

CABINET PRIORITISATION SUB COMMITTEE

16 APRIL 2015

PRESENT: Councillors David Burbage (Chairman), Simon Dudley (Finance), David Coppinger (Adult Services and Health) and Derek Wilson (Planning, substituting for Councillor Bicknell).

Also in attendance: Councillor Ilyas

Officers: Andrew Brooker, Suki Coe, Richard Ellis, Shauna Hichens, Chris Hilton, Victoria Goldberg, Vicky Roberts, Karen Shepherd, Ben Smith and Matthew Tucker.

PART I

APOLOGIES FOR ABSENCE

An Apology for Absence was received from Councillor Bicknell.

DECLARATIONS OF INTEREST

None.

MINUTES

RESOLVED UNANIMOUSLY: That the Part I minutes of the meeting of the Sub Committee held on 19 February 2015 be approved.

CABINET MEMBERS' REPORTS

Planning

Unauthorised Development at 27 Cranbrook Drive, Maidenhead

As per Section 8E, Paragraph 16 of the Royal Borough Constitution, the Chairmen of the Planning & Housing Overview and Scrutiny Panel had agreed that the item should be considered as an urgent item.

Members considered the position in relation to an unauthorised fence erected at 27 Cranbrook Drive, Maidenhead. Following an appeal by the owner, the Planning Inspector had been found the fence to be unlawful and the enforcement notice came into effect on 6 April 2015. The requirements of the notice had not been complied with and the Sub Committee was therefore requested to consider how best to secure the enforcement of the notice and the removal of the fence. It was noted that there were three options:

- Do nothing. This would be unpalatable to local residents
- Prosecute. The owner would be taken to the Magistrates Court, but this would not secure the removal of the fence and was therefore not in the interests of local residents.
- Take direct action to remove the fence on behalf of the owner

The Lead Member for Planning stated that direct action was needed otherwise the situation contravened everything the council did. Direct action would send the right message, that the council was willing to take action where appropriate. Residents would wholeheartedly support direct action.

The Lead Member for Finance commented that he understood the strength of feeling amongst local residents, however he was concerned about proportionality. He referred to a new housing development in Windsor that was also in breach of existing planning approval. A councillor was involved in the development. The Chairman commented that he was loathed to open up a debate about a planning application not on the agenda for consideration. The Lead Member for Finance continued that any action needed to be undertaken sensitively. He felt that the expression 'direct action' had a sinister tone. He was very concerned about proportionality.

The Lead Member for Adult Services requested clarification on the timetable. The Development Control Manager explained that the best way to enable direct action was to ensure a warrant for power of entry was in place. This would enable police support to be in place. If Members agreed to take direct action, legal services would be requested to apply to the magistrates for a warrant. In the interim, the council would repeatedly write to the owner to ask her to remove the fence herself. However, previous attempts to contact the owner had proved difficult. The warrant could take between 4-8 weeks to be issued. Once the warrant was in place, Streetcare officers would be ready to act. It may take a week to also make arrangements with Thames Valley Police. The council did not technically need a warrant to take action, however police support would not be forthcoming if a warrant was not in place.

Councillor Ilyas stated that he and his fellow Ward Councillors had stood united since the start of this long saga. It had been the Ward Councillors' endeavour to listen to all residents and make a reasonable and just decision based on the rule of law. In this case, he believed residents were correct in highlighting the breach of planning conditions, which were in place to maintain the open-plan nature of the estate. The owner had been given ample opportunity to present her case. He was sure residents would understand the need to obey the rule of law and due process. The process could seem terribly slow at times and he appreciated the patience of residents and the efforts put in by officers to resolve the situation. Removal of the fence as soon as possible was the best course of action in the opinion of the Ward Councillors.

The legal adviser commented that he did not believe the council would be required to pay the police for their support, but if no warrant was in place the council would need some form of security which would have a financial cost.

The Development Control Manager explained that the council was not the only body in conflict with the resident, who was fragile and vulnerable in terms of her mental health. The council had not been able to undertake a service impact assessment as it had been unable to gain the necessary information from the resident. Adult Social Care was aware of the resident but could not act unless the resident sought a referral or was sectioned. The resident lived with her daughter, however she

worked away for much of the time and had also been equally difficult to contact. Officers had been accused of trespassing when they had knocked on the door to speak to the resident.

The Lead Member for Finance reiterated the need for a sensitive approach. The structure was not large and would therefore not require a large number of people to undertake removal. It was confirmed that the plan was to use the council's own Streetcare officers.

The Chairman suggested additional recommendations to ensure Ward Councillors and the Lead Member were kept fully informed at all times. It was suggested that the Lead Member should be included in the membership of the Operational Group.

RESOLVED UNANIMOUSLY: That:

- i) The Cabinet Prioritisation Subcommittee authorise the setting up of an Operational Group to take direct action to secure the removal of the fence.**
- ii) The Lead Member for Planning to be included in the membership of the Operational Group**
- iii) Ward Councillors to be kept fully informed of progress at all times.**

Highways & Transport

Annual Highways Resurfacing Programme 2015/16

As per Section 8E, Paragraph 16 of the Royal Borough Constitution, the Chairmen of the Highways, Transport & Environment Overview and Scrutiny Panel had agreed that the item should be considered as an urgent item.

Members considered approval of the roads resurfacing programme and public rights of way schemes to be implemented in 2015/16. It was noted that £1.65m had been allocated for the programme in the overall council budget for 2015/16. The list of schemes at Appendix A had been collated from technical assessments, requests from residents and suggestions from Ward Councillors.

The Chairman commented that there would be additional works to be carried out, which would also be considered at Cabinet level.

The Strategic Manager – Highways and Transport agreed to ensure resurfacing on Ascot Road between Holyport Green and the M4 would not be affected by construction works on the bridge that were also due to take place. He would liaise with the Highways Agency.

The Lead Member for Finance requested an audit of the roads in Eton Wick be undertaken, as he felt they were in bad condition.

RESOLVED UNANIMOUSLY: That:

- i) The Strategic Manager – Highways and Transport be authorised to implement the programme of works set out in the appendices to this report in 2015/16.**
- ii) The Strategic Manager – Highways and Transport in consultation with the Lead Member for Highways and Transport be authorised to agree minor amendments to the approved schemes within approved budgets and implement reserve or substitute schemes should this become necessary (subject to funding).**

LOCAL GOVERNMENT ACT 1972 – EXCLUSION OF THE PUBLIC

RESOLVED: That under Section 100(A)(4) of the Local Government Act 1972, the public be excluded from the remainder of the meeting whilst discussion takes place on item 5 on the grounds that it involved the likely disclosure of exempt information as defined in Paragraphs 1-7 of part I of Schedule 12A of the Act.