

## CABINET

THURSDAY, 31 MARCH 2016

PRESENT: Councillors David Burbage (Chairman), Phillip Bicknell (Deputy Chair), Simon Dudley, David Coppinger, Carwyn Cox, Geoff Hill, Derek Wilson, Natasha Airey, Colin Rayner and Christine Bateson

Principal Members also in attendance: Claire Stretton, Philip Love, Paul Brimacombe and George Bathurst

Also in attendance: Councillors Beer, Mrs Jones and E. Wilson

Officers: Alison Alexander, Richard Bunn, Louisa Dean, Simon Fletcher, Jessica Hosmer-Wright, Russell O'Keefe, David Scott, Karen Shepherd and Anna Trott

### APOLOGIES FOR ABSENCE

None received

### DECLARATIONS OF INTEREST

Councillor Burbage declared a Disclosable Pecuniary Interest in the item Draft Borough Local Plan as the report contained draft site allocation proposals affecting his own property. He left the room for the duration of the discussion and voting on the item.

Councillor Cox declared a Disclosable Pecuniary Interest in the item Draft Borough Local Plan as the report contained draft site allocation proposals affecting his own property. He left the room for the duration of the discussion and voting on the item.

Councillor Bathurst declared a Disclosable Pecuniary Interest in the item Draft Borough Local Plan due to his involvement in the Windsor Link Railway. He left the room for the duration of the discussion and voting on the item.

Councillor Brimacombe declared a Disclosable Pecuniary Interest in the item Draft Borough Local Plan due to the location of his home and a business that he managed. He left the room for the duration of the discussion and voting on the item.

Councillor Hill declared a Disclosable Pecuniary Interest in the item Draft Borough Local Plan he owned property in West Street, Maidenhead. He left the room for the duration of the discussion and voting on the item.

Councillor Rayner declared a Disclosable Pecuniary Interest in the item Draft Borough Local Plan as he was a trustee of a number of trusts that owned property throughout the borough. He left the room for the duration of the discussion and voting on the item.

## MINUTES

### **RESOLVED UNANIMOUSLY: That:**

- i) The Part I minutes of the meeting held on 25 February 2016 were approved.**
- ii) The minutes of the Cabinet Participatory Budget Sub Committee held on 18 February 2016 be noted.**

## APPOINTMENTS

None

## FORWARD PLAN

Cabinet considered the contents of the Forward Plan for the next four months and noted the changes that had been made to the plan since the last meeting. In addition it was noted that:

- The item 'St Clouds Opportunity Area', listed for April 2016, would instead be submitted to a Cabinet Regeneration Sub Committee in May 2016.
- The item 'Home to School Transport – Post 16 Policy', listed for April 2016, was to be withdrawn. This was an annual report that was only required if a change to the policy was proposed.
- The item 'Child Sexual Exploitation – Update on Progress' would be presented to Cabinet in July 2016.

## CABINET MEMBERS' REPORTS

### A) PROPOSED NAMING OF FOOTBRIDGE OVER JUBILEE RIVER ETON

Members considered a proposal to re-name a footbridge owned by the Royal Borough.

Cabinet was addressed by Mr Mark Scaife. He thanked Members for taking into account both the efforts so far and the positives that would come about by renaming the bridge.

The Lead Member explained that the proposal had considerable public support, including a petition of over 1500 signatures. Mr Scaife's son Michael had tragically died in 2015 in an attempt to save friends; unfortunately he had lost his life in this courageous act. It was therefore proposed to rename the bridge 'Michael's Bridge'. A public unveiling of the sign would take place attended by Michael's family, the Mayor and relevant Councillors. It was hoped this could take place in 1-2 months. It was also recommended that methods of deterrence such as planting, signage and a life buoy be put in place. The plaque would be paid for by the borough and would be of a high standard. The Principal Member for Transformation and Performance commented that the wording on the plaque was important and should be agreed with the family. The Lead Member for Education highlighted the supportive letter from Royal Berkshire Fire and Rescue Service.

**RESOLVED UNANIMOUSLY: That Cabinet:**

- i. approves the footbridge over the Jubilee River in Eton be re-named “Michael’s Bridge” .**
- ii. approves that details of the plaque with the bridge name, placement and wording be agreed by the Public Rights of Way team and the proposer.**

**B) STANDARDS AND QUALITY OF EDUCATION IN ROYAL BOROUGH SCHOOLS - A REVIEW OF THE ACADEMIC YEAR 2014/15**

Members considered a summary of the validated education performance data from the academic year 2014-15 with analysis against national benchmarks and year on year performance.

The Lead Member explained the report was based on the achievements of children who sat examinations in the summer of 2015 with comparison to other schools and areas in England. At first glance the report showed that local children achieved well with high standards of attainment compared to national averages across all age groups.

However when looked at more closely the borough was losing ground to other authorities despite maintaining its level of attainment. For example, in the SAT’s tests taken by 11 year olds since 2012, the proportion of pupils achieving the benchmark standard had risen by 3% to 82% while the borough’s local authority ranking had fallen 30 places to 44<sup>th</sup> out of the 150 local authorities in England. The area was served by a wide range of schools: small to large, faith-led, single gender, Academies and maintained schools, and within that variety there was some great practice and some which was not so strong. At the current time 79% of schools were judged to be Good or Outstanding by Ofsted, lower than the national average of 84%. The question for governing bodies of all schools was ‘what has to improve in your school?’

The report set out a number of areas for governing bodies to examine, to challenge and to improve. One of these was supporting disadvantaged children. Chart 5 showed that children eligible for free school meals did better at GCSE in the borough than the national average; indeed at Charters, Desborough College and Newlands Girls’ they did at least 15% better. Yet at Windsor Boys and Furze Platt they did 5% worse. The Lead Member asked governing bodies: ‘Why? And what are you going to do about it?’

Chart 3 showed that in primary and middle schools the success of children eligible for free school meals in their SAT tests was lower in the borough than in many other boroughs in England. When there were sufficient pupils in a school to comment, five schools achieved more than 80% with this cohort while three schools achieved less than 50%. The Lead Member asked governing bodies: ‘Why? And what are you going to do about it?’

The council had looked more closely at Key Stage 2 to see how clarity for parents thinking about where to send their son or daughter could be provided. 84% of children who took their SATs in primary schools met the national benchmark last year compared to only 78% who took the same tests in middle schools. The Lead Member asked governing bodies: ‘Why? And what are you going to do about it?’

More young people were going on to higher education, which was good news. The report highlighted that more were achieving this through a range of courses in both A level and vocational subjects, and yet the schools with the highest levels of attainment had most students following one type of course. Was increased focus the way to drive up attainment? The Lead Member asked governing bodies: 'How will you ensure that all courses are taught to the same standard as the best?'

The education landscape was continuing to change at a rapid pace. The way schools were funded would change and the role of the local authority would also change. Academy Trusts would be responsible for the provision of great education and for work to raise standards. They would need to rely on themselves and other schools far more than ever before. Where a school was already an academy the local authority would resort to writing to the press about underperformance, for example at Altwood. The local authority would ensure that pupils could access good schools and would champion high standards. High standards meant that all children were included in learning so they made good progress and achieve well. The report put Governing bodies and Academy Trusts on notice that their school had to step up and further improve the success of schools in the borough for all children.

The Chairman commented that the council needed to do all it could to address the gap in attainment, particularly as it now had less levers to use. The Principal Member for Transformation and Performance welcomed the transparency of the report. He highlighted that accountability went with authority, therefore the academies and their governing bodies were accountable. They should utilise the advice and support of the local authority wherever possible. The Chief Whip commented that as a governor she would take the message back to her school and ensure it was taken seriously.

The Lead Member for Finance commented that the performance for children eligible for free school meals was not satisfactory. There was a certain amount the local authority could do but ultimate responsibility lay with the trustees and senior leadership of a school. Trustees should if necessary question whether or not they should be a trustee. He referred to the King Solomon Academy in Paddington that had a high level of children eligible for free school meals but still managed to achieve 93% A\*-C at GCSE. This was due to strong leadership and trustees.

The Managing Director commented that performance was not at a level that the council would expect. The council was committing to refocus resources on school improvement on those schools with high levels of children eligible for free school meals that were also underachieving. Good practice from outside the borough was being sought. Guidance from the DfE in March 2016 gave the local authority powers to intervene and issue warnings on performance, but this was only for schools still in local authority control. The council was working with the Regional Schools Commissioner; he would be attending the Children's Services Overview and Scrutiny Panel on 19 April 2016 to discuss powers of intervention. The local authority could request the Commissioner to make an intervention in an Academy. This request had been made for Altwood however he had chosen not to make a statutory intervention. The local authority would continue to pursue the issue.

Councillor Mrs Jones raised the issue of recruitment of good teachers. The Lead Member for Finance agreed this was one of the biggest challenges. The council had a manifesto commitment in relation to affordable housing for teachers. An initiative with Two5Nine Ltd would look to significantly increase the company's estate.

Councillor Ed Wilson commented that the issue of attainment had been discussed at the Children's Services Overview and Scrutiny Panel. He referred to a recent Ofsted report for Eton Wick school that demonstrated that the school was receiving pupil premium funding but did not check the progress of disadvantaged pupils. Chart 5 in the report showed that at Desborough College disadvantaged pupils were actually likely to do better than average; yet at Furze Platt the opposite was the case. Schools receiving pupil premium were required by the government to tell the council what they were doing with the funding and what were the outcomes for children. If schools did not provide this information, they should be named and shamed.

The Managing Director explained that schools were required to put this information on their website; the council did not hold an overall database although advisers would look at the data. The Lead Member for Transformation and Performance commented that it would be important for the council to know if a school was being reluctant in providing the information. The Chairman commented this was certainly something he would want pursued.

The Lead Member concluded that if schools did not do right by their children they should be held to account. He would be happy to highlight any issues to the press but the council would also ensure it provided the best support possible. He liked the idea of a task force to question schools and governing bodies and report back to Cabinet.

#### **RESOLVED UNANIMOUSLY: That Cabinet**

- i. Approve the six actions as key priorities of the Education Improvement Plan for 2016-17.**
  - 1. School improvement service works with the three-tier schools to identify best practice and barriers to success, including methods of working with larger cohorts of pupils to achieve higher levels of attainment at Key Stage 2.**
  - 2. Strengthen partnership working between the Local Authority, schools and the Elevate project to capture more comprehensive destination information and ask Governing Bodies to ensure that all young people are getting the appropriate and independent careers advice before and during 6th form studies.**
  - 3. Continue existing work and launch and lead a borough-wide Pupil Premium Champions network for all primary phase schools to ensure they have access to local and national best practice guidance, especially in schools with small FSM cohorts, which is reflected in plans published by all Governing Bodies.**
  - 4. Seek further collaboration with secondary schools to build on the overall high GCSE standards so Governing Bodies publish pupil premium plans which commit to reduce the attainment gap further every year.**
  - 5. For maintained schools seeking Good judgements, the school improvement service adopt a "Team Around the School" approach, bringing together the host school, local authority, other school and external professionals (such as the Diocese) as appropriate to deliver improvement. This includes formal reviews of progress each term, by the Head of Schools and the Chair of Governors to ensure the additional resource is driving educational outcomes.**  
**For non-maintained schools, the Council will offer support to the Academy Trust and seek their commitment, along with the Regional**

**School Commissioner, to a published improvement plan which will enable residents to see improvement in standards.**

**6. Work with secondary schools to share emerging best practice for securing progress for every pupil as measured by Progress 8.**

- ii. **Request a further report on academic progress for the 2015-16 academic year on 23 March 2017 following the national publication of validated attainment data.**
- iii. **Request a report on the revised roles and responsibilities in Education post Department for Education feedback on the initial consultation, which is currently expected to close on 17 April 2016.**

c) COUNCIL MANIFESTO TRACKER

Members considered progress that had been made against the council's Manifesto Commitments.

The Lead Member for Children's Services highlighted commitment 11.5 to keep Windsor police station open. The council was in the middle of negotiations with Thames Valley police to join the council at York House.

The Principal Member for Transformation and Performance highlighted commitments 13.1 and 13.2. Progress had been made in relation to Fundamental Service Reviews. By the end of 2015, 26 had been completed. A further 30 had been undertaken in the first three months of 2016. He commended officers as this was an excellent example of leadership.

The Lead Member for Customer and Business Services highlighted commitment 8.6. Investment in libraries included more tablets and free wifi.

The Principal Member for Culture and Communities highlighted commitment 8.2. At the last Cabinet meeting Members had agreed to look into potential sites for an additional library. She highlighted the important role played by volunteers in borough libraries.

The Lead Member for Adult Services and Health highlighted commitment 7.8. The council used its influence to maintain medical services for residents by working with the Clinical Commissioning Groups. Services were jointly commissioned via the Better Care Fund. By 2020 the NHS and social care would be integrated; the council worked with health colleagues to ensure resident views were heard.

The Lead Member for Highways and Transport highlighted a number of commitments relating to cycle routes, bus routes, improved car parking in town centres, working with utility companies, reducing traffic lights and flood schemes, which were all on target. After two years of campaigning a pay on exit scheme had been installed in Nicholson's car park

The Principal Member for Maidenhead Regeneration highlighted the commitment to deliver regeneration in Maidenhead. The council had committed a further £3m to the waterways project. Stage 1 of Chapel Arches was complete; stage 3 would be on site by the end of the year. Consultants had been asked to look again at options for the station due to viability issues.

The Lead Member for Ascot and the Sunnings highlighted commitment 12.6. Two petitions had resulted in the weight limit of the Chobham Bridge being reduced first to 18 tonnes then to 7.5 tonnes. Residents and retailers had been consulted on road safety schemes for Chobham Road.

The Lead Member for Environmental Services highlighted commitment 4.1 to maintain a weekly bin collection.

The Lead Member for Planning highlighted the commitment to involve parish councils in decision making related to planning applications. A pilot scheme would take place with Bray Parish Council.

The Lead Member for Youth Services and Safeguarding highlighted commitment 5.6. The Multi Agency Safeguarding Hub went live on 25 January 2016. It had taken a long time but it had been important to ensure co-location with the police and other services.

The Lead Member for Environmental Services confirmed that the restructure of the operations directorate would come into effect on 1 April 2016. Proposals on increasing the number of community wardens would now be brought forward.

**RESOLVED UNANIMOUSLY: That Cabinet notes the progress in delivering the Council Manifesto Commitments.**

D) ROAD AND STREETWORKS PERMIT SCHEME

Members considered a scheme to give the council more powers to manage utilities damaging and disrupting the highway network. The Lead Member explained that residents would benefit from less disruption as roadworks should be completed more quickly, at the least disruptive times and with high quality first-time permanent reinstatements. A Road and Streetworks Permit Scheme would supported the manifesto commitment '*...Work with utility companies to improve the quality of road and pavement repairs...*'.

The report sought approval in principle to the positive initiative and to consult with utility companies and stakeholders on the proposed scheme.

The financial implications of the report were:

- scheme development; consultation and implementation costs of £120,000.
- development and implementation costs were recoverable through permit fees to be charged following implementation.

The Lead Member explained that a primary benefit of a permit scheme was the increased capacity to coordinate and control activities on the highway minimising the impact on residents, business and visitors. The permit scheme did not cover emergency situations.

The Lead Member for Finance suggested recommendation iii be amended to include 'to be met from the Development Fund'.

Councillor Beer requested that parish councils be included as a key stakeholder. He suggested that fines needed to be realistic not derisory. There also needed to be a realistic timetable for works to be completed.

The Lead Member commented that parish councils would be included and that the council would fine as much as it was legally able to do so. The Strategic Director commented that fines would be discussed with all stakeholders. Members noted that Brighton & Hove were at the forefront of implementing such a scheme. Residents like the new powers of the council and the finite periods for works to be completed

**RESOLVED UNANIMOUSLY: That Cabinet:**

- i) Approve in principle the development of a Roads and Streetworks Permit scheme and endorses the approach being taken.**
- ii) Approves commencement of the consultation process with utility companies and other stakeholders.**
- iii) Approves a budget of £120,000 to be met from the Development Fund in 2016/17 for scheme development; consultation and implementation.**
- iv) Receives a report in September 2016 to consider the outcome of the consultation.**

**E) RBWM TRANSFORMATION PROGRAMME 2015-18: AN AGILE COUNCIL**

Members considered a refreshed RBWM Transformation Programme (strategy) 2015-18. The Principal Member explained the strategy built on past achievements as detailed on page 121 of the report. Savings of £24.6m had been identified in the previous three years; on page 108 a further £14.6m of savings were set out. By 2018 the council was expected to be more self-reliant, equipped to work in new ways, quicker to respond and providing a mixed economy of service provision. Through the FSR process the council would be able to understand opportunities and then improve its ability to implement changes in short timescales. The three key areas of the strategy were noted as :

- Knowing our services
- Having the right people a tools
- Delivering differently

**RESOLVED UNANIMOUSLY: That Cabinet approves the refreshed RBWM Transformation Programme 2015-18: An Agile Council.**

**F) WAYS INTO WORK SOCIAL ENTERPRISE - ANNUAL REVIEW 2015-16**

Members considered an update on Ways into Work, the Royal Borough's award winning employment and training service supporting people with learning disabilities. The Lead Member explained the service had become independent of the council in 2015 which had enabled it to grow and service a wider area. The service had exceeded all the targets set, for example a further 12 individuals were now in employment. Seven new employers had also been recruited.

Members commended the officers involved; this was a good example of local authority officers being entrepreneurial. The programme in particular helped young people with learning difficulties to transition to adulthood.



**RESOLVED UNANIMOUSLY: That Cabinet:**

- i. Notes the progress of Ways into Work in delivering employment outcomes for people with learning disabilities.**
- ii. Agrees that the Royal Borough continues to actively support the work of Ways into Work in its role as a local employer.**

**G) RECOMMENDATIONS FOR A NEW TYPE OF PUBLIC SPACE PROTECTION ORDER**

Members considered a recommendation to Full Council to extend to the scope of PSPOs available for use within the Royal Borough to include anti-social behaviour (ASB) arising from barbecues lit in public space. The Lead Member referred Cabinet to the report in 2015 introducing PSPOs. This was the first type of order since that report to recommend to Council. The issue of barbecues had been a particular issue at Baths Island in Windsor. Community Wardens currently relied on goodwill to address issues of ASB. The proposal would give them some authority to issue fixed penalty notices. The Lead Member was pleased with the comments provided by the Crime and Disorder Overview and Scrutiny Panel and he had already asked the Principal Member for Culture and Communities to look into the issue of public amenity barbecue locations in Maidenhead.

It was confirmed that new types of PSPOs required Full Council approval but individual applications would be determined by the Public Space Protection Order Panel.

The Principal Member for Policy commented that the proposal was a good compromise for visitors and residents. He supported the inclusion of other types of ASB.

**RESOLVED UNANIMOUSLY: That Cabinet:**

- i. Approves Option1 in section 2.9 of the report;**
- ii. Delegates authority to the Strategic Director of Operations & Customer Services in conjunction with the Lead members for Environmental Services and Highways & Transport to propose any future widening of the scope of ASB covered by PSPOs directly to full Council;**
- iii. Requests the Strategic Director of Operations & Customer Services in conjunction with the Policy Committee and relevant stakeholders to complete an options appraisal of the potential responses to the items detailed at a) to e) in section 2.7.**

**H) DYNAMIC PURCHASING SYSTEM - BUSINESS CASE**

Members considered whether dynamic purchasing was a route the Council wished to proceed down to procure its services and the options available in the market. The Principal Member for Policy explained a trial would take place in relation to Home to School Transport. Individuals would be able to choose their service from a group of providers vetted by the council. A spin-off benefit was that individuals made their own decisions therefore they were taking control over their lives.

**RESOLVED UNANIMOUSLY: That Cabinet:**

- i. Approve the pilot of the Bravo Solutions Dynamic Purchasing System.**
- ii. Approve the development cost of £4000 for the pilot scheme from the development fund.**
- iii. Agrees that there will be a report back to Cabinet on the finding of the pilot and recommendations on next steps in October 2016.**

**I) REVIEW OF WHISTLEBLOWING POLICY**

Members considered the actions taken to review the council's Whistleblowing procedure for employees and its effectiveness. The Chairman explained that the policy had been reviewed to ensure it was fit for purpose in relation to child sexual exploitation. Staff would be expected to be familiar with the policy.

**RESOLVED UNANIMOUSLY: That Cabinet:**

- i. Note the actions that have been completed to review the Council's Whistleblowing Policy to ensure it is fit for purpose to deal with Child Sexual Exploitation;**
- ii. Endorse, in particular, the annual compliance period for staff detailed in point 2.5(c)**

**J) BUSINESS RATES DISCRETIONARY DISCOUNTS - RETAIL REOCCUPATION RELIEF**

Members considered introducing a new discretionary relief scheme to replace the existing one from 1 April 2016. Under the existing government scheme the council topped up from 50% up to 100%. The national scheme ended on 31 March 2016. The council wanted to continue with a targeted approach. The new scheme would provide a discount up to 100% if a premises had been empty for at least 12 months. Relief would be provided for a period of 18 months. The overall cost for the two year scheme was £150,000.

**RESOLVED UNANIMOUSLY: That Cabinet:**

- i. Agrees to replace the existing Retail Reoccupation Relief scheme with a new scheme from 1 April 2016 which would provide businesses who apply between that commencement of the scheme and the 31 March 2018, and who reoccupy retail premises that have been empty for 12 months or more with up to 100% relief, capped at £150k each year, from business rates for a period of 18 months from the date the business occupies the premises, and**
- ii. Agrees that the revised Discretionary Rate Relief Policy appended to the report is adopted.**

**K) FINANCIAL UPDATE**

Members considered the latest financial update. The Lead Member reported a projected underspend of £543,000 on the general fund. The report proposed an additional £50,000 for improvements to the Desborough suite and £30,000 to cover

the council's share of any potential legal costs in relation to Heathrow expansion. A letter had been sent to the Prime Minister on the potential for legal action by the borough and a number of other authorities.

Councillor Beer commented that he supported the joint letter. He had written to the local press about the issue.

The Principal Member for Culture and Communities commented that funding for the Desborough Suite was mainly to redecorate the backstage areas which had become tired and worn.

**RESOLVED UNANIMOUSLY: That Cabinet:**

- i) **Notes the report and the projected outturn position.**
- ii) **Approves the addition of a £50k revenue budget in 2016-17 to make improvements to the Desborough suite (see paragraph 4.5).**
- iii) **Approves the addition of a £30k revenue budget funded by the Development Fund in 2016-17 to cover the Council's share of legal costs in respect of any potential future decision by central Government to expand Heathrow Airport (see paragraph 4.6).**

STAFFERTON WAY LINK ROAD UPDATE

Members noted that the Chairman of the Highways, Transport & Environment Overview & Scrutiny Panel had agreed to the urgent item being added to the agenda.

Members considered an update on the now-completed Stafferton Way link road. It was agreed that although the report was in Part II, the decisions should be minuted in Part I.

**RESOLVED UNANIMOUSLY: That Cabinet:**

- i. **Recognise the positive impact the new link road will have on residents of the Royal Borough.**
- ii. **Agree the 2016/17 Operations and Customer Services capital programme be reviewed immediately and redistributions, reductions or postponements be put in place by the Lead Member for Finance and officers and recommended to the April Cabinet as financial mitigations for up to the whole Stafferton Way Link Road overspend to ensure the whole scheme is fully funded.**
- iii. **Approve a settlement figure with Balfour Beatty of £5.43m and approve agreed outstanding payment of £1.059m.**
- iv. **The decisions be minuted in Part I.**

LOCAL GOVERNMENT ACT 1972 - EXCLUSION OF THE PUBLIC

**RESOLVED UNANIMOUSLY: 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 items 8-9 on the grounds that they involve the**

**likely disclosure of exempt information as defined in Paragraphs 1-7 of part I of Schedule 12A of the Act.**

The meeting, which began at 7.30 pm, finished at 10.28 pm

CHAIRMAN.....

DATE.....