

## WINDSOR TOWN FORUM

WEDNESDAY, 25 OCTOBER 2017

PRESENT: Councillors Jack Rankin (Chairman), Malcolm Alexander (Vice-Chairman), John Bowden, Wisdom Da Costa, Eileen Quick, Samantha Rayner and Phillip Bicknell

Officers: Paul Roach, Karen Shepherd, Victoria Goldberg, Rob Large and Craig Miller

### APOLOGIES FOR ABSENCE

An apology for absence was received from Councillor Bhatti.

### DECLARATIONS OF INTEREST

None

### MINUTES

**RESOLVED UNANIMOUSLY: That the minutes of the meeting held on 5 July 2017 be approved.**

In relation to actions from the last meeting it was noted that there was no funding available for public realm art installations. The issue of benches being installed in King Edward Court had been raised with the leaseholder, however they were on hold as different market installations were being trialled.

At recent civic events arrangements had been made by the Mayoral team to enable elderly veterans to park in the library car park. The service on 11 November would inevitably be larger so there would be more demand.

- ❖ **Action:** The Chairman to raise the issue with the Mayoral team.

Garry Williams confirmed that he had not received any further information in relation to customer services calls being times out.

- ❖ **Action:** The Chairman to investigate on behalf of Mr Williams

The Property Service Lead commented that the construction Management Plan for York House was a planning matter.

- ❖ **Action:** The Property Service Lead to check the document was in the public domain, send the pdf to the Chairman who would then deliver copies in appropriate areas.

Brian Rayner commented that he had not received any information from the Waste Team detailing the official policy of using the Chalvey Tip in Slough as a borough resident.

- ❖ **Action:** The Chairman to investigate on behalf of Mr Rayner.

The Property Services Lead confirmed that the York House business case was no longer commercially sensitive and he would therefore now be able to make it publically available, within the next two weeks.

- ❖ **Action:** The Property Services Lead to ensure the business case was made available.

It was noted that details of the Visitor Survey were now available on the Windsor.gov website.

Brian Rayner reported that the clock outside the Thai restaurant had stopped again. The Windsor Town Manager confirmed that this had been reported. The power supply had been switched off when the bus stop had been moved. A new power supply had been put in place and would be connected shortly.

- ❖ **Action:** The Town Manager to check when the clock would be reconnected.

Brian Rayner asked if any concessions were available to help residents to get into town to undertake business at the library. The Chairman commented that it cost more to park at the library than at York House. The Head of Public Protection agreed that it was different but that an Advantage Card discount was available. Options could be looked into for Members' to consider. Councillor Bicknell commented that there had been no public parking at York House during the day anyway. The issue was the lack of bays outside the library. Councillor Quick suggested that the owner of the empty property on the corner of Victoria Street be approached to see if the car park there could be used until works began. Councillor Bicknell confirmed that he had written to officers earlier that day to ask for this to happen.

## ORDER OF BUSINESS

**RESOLVED UNANIMOUSLY: That the order of business as detailed in the agenda be amended.**

## HOMELESSNESS IN WINDSOR TOWN CENTRE (PEASCOD STREET)

The Head of Public Protection explained that the issue had been brought to the Forum as a result of an increase in reports of homeless people in Windsor. The council was working with a multitude of stakeholders in the town centre including Thames Valley Police (TVP), third sector charities and council support teams to develop a holistic strategy for the town centre and night time economy issues. The draft strategy would be considered by senior officers and TVP in mid-November 2017. In the interim officers of the council and TVP were working together to profile individuals.

The Chairman commented that in such a wealthy society, no-one should be homeless and the council had a statutory responsibility to home the homeless. Given the council had a well-funded service he questioned why the prevalence of homeless people in the town was increasing. He asked whether this could be because people would not engage with the council?

The Head of Public Protection commented that not all the individuals on the street were necessarily actually homeless. There were a number of drivers for people to be on the streets. The reality was that some individuals did not want to engage or fell out of engagement. Other factors such as drug dependency came into play. This

demonstrated the need for a holistic strategy. The Chairman commented that one driver was the ability to earn money from tourists in the town. If this was the case, the individuals should be moved on. The Head of Public Protection commented that such mechanisms were available but required evidence. The profiling that was being undertaken would identify where people were coming into the town with the aim of begging. The borough would work with other councils to identify needs the host authority may have an obligation to provide.

Councillor Bicknell highlighted that some of the individuals in question had mental health needs or addictions. The government required councils to house homeless people overnight when the temperature dropped below a certain point. The borough had taken the view that whatever the temperature, accommodation would be provided.

The Head of Public Protection acknowledged that a robust strategy would need buy-in therefore a community engagement process with residents, visitors and businesses would be required.

Councillor S Rayner commented that the council had opened Braywick Lodge as well as John West House. In conjunction with a local charity officers spoke to homeless people in the borough on a weekly basis.

Councillor Bowden highlighted the problem of the yard to side of the former Morrison's premises that was used by homeless people. He felt that the area should be boarded up until construction on site began. The Town Manager confirmed that officers had been talking to the administrators of the premises however the response had been that they were not prepared to spend any money on the building. A more positive response had been received from the landlords therefore it was hoped that progress could be made. The Head of Public Protection explained that the council had some powers if the premises were not secure or allowed unlawful occupation. However the council needed to show it had taken all steps to get the owners to act first. If the area was covered by a PSPO the police could confiscate alcohol. The Community Wardens worked closely with TVP on this issue. The Town Manager confirmed that discussions were underway with the two shopping centres to look at potential options such as banning notices for individuals. Businesses were being asked to report any activity as evidence was required in this respect.

The Chairman thanked the Head of Public Protection for his service to the council, as this was his last council meeting.

## PLANNING ENFORCEMENT

Although the report had not been included on the Agenda the Chairman agreed to consider it as an urgent item, in accordance with Section 100B (4) (b) of the Local Government Act 1972. Councillor Quick explained that as a Ward Councillor she regularly received complaints about enforcement. She had asked an officer to provide an explanation as it was often not as straightforward as residents hoped it would be.

Victoria Goldberg, Team Leader - Performance and Conservation explained that enforcement was an ever-evolving, complicated world. The council was inundated with people reporting issues. Some were beyond the council's remit; others were within the remit but had to be prioritised because of the volume.

The Team Leader - Performance and Conservation explained that householders and businesses were allowed to undertake a certain amount of development without planning permission under national legislation, therefore the council had no powers in this respect. When considering enforcement, the council had to consider if the development required planning permission and was in line with government guidance. Officers were required to undertake an expediency assessment in this respect. The council could not take enforcement action simply on the basis a premises did not have planning permission; enforcement was a discretionary service. The Town and Country Planning Act was clear that the planning system was pro-development therefore even if a development was unauthorised, the perpetrator always had the opportunity to regularise the situation in retrospect.

Reports often came in that a development was larger than the plans approved. The fall-back position was the need to identify if it was in the public interest to pursue enforcement, in term of resourcing if there was no evidence there was a benefit in planning terms of pursuing the action. There was often confusion between planning benefit and personal benefit.

Conditions were often imposed to make a development acceptable in planning terms. There were six legal tests that should be met to ensure the conditions robust and therefore were enforceable and legal. However, just because a condition existed, the council could not necessarily take action. The Enforcement team had no delegated authority to take action, authority had to be sought from a Development Management Panel. This could lead to a 6 week delay in action being taken. Enforcement action should always be the last resort. The council should look to work with the perpetrator wherever possible. Enforcement was therefore seen as a failure of the Local Planning Authority.

Councillor Quick commented that the six legal tests were not always known by the Panel Members. She therefore suggested they be added to the agenda or advised by officers. The Team Leader - Performance and Conservation explained that Member training in this area was being proposed.

Councillor Bowden asked how the council dealt with transport plans for large developments. The Team Leader - Performance and Conservation explained that if the application included a Construction Management Plan, her team could deal with enforcement in this respect. Highways officers would be involved to assess safety before and after development.

Richard Douglas referred to enforcement on a development in Bridgeman Drive. He commented that there was disconnect between what residents believed planning conditions and constraints meant and what the developer thought they meant. He believed that conditions had to be met before any development. The develop often saw it that if enforcement was unlikely, they would carry on anyway.

The Team Leader - Performance and Conservation explained that there were three potential criminal offences: works to a listed building, the display of advertisements without consent and failure to comply with enforcement notices. One prosecution had taken place in the previous month for the felling of trees. Breaches of condition were dealt with at the Magistrates Court however it was unlikely fines would be above £500. The tools and mechanisms were in place but often the penalty was not a disincentive for development. The Chairman commented that the problem was a legal one; the law

did not have enough teeth. He asked how much discretion could be used in the expediency test and how could this potentially be tightened?

The Team Leader - Performance and Conservation explained that the adopted enforcement policy talked about the expediency test; expediency was a term set out in case law. The borough was unusual in that it had two large town centres including a historic core, major redevelopment and rural / Green Belt issues as well. Four officers in the team dealt with up to 40 complaints per day. It was impossible to deal with all as quickly as residents would wish. If there were less complaints the council could be more pro-active. On average it took over one year for an Enforcement appeal to be determined and the council was unable to take action during this time.

Brian Rayner referred to an issue in the road he lived in. He had been in touch with the Head of Planning but residents felt they were being ignored. All residents in the road had signed a petition. Officers had told him he could not appeal but a hearing or review could take place but that had never happened. Residents had asked for a site meeting but it not happened. Mr Rayner was advised that any complaints could be escalated up to Russell O'Keefe, Executive Director.

Mr Williams asked, if all actions had to be referred to Panel for agreement, was the system sufficiently flexible? The Team Leader - Performance and Conservation responded that no, it was not sufficiently flexible. Provisions existed for officers to serve emergency notices but delays occurred because of the requirement to prepare and publish a report and for the meeting to take place. The Chairman suggested this issue be addressed in the upcoming Constitution Review, for example a delegation be given to the Chairmen of the three Panels. Councillor Bicknell suggested the Panels were involved because there was an element of interpretation. There were 28 days between each panel meeting therefore there should be some delegation for smaller scale decisions.

### WINDSOR YARDS

The Property Service Lead explained that the council owned the freehold of King Edward court, now renamed as Windsor Yards, with the exception of the multi-storey car park and a few small pieces of land. The lead lease in place was owned by Aberdeen Standard Investments (ASI). The council had a one third financial interest but did not manage the property or have a say in most decisions. Therefore the council had had no involvement with the name change or an ability to challenge the decision.

The motivation behind the name change was to attract the right sort of tenants to vacant premises. All large department stores nationwide and European had been approached in relation to the former Fenwick Store space, but there had been no interest. Detailed discussions were however underway in relation to a half store.

Lars Swann commented that it was a shame that representatives of the management could not have been present at the meeting. The name change did not inspire him to consider Windsor as a historic town.

The Property Service Lead confirmed that he had spoken to the management about the need to update all signage as soon as possible.

Anne Taylor of the Windsor and Eton Society had written to ASI and received a detailed letter in response. ASI had also agreed to meet with the society to discuss detailed aspirations. The society was pleased that the word Windsor had been included in the name, but felt the change could have been undertaken more diplomatically. Some property managers, such as Daniels, had been unaware of the change. The Property Service Lead commented that Daniels was not part of the property but did have quarterly meetings with ASI.

It was confirmed that footfall into the centre had fallen since the closure of Fenwicks, but this trend had been seen generally across the town centre. Councillor Bicknell commented that with the internet it was recognised that retail was becoming a black art. The centre offered specialist shops and a retail experience therefore there was a need to be positive and get behind the renamed centre. Councillor S Rayner requested that the Property Service Lead talk to ASI about tidying up the area close to Fenwick as it was looking sad.

- ❖ **Action:** The Property Service lead to raise issues of signage and tidying up the area around Fenwicks with ASI.

Councillor Quick suggested the new manager be encouraged to engage with the local community in the way the former manager had done. The Town Manager confirmed the new manager had attended the recent Town Partnership meeting. Issues such as internal cleaning had been discussed.

Councillor Rankin left the meeting at 8.30pm. Councillor Alexander therefore assumed the Chair.

#### UPDATE ON WINDSOR RIVERSIDE

The Property Service Lead explained that consultants GL Heard had been selected to undertake the Windsor Riverside Improvement Opportunity study, following a full OJEU process. The consultants would produce initial thoughts and a baseline report by the end of November 2017. Workshops with key officers and Members would take place mid-December 2017. A final report would be available by February 2018. Local groups would then be engaged to provide feedback on the options. GL Hearn had been instructed to start with a blank page.

It was confirmed that the Windsor 2030 group was a listed consultee. Roz Rivaz commented that although Eton was not covered, both Eton and Eton Wick currently had a number of views across to Windsor therefore should be involved as early as possible.

- ❖ **Action:** The Property Service Lead to check the list of consultees to ensure the following were included: Windsor and Eton Society, Eton Wick Neighbourhood Plan Group, Eton Community Association, Eton Wick Village Association.

Garry Williams asked if there was any intention to restore the free flow of traffic though Alexandra Gardens? The Property Services Lead explained that all options were being considered. Highways experts were part of the consultant team. The team would be aware of the conditions associated with an Asset of Community Value. Archaeological experts would also be included in the team so could address any issues that arose.

The process for public consultation was currently being finalised. It was the intention for all Neighbourhood Plan groups to be consulted.

### UPDATE ON THE NEIGHBOURHOOD PLANS RELEVANT TO WINDSOR

John Bastow of the Windsor Neighbourhood Plan explained that the plan covered the major part of residential Windsor excluding the gardens, town centre, riverside and the area of West Windsor in Bray parish. The 6 week pre-submission consultation had taken place in September 2016. Comments had been reviewed in early 2017 and the plan refined as necessary. National legislation required the plan to conform with generic Borough local Plan (BLP) policies. It had been difficult to plan in the absence of the BLP and therefore the neighbourhood plan had been longer than as necessary. Therefore the group would welcome the publication of the BLP.

Locality, the administrative arm of the DCG, had health checked the plan and raised a number of issues. The group had applied for additional funding from two pots:

- i) A free of charge facilitation package for technical advice; this had been agreed in the last few days
- ii) A cash grant to fund further work if necessary. The decision had been deferred for one month.

The main issue was now the need to reduce the number of policies and update some including Open Space. This illustrated the problem with the absence of a BLP. If a Strategic Environmental Assessment was needed this would be followed through with the help of the facilitation package. Technical issues such as a sustainability assessment and the need to consider each policy against the National Planning Policy Framework needed to be addressed. Production of the final draft was expected in February 2018, which would then be submitted to the borough, or a second public consultation would be run if sufficient changes were required.

Roz Rivas of the Eton and Eton Wick Neighbourhood Plan explained that the group had been split into four teams, which all reported into the Steering Group. The group had worked closely with the borough officers in all areas. The only remaining issue was transport. 300 people had contributed to the six week consultation. One issue had been de-emphasised as a result, to become a small project rather than a core one. Regulation 15 documents had been submitted on 13 June 2017. In parallel, contributions had been made to the Conservation Area Action Appraisal document. The Regulation 16 consultation had been planned to avoid the summer break as many people had a relationship with Eton College and were therefore not around over the summer.

There was one issue in relation to the BLP, although this was not felt to be a reason not to submit. There were three designations of places in the BLP: town centre, district centre and local centre. A local centre was designated as when a number of premises no longer had businesses, they could convert to residential properties. It was imperative for both Windsor and Eton not to have this allowance. The objection was included in the first round of the consultation. The group had been horrified when it had come back remaining as a local centre. Eton Wick was a local centre, however Eton was a different case and was effectively a town centre. It had therefore been requested that Windsor and Eton be considered as one town centre for the purposes

of the BLP. A future meeting was planned to consider the enhanced designation of retail outlets in the area.

Sally Stevens of the Windsor 2030 group explained that the plan was business focussed but did include some residents. It was hoped that the draft plan would go back to the professional writers at the end of the week. A design guide was being drawn up. A legal review had been undertaken to tighten up the policies to be more robust and resilient. The group had resolved to ask the council for scoping opinions in relation to the Environmental Impact Assessment. It was hoped a professional assessment would not be needed.

The revised plan would be published in January or February 2018, with consultation in March or April. A referendum was therefore possible by the end of 2018. The timetable would be impacted if an Environmental Impact Assessment was required. Meetings for specialist interest groups had been held, for example St Leonards Road traders and companies on the Vansittart Road Industrial Estate. It was confirmed that Heathrow was not covered by the plan.

The Chairman thanked the three representatives for their presentations and for the work of all the volunteers involved.

#### ALEXANDRA GARDENS BANDSTAND

The Town Manager explained that the bandstand had been opened the year before. The Town Partnership had committed to a summer programme, with a few events being held in the first year. An extended programme had been promoted for the summer of 2017, including 12 bands and choirs performing. One date had been cancelled because of a police incident. Hundreds of bands had been contacted and bookings were already being taken for 2018. This was all being achieved without any budget. The majority of bands played for free.

Sponsors were being sought for 2018 as a minimum of £3000 was required to allow for Saturday and Sunday bookings. The website allowed bookings to be made online but it was not necessarily the easiest form to find. The Town Manager would look at making it more accessible. It was confirmed that attendance levels were monitored; turnout often depended on the weather.

Councillor Bicknell thanked officers for their work in moving this in the right direction.

#### WINDSOR CHRISTMAS ACTIVITIES

The Town Manager advised that the Christmas programme had just been printed and included 65 different events through November and December. Four light switch-on events would take place in Windsor, Eton, Datchet and Sunningdale. Permission had been given to project images of artwork by local children onto the castle walls, as had occurred the previous year. Coburg would once again be donating a tree and decorations. A number of events were due to take place in the castle grounds and were featured in the programme. There would be a Victorian element to the switch-on event on 18 November 2017. The Living Advent Calendar would feature again this year, with a live event taking place at 6.15pm each evening. It was confirmed that spaces would be reserved for those with mobility issues at such events. The new security measures meant all events in public had to be reviewed with TVP.



## DISCUSSION ON VICTORIA STREET CROSSING

The Town Manager explained that work had been undertaken to raise the level of the crossing point to allow people to walk seamlessly from Peascod Street into St Leonard's Road. The traffic lights would also be improved to become pedestrian responsive.

The budget had been approved therefore delivery of the programme could occur after detailed plans had been drawn up. There were a number of services including a BT cavity to take into account. Implementation was targeted for February or March 2018, following consultation.

Councillor Bicknell commented that the traffic lights were 35 years old so were in need of replacement. He believed the proposals would support the retail experience. An information board was being planned to act as a business directory. It was confirmed that there were no plans to restrict traffic flows.

Garry Williams expressed concern that there would be a loss of town centre parking as a result. Councillor Bicknell responded that there were no plans to remove the 5 or 6 parking spaces.

Brian Rayner commented that he would be against extending the crossing time because traffic would build up to Charles Street and Clarence Road. He would support lights that gave a time for crossing as were seen in London. Councillor Bicknell explained that there had been a number of complaints from pedestrians and wheelchair users who could not get across in the given time. It was a particularly short crossing time and needed amending.

The meeting, which began at 7.00 pm, finished at 9.30 pm

CHAIRMAN.....

DATE.....

Addendum to minutes as requested by the Panel relating to the item 'Planning Enforcement'

*Paragraph 203 of the National Planning Policy Framework states "Local planning authorities should consider whether otherwise unacceptable development could be made acceptable through the use of conditions"*

*Paragraph 206 of the National Planning Policy Framework states "Planning conditions should only be imposed where they are:*

- 1.necessary;*
- 2.relevant to planning and;*
- 3.to the development to be permitted;*
- 4.enforceable;*
- 5.precise and;*
- 6.reasonable in all other respects."*

*The policy requirement above is referred to in this guidance as the 6 tests.*