

CABINET

WEDNESDAY 24 APRIL 2024

PRESENT: Councillors Simon Werner (Chair), Lynne Jones (Vice-Chair), Richard Coe, Joshua Reynolds, Catherine Del Campo, Adam Bermange, Karen Davies and Amy Tisi

Also in attendance: Councillors Helen Price, Mark Wilson, Julian Sharpe, John Story, David Buckley and Genevieve Gosling

Also in attendance virtually: Councillors Maureen Hunt and Sayonara Luxton

Officers: Oran Norris-Browne, Stephen Evans, Lin Ferguson, Elizabeth Griffiths, Andrew Durrant, Elaine Browne, Kevin McDaniel and Alysse Strachan

Officers in attendance virtually: Lyn Hitchinson, Ian Brazier-Dubber, Becky Hatch and Michael Shepherd

Apologies for Absence

Apologies for absence were received from Councillor Hill.

Declarations of Interest

No declarations of interest were made.

Minutes

RESOLVED UNANIMOUSLY: That the minutes of the meeting held on Wednesday 27 March 2024 were approved.

Appointments

None

Forward Plan

Cabinet noted the Forward Plan for the next four months including the following additional changes:

- School Transport Policy 2024-25 – item brought forward from 02.10.24 to 22.05.24, as it was ready earlier than anticipated.
- Adult Social Care Realignment – New item added for 22.05.24.

Councillor Price asked for some further details on the Adult Social Care Realignment item. Councillor Del Campo provided this, with this detail being contained within the Forward Plan.

Councillor Price then asked about the consultation results for the buses. The Chair said that Councillor Hill had given apologies at the meeting, but would be happy to answer this offline.

Novello Theatre - Sale of Property

Elaine Browne, Monitoring Officer, confirmed that the Council had decided to list the premises in question as an asset of community value. The interested parties were to receive further notification from Legal Services on this.

Councillor Bermange, Cabinet Member for Planning, Legal & Asset Management, introduced the report to Cabinet by saying that he believed the recommendation within the report was the correct way forward. He then outlined some of the history of the premises in question, which was listed within the report's contents. The Council had owned the property since 1966, which had been leased out to various tenants during this period, up until the covid-19 pandemic. He then said the Council had sought an independent valuation which was £300,000 and to demonstrate best value, the Council would seek to achieve this value, through a sale. He finished by saying that if no community bids were received within 6 months that met the Council's valuation, then the sale would be opened up to a wider market.

The Chair then invited the registered public speakers to address the Cabinet. Alan Everett, the Lead Petitioner was given 5 minutes to speak, with Peter Harris, Jeni Jackson and Jane Richardson being given 3 minutes each to speak.

Councillor Reynolds, Cabinet Member for Communities & Leisure, thanked the speakers and especially Alan Everett, who had acted as the Lead Petitioner. He said that he had attended a meeting in Ascot just that morning, where it was mentioned that there was a lack of community spaces in the area. He was therefore very supportive of the petition and making the theatre into an asset of community value. He was very encouraged by the hard work that had been put in by the community and for the collaboration between the Cabinet and the community.

Councillor Sharpe, Ascot & Sunninghill, thanked the hard work that had gone into the petition by various members of the Save the Novello group. He also thanked the Council for declaring the Novello Theatre as an Asset of Community Value. He then said that having lived in Ascot for 30 years, the Novello Theatre had always been difficult to get access too, with tickets being very hard to get hold of. He physically saw the site for the first time earlier in 2024, and although it appeared to not be in an awful condition, it did still require some tender loving care. He said that it was important to bring it back to life and make it a vibrant asset in the community again.

Councillor Sharpe then said that a couple of years ago, it appeared that the theatre was valued in the Council's accounts at £0, however later on there was a valuation of £200,000. However, in the 2024/25 budget, £300,000 had been allocated as a demolition cost for the site, and he therefore claimed that this would be saving the Council money, if sold under the valuation of £300,000. He said that this was too high and asked the Cabinet to defer their decision to a future meeting, to allow for a fair valuation to be achieved.

Councillor Price said that it appeared that there had been a dilapidation and repairing lease when in the ownership of the Council, which appeared to her, to having not been previously enforced in this case. She wished to know what lessons had been learnt from this and wished for this to not happen with other assets in the future.

The Chair agreed with Councillor Price and said that it was the failure of the previous administration. He said that once he became Leader of the Council, he immediately ordered a full review of all of the Council's assets, to ensure that there were no other assets that had also been ignored by the Council's previous administration. He brandished it a scandal.

The Chair then said that he was a huge fan of the theatre and commented on the ones that were currently in the borough, which included the Windsor Royal Theatre and Norden Farm. He said that it was a shame that there were not more community theatres in other areas of the borough such as Hurley, Old Windsor and even Sunninghill. He said that the Parish Councils

should play their role here. Unfortunately, he said that his head had told him that due to the financial constraints that had been placed on the Council by the previous administration, there was not much room to lower the valuation that had been recommended. He again referred back to the Parish Councils and said that it was their role to step in here and make use of their community infrastructure levy (CIL). He said that he believed that in 2022/23, both Sunninghill and Sunningdale received £1million in CIL. He believed that the theatre project was a prime example of what this CIL money should be spent on, and he was keen for the Parishes stepping up to the plate.

Councillor Jones, Deputy Leader of the Council and Cabinet Member for Finance, thanked the speakers and said that she would love to support the suggestions that had been made by them. However, as she held the portfolio for finance, she stressed about the challenging financial position that the Council found themselves in and therefore had to support the recommendation that had been made by officers within the report.

AGREED: That Cabinet noted the report and agreed to sell the Novello Theatre and set a valuation of £300,000.00 based on the independent valuation received; and gave delegated Authority to the Executive Director of Place in consultation with the Portfolio Holder for Asset, Planning Legal and Asset Management to Market the Theatre for sale for use as Community facility for a minimum period of six months.

Quality of Education - A review of academic year 2022/23

Councillor Tisi, Cabinet Member for Children's Services, Education & Windsor, introduced the report by saying that the report was very detailed and encouraged the Cabinet to give some time to reading it in full. The quality of education in the borough was very high, with 92% of schools being rated good or outstanding by Ofsted. She said that 2022/23 had been the first year since Covid-19 that exams had gone back to their regular practice. She then said that historically, the borough had a large gap between disadvantaged pupils and their non-disadvantaged peers, with the gap having widened in recent years under the Conservative Government. 80-90% of assessments for Education Health Plans were being achieved within the 20-week target, which compared to some neighbouring authorities who had a figure as low as 16%.

Councillor Price referred to paragraph 2.4 and said that it appeared that schools who previously had not needed to be inspected were now and that they had appeared to have dropped a grade. She asked if this was because the criteria of the inspections themselves had changed or if the standard was no longer as good. Councillor Tisi replied by saying that for some schools, they went for almost a decade without having an inspection. Many things could change with schools all the time, including a change in head teacher, different cohorts or even the pandemic. The Ofsted inspection schedule had also changed, which meant that what was required for a school to be outstanding in 2005 or 2008, was very different to now.

Councillor Jones asked about table 3 within the report and said that it appeared that there had been a huge increase in the number of children who were now requiring Education Health Care Plans. She asked how the borough was coping with this. Councillor Tisi said that the Council was working very hard with local schools to identify certain needs and understand certain needs, potentially without the need for a plan.

Councillor Wilson, Eton & Castle, said that a couple of the schools nearest to him in Windsor such as Queen Annes and Windsor Boys, had staff at full stretch in dealing with the challenge of pupils who required additional support. He added that there was also a lack of teaching specialists in schools and asked what more could be done to access further funding from areas such as Central Government. Councillor Tisi said that this was certainly a national issue and referenced a recent experience that she had seen, which showcased a will of the people to help people.

The Chair then mentioned that the People Overview & Scrutiny Panel had recommended to Cabinet that the recommendation be changed to mention congratulating not just schools, but also the staff and pupils too. Councillor Tisi endorsed this.

Councillor Bermange said that the key priorities in table 4 mentioned the transformation of the therapy services, which needed to be done hand in hand with Berkshire Health Foundation. He said that the therapy services played a vital part for the borough's children with additional needs and disabilities. Councillor Tisi said that one further area that was being worked hard on was pupils who were at risk of exclusion and getting them brought back into school.

AGREED: That Cabinet noted the report and:

- i) Congratulated local schools, staff and pupils on their continued success.**
- ii) Endorsed the key priorities set out in paragraph 2.85.**

Month 11 Budget Monitoring Report

Councillor Jones introduced the report to Cabinet and outlined the key points. Overspend of services was at £6.75 million, with the majority of the overspend being fuelled mainly by statutory services. Reserves were projected to fall below £4 million by the end of the year. She said that the current financial position clearly showed that the budget that had been approved in 2023, was inadequate. There had also been an adverse effect from the previous month, with a movement of £686,000. £387,000 was made up of continued pressures on adult social care, with £478,000 being mitigated by the focus on funding arrangements and additional invoices that had brought in income of £160,000. There was some positive news though, with the costs of some things coming down, however with other things rising in cost, this had seen it outweigh the decrease.

Councillor Price asked about the reserves going below £4 million and if this was the minimum level set in the 23/24 budget or was it a critical figure that should not be gone below. Secondly, she asked about the newly set 24/25 budget and asked if the pressures that were being seen so far, would roll onto 24/25 and make the agreed figures seem suspect. Thirdly, she said that Councillors had been informed that the Spending Control Panel did not apply to CIL money and asked if there was anything else that the Panel did not look at. Lastly, she asked about auditing and why over the years had nothing been shared about the sloppiness of processes.

Councillor Jones responded by saying that the £4 million reserves figure was just a calculation. In terms of if it would spill over in to the next financial year, no reassurances could be made over this as it was a base budget that had been set. She believed that the Council had a more robust process this time around, however. In terms of auditors, they had not been in and made any reconciliations since 2021.

Stephen Evans, Chief Executive, then said in relation to CIL and Section 106 money that there had been a detailed review of CIL when setting the budget for 24/25, in order to maximise the amount of CIL to fund the capital programmes. A capital review board to monitor CIL had been looked at by the Senior Leadership Team, with this being separate from the Spending Review Panel. Stephen Evans said that the majority of spending would now be reviewed at these different boards, with other things such as grants also being reported at Cabinet. The example of the Public Health grant was given.

The Chair asked if there was any early indication as to the month 12 figures. Councillor Jones replied by saying that without having finalised the balance sheet reconciliation, the answer was unknown. However, this was going to occur soon.

AGREED: That Cabinet noted the report and:

- i) noted the forecast revenue outturn for the year is an overspend on services of £10.392m which reduces to an overspend of £6.755m when including**

- unallocated contingency budgets and changes to funding budgets (para 4);
and
- ii) noted the forecast capital outturn is expenditure of £41.125m against a budget of £89.541m (para 9).

Quarterly Assurance Report Q3 2023-24

The Chair introduced the report and outlined the contents of the report. He firstly said that it had been based on the previous Corporate Plan and not the newly adopted Council Plan. He said that the risks identified on page 5 of the report, were crucial and should be at the forefront of everybody's minds at all times.

Councillor Reynolds wished to highlight leisure centre attendance, which had seen a huge uptake, with 340,000 more attendees being seen in Quarter 3, than was the planned target for the entire year. 2.34 million more residents were now frequenting the borough's leisure centres.

Councillor Tisi wished to highlight the huge success within Children's Services, which showed 82% of indicators showing as green or amber. The targets were already high, so being able to meet these was a huge success. She then said that on the flipside, demand in Children's Services was increasing greatly.

Councillor Del Campo, Cabinet Member for Adults, Health & Housing, praised the well put together report and said that the cost-of-living pressures and the impact of asylum seekers leaving hotels, had led to a huge increase in demand for temporary accommodation. 64% of households were being placed out of borough, however the majority were being placed in Slough. Work was also being done to provide additional accommodation and funding from Central Government.

AGREED: That Cabinet noted the report and reviewed the Quarterly Assurance Report setting out progress against the performance indicators and risk register.

Lease renewal of office space at York House, Windsor

Councillor Bermange introduced the report to Cabinet by saying that the report sought approval from Cabinet to delegate the renewal of the lease over the second floor of York House, Windsor. The tenant's current lease expired in July 2024, with the new lease proposed to commence after this period. The new lease would also see additional car parking spaces now being permanently allocated to the leaseholder; however, it was noted that this would have no impact on car parking revenue due to the car park currently being rarely used anyway outside of office hours.

AGREED: That Cabinet noted the report and delegated authority to the Executive Director of Place Services in consultation with the Cabinet Member for Planning, Legal and Asset Management, to conclude the renewal of the lease over the 2nd floor and ancillary car parking at York House, Windsor.

RBWM Leisure Management Contract re-procurement

Councillor Reynolds began by reminding Cabinet that back in July 2023, Cabinet had made the decision to terminate the procurement of a new 12-year leisure management contract, as more time was needed to consider the implications of changes to how HMRC treated VAT, when it came to leisure centres. To ensure that the leisure centres did not close, an interim 12-month contract was agreed and was planned to end in March 2025. He complimented officers on their hard work with this and added that the borough's leisure centres generated around £2 million of additional income each year. He then outlined the recommendations that

were before Cabinet for approval and included some words on the Lawn tennis Association (LTA) deal that had been agreed by the previous administration.

The Chair said that he was really impressed with the nimbleness of the Council when this situation came about last year and thanked Michael Shepherd, Sport & Leisure Service Manager, for his keen eye in spotting this.

Councillor Wilson asked about contract length and asked if an explanation could be given for why a 12 + 5-year contract was being pursued. Councillor Reynolds replied by saying that paragraph 3.8 of the report stated that a contract length had not yet been agreed, with this being decided at a later date, as per the recommendation within the report.

Councillor Price asked for clarity over the tennis courts and if residents were going to need to start paying to use them and if so, when would this begin. Councillor Reynolds replied by saying that the previous administration had signed the deal with the LTA which made sure that the Council kept them up to a high standard. The only way to do this was to charge for them, which he said that he was against. He then said that free sessions would be on offer, however the specific timings of this had not yet been agreed. The timings of these would also not be limited to just daytime sessions, with a range being offered, such as weekends and after school. He said that this would come into effect very soon.

Councillor Coe, Cabinet Member for Household & Regulatory Services, asked if the sessions would be targeted at particular groups. Councillor Reynolds confirmed that they would.

Councillor Bermange said that it was important that as an administration, they were committed to insourcing, however this did not always apply, such as in this particular case. Councillor Reynolds agreed and used the Street Works contract as an example for bringing services back in house.

AGREED: That Cabinet noted the report and:

- i) Delegated authority to the Executive Director of Place Services in consultation with the Cabinet Member for Communities and Leisure for the procurement and contract award of a leisure operator for the contract period from 1 April 2025**
- ii) Agreed the Lawn Tennis Association (LTA) tennis scheme (as outlined in the background documents) can be implemented, with the final operational model being determined in consultation with the wider leisure procurement process, with future decisions being delegated to the Executive Director for Place, in consultation with the Cabinet Member for Communities and Leisure.**

The meeting, which began at 7.00 pm, finished at 8.20 pm

CHAIR.....

DATE.....