

Please note: amendments were made to these minutes at the meeting held on 11 March 2019

**MINUTES OF A MEETING OF THE
COMMUNITY AND CORPORATE OVERVIEW AND SCRUTINY COMMITTEE
HELD ON 14 JANUARY 2019 FROM 7.00 PM TO 9.55 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: Philip Mirfin, Philip Houldsworth and Malcolm Richards

Officers Present

Callum Wernham (Democratic and Electoral Services Specialist), Neil Carr (Democratic and Electoral Services Specialist), Chris Easton (Lead Specialist, Transport, Drainage & Compliance), Bernie Pich (Assistant Director, Commercial Property) and Sarah Hollamby (Director of Locality and Customer Services)

36. APOLOGIES

There were no apologies for absence received.

37. MINUTES OF PREVIOUS MEETING

The Minutes of the meeting of the Committee held on 5 November 2018 were confirmed as a correct record and signed by the Chairman.

38. DECLARATIONS OF INTEREST

There were no declarations of interest received.

39. PUBLIC QUESTION TIME

In accordance with the agreed procedure the Chairman invited members of the public to submit questions to the appropriate Members.

39.1 Jacob Chennells had asked the Chairman of the Community and Corporate Overview and Scrutiny Committee the following question and, in his absence, the written answer below was provided:

Question

How has safety been considered with the regeneration, the low curbs make it too easy for a vehicle to enter the pedestrianised area at the Centre of the town, especially as attacks using lorries are becoming more common, the design leaves pedestrians vulnerable?

Answer

As with any scheme being delivered upon the public highway, safety is paramount. A Road Safety Audit aims to identify potential road safety hazards arising from possible changes to the existing road layout; it is not a technical check against design standards or any amended traffic regulations but is an evaluation of any changes made during design, upon opening the road to traffic and, post-construction during everyday use. Its purpose is to identify any potential road safety problems and to suggest measures which may help to eliminate or mitigate any concerns. Road Safety Audits are undertaken by teams of specialists trained in road safety engineering and accident prevention. They are completely independent of the Council and its contractors.

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In the UK, the height of kerbing can vary from 0 to 150mm + and there are no regulations on what height should be used in any location except for pedestrian crossing areas and bus stops. The kerb heights in the Market Place have been designed following feedback from various users groups and with consideration of the planned use of the area and designation as a conservation area. It should also be noted that the kerbs within the Market Place area prior to construction were old natural stone that varied in height from between 0 to approximately 100mm, examples of this are still visible along Broad Street and the southern end of Denmark Street and therefore this design feature is not significantly different from the original scheme.

The design of the scheme has taken account of users, including vulnerable users and through consultation with disability groups kerb heights were reintroduced as they act as a tapping rail for cane users.

Following the completion and opening of the Market Place, which has already been used to host a number of successful events, a final Stage 3 Road Safety Audit is to be carried out shortly. This follows the interim report that was undertaken upon its opening to the public and will review how the scheme has settled in.

39.2 Sarah Kerr asked the Chairman of the Community and Corporate Overview and Scrutiny Committee the following question:

Question

Wokingham Borough Council did not do an Equality Impact Assessment (EqIA) for the marketplace regeneration project despite WBC's Public Sector Equality Duty report clearly stating the importance of EqIA's in upholding the Equalities Act 2010. According to a Senior Officer at the Council, the reason for an EqIA not being required is because the disability workshops and government guidance were deemed adequate. However, this same officer also stated that some guidance wasn't followed (such as Guidance on the use of tactile paving surfaces) because it's not policy, and there were recommendations from disability groups that were not utilised, such as the importance of distinct colour contrast. The result is a public space that discriminates against certain users, particularly the visually impaired. This is not the first time WBC has redeveloped an area and not fully considered the needs of those with disabilities - the Carnival Pool car park is an example of this, as is the fact that California Cross is being consulted on, despite the design being a shared space which central government has asked all local authorities to halt whilst guidelines are updated to take into account the Equalities Act 2010. The reputation WBC has regarding accessibility for those with disabilities in public spaces such as the Market Place is poor. Following a formal complaint I made, I have had acknowledgement that mistakes were made regarding the lack of EqIA for the marketplace regeneration. Given the ongoing nature of these problems, are the Council's failings down to inadequate understanding and performance by Council Officers or a lack of robust scrutiny from the Council's Scrutiny Committees. Or is it a combination of the two?

Answer

The Borough Council is aware of its responsibilities under the Equality Act 2010. In March 2017 the Council's Executive approved a set of Equality Objectives including a commitment to accessible services and support for vulnerable individuals and groups.

In order to strengthen the Council's approach, in 2018 updated guidance on the Public Sector Equality Duty and the development of the Equality Impact Assessments was provided for Officers together with a mandatory e-learning programme for all managers.

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This will result in improved understanding of the Council's Equality duties and, in turn, more rigorous and effective decision making.

In the meantime the Council's Overview and Scrutiny Committees continue to hold the Executive to account and seek to understand and promote the views of all the Borough's residents.

Recent Scrutiny reviews have highlighted the importance of effective communication and consultation and the importance of removing or minimising any disadvantages suffered by residents due to their protected characteristics. The Scrutiny Committees will continue to highlight any issues of concern and monitor progress against the Council's published Equality Objectives.

Supplementary Question

Will there be a guarantee from the Council that all projects like this are going to have Equality Impact Assessments?

Supplementary Answer

I am going to look to an Officer for clarification but my understanding is that when the rules were passed through the Executive that was part of that possibility.

Neil Carr responded as follows:

The guidance and the training last year indicated that for significant projects and service changes there would be an Equality Impact Assessment. So for major projects like this, then, I think the answer is yes.

39.3 Keith Malvern asked the Chairman of the Community and Corporate Overview and Scrutiny Committee the following question:

Question

In the latest Wokingham Borough News Philip Mirfin is quoted as saying "...not only a fantastic town centre with far better facilities...but also a town centre generating new income for you..." So can you tell me will the income come in time to affect the Council Tax demand for 2019/20?

Answer

Although the Town Centre is already generating considerable income for the Council of £600k, this income will first be used to pay down the debt financing costs. When the scheme is completed in 2024/25 the Council can consider if the expected total annual income of £4.2m is introduced as a component of the Council Tax calculations or continues to reduce the residual scheme debt.

Supplementary Question

Clearly the answer to my question is no. There is no evidence that any of this money will arrive. I am led in this glossy blurb to believe that that might be the case i.e. Philip Mirfin is saying it will generate income for me. So are you saying that I have to wait until 2024/25 until that happens and if that is the case how come that is not mentioned here?

Supplementary Answer

As stated in the answer that was already given, and I will look to the Executive Member to clarify this as well, my understanding on this is that we are already getting income of £600k per year which is being used to pay down the financing costs of the debt which

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would have otherwise been taken out of Council Tax. So we are having income and it is already being of net benefit to the Council.

40. MEMBER QUESTION TIME

In accordance with the agreed procedure the Chairman invited Members to submit questions to the appropriate Members.

40.1 Oliver Whittle had asked the Chairman of the Community and Corporate Overview and Scrutiny Committee the following question and, in his absence, the written answer below was provided:

Question

With regards to the market place highways project, why did WBC allow WSP to withdraw their project manager and not replace them, when WBC and WSP were partners?

Answer

The WSP design commissioned element of this project was completed towards the end of March 2017. Whilst transitioning from design into delivery, WBC asked WSP to consider undertaking a delivery role for the project and as was their right, they declined. We had hoped that WSP would continue, with this PM role, however WSP were retained on an advisory design role throughout the scheme life. At this point WBC allocated the scheme to their existing Project Manager.

41. WOKINGHAM TOWN CENTRE REGENERATION UPDATE

The Committee considered a report, set out in agenda pages 11 to 16, which provided an update on the ongoing town centre regeneration works including Elms Field, Peach Place and Carnival Phase 2.

Philip Mirfin, Executive Member for Regeneration (including town centre highways), stated that he had been involved in the town centre Regeneration project for some time, originally being the deputy Executive Member for regeneration under Councillor Stuart Munro. Philip added that the Market Place project was a highways improvement project, rather than a regeneration project. Philip stated that the Clerk for Wokingham Town Council had asked for support with the Market Place project (see item 42), and subsequently Philip took on town centre highways as part of the Executive portfolio. He added that more stringent governance was put in place on the Market Place scheme (modelled after what was already in place on regeneration projects), in addition to weekly updates being communicated via the Town Council to residents and the wider community.

Bernie Pich, Assistant Director - Commercial Property, stated that it was important to understand the distinction between the regeneration projects (such as Peach Place) and the Market Place highways improvement project. Bernie stated that Gail's Bakery and Waterstones had been a big success with residents since their openings, and demonstrated the type of quality retail stores that the Peach Place development was looking to attract.

Bernie stated that there had been some delays in the development of Peach Place, and outlined the timeframe for new tenants taking up new retail outlets being early February 2019. Bernie added that an Executive decision had been made in 2016 to lease the Peach Place residential units as key worker housing. He stated that access between Rose Street and Peach Street was being looked at.

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Bernie stated that the Elms Field development was progressing swiftly, based on a phased completion process with the Shute End car park being the first such phase to have been completed. Bernie added that the Carnival Phase 2 development was now planned to include the demolition and a rebuild of the Carnival Pool. Bernie outlined that the Carnival Pool demolition would not take place until the redevelopment of the Bulmershe leisure centre was completed in addition to a substantial completion of the Elms Field development.

Bernie stated that Wokingham was in a good position to attract and maintain retail support as it was a historic market town in the South East. He added that the regeneration team were very keen to open Gail's and Waterstone's as this was used to help attract further interest in the rest of the scheme from prospective tenants and the community, with the goal being a mix of local and national names within the retail outlets.

Bernie stated that work on the Elms Field development did not begin until 65% of the retail units on the site had been let. He added that the total cost of the regeneration projects was £117.6m (using a cash flow model), which included everything needed to deliver the schemes. Bernie stated that the rental income from the final regenerated sites would be an approximately 9% yield, based on a £50m debt amount and a £4.5m per year return. Bernie stated that the £4.5m per year return could be used to fund and support various areas of the Council, as the Council wished.

Guy Grandison queried what benchmarking was used to model the retail returns. Bernie Pich stated that the benchmarking was based on various expert opinions and by tracking the market, and the derived figure was calculated using a prudent view.

Philip Houldsworth queried who (the Council or the contractor) was taking the risk for the Carnival Phase 2 development of 55 apartments, when bank rates were normalising and the housing market was suffering. Philip Mirfin stated that it was his wish to retain the apartments as additional key worker housing, to encourage young doctors, nurses and care home workers to live and work within the Borough. Philip added that a contractor had not yet been appointed to the said development. Bernie Pich stated that the current plan was to offer the apartments on the open market. However other options, such as using the apartments for key worker housing or senior service housing, were also possibilities.

Rachel Burgess queried how (considering the multiple delays to the Market Place scheme) residents could be confident that the Peach Place scheme would be ready in February 2019, and that the retail outlets in both the Elms Field and Peach Place developments would not be empty upon opening. Bernie Pich stated that the contractor made proposals as to the timescales for completion, and the regeneration team took the view that those proposals were acceptable. He added that the team was monitoring the works closely and there had been some technical issues. However, any delays did not come at a cost to the Council as it was a fixed cost. Bernie stated that the currently agreed retail leases in Elms Field were legally binding, and 11 further legal lease contracts (out of 18 units) were being circulated, with 3 more units being close to agreement on a lease. Bernie added that the process of agreeing leases was slower than had been hoped. However, good progress was being made.

Bill Soane queried whether regeneration of other areas of the Borough was being investigated. Philip Mirfin stated that the Regeneration Team were talking to areas such as Twyford, Earley and Woodley to gauge their plans for 2022 onwards and to see how the Council could work with them on delivering these plans.

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Clive Jones queried the long term plans for the retail unit previously occupied by M&S, how many empty retail units there would be on 1 June 2019 and what assurances there were that the Council would undertake full Equality Impact Assessments (EqIA) for future projects. In response, Bernie Pich stated that the charity shop which currently occupied the unit previously leased to M&S was temporary, with 3 interested parties being considered for that unit; an estimated 2 empty retail units maximum would be present on 1 June 2019, with the hope that no retail units would be empty; and the design and access statement for Peach Place laid out measures regarding disabled toilets, lifts, lifetime homes, the surface of the square, pavement widths, removal of barriers and various other issues. Bernie stated that EqIA was included within that document, and for future projects those issues and solutions identified would be extracted in to a separate standalone EqIA document.

Mike Haines queried what had been done to bring more people in to the town centre from areas such as Sonning and what flexibility was there in the estimated returns should the economy fluctuate in the next 4 to 5 years. In response, Philip Mirfin stated that the culture and experience that the town centre would provide (via a cultural hub that would include live shows and a new town park, for example) would be used to encourage all areas of the Borough to visit, use and benefit from the cultural experience. The regeneration team had one of the strongest project management teams in the Borough Council and had a balanced attitude towards risk, and this was factored in to the resilience of the scheme. Bernie Pich added that there was flexibility in the scheme to lose a percentage of tenants and still allow the scheme to break even.

Shahid Younis queried how the revenue obtained from leasing units would be received by the Council, and the resilience of the scheme in terms of the minimum occupancy threshold needed to stay positive. Bernie Pich stated that this was dependant on the incentives given to each shop and business, for example some units may have a longer rent free period as part of their agreement than others; Bernie stated that there was resilience in the scheme and adequate headroom for changing market conditions.

Bill Soane queried what was being done to address vandalism in the town centre. Philip Mirfin stated that the team was looking at providing wireless CCTV. However there were issues concerning how this would be managed. He added that the key to addressing vandalism issues was for the Council to work alongside the Police and to see what the Police were doing to address issues of vandalism in the town centre and across the Borough.

Clive Jones queried whether the £4.5m per year income was based on the sale of all 55 residential properties. Bernie Pich stated that there would be more properties than the 55 stated, which would be delivered across the regeneration sites, and that these income estimates were prudent and considerate of market conditions.

RESOLVED That:

- 1) Philip Mirfin and Bernie Pich be thanked for attending the meeting;
- 2) any further questions regarding the town centre regeneration projects be directed to Democratic Services and answers subsequently be circulated to the Committee;
- 3) a further update on the town centre regeneration projects be submitted to the Committee in the 2019/20 Municipal Year.

42. MARKET PLACE HIGHWAYS IMPROVEMENT PROJECT

The Committee considered a report, set out in agenda pages 17 to 150, which provided an update on the Market Place highways improvement project.

Philip Mirfin, Executive Member for Regeneration (and town centre highways) stated that since taking over the Market Place Highways project (in May 2018), he had asked the Monitoring Officer to identify a suitable person/company to undertake an independent audit. He added that, at the time he took over the project, it was in need of focus and in September 2018 he was invited to a Balfour Beatty workshop. Philip stated that it was at this workshop that he met the person who would eventually undertake the “lessons learned” report.

Philip stated that he organised weekly meetings between all parties to assess and discuss all elements of the Market Place project. Philip stated that part of the delay to the Market Place highways project was due to having to redesign every shop front and drainage system. He added that the underground conditions were very poor and the majority of the underground issues had not been identified prior to the start of the works due to poor highways underground inspections. In addition, Philip stated that many of the underground utilities pipes were unknown or not recorded which added the delays. Philip stated that weekly round table meetings were organised, which included partners from Balfour Beatty, highways and project managers to agree upon weekly works to be achieved. Philip added that the highways team worked very hard to achieve results, with Balfour working hard from their senior levels.

Chris Easton, Lead Specialist - Transport, Drainage & Compliance, stated that the Market Place highways project was identified through Public Realm, and CP14 of the Core Strategy. He added that when the Market Place project was commissioned, a stage one safety audit was undertaken which identified several key issues which were fed through consultation processes throughout the project. Chris stated that an example of changes made through the consultation process was the reintroduction of raised kerbs.

Chris stated that there were several unforeseen issues throughout the project, including having to appoint a new project manager (after the previous WSP project manager left), the Balfour lead being taken ill and a series of works issues (see Member question for more detail).

Chris stated that a final road safety audit had been commissioned and would be delivered in February 2019. He added that disability groups had been invited to attend a feedback session after the completion of the project, whose feedback would be compiled along with the comments from the Scrutiny Committee to form a final works package.

Guy Grandison thanked all businesses, disability advocacy groups and members of the public who submitted questions and views to the Committee.

David Sleight queried whether there could be signage improvements made to the disabled parking and loading bays in the Market Place. Chris Easton stated that the Council’s Car Parking Team were aware of signage issues and were looking to address them at the formalised completion of the works. Philip Mirfin added that there had been some misuse of the parking at the Market Place which needed to be enforced.

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Clive Jones thanked Philip Mirfin and the Highways Team for organising the lessons learned report. Clive stated that the report showed that the Council was 'out of its depth', and asked what lessons could be learned from the Market Place project. Philip Mirfin stated that he was proud of Officers for wanting a lessons learned report to be undertaken, and this model would be used as a basis for how the Council managed such projects in the future. He added that the Market Place project was originally seen as a 'small highways project', and was subsequently found challenging. Philip stated that the project was delivered to a high quality standard. However, it was not without its difficulties. Sarah Hollamby, Director of Locality and Customer Services, stated that the points raised within the lessons learned report would be taken on board for future projects.

Clive Jones queried whether issues (such as delays and the reasons for them) would be reported to Members as they happened for future projects. Chris Easton stated that better systems would be in place with project managers for future projects. Philip Mirfin stated that the schemes were identified (midway through the project) that could have shortened the time the project took to complete. However, the final quality of the scheme would have suffered as a result and it was, therefore, decided to continue with the original scheme.

Guy Grandison queried whether the joint working board model was being used for current regeneration works. Philip Mirfin stated that joint working boards had been incorporated on regeneration projects for years. Chris Easton added that future major highways projects similar to Market Place would use independent consultants, project boards, better governance and a highways management board.

Dianne King stated that she had heard a lot of positive comments from people regarding the design of the Market Place, but queried what would be done to maintain the clean underfoot surfaces. Chris Easton stated that a sealant had been used on the surfaces, which would be deep cleaned four times per year to make sure that dirt would not get embedded in the surfaces.

Rachel Burgess thanked Officers for the detailed information provided in the reports pack. She queried whether the aesthetic of the paving colour was prioritised over the comments made by disability groups during workshops in 2015. Guy Grandison queried the usage of parallel disabled parking bays in the Market Place. Chris Easton stated that all of the material used in the Market Place were materials that were allowed to be used on public highways. He added that the Market Place had always had a similar contrast (with red bricks previously), and that the colour of the crossing points had already changed since their installation. Chris stated that a large part of the pavements would have been taken up if the disabled spaces were not parallel. He added that the Market Place now offered off-carriageway parking, and blue badge holders had the option of using the disabled spaces or parking on double yellow lined areas. Philip Mirfin stated that more disabled spaces were provided in the Market Place than before the improvement project.

Rachel Burgess queried why businesses were not offered more help during the improvement works. Philip Mirfin stated that all businesses within the town centre were offered the opportunity to engage with the Borough and Town Councils. He added that the business rate relief scheme did not have a particularly good take-up. Philip added that voucher schemes were offered over Christmas, marketing videos were published on social media and special events were organised to help encourage residents from all areas of the Borough and beyond to visit the town centre. Philip stated that the team had worked within their budget to provide as much support to businesses as was possible. However, some businesses chose not to take up the support that was on offer.

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Rachel Burgess queried why it was difficult to procure the Lessons Learned Report, and what involvement Philip Mirfin had in selecting the person who carried out the review. Philip Mirfin stated that the Monitoring Officer had taken the lead on procuring the report, and he had experienced some difficulties in doing so. Philip stated that he had made a recommendation for somebody who could have been suitable to carry out the review, and that person was interviewed by four members of senior management from the Council.

Mike Haines queried the impact of changes in project management. Chris Easton stated that time was lost as a result of changes in project management, in addition to issues with unidentified utilities.

Mike Haines was of the opinion that the Council needed to be more proactive with engagement and communication with regards to issues surround disability access. Chris Easton stated that kerb heights were now more regulated across the Market Place and that disability groups had been identified and invited to workshops after the completion of the Market Place project. Chris added that more engagement with disability groups would be undertaken for future highways projects.

Shahid Younis stated that he was surprised many of the issues identified in the Lessons Learned Report were not accounted for earlier on in the project. Philip Mirfin stated that this was due to the project being initially seen as a 'small highways' scheme. He added that proper governance was subsequently put in place, and that all comments and findings had been taken on board to guide similar projects in the future.

Shahid Younis queried whether there was an increased cost to residents as the scheme was delayed. Chris Easton stated that all of the money used came from S106 agreements which had to be linked to the town centre project and could only be used for infrastructure projects.

Clive Jones queried how the Town and Borough Councils communicated aspects of the Market Place Project with the public. Philip Mirfin stated that a weekly joint Borough and Town newsletter was produced by the Town Council, which gave updates on the works and issues to do with the Market Place that week. He added that the Town Council Clerk did an excellent job in engaging with the residents, and that the Town Council took on the majority of exposure to the public as they were seen as the first point of contact and managed this very well.

Clive Jones queried whether a speed limit reduction to 20MPH could be an option in the Market Place. Chris Easton stated that Police were unlikely to be in the area to enforce a 20MPH speed limit restriction, and that aspects of the scheme such as raised courtesy crossings had helped to slow down traffic.

Clive Jones queried what improvements could be made to make a distinction between the road and the kerbs. Chris Easton stated that the colours had already changed after usage by road users. However, a staining process was an option that could be used in the future.

Rachel Burgess asked what could have been done differently to help manage the navigation around the Market Place during the works. Chris Easton stated that Balfour were given the entire Market Place area, which cost significantly less than giving them a section at a time. He added that each weekly newsletter had details of the current routes around the town centre. Philip Mirfin stated that some of the signage placed by Balfour

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was not always taken down, which led to some confusion. He added that there had been instances of anti-social behaviour, with signage and fences being moved overnight. Philip stated that there were phone numbers listed across the site to report issues with signage and fencing.

Rachel Burgess stated that there had also been issues with ramps and narrow pavements for wheelchair users. Philip Mirfin agreed that these had been issues, and stated that they had been identified and solved quickly. He added that the workers had to work under difficult conditions.

There were a number of Member queries with regards to aspects of the financing of the project, it was confirmed that these details would be covered in the final audit of the Market Place project and would be brought back to the Committee.

Guy Grandison queried what could be done in the future to further engage with disability groups and disabled residents. Chris Easton stated that wider engagement would be undertaken for future projects through engaging with a wide range of disability advocacy groups.

Shahid Younis asked whether the Lessons Learned Report model could be used across the Council. Philip Mirfin stated that the Monitoring Officer was looking in to this.

Clive Jones queried how junior Officers could be supported, to enable them to see major projects through from start to finish. Sarah Hollamby stated that junior Officers had career graded roles which allowed them to develop over time without having to change role, which enabled the Council to develop its staff from within. She added that this was a Council wide feature.

RESOLVED That:

- 1) Philip Mirfin, Chris Easton and Sarah Hollamby be thanked for attending the meeting;
- 2) the final safety audit be submitted to Committee upon its completion ;
- 3) the financial audit be submitted to Committee upon its completion;
- 4) the Committee consider submitting recommendations on project governance to the Executive, upon receipt and review of the above aforementioned audit reports;
- 5) a comprehensive and up to date list of disability advocacy and awareness groups be created improve engagement for future projects.

43. WORK PROGRAMME 2018/19

The Committee considered a report, set out in agenda pages 33 to 38, which gave details of its proposed work programme for 2018/19.

Members discussed training ahead of their review of the 2020/2021 budget. Members agreed that initially some in house training be provided, and a decision then be made as to whether externally provided training would be beneficial.

Bill Soane asked that the item on the Coppid Beech Park and ride include a discussion regarding the recently rejected MRT scheme.

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Members requested that a copy of the Executive Forward programme be circulated to Members, to allow them to scrutinise issues proactively.

The March 2019 meeting of the Committee was identified as having capacity to receive either/or the final road safety and financial audits of the Market Place scheme.

RESOLVED That:

- 1) in house budget scrutiny training be provided, and a decision then be made as to whether externally provided training would be beneficial;
- 2) the item on the Coppid Beech Park and ride project include a discussion regarding the recently rejected MRT scheme;
- 3) a copy of the Executive Forward programme be circulated to Members, to allow them to scrutinise issues proactively;
- 4) the March 2019 meeting of the Committee be identified as having capacity to receive either/or the final road safety and financial audits of the Market Place scheme.