce the need for “information only” reports;
- achieve a balance between pre-decision scrutiny, policy development and performance/budget monitoring;
- contribute at an earlier stage in the decision making process;
- increase public and stakeholder involvement in Overview and Scrutiny;
- retain flexibility in order to respond to urgent issues arising during the year.

The issues identified for consideration by Overview and Scrutiny should be of interest or concern for local residents and generate public interest and involvement in the Overview and Scrutiny process.

In order to generate ideas and involvement from local residents, community groups and stakeholders the Council's website and social media are used to publicise the development of the work programme and to invite suggestions for items to be included.

Annex A to the report sets out items to be included in the Committee's work programme for 2018/19. The Committee is requested to consider the list of items and to discuss its priorities for consideration at meetings in 2018/19.

Members may also wish to add further items to the work programme and consider how each item will be addressed, e.g. through reports to the Committee or the establishment of time limited Task and Finish groups.

As part of the work programming process, residents, community groups and Town and parish Councils were invited to identify issues to be considered in 2018/19.

FINANCIAL IMPLICATIONS OF THE RECOMMENDATION

The Council faces severe financial challenges over the coming years as a result of the austerity measures implemented by the Government and subsequent reductions to public sector funding. It is estimated that Wokingham Borough Council will be required to make budget reductions in excess of £20m over the next three years and all Executive decisions should be made in this context.

	How much will it Cost/ (Save)	Is there sufficient funding – if not quantify the Shortfall	Revenue or Capital?
Current Financial Year (Year 1)	0	NA	NA
Next Financial Year (Year 2)	0		
Following Financial Year (Year 3)	0		

Other financial information relevant to the Recommendation/Decision
None

List of Background Papers
None

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Date 30 August 2018	Version No. 1.0

Community and Corporate Overview and Scrutiny Committee

Work Programme 2018/19

1.	Reviewing the work of the Community Safety Partnership, the effectiveness of local policing and fire and rescue services
2.	Exercising the Council's flood risk management responsibilities by monitoring flood risk activities and partnership working with towns and parishes
3.	Monitoring the Council's Capital and Revenue expenditure
4.	Monitoring the Wokingham Town Centre regeneration project (including car park provision) including an evidence session with the Federation of Small Businesses
5.	Reviewing the Council's partnerships with Town and Parish Councils and the voluntary sector
6.	Reviewing service developments relating to waste and recycling services
7.	Reviewing highways and transport issues including the new highways contracts, customer service, car parking and cycling facilities
8.	Reviewing the proposed development of the Coppid Beech Park and Ride site
9.	Monitoring the implementation of Civil Parking Enforcement
10.	Reviewing the condition of footways, kerbsides and road signs – request from Finchampstead Parish Council
11.	Monitoring the impact of changes to train services
12.	Reviewing the process for setting fees and charges in the Public Protection service
13.	Input into new policies through pre-decision scrutiny of draft proposals
14.	Appointing Task and Finish Groups as appropriate

Community and Corporate Overview and Scrutiny Committee - Current draft Work Programme items for next two meetings

DATE OF MEETING (Extraordinary)	ITEM	PURPOSE OF REPORT
1 October 2018	Local Fire Service Update	To consider an update on the Local Fire Service from the Fire Service Commander.
	Local Policing Update	To consider an update on Local Policing from the Police Area Commander.
	Work Programme	To consider the work programme for the Committee for 2018/19

DATE OF MEETING	ITEM	PURPOSE OF REPORT
5 November 2018	Town Centre Regeneration	To consider an update on the Wokingham town centre regeneration and the impact on shops and businesses
	Civil Parking Enforcement	To consider an update on Civil Parking Enforcement after the first year of the new arrangements
	Parking Strategy	To consider the impact of the Council's new Parking Strategy
	Work Programme	To consider the work programme for the Committee for 2018/19

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