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Meeting Supplement

Council

Councillors Neil Knowles (Chair), Simon Bond (Vice-Chair), Clive Baskerville, Adam Bermange, George Blundell, David Buckley, Mandy Brar, Catherine Del Campo, Alison Carpenter, Richard Coe, Suzanne Cross, Carole Da Costa, Wisdom Da Costa, Devon Davies, Karen Davies, Jack Douglas, Genevieve Gosling, Jodie Grove, Geoff Hill, Mark Howard, Maureen Hunt, Lynne Jones, Ewan Larcombe, Sayonara Luxton, Asghar Majeed, Siân Martin, Chris Moriarty, Helen Price, Gary Reeves, Joshua Reynolds, Julian Sharpe, George Shaw, Gurch Singh, Kashmir Singh, John Story, Helen Taylor, Amy Tisi, Julian Tisi, Leo Walters, Simon Werner and Mark Wilson

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Monday 11 March 2024 7.00 pm

Council Chamber - Town Hall - Maidenhead & on [RBWM YouTube](#)

The following papers have been added to the meeting's agenda as they were not available for publication when the notice of meeting was issued.

Supplement

Item	Description	Page
5	<p>Public Questions</p> <p>a) Gerald Hyder of Ascot & Sunninghill ward will ask the following question of Councillor Reynolds, Cabinet member for Cabinet Member for Communities and Leisure</p> <p>Windsor is one of the world's most popular tourist destinations. It would be a major blow to visitors and residents, including schoolchildren, if Windsor's prestigious and popular museum (60,000+ visitors per year, and has recently received full Arts Council accreditation) were to close. Would Councillor Reynolds please explain what is being done to ensure they remain open?</p> <p>b) Sir Brian Donohoe from outside the borough will ask the following question of Councillor Werner, Leader of the Council and Cabinet member for Community Partnerships, Public Protection and Maidenhead</p> <p>RBWM entered into a £90,000 settlement on 24/11/2006 with a part 20 defendant in consolidation action number WC049023. This protected the defendant from all future liability, and included a non-disclosure clause. Why does RBWM have a policy which allows such contracts in child abuse cases?</p> <p><i>The Council will set aside a period of 30 minutes to deal with public questions, which may be extended at the discretion of the Mayor in exceptional circumstances. The councillor who provides the initial response will do so in writing. The written response will be published as a supplement to the agenda by 5pm one working day before the meeting. The questioner shall be allowed up to one minute to put a supplementary question at the meeting. The supplementary question must arise directly out of the reply provided and shall not have the effect of introducing any new subject matter. A councillor responding to a supplementary question will have two minutes to</i></p>	5 - 6

	<i>respond.</i>	
9	<p>Councillors' Questions</p> <p>a) Councillor Larcombe will ask the following question of Councillor Werner, Leader and Cabinet member for Community Partnerships, Public Protection and Maidenhead</p> <p>Four of the five Directors of RBWM Property Company Ltd resigned on 13 February 2024. Can you please explain the circumstances behind these resignations?</p> <p>b) Councillor Gosling will ask the following question of Councillor Reynolds, Cabinet Member for Communities and Leisure</p> <p>Windsor is one of the UKs best tourist attractions. I believe that our iconic Museum is part of this with an accreditation from The Arts Council. When it charged, it still had a large footfall. Over 1000 people have signed the Museum petitions. What alternative ways are being considered to preserve this attraction for future generations?</p> <p>c) Councillor Brar will ask the following question of Councillor Coe, Cabinet Member for Cabinet Member for Household & Regulatory Services</p> <p>Can I be assured that the Environment Agency and council will engage with Bisham Parish Council and the flood wardens to make sure that any lessons are learnt from the recent flood events on the Thames?</p> <p>d) Councillor Price will ask the following question of Councillor Bermange, Cabinet Member for Planning, Legal and Asset Management</p> <p>A Motion was agreed by Council in September relating to Part II items. When will the periodic review take place regarding historic Part II decisions?</p> <p><i>The Council will set aside a period of 30 minutes to deal with councillor questions, which may be extended at the discretion of the Mayor in exceptional circumstances. The councillor who provides the initial response will do so in writing. The written response will be published as a supplement to the agenda by 5pm one working day before the meeting. The questioner shall be allowed up to one minute to put a supplementary question at the meeting. The supplementary question must arise directly out of the reply provided and shall not have the effect of introducing any new subject matter. A councillor responding to a supplementary question will have two minutes to respond.</i></p>	7 - 10
11	<p>Appointment of Chair</p> <p>To consider the following appointment:</p> <p>RECOMMENDATION: That Councillor Martin be appointed as Chair of the Maidenhead Development Management Committee for the remainder of the municipal year.</p>	11 - 16

By attending this meeting, participants are consenting to the audio & visual recording being permitted and acknowledge that this shall remain accessible in the public domain permanently.

Please contact Kirsty Hunt, kirsty.hunt@rbwm.gov.uk, with any special requests that you may have when attending this meeting.



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Responses to Public Questions for Council 11 March 2024

a) Gerald Hyder, Ascot & Sunninghill ward will ask the following question of Councillor Reynolds, Cabinet member for Communities and Leisure

Windsor is one of the world's most popular tourist destinations. It would be a major blow to visitors and residents, including schoolchildren, if Windsor's prestigious and popular museum (60,000+ visitors per year, and has recently received full Arts Council accreditation) were to close. Would Cllr Reynolds please explain what is being done to ensure they remain open?

Written response:

When this administration took over the council in May 2023 we discovered that the budget for the museum was only funded for that year. Meaning there were no prior plans to pay for the museum past March 2024.

We understand the importance of having a thriving visitor economy in Windsor & Maidenhead, which is part of the reason we're developing a new 5 year visitor plan for the Borough.

We are committed to keeping a museum service within Windsor, and options for the museum are currently being explored with stakeholders. The Windsor and Royal Borough collection is a vital part of our history, and we want to ensure that residents still have access to our local heritage.

We're also exploring how we can get the museum to different community groups.

Contrary to social media reports, since 2020 0 school trips have been booked into the museum. Therefore, we're exploring whether we can send the collection out to schools and care homes so more of our residents can learn about the history of The Borough.

b) Sir Brian Donohoe from outside the borough will ask the following question of Councillor Werner, Leader of the Council and Cabinet member for Community Partnerships, Public Protection and Maidenhead

RBWM entered into a £90,000 settlement on 24/11/2006 with a part 20 defendant in consolidation action number WC049023. This protected the defendant from all future liability, and included a non-disclosure clause.

Why does RBWM have a policy which allows such contracts in child abuse cases?

Written response:

I have been advised by the Council's Legal Team that in the case referred to in the question, the Council (via it's insurers and insurers lawyers) settled with a Part 20 Claimant out of court as part of the civil claim relating to the negligent running of Green Field House by the former Berkshire County Council. As is customary in such settlements, the Council agreed to waive all liability for future civil claims and agreed that the details of the settlement would not be disclosed. The Council does not have a policy in relation to such agreements, these agreements being customary during civil claim settlements and being made on a case by case basis.

This Settlement Agreement (including the non-disclosure clause) related to the civil negligence claim only; it did not relate to any criminal prosecution of the Part 20 Defendant

and it did not prevent the Council from providing evidence in relation to the Part 20 Defendant in any criminal proceedings.

Responses to Councillor Questions for Council 11 March 2024

- a) **Councillor Larcombe will ask the following question of Councillor Werner, Leader and Cabinet member for Community Partnerships, Public Protection and Maidenhead**

Four of the five Directors of RBWM Property Company Ltd resigned on 13 February 2024. Can you please explain the circumstances behind these resignations?

Written response:

In terms of the reasons for these resignations, the decision of the former Chair and the non-exec directors is their own and we thank them for their contribution. A new interim company board has since been installed.

Regarding the RBWM Property Company more widely, as part of our financial recovery plan we're looking at all services to determine whether the current delivery model is the right one - that's something we have to do given the pressures facing the council. It's in this context that we'll be reviewing the Property Company and the services it provides, although no decisions have been taken about future approach. We've also taken steps more recently to strengthen council oversight of the company, which was needed.

- b) **Councillor Gosling will ask the following question of Councillor Reynolds, Cabinet Member for Communities and Leisure**

Windsor is one of the UK's best tourist attractions. I believe that our iconic Museum is part of this with an accreditation from The Arts Council. When it charged, it still had a large footfall. Over 1000 people have signed the Museum petitions. What alternative ways are being considered to preserve this attraction for future generations?

Written response:

The official RBWM petition has just over 70 signatures from local residents asking us to keep the museum open. You are correct to say that when the museum charged a small admission fee there was an income generation from the museum. When the decision was made by the previous administration to remove the fee, they failed to remove the income target.

Therefore, the museum has always been set up to fail in the eyes of the budget.

We are committed to keeping a museum service within Windsor, and options for the museum are currently being explored with stakeholders. The Windsor and Royal Borough collection is a vital part of our history, and we want to ensure that residents still have access to our local heritage.

We're also exploring how we can get the museum to different community groups. Since 2020 0 school trips have been booked to the museum, which is disappointing and somewhat different to what's been shared on social media. Therefore, we're exploring whether we can send the museum collection out to schools and care homes so more of our residents can learn about the history of The Borough.

- c) **Councillor Brar will ask the following question of Councillor Coe, Cabinet Member for Cabinet Member for Household & Regulatory Services**

Can I be assured that the Environment Agency and council will engage with Bisham Parish Council and the flood wardens to make sure that any lessons are learnt from the recent flood events on the Thames?

Written response:

The council is working through its debrief process to ensure the lessons are learnt from the recent major flooding incident across the borough. This includes working with multi-agency partners as well as meeting with all local communities affected by the incident to get feedback on how we can improve our plans and complete our statutory duty to investigate all flooding incidents as the lead local flood authority. The council has provided all impacted Parish Councils the opportunity to feed into the Council's debrief process through a survey. This has helped to shape immediate learning which can change processes quickly ahead of any new flood events. Meetings with each impacted Parish Council are being organised to collect data for the Section 19 Flood Investigation Report. 3 of these have been completed and the final details of the remaining 3 are being put together.

The council has also secured the support of Environment Agency and Thames Water to meet with Bisham and Cookham Parish Councils to discuss their concerns. We are in the process of finalising the details of that meeting.

Although the formal review has a timetable, we will continue to welcome stakeholder ideas on how we can improve at any time.

d) Councillor Price will ask the following question of Councillor Bermange, Cabinet Member for Planning, Legal and Asset Management

A Motion was agreed by Council in September relating to Part II items. When will the periodic review take place regarding historic Part II decisions?

Written response:

The council is fully supportive of a new approach to transparency and this can be clearly seen in the subsequent reduction of information reserved for part 2 discussions to date in the interests of local democracy. Since last summer, steps have been taken to reduce the number of Part 2 papers over the past year and ensure that more information is covered in Part 1 discussions. I fully supported the Motion agreed by Full Council in July 2023.

Concerning the provision in that Motion to periodically review historic Part 2 Reports and Minutes with a view to publication, this was subject to officer capacity and resource availability.

As was noted in the Report of the Chief Financial Officer at Budget Full Council in February 2024 (Appendix O to the Budget Paper), the Council faces a significant risk in relation to capacity, and in all areas of the Council resource has been reduced to very lean levels. Officers are regularly facing difficult decisions on how to prioritise the resources available and our focus is rightly on delivering the budget recently agreed by Full Council to help reduce the risk of effective bankruptcy.

The periodic review of historic Part 2 Reports and Minutes requires significant officer resource and capacity. This impacts both teams within Law & Governance (Information Governance and Democratic Services) and also the relevant Service Areas responsible for the original reports, especially where there has been a high turnover of staff which necessitates lengthy research into historic issues.

Therefore, at the present time, we are prioritising doing what is required to put the council back on a firmer financial footing and deliver the essential services the borough needs. As a consequence, there is, unfortunately, no capacity to prioritise the review of historic reports at present.

However, this does not affect the ability for FOI requests to be made in relation to historic Council Reports, which will be handled through the statutory process.

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Report Title:	Appointment to Maidenhead Development Management Committee Chair
Contains Confidential or Exempt Information	No - Part I
Cabinet Member:	Councillor Bermange, Cabinet Member for Planning, Legal and Asset Management
Meeting and Date:	Council – 11 March 2024
Responsible Officer(s):	Elizabeth Griffiths, Executive Director of Resources and Section 151 Officer & Elaine Browne, Deputy Director of Law and Governance and Monitoring Officer,
Wards affected:	Maidenhead wards of borough

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REPORT SUMMARY

Councillor Reynolds advised Democratic Services of his intention to stand down as Chair of the Maidenhead Development Management Committee before its next scheduled meeting on 20 March 2024.

A nomination has been received for Councillor Martin, already a member of the Committee, to be appointed Chair for the remainder of the municipal year 2023-24.

As detailed in the Constitution, during the municipal year, decisions on changes to chairmanships of Committees and Panels are to be considered by Council.

Consequential to this nomination the role of Vice Chair becomes vacant and there is a vacancy on the Panel itself.

1. DETAILS OF RECOMMENDATION

RECOMMENDATION:

- i) That Councillor Martin be appointed as Chair of the Maidenhead Development Management Committee for the remainder of the municipal year 2023-24**
- ii) That Councillor Hill be appointed as Vice Chair of the Maidenhead Development Management Committee for the remainder of the municipal year 2023-24; and**
- iii) That it be noted that Councillor Gurch Singh has been appointed as a member of the Maidenhead Development Management Committee for the remainder of the municipal year 2023-24.**

2. REASONS FOR RECOMMENDATION AND OPTIONS CONSIDERED

Table 1: Options arising from this report

Option	Comments
<p>To approve the nominations for new Chair and Vice Chair for the remainder of the municipal year</p> <p>This is the recommended option</p>	<p>This would avoid a break in stewardship for the Committee</p>
<p>Do Nothing</p>	<p>There is a risk that council business would not be able to be transacted in a timely manner without a Chair in post which could result in delay to decision making</p>

- 2.1 The Annual meeting of the Council resolved the allocation of seats is determined by applying the political balance rules prescribed by Sections 15 and 16 of the Local Government and Housing Act 1989 and supplemented by the Local Government (Committees and Political Groups) Regulations 1990.
- 2.2 As part of that meeting the Council agreed the appointment of Chairs and Vice-Chairs to each body for the ensuing municipal year with the exception of Overview and Scrutiny Panels. Unlike Overview and Scrutiny Panels, which select a Chair and Vice Chair for the ensuing municipal year from their respective memberships, the Constitution sets out that amendments are reserved to Council.
- 2.3 There are two scheduled meetings of the Maidenhead Development Management Committee remaining in the current municipal year.
- 2.4 The role of Chair of the Maidenhead Development Management Committee is remunerated within the Members Allowances Scheme with an annual allowance of £6609. Councillor Martin is already Chair of Place Overview and Scrutiny Panel. Any councillor undertaking two roles, as Councillor Martin would be, can only be remunerated for the single highest of those allowances. This reduces the impact of this change on the cost of the members allowances scheme.
- 2.5 As a consequence of Councillor Martin's nomination, should it be approved, her current role as Vice Chair becomes vacant. Councillor Hill has been nominated for this role.
- 2.6 With Councillor Reynolds' departure from the Committee a Liberal Democrat vacancy is created. Councillor Werner, as Leader of the Liberal Democrat Group has advised that Councillor Gurch Singh will fulfil this vacancy.

3. KEY IMPLICATIONS

3.1 Table 2: Key Implications

Outcome	Unmet	Met	Exceeded	Significantly Exceeded	Date of delivery
Appointment of Chairs and Vice Chairs	Appointments not made to vacant position	Appointments made to all positions	N/A	N/A	12.03.24

4. FINANCIAL DETAILS / VALUE FOR MONEY

- 4.1 As set out above the role is remunerated annually and councillors can only be remunerated for one role. If the recommendation is agreed then there will be an additional cost to the members allowances scheme. This is because Councillor Reynolds is currently in receipt of a Special Responsibility Allowance (SRA) for his role on Cabinet only. Councillor Martin would receive a pro rata amount of the SRA £6,609 for the remainder of the municipal year. This would be instead of her current payment for her role as Chair of Overview and Scrutiny for which she is remunerated £5,287. Therefore the impact on the scheme is therefore limited to the difference between the two e.g. £1,322 and proportioned for the remainder of the municipal year.
- 4.2 Subsequent financial implications on the overall members allowances scheme will be determined by the appointments made at future Annual Council meetings.

5. LEGAL IMPLICATIONS

- 5.1 The recommendation within this report comply with the requirements within the constitution at rule 'C30 Chairmanship' that determination of chairmanship; is considered by Council. There is no impact or alteration proposed to the previous decisions relating to the decision infrastructure as agreed at Annual Council on 23 May 2023.

6. RISK MANAGEMENT

6.1 Table 3: Impact of risk and mitigation

Threat or risk	Impact with no mitigations in place or if all mitigations fail	Likelihood of risk occurring with no mitigations in place.	Mitigations currently in place	Mitigations proposed	Impact of risk once all mitigations in place and working	Likelihood of risk occurring with all mitigations in place.
There is a risk that council business would not be able to be transacted in a timely manner without a Chair in post which could result in delay to	Moderate 2	Low – very unlikely	Engagement between officers and members of the Committee	N/A	Minor 1	Unlikely – more probable to not happen than to happen

decision making						
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7. POTENTIAL IMPACTS

- 7.1 Equalities. An Equality Impact Assessment is available as Appendix B of the agenda report for 23 May 2023 [Microsoft Word - Political Balance and Appointment of Panels, Chairs 2023- 24.docx \(moderngov.co.uk\)](#). A screening assessment was completed which indicated the proposals did not have any equality impacts.
- 7.2 Climate change/sustainability. There are no impacts as a consequence of this decision.
- 7.3 Data Protection/GDPR. No personal data has been processed.

8. CONSULTATION

None

9. APPENDICES

None

10. BACKGROUND DOCUMENTS

- 10.1 This report is supported by two background documents:
- Council constitution, Part 6 – Terms of Reference for forums, panels and committees
 - Annual Council reports and minutes from 23 May 2023

11. CONSULTATION

Name of consultee	Post held	Date sent	Date returned
<i>Mandatory:</i>		<i>Statutory Officer (or deputy)</i>	
Elizabeth Griffiths	Executive Director of Resources & S151 Officer		
Elaine Browne	Deputy Director of Law & Governance & Monitoring Officer	29/02/24	05/03/24
<i>Deputies:</i>			
Andrew Vallance	Deputy Director of Finance & Deputy S151 Officer	29/02/24	05/03/24
Jane Cryer	Principal Lawyer & Deputy Monitoring Officer		
Helena Stevenson	Principal Lawyer & Deputy Monitoring Officer		

Mandatory:	<i>Procurement Manager (or deputy) - if report requests approval to go to tender or award a contract</i>		
Lyn Hitchinson	Procurement Manager		
Mandatory:	<i>Data Protection Officer (or deputy) - if decision will result in processing of personal data; to advise on DPIA</i>		
Samantha Wootton	Data Protection Officer		
Mandatory:	<i>Equalities Officer – to advise on EQiA, or agree an EQiA is not required</i>		
Ellen McManus-Fry	Equalities & Engagement Officer	29/03/24	29/02/24
Mandatory:	<i>Assistant Director HR – to advise if report has potential staffing or workforce implications</i>		
Nikki Craig	Assistant Director of HR, Corporate Projects and IT		
Other consultees:			
Directors (where relevant)			
Stephen Evans	Chief Executive		
Andrew Durrant	Executive Director of Place		
Kevin McDaniel	Executive Director of Adult Social Care & Health		
Lin Ferguson	Executive Director of Children's Services & Education		

Confirmation relevant Cabinet Member(s) consulted	Cabinet Member for Planning, Legal and Asset Management	Yes
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REPORT HISTORY

Decision type:	Urgency item?	To follow item?
Council decision	No	No

<p>Report Author: Kirsty Hunt, Service Lead – Electoral and Democratic Services 07817137289</p>

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