

CABINET

THURSDAY, 21ST JULY, 2022

At 7.00 pm

in the

GREY ROOM - YORK HOUSE, WINDSOR

SUPPLEMENTARY AGENDA

PART I

<u>ITEM</u>	<u>SUBJECT</u>	<u>PAGE NO</u>
v.	Cavalry Crescent, Windsor	3 - 38

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Report Title:	Cavalry Crescent, Windsor
Contains Confidential or Exempt Information	Yes - Part II - all appendices except Appendices 1 and 2 are not for publication by virtue of paragraph 3 of Part 1 of Schedule 12A of the Local Government Act 1972.
Cabinet Member:	Cllr Hilton Cabinet Member for Asset Management & Commercialisation, Finance, & Ascot
Meeting and Date:	Cabinet Meeting – 21 July 2022
Responsible Officer(s):	Adele Taylor, Executive Director of Resources and Section 151 Officer
Wards affected:	Clewer East

www.rbwm.gov.uk



REPORT SUMMARY

Cavalry Crescent, Windsor is a former Defence Estates property consisting of 53 number 2 and 3 bedroomed houses. There are two small parcels of land at the site that, subject to Planning Consent, can accommodate 10 new build apartments. Cavalry Close is owned by Annington Property Limited, a residential Asset management business. The site has been declared surplus to requirement, is vacant and Annington Homes will sell the freehold site on the open market.

The report provides an update on the discussion and negotiations with Annington Property Limited regarding the purchase of the site. The site would provide 53 houses and 10 new apartments to rent. As an investment this would, contribute to the proposed Asset Portfolio set out in the Business Plan. The properties would be managed by the Prop Co. The site provides the opportunity to meet a range of housing need in the Borough through a variety of homes to rent in collaboration with RBWM Housing Department.

The strategy is to purchase the freehold of the 53 houses and two infill sites via a Purchase and Development Agreement. The contract will require Annington Property Limited to fully refurbish the properties to an agreed specification to market habitation standards and to obtain Planning Permission and build the 10 new residential apartments on the infill sites. To inform discussion with Annington Property limited and assess the potential purchase values independent market valuation advice has been provided.

The valuation advice forms part of the wider due diligence that informs the site value(s), potential income values and financing requirement. This will include the cost of borrowing, particularly inflation on interest, capital repayment, Minimum Revenue Provision (MRP), maintenance, and management cost. In addition legal and tax advice will be taken on the final contract form, funding structure and tax implications.

1. DETAILS OF RECOMMENDATION(S)

RECOMMENDATION: That Cabinet notes the report and:

- i) Recommends to full Council to approve the capital expenditure budget of £21,550,202 including the proposed expenditure of up to £20,000,000 of the budget to acquire from Annington Property Limited the freehold acquisition of the fully refurbished existing 53 no. houses and the completed new build flats at Cavalry Crescent, Windsor.
- ii) Note that the homes provide a range of rental tenures to meet housing need, from Market Rent tenure for the existing 53 no. houses and Affordable Rent tenure for the 10 new build apartments.
- iii) Delegate authority to the Director of Resources in consultation with the Managing Director of the Property Company to complete negotiation of the contract for the freehold Purchase and Development Agreement with Annington Property Limited.

2. REASON(S) FOR RECOMMENDATION(S) AND OPTIONS CONSIDERED

Options

Table 1: Options arising from this report

Option 1	Comments
<p>Recommend to full Council to approve the capital expenditure budget of £21,550,202, for the conditional acquisition of the fully refurbishment existing 53 houses and development of 10 additional New Build flats at Cavalry Crescent for up to £20,000,000 the 100% Market Rent tenure for the 53 houses and Affordable Rent tenure for the proposed 10 New Build flats, to be let and managed via the RBWM Prop. Co Ltd.</p> <p>This is the recommended option</p>	<p>Cavalry Crescent was identified in the Property Company's Business Plan. Approving the conditional acquisition will enable RBWM Property Company Limited to deliver part of its strategic objectives and to deliver the proposed scheme with Annington Property Limited.</p>
<p>Option 2</p> <p>Do nothing.</p> <p>This is not recommended</p>	<p>RBWM Property Company Limited will not be able to fulfil its strategic objective to deliver its Business Plan.</p>

2.1 The proposal is for the 53 houses to be full Market Rent and the 10 Apartments for Affordable Rent capped at LHA levels, which is below 80% of full market rent. This enables RBWM Property Company Limited to be competitive in the marketplace when considering the purchase of Residential Assets. This could demonstrate how

Local Authorities can collaborate with strategic partners with the focus on helping to reduce the Temporary Accommodation pressures for the Council by permanently rehousing families.

2.2 The proposed purchase is based on a mix of rental products: the 53 houses as Market Rent and the 10 new apartments at Affordable Rent capped at LHA Levels, which is below 80% of full market rent. The rental values have been modelled in development appraisal as these are the only rental values that support a competitive purchase price. The use of market rent enables prudential borrowing of the funds for the affordable rent element. The full market rent of the 53 houses helps cross subsidize and support the 10 affordable units, contributing to the business plan and helping the strategic growth of the Residential investment portfolio.

Table 2: New Build Affordable Rent at LHA Levels

New Build Location	Size of Unit	Market Rent (PW)	Affordable Rent@ 80%(PW)	LHA Rent	LHA %	LHA Less Service Charge (£25/PW)	LHA Less Service Charge (%)
Western Tip	2	£300	£240	£230.14	76.71%	£205.14	68.38%
Eastern Tip	3	£380.77	£304.62	£293.42	77%	£268.42	70.49%

2.3 The proposed purchase of the property will be for the freehold of the whole site, with full title guarantee, using a Development Agreement as a form of contract with specific conditions. The proposed contract conditions would be the payment of a deposit of up to 10% at exchange, Collateral Warranties, Retention Payments Ascertained Damages, Defects Liability Period of 12 months per unit for all works. The conditional offer affords the Prop Co time to undertake full due diligence, to satisfy that the investment is value for money.

3. KEY IMPLICATIONS

3.1 The proposed purchase of the houses for Market Rent and the new build for Affordable Rent, will enable the significant growth of the asset portfolio for the Prop Co. This creates the opportunity to increase the type and quantity of affordable homes, available from the Borough.

3.2 Annington Property Limited anticipate commencing work on site in November 2022 for the refurbishment scheme and completing these in April 2023. There is the opportunity to have early delivery of some units to market for rent subject to Annington Property Limited's programme and discussion, as the proposed refurbishment works could potentially release completed block of homes from January 2023 onwards.

3.3 The new apartment development requires planning permission, which could take up to six months, March 2023, followed by a building period of a year. Annington Property Limited suggest that they would be able to complete the new development by March 2024. However given the current procurement difficulties and inflationary impact on materials, a longstop date should provide some cushion to their completion target date coupled with associated penalties e.g. Ascertained Damages for delay.

Table 3: Key Implications

Outcome	Unmet	Met	Exceeded	Significantly Exceeded	Date of delivery
Refurbishment - Provides a route to growing the development activities of the Prop Co	April 2023	March 2023	May 2022	n/a	March 2023
New Build - Provides a route to growing the development activities of the Prop Co	30 May 2024	30 Apr 2024	June 2024	n/a	30 Apr 2024

4. FINANCIAL DETAILS / VALUE FOR MONEY

- 4.1 This report requests recommendation to full council of a new capital expenditure budget approval of £21,550,202 to be added to the 2022/23, 2023/24 and 2024/25 Capital Programmes. The budget covers the acquisition cost for the delivery of the proposed schemes, the on-costs including professional and survey fees, SDLT, development allowance and capitalised interest.
- 4.2 RBWM Property Company Limited has commissioned Savills to carry out a formal valuation. The valuation report advises of a Gross Value of £25,665,635 for the site, however, considering the opportunity is a bulk purchase and allowing for discount and purchaser's oncosts, the valuation report advises of a purchase price of no more than £22,700,000.
- 4.3 Based on the valuation advice from Savills and the proposed purchase/acquisition price in Table 4 below and taking into account all of the Prop Co's purchaser's costs, should the deal with Annington Property Limited be agreed, the Prop Co will be realising an immediate equity within the asset market value subject to the prevailing market condition. The allowances and costs which enable the acquisition price include the affordable rents capped at LHA levels, which are less than 80% of full market rent, the interest on loan / debt finance from RBWM and its Minimum Revenue Provision (MRP), and the Prop Co's Maintenance and Management costs including Service Charge of £25/week for the Affordable Housing scheme.
- 4.4 Major repair contributions from the rental income stream has been allowed for within the appraisal and does not kick in until Year 6 onwards. This is because the properties will have been newly refurbished for the Market Rented homes and the Affordable Rented homes will be newly constructed and therefore for the first 5 to 6 years there will be no need to make such allowance.

- 4.5 The combined acquisition price for both the Market Rent and Affordable Rent schemes as scheduled under Table 4 below reflects c.72% of the Gross Value or 81% of the bulk purchase price advised by Savills.
- 4.6 An initial financial and credit review of Annington Property Limited, who are audited by DELOITTE LLP and principally funded by the Royal Bank of Scotland, has been undertaken. This confirmed the developer made a pre-tax profit of c.£626m with a turnover of c.£182m for the 2021 financial year. It also has a working capital of c.£232m for its business operations. Their core value is derived from the Residential Assets, the annual rental incomes and Capital Values attributed to their portfolio.
- 4.7 Table 4 below shows the breakdown of the capital expenditure cost to fund the potential purchase of Cavalry Crescent.

Table 4: Capital Funding Cost

Refurbishment	
Development Acquisition	16,549,682
On-Costs (Incl. SDLT but Excl. Interest)	2,633,519
Capitalised Interest	282,519
Total Scheme Costs	£19,465,720
New Build	
Development Acquisition	1,843,870
On-Costs (Incl. SDLT but Excl. Interest)	206,830
Capitalised Interest	33,782
Total Scheme Costs	£2,084,482
Total Capital Funding (Long Term Loan)	£21,550,202

- 4.8 Table 5 sets out the potential rental income from the 53 houses, full market rent and the 10 Apartments, affordable rents capped at LHA levels, which are less than 80% of full market rent. It also sets out the cost of purchasing the properties, this would be in the form of a loan facility. If the Council were to provide capital to purchase the properties, the annual income (Rent), should be sufficient to cover the cost. The typical annual cost included Interest on loan / Debt finance, a Minimum Revenue Provision (MRP), Maintenance and Management charges. The interest and MRP that would be charged by the Council is set at 3.57% per annum, this cost is illustrated in the table. A separate Service Charge would be established to cover both Estate Management and routine maintenance cost. For the Affordable Housing scheme, a Service Charge of £25/week is allowed within the appraisal.

4.9 Table 5: Financial impact of report's recommendations

REVENUE COSTS	2022/23	2023/24	2024/25
	£'000	£'000	£'000
Gross Affordable Rental income	0	0	(106)
Market Rental income	0	(1,067)	(1,185)
Void & Bad Debt costs	0	43	52
MRP & interest costs at 3.57%	0	851	842
Net Impact	0	(173)	(397)

CAPITAL COSTS	2022/23	2023/24	2024/25
	£'000	£'000	£'000
Additional total	£19,723	£151	£1,677
Reduction	£0	£0	£0
Net Impact	£19,723	£151	£1,677

5. LEGAL IMPLICATIONS

5.1 The legal implication of the proposed purchase of the Freehold interest of Cavalry Crescent are limited.

5.2 Annington Property Limited will be the contracting party with RBWM Property Company Limited under the purchase and development agreement.

5.3 The proposed deal and structure with Annington Property Limited will fall outside of the scope of the Public Contracts Regulations 2015 ("PCR 2015"). The opportunity has come direct from the developer and RBWM Prop Co has shown interest. Procurement aspects will be considered when instructing external legal advisers in relation to the contract form.

5.4 This would be in the form a conditional purchase to deliver the refurbishment of the 53 houses to an agreed standard and the 10 new build apartments to an agreed specification. The Conditional parts of the Contract will set out the required performance criteria for the delivery of the works via an agreed program, a full schedule of works to each property in the form of Employers Requirements. The development of the infill properties will be conditional on secure planning permission and delivering the completed homes within a defined period and cost. Therefore, a total of 63 units is anticipated to be delivered for this deal.

5.5 The full set of standard contractual safeguards put in place with Annington Property Limited would include negotiating a refundable deposit, NHBC building warranty with insolvency cover or equivalent where relevant, defects liability period, Collateral Warranties, Liquidated and Ascertained Damages, Retention Payments

during development phase and step in rights. Performance Bond or Parent Company Guarantee may also be required as part of the contractual safeguards.

5.6A preliminary review of the site's title has been carried out. Annington has a long leasehold interest of 200 years from 29 September 1996, with the freehold interest being with the Secretary of State for Defence. Annington Property Limited's lease is registered with the Land Registry under No. BK340342 and the MoD's freehold interest is registered under BK339891. There are also easements reserved for third parties which are also registered against Annington's title, as well as the Lease/Easement rights benefitting Southern Electricity Board for an Electricity Sub-Station. The contract to purchase the site is based on clean unencumbered freehold with full title guarantee.

6. RISK MANAGEMENT

6.1 Table 6: Impact of risk and mitigation

Risk	Level of uncontrolled risk	Controls	Level of controlled risk
Planning –Planning Permission not secured for the New Build units.	Medium	Pre-application consultation and implementation of planning advice.	Medium
Contractual – Breach of contract	Medium	Contractual safeguards including, up to date contractor's insurances, Payment Retention, collateral warranties, Building Warranty with Insolvency Cover and Defects Liability Period, Step in Rights.	Medium
Financial - Contractor going insolvent. Escalating construction costs.	Medium	Fixed price contract with Annington Property Limited under the Sale and Development Agreement. Financial vetting of contractor. Insolvency Cover with a 10-year Building Warranty or Equivalent. Performance Bond or Parent Company Guarantee.	Medium
Income Reduction – Weakened demand for rental properties in the future could impact level of rental income achievable	Low	As the development is to be acquired for long term investment, it will adapt to a changing market or a future sale as an exit strategy to recoup equity could be considered.	Low
Quality of Construction –	Medium	Whilst a conditional offer has been made to	Medium

Specification developed prior to RBWM 's involvement		Annington Property Limited, an allowance has been made for a building survey to be carried out to assess the quality of the works.	
Build Cost Inflationary Market Condition coupled with Enhanced Building Regulatory requirements	High	The contract will have monthly cost reporting, independent audit of agreed final contract sums, and a contingency.	Medium

7. POTENTIAL IMPACTS

- 7.1 Equalities. To provide affordable housing for those who are on low incomes or unable to access such housing in the private sector. The affordable housing also can be used to alleviate the pressure on the Borough's Temporary Accommodation. Additionally, to provide market rent housing for those who do not have access to home ownership perhaps due to lack of savings or equity. An Equality Impact Assessment is included at Appendix A.
- 7.2 The project will also provide housing for a variety of needs including for families and couples with children.
- 7.3 Climate change/sustainability - The New Build properties will be designed and constructed in accordance with the latest Approved Documents to meet the prevailing Building Regulations requirements and comply with RBWM's Corporate guidance on climate change and sustainability. The existing properties currently have gas boilers and whilst it is reported that 36 no. of the properties have an EPC rating of 'D', the proposal is for an achievement of 'C' rating following the completion of the refurbishment works. This complements one of the Principal Shareholder's corporate goals to drive energy efficiency improvements and increasing the proportion of homes at EPC rating C to 100% by 2030.
- 7.4 Data Protection/GDPR. Screening form completed. GDPR is not relevant for this project at this stage.

8. CONSULTATION

- 8.1 A planning pre-app consultation process will take place regarding the New Build with the relevant planning officer.
- 8.2 Ward members have been briefed on the proposals.
- 8.3 When the formal planning application is subsequently submitted, the public neighbouring the development will be consulted statutorily by way of notice and opportunity to view the planning application at the Local Planning Authority's office.

9. TIMETABLE FOR IMPLEMENTATION

9.1 Implementation date if not called in: 1st of October. The full implementation stages are set out in table 5.

Table 7: Implementation timetable

Refurbishment		New Build	
Date	Details	Date	Details
31 Oct 2022	Exchange of Contracts	31 Oct 2022	Exchange of Contracts
01 Nov 2022	Estimated Start on Site	31 May 2023	Estimated Start on Site
30 April 2023	Estimated Completion	30 April 2024	Estimated Completion

10. APPENDICES

10.1 This report is supported by 11 appendices:

- Appendix 1 – Equality Impact Assessment
- Appendix 2 – Data Protection Impact Assessment
- Appendix 3 – Investment Report – Cavalry Crescent (including Appendices A to C – 8 No. Pages)

All appendices except Appendices 1 and 2 are not for publication by virtue of paragraph 3 of Part 1 of Schedule 12A of the Local Government Act 1972.

11. BACKGROUND DOCUMENTS

11.1 This report is supported by no background documents.

12. CONSULTATION

Name of consultee	Post held	Date sent	Date returned
<i>Mandatory:</i>		<i>Statutory Officers (or deputies)</i>	
Adele Taylor	Executive Director of Resources/S151 Officer	25/03/22 29/06/22	28-29/03/22 29/06/22
Emma Duncan	Deputy Director of Law and Strategy / Monitoring Officer	25/03/22 29/06/22	08/07/22
<i>Deputies:</i>			
Andrew Vallance	Head of Finance (Deputy S151 Officer)		
Elaine Browne	Head of Law (Deputy Monitoring Officer)	25/03/22 29/06/22	29/06/22
Karen Shepherd	Head of Governance (Deputy Monitoring Officer)	29/06/22	29/06/22, 08/07/22
<i>Mandatory:</i>		<i>Procurement Manager (or deputy) - if report requests approval to award, vary or extend a contract</i>	
Lyn Hitchinson	Procurement Manager	29/06/22	29/06/22

<i>Other consultees:</i>			
<i>Directors (where relevant)</i>			
Duncan Sharkey	Chief Executive	29/06/22	29/06/22
Andrew Durrant	Executive Director of Place	29/06/22	
Kevin McDaniel	Executive Director of Children's Services		
<i>Heads of Service (where relevant)</i>			
Tracy Hendren	Head of Housing and Environmental Health	24/03/22 29/06/22	
<i>External (where relevant)</i>			
N/A	N/A		

Confirmation relevant Cabinet Member(s) consulted	Cabinet Member for Growth and Opportunity	Yes
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REPORT HISTORY

Decision type:	Urgency item?	To follow item?
Key decision First entered the Cabinet Forward Plan: May 2022	No	No

Report Author: Emmanuel Ogedengbe, Head of Development, 07827 880171
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ROYAL BOROUGH OF WINDSOR AND MAIDENHEAD

EQUALITY IMPACT ASSESSMENT

EqIA: Calvary Crescent, Windsor

Essential information

Items to be assessed: (please mark 'x')

Strategy	X	Policy		Plan	X	Project	X	Service/Procedure	
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Responsible officer	Emmanuel Ogedengbe	Service area	X	Directorate	RBWM Property Company Limited
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Stage 1: EqIA Screening (mandatory)	11/07/2022	Stage 2 : Full assessment (if applicable)	xx/xx/xxxx
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Approved by Head of Service / Overseeing group/body / Project Sponsor:

"I am satisfied that an equality impact has been undertaken adequately."

Signed by (print): Emmanuel (signed electronically)

Dated: 11/07/2022

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ROYAL BOROUGH OF WINDSOR AND MAIDENHEAD

EQUALITY IMPACT ASSESSMENT

EqlA: Calvary Crescent, Windsor

Guidance notes

What is an EqlA and why do we need to do it?

The Equality Act 2010 places a 'General Duty' on all public bodies to have 'due regard' to:

- Eliminating discrimination, harassment and victimisation and any other conduct prohibited under the Act.
- Advancing equality of opportunity between those with 'protected characteristics' and those without them.
- Fostering good relations between those with 'protected characteristics' and those without them.

EqlAs are a systematic way of taking equal opportunities into consideration when making a decision, and should be conducted when there is a new or reviewed strategy, policy, plan, project, service or procedure in order to determine whether there will likely be a detrimental and/or disproportionate impact on particular groups, including those within the workforce and customer/public groups. All completed EqlA Screenings are required to be publicly available on the council's website once they have been signed off by the relevant Head of Service or Strategic/Policy/Operational Group or Project Sponsor.

What are the "protected characteristics" under the law?

The following are protected characteristics under the Equality Act 2010: age; disability (including physical, learning and mental health conditions); gender reassignment; marriage and civil partnership; pregnancy and maternity; race; religion or belief; sex; sexual orientation.

What's the process for conducting an EqlA?

The process for conducting an EqlA is set out at the end of this document. In brief, a Screening Assessment should be conducted for every new or reviewed strategy, policy, plan, project, service or procedure and the outcome of the Screening Assessment will indicate whether a Full Assessment should be undertaken.

Openness and transparency

RBWM has a 'Specific Duty' to publish information about people affected by our policies and practices. Your completed assessment should be sent to the Strategy & Performance Team for publication to the RBWM website once it has been signed off by the relevant manager, and/or Strategic, Policy, or Operational Group. If your proposals are being made to Cabinet or any other Committee, please append a copy of your completed Screening or Full Assessment to your report.

Enforcement

Judicial review of an authority can be taken by any person, including the Equality and Human Rights Commission (EHRC) or a group of people, with an interest, in respect of alleged failure to comply with the general equality duty. Only the EHRC can enforce the specific duties. A failure to comply with the specific duties may however be used as evidence of a failure to comply with the general duty.

ROYAL BOROUGH OF WINDSOR AND MAIDENHEAD

EQUALITY IMPACT ASSESSMENT

EqIA: Calvary Crescent, Windsor

Stage 1 : Screening (Mandatory)

1.1 What is the overall aim of your proposed strategy/policy/project etc and what are its key objectives?

The proposed scheme is for a mix of rental products Market Rent and Affordable Rent capped at LHA rates (i.e. below 80% of market rent) forming a contribution to the business plan and helping the strategic growth of the Residential investment portfolio. The delivery of the affordable housing will provide the much-needed housing requirement in the borough for those who cannot afford to rent or purchase in the private sector.

To provide affordable housing for those who are on low incomes or unable to access such housing in the private sector. Additionally, to provide market rent housing for those who do not have access to home ownership perhaps due to lack of savings or equity.

The project will also provide housing for a variety of needs including for families and couples with children.

1.2 What evidence is available to suggest that your proposal could have an impact on people (including staff and customers) with protected characteristics? Consider each of the protected characteristics in turn and identify whether your proposal is Relevant or Not Relevant to that characteristic. If Relevant, please assess the level of impact as either High / Medium / Low and whether the impact is Positive (i.e. contributes to promoting equality or improving relations within an equality group) or Negative (i.e. could disadvantage them). Please document your evidence for each assessment you make, including a justification of why you may have identified the proposal as “Not Relevant”.

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ROYAL BOROUGH OF WINDSOR AND MAIDENHEAD

EQUALITY IMPACT ASSESSMENT

EqIA: Calvary Crescent, Windsor

Protected characteristics	Relevance	Level	Positive/negative	Evidence
Age	N/A	0	N/A	Key data: The estimated median age of the local population is 42.6yrs [Source: ONS mid-year estimates 2020]. An estimated 20.2% of the local population are aged 0-15, and estimated 61% of the local population are aged 16-64yrs and an estimated 18.9% of the local population are aged 65+yrs. [Source: ONS mid-year estimates 2020, taken from Berkshire Observatory]
Disability	N/A	0	N/A	
Gender re-assignment	N/A	0	N/A	
Marriage/civil partnership	N/A	0	N/A	
Pregnancy and maternity	N/A	0	N/A	
Race	N/A	0	N/A	Key data: The 2011 Census indicates that 86.1% of the local population is White and 13.9% of the local population is BAME. The borough has a higher Asian/Asian British population (9.6%) than the South East (5.2%) and England (7.8%). The forthcoming 2021 Census data is expected to show a rise in the BAME population. [Source: 2011 Census, taken from Berkshire Observatory]
Religion and belief	N/A	0	N/A	Key data: The 2011 Census indicates that 62.3% of the local population is Christian, 21.7% no religion, 3.9% Muslim, 2% Sikh, 1.8% Hindu, 0.5% Buddhist, 0.4% other religion, and 0.3% Jewish. [Source: 2011 Census, taken from Berkshire Observatory]
Sex	N/A	0	N/A	Key data: In 2020 an estimated 49.6% of the local population is male and 50.4% female. [Source: ONS mid-year estimates 2020, taken from Berkshire Observatory]
Sexual orientation	N/A	0	N/A	

ROYAL BOROUGH OF WINDSOR AND MAIDENHEAD

EQUALITY IMPACT ASSESSMENT

EqIA: Calvary Crescent, Windsor

Outcome, action and public reporting

Screening Assessment Outcome	Yes / No / Not at this stage	Further Action Required / Action to be taken	Responsible Officer and / or Lead Strategic Group	Timescale for Resolution of negative impact / Delivery of positive impact
Was a significant level of negative impact identified?	No	No further action required	N/A	N/A
Does the strategy, policy, plan etc require amendment to have a positive impact?	No	No further required	N/A	N/A

If you answered **yes** to either / both of the questions above a Full Assessment is advisable and so please proceed to Stage 2. If you answered “No” or “Not at this Stage” to either / both of the questions above please consider any next steps that may be taken (e.g. monitor future impacts as part of implementation, re-screen the project at its next delivery milestone etc).

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ROYAL BOROUGH OF WINDSOR AND MAIDENHEAD

EQUALITY IMPACT ASSESSMENT

EqIA: Calvary Crescent, Windsor

Stage 2 : Full assessment

2.1 : Scope and define

2.1.1 Who are the main beneficiaries of the proposed strategy / policy / plan / project / service / procedure? List the groups who the work is targeting/aimed at.

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2.1.2 Who has been involved in the creation of the proposed strategy / policy / plan / project / service / procedure? List those groups who the work is targeting/aimed at.

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2.2 : Information gathering/evidence

ROYAL BOROUGH OF WINDSOR AND MAIDENHEAD

EQUALITY IMPACT ASSESSMENT

EqIA: Calvary Crescent, Windsor

2.2.1 What secondary data have you used in this assessment? *Common sources of secondary data include: censuses, organisational records.*

2.2.2 What primary data have you used to inform this assessment? *Common sources of primary data include: consultation through interviews, focus groups, questionnaires.*

Eliminate discrimination, harassment, victimisation

ROYAL BOROUGH OF WINDSOR AND MAIDENHEAD

EQUALITY IMPACT ASSESSMENT

EqIA: Calvary Crescent, Windsor

Protected Characteristic	Advancing the Equality Duty : Does the proposal advance the Equality Duty Statement in relation to the protected characteristic (Yes/No)	If yes, to what level? (High / Medium / Low)	Negative impact : Does the proposal disadvantage them (Yes / No)	If yes, to what level? (High / Medium / Low)	Please provide explanatory detail relating to your assessment and outline any key actions to (a) advance the Equality Duty and (b) reduce negative impact on each protected characteristic.
Age					
Disability					
Gender reassignment					
Marriage and civil partnership					
Pregnancy and maternity					
Race					
Religion and belief					
Sex					
Sexual orientation					

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Advance equality of opportunity

ROYAL BOROUGH OF WINDSOR AND MAIDENHEAD

EQUALITY IMPACT ASSESSMENT

EqIA: Calvary Crescent, Windsor

Protected Characteristic	Advancing the Equality Duty : Does the proposal advance the Equality Duty Statement in relation to the protected characteristic (Yes/No)	If yes, to what level? (High / Medium / Low)	Negative impact : Does the proposal disadvantage them (Yes / No)	If yes, to what level? (High / Medium / Low)	Please provide explanatory detail relating to your assessment and outline any key actions to (a) advance the Equality Duty and (b) reduce negative impact on each protected characteristic.
Age					
Disability					
Gender reassignment					
Marriage and civil partnership					
Pregnancy and maternity					
Race					
Religion and belief					
Sex					
Sexual orientation					

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ROYAL BOROUGH OF WINDSOR AND MAIDENHEAD

EQUALITY IMPACT ASSESSMENT

EqIA: Calvary Crescent, Windsor

Foster good relations

Protected Characteristic	Advancing the Equality Duty : Does the proposal advance the Equality Duty Statement in relation to the protected characteristic (Yes/No)	If yes, to what level? (High / Medium / Low)	Negative impact : Does the proposal disadvantage them (Yes / No)	If yes, to what level? (High / Medium / Low)	Please provide explanatory detail relating to your assessment and outline any key actions to (a) advance the Equality Duty and (b) reduce negative impact on each protected characteristic.
Age					
Disability					
Gender reassignment					
Marriage and civil partnership					
Pregnancy and maternity					
Race					
Religion and belief					
Sex					
Sexual orientation					

2.4 Has your delivery plan been updated to incorporate the activities identified in this assessment to mitigate any identified negative impacts? If so please summarise any updates.

These could be service, equality, project or other delivery plans. If you did not have sufficient data to complete a thorough impact assessment, then an action should be incorporated to collect this information in the future.

ROYAL BOROUGH OF WINDSOR AND MAIDENHEAD
EQUALITY IMPACT ASSESSMENT

EqIA: Calvary Crescent, Windsor



Royal Borough of Windsor and Maidenhead

Data Protection Impact Assessment

Cavalry Crescent, Windsor

Emmanuel Ogedengbe
RBWM Property Company Limited
11 July 2022

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Introduction and guidance

A Data Protection Impact Assessment (DPIA) is a process to help identify and minimise the data protection risks of a project or new purpose for processing personal data.

A properly conducted DPIA will identify privacy issues and protections from the outset negating the requirement to retrofit systems at further expense and protect against a breach of the Data Protection Act 2018 resulting in reputational damage and fines of up to £17,000,000.

A DPIA should be carried out whenever there is a change that is likely to involve a new use or significant change in the way that personal data is handled, for example a redesign of an existing process or service or a new process or information asset being introduced, which is “likely to result in a high risk” to the data subject. The purpose of this assessment is to identify the risks that may arise through the project and propose methods to mitigate against the risks.

The GDPR states that a DPIA must be carried out in the following instances:

- Where it is proposed to use systematic and extensive profiling with significant effects.
- Where it is proposed to process special category or criminal offence data on a large scale; or
- Where it is proposed to systematically monitor publicly accessible places on a large scale.

The Information Commissioner’s Office requires a DPIA to be carried out in following the additional, circumstances:

- Using innovative technology
- Processing personal data in a new way that is not already depicted in a privacy notice.
- Using profiling or special category data to decide on access to services
- Using profiling of individuals on a large scale
- Processing biometric and genetic data
- Matching or combining data sets from different data sources
- Collecting personal data from a source other than the individual without providing them with a privacy notice.
- Tracking individuals’ location or behaviour
- Profiling children or target marketing or online services at them
- Processing data that might endanger an individual’s physical health or safety in the event of a security breach.

Where a DPIA is carried out, it should address the following:

- A description of the proposed processing and the purposes –what personal data will be collected; who will have access; how it will be stored; who it will be disclosed to

- An assessment of the necessity and proportionality of the processing
- An assessment of the risks to the rights of the individuals affected
- The measures envisaged to address the risks and demonstrate compliance with the GDPR.

The Council's Data Protection Officer (DPO) must be consulted at the design phase of any new system or process that includes processing of personal data.

dpo@rbwm.gov.uk

The DPO will record all completed DPIAs in the Record of Processing Activity register. (RoPA)

Stages of a Data Protection Impact Assessment

Stage 1: The initial screening questions (Appendix A)

This section is to be completed by the service manager or project lead responsible for delivering the proposed new system or change of purpose for the personal data processing.

The purpose of the screening questions is to ascertain if a DPIA is required.

Stage 2: Data Protection Impact Assessment (Appendix B)

To be completed by the Project Manager or Project Lead responsible for delivering the new system/proposed change. The completed form will be assessed by the Data Protection Officer who will advise on the next stage. There are four possible outcomes:

1. The DPIA is incomplete and will have to be repeated or further information obtained.
2. The DPIA has highlighted low value risks and includes appropriate actions considered through the project to mitigate these risks.
3. The DPIA has identified medium to high value risks which require an action plan to be put in place to resolve. Consideration of Caldicott Guardian and SIRO involvement required.
4. The DPIA has identified no risks, and no further information needs to be obtained.

Stage 3: Identified risks, proposed mitigations, and action plan (Appendix C)

Where the initial DPIA identifies further information governance issues, an action plan should be developed on how the risks will be mitigated. This will include:

- identified risks
- proposed solutions

- action assigned
- timescale for resolution

The Council's Data Protection Officer and SIRO should be included at an early stage where high risks to the rights and freedom to data subjects have been identified.

Stage 4: Sign-Off (Appendix D)

The sign off form must be completed by Heads of Service and returned to RBWM's DPO. DPO@rbwm.gov.uk

Screening Questions (Appendix A)

These questions are intended to help decide whether a DPIA is necessary. Answering 'Yes' to the screening questions below represents a potential information governance risk that will have to be further analysed to ensure those risks are identified, assessed and fully mitigated.

Q	Category	Screening question (Not relevant at procurement stage as only dealing with the developer. May be relevant at the point of occupation)	
1.1	Identity	Will the project involve the collection of new information about individuals?	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No
1.2	Identity	Does the project/process include the processing of "Special categories of personal data"?	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No
1.3	Identity	Will the project compel individuals to provide information about themselves?	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No
1.4	Multiple Organisations	Will information about individuals be disclosed to organisations or people who have not previously had routine access to the information?	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No
1.5	Data	Are you using information about individuals for a purpose it is not currently used for, or in a way it is not currently used?	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No
1.6	Data	Have you introduced new ways of processing/using personal data, even where your reasons for processing the data have not changed?	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No
1.7	Data	Does the project involve you using new technology which might be perceived as being privacy intrusive? For example, the use of biometrics or facial recognition.	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No
1.8	Data	Will the project result in you making decisions or taking action against individuals in ways which can have a significant impact on them?	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No

1.9	Data	Is the information about individuals of a kind particularly likely to raise privacy concerns or expectations? For example, health records, criminal records or other information that people would consider to be particularly private.	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No
1.10	Data	Will the project require you to contact individuals in ways which they may find intrusive?	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No
1.11	Approval	Has this project/process already been started as a pilot without a screening or DPIA being undertaken?	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No

If you have answered 'Yes' to any of the questions above, please proceed with the DPIA. (Appendix B)

If you have answered 'NO' to all the questions above a DPIA is not required.

Data Protection Impact Assessment Inception. (Appendix B)

DPIA Reference Number: Provided by the Data Protection Officer.
Project Title: Click or tap here to enter text.
Project Purpose: Click or tap here to enter text.
Implementing Organisation: The Royal Borough of Windsor and Maidenhead
Head of Service/Nominated Officer Name: Click or tap here to enter text. Contact: Click or tap here to enter text.
Implementation Date: Click or tap here to enter text.

Data Protection Impact Assessment Template

2.1	<p>Is this a new or changed use of personal information that is already collected?</p>	<input type="checkbox"/> New <input type="checkbox"/> Changed
	<p>Purpose of the processing: <i>Describe (in as much detail) why this personal information is being collected/used? If the information being used is for a different purpose than it was originally collected for, please describe the reasons for the change. If you are processing the same data you have previously used but are using different methods of processing, please explain:</i></p>	
2.2	<p>What personal data will be collected?</p> <p> <input type="checkbox"/> Forename <input type="checkbox"/> Surname <input type="checkbox"/> DOB <input type="checkbox"/> Sex <input type="checkbox"/> Email <input type="checkbox"/> Address <input type="checkbox"/> Postcode <input type="checkbox"/> Age <input type="checkbox"/> Gender <input type="checkbox"/> Telephone </p> <p> <input type="checkbox"/> Other unique identifier (please specify): <input type="checkbox"/> Other administrative data (please specify): Click or tap here to enter text. </p> <p>Special categories of personal data:</p> <p> <input type="checkbox"/> Racial or ethnic origin <input type="checkbox"/> Religious or philosophical beliefs <input type="checkbox"/> Political opinions <input type="checkbox"/> Trade union membership <input type="checkbox"/> Health or sex life <input type="checkbox"/> Sexual orientation <input type="checkbox"/> Genetic data <input type="checkbox"/> Biometric data <input type="checkbox"/> Financial <input type="checkbox"/> Commission or alleged commission of an offence <input type="checkbox"/> NHS Number <input type="checkbox"/> Proceedings for any offence committed or alleged <input type="checkbox"/> Description of other sensitive data collected: Click or tap here to enter text. </p>	

2.3	<p>Does the information involve processing children’s data?</p> <p>Does the information involve processing adults’ data?</p>	<input type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> Yes <input type="checkbox"/> No
2.4	<p>What is the lawful basis that the personal information is collected and/or shared?</p> <p><input type="checkbox"/> Consent of individual <input type="checkbox"/> Legislative/Statutory requirement</p>	
2.5	<p>How will individuals be informed about the proposed uses of their personal data? <i>(e.g. Privacy notices (consider if they need updating)) Enforcement notices.</i></p>	
2.6	<p>How will you manage service user complaints? Click or tap here to enter text.</p>	
2.7	<p>Are other organisations involved in processing the personal data? <i>If yes, please list below</i></p>	<input type="checkbox"/> Yes <input type="checkbox"/> No
	Click or tap here to enter text.	Click here to enter text.
	Click or tap here to enter text.	Click here to enter text.
	Click or tap here to enter text.	Click here to enter text.
2.8	<p>Does the proposal include employing external individuals?</p> <p>If yes, have they signed a 3rd party disclosure agreement? Template agreements are available from the DPO dpa@rbwm.gov.uk</p>	<input type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> Yes <input type="checkbox"/> No
2.9	<p>Has a data flow mapping exercise been undertaken?</p>	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No
2.10	<p>How will the personal data be collected?</p>	

2.18	What staff training will be provided? Click or tap here to enter text.	
2.19	What disaster recovery and business contingency plans are in place? Click or tap here to enter text.	
2.20	Subject Access Requests Are arrangements in place for recognising and responding to requests from individuals for a copy of the personal data processed?	<input type="checkbox"/> Yes <input type="checkbox"/> No
2.21	Are there any new or additional reporting requirements for this project? <input type="checkbox"/> Yes <input type="checkbox"/> No Who will be responsible for running the reports? Click or tap here to enter text. Who will receive the report or where will it be published? Click or tap here to enter text. Which format will the reports be in? <input type="checkbox"/> Person-identifiable <input type="checkbox"/> Pseudonymised <input type="checkbox"/> Anonymised	<input type="checkbox"/> Yes <input type="checkbox"/> No

2.22	Additional comments and notes:

Identified risks, proposed mitigations, and action plan (Appendix C)

A 'privacy risk' is the risk that a proposal will fail to meet individual's reasonable expectations of privacy. Calculating risk is not simply about assessing whether the project will be legally compliant. It's possible to comply with the law and for the behaviour still to affect whether our residents reasonable privacy expectations are met. Risks to an individual will often directly equate to risks to the Council. Consider not only the direct risks from the proposal, but also any knock on effects. A DPIA doesn't set out to identify and eliminate every possible risk to an individual from using their personal information or otherwise impacting on their privacy.

Identified risks

Risk Ref	Issue	Who is the risk to?	Proposed Solution
Ref.	Click or tap here to enter text.	Click here.	Click here to enter text.
Ref.	Click or tap here to enter text.	Click here.	Click here to enter text.
Ref.	Click or tap here to enter text.	Click here.	Click here to enter text.
Ref.	Click or tap here to enter text.	Click here.	Click here to enter text.

Solutions to be implemented

Risk Ref	Approved Solution	Result ¹	Approved by
Ref.	Click or tap here to enter text.	Choose.	Click here.
Ref.	Click or tap here to enter text.	Choose.	Click here.
Ref.	Click or tap here to enter text.	Choose.	Click here.
Ref.	Click or tap here to enter text.	Choose.	Click here.

Agreed actions

Action to be taken	Completion Date	Responsible for action
Click or tap here to enter text.	Date.	Click here.
Click or tap here to enter text.	Date.	Click here.
Click or tap here to enter text.	Date.	Click here.
Click or tap here to enter text.	Date.	Click here.

Other identified risks

Other risks which have been identified which do not relate to Privacy but need to be escalated, e.g. Business Continuity, Health & Safety.

Risk	Escalated to	Date
Click or tap here to enter text.	Click here.	Date.
Click or tap here to enter text.	Click here.	Date.
Click or tap here to enter text.	Click here.	Date.
Click or tap here to enter text.	Click here.	Date.

*Is the risk reduced, eliminated or accepted?

Sign off Form (Appendix D)

Signatories required once the DPIA has been completed.

Head of Service	
Name:	Click or tap here to enter text.
Signature:	Click or tap here to enter text.
Date:	Click or tap here to enter text.

Data Protection Officer	
Name:	Click or tap here to enter text.
Signature:	Click or tap here to enter text.
Date:	Click or tap here to enter text.

Senior Information Risk Owner	
Name:	Click or tap here to enter text.
Signature:	Click or tap here to enter text.
Date:	Click or tap here to enter text.

Email completed DPIA to the DPO DPO@rbwm.gov.uk