

# Public Document Pack

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TO: **EVERY MEMBER OF THE COUNCIL FOR THE ROYAL BOROUGH OF WINDSOR & MAIDENHEAD**

YOU ARE HEREBY SUMMONED TO ATTEND the Meeting of the Council of the Royal Borough of Windsor & Maidenhead to be held in the **Pearce Suite, Magnet Leisure Centre, Maidenhead** on **Tuesday, 15 December 2015 at 6.30 pm** for the purpose of transacting the business specified in the Agenda set out hereunder.

Dated this Monday, 7 December 2015



Managing Director

Reverend Quick will say prayers for the meeting.
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## AGENDA

### PART 1

1. **APOLOGIES FOR ABSENCE**

To receive any apologies for absence

2. **COUNCIL MINUTES**

To receive the minutes of the meeting held on 22 September 2015 (page 9)

3. **DECLARATIONS OF INTEREST**

To receive declarations of interests in respect of any item to be considered at this meeting.

4. **PETITION FOR DEBATE**

An e-petition containing 1392 signatories was submitted to the Council on 8 October 2015. In accordance with the provisions of the Council's Constitution, it was requested by the lead petitioner that the petition be reported to, and debated at, a full Council meeting.

The petition reads as follows:

*'We the undersigned petition The Royal Borough of Windsor and Maidenhead to retain all the land at Ray Mill Road East, Maidenhead, currently designated as public open space, under council ownership and ensure that the majority of the land remains so designated and incorporates nature as an integral feature for the benefit of future generations'*

The Constitution provides for a maximum time of 30 minutes to debate such petitions; this can be overruled at the Mayor's discretion.

In accordance with the Constitution, the order of speaking shall be as follows:

- a) The Mayor may invite the relevant officer to set out the background to the petition issue.
- b) The Lead Petitioner to address the meeting on the petition (5 minutes maximum)
- c) The Mayor to invite any relevant Ward Councillors present to address the meeting. (Maximum time of 3 minutes each for this purpose)
- d) The Mayor to invite the relevant officer to provide any further comment.
- e) The Mayor will invite all Members to debate the matter (Rules of Debate as per the Constitution apply)

## 5. PETITION FOR DEBATE

An e-petition containing 552 signatories, accompanied by a paper petition containing over 500 signatures, was submitted to the Council on 1 November 2015. In accordance with the provisions of the Council's Constitution, it was requested by the lead petitioner that the petition be reported to, and debated at, a full Council meeting.

The petition reads as follows:

*'We the undersigned petition The Royal Borough of Windsor and Maidenhead to create a safe route to school for children that live within a mile of Holyport College'*

The Constitution provides for a maximum time of 30 minutes to debate such petitions; this can be overruled at the Mayor's discretion.

In accordance with the Constitution, the order of speaking shall be as follows:

- a) The Mayor may invite the relevant officer to set out the background to the petition issue.
- b) The Lead Petitioner to address the meeting on the petition (5 minutes maximum)
- c) The Mayor to invite any relevant Ward Councillors present to address the meeting. (Maximum time of 3

minutes each for this purpose)

- d) The Mayor to invite the relevant officer to provide any further comment.
- e) The Mayor will invite all Members to debate the matter (Rules of Debate as per the Constitution apply)

6. MAYOR'S COMMUNICATIONS

To receive such communications as the Mayor may desire to place before the Council (page 27)

7. PUBLIC QUESTIONS

**a) Andrew Hill will ask the following question of Councillor Burbage:**

Does the Council believe in the principle that as wide a range of people as possible are able to participate as School Governors - and if so what steps are taken to achieve this?

**b) Andrew Hill will ask the following question of Councillor Burbage:**

What does the Council's company called "Two5Nine" Ltd do?

**c) Rachel Cook will ask the following question of Councillor Mrs Bateson:**

As the council strives to be open and transparent then please explain why I have not been provided with the data (apart from resident's names and addresses of course) from the latest RBWM survey which, over the summer, asked residents to nominate local green spaces for protection in the Borough Plan? I have already requested this in my voluntary capacity as a member of the working group on the Maidenhead and Cox Green local plan and so far I have been unable to obtain this data. I think it is important that we have this evidence to demonstrate what residents consider are important local green spaces.

**d) Rachel Cook will ask the following question of Councillor D. Wilson:**

*Paragraph 73* of the NPPF states that open space makes an important contribution to the health and wellbeing of communities.

*Paragraph 74.* Of the NPPF states that existing open space should not be built on unless an assessment has been undertaken which clearly shows the open space, to be surplus to requirements

Therefore can you publically provide the assessment (as required by the National Planning Policy Framework, section 74) that clearly shows why this council considers the public open space at Ray Mill Road East (Deerswood Meadow) surplus to requirements, allowing it to be sold off?

**e) Craig McDermott will ask the following question of Councillor D. Wilson:**

Your ward at Riverside has been recognised as having a deficit of public open space both within the council's 2008 open space audit and the current Infrastructure Delivery Plan (2013 - 2030) and so how can you justify losing more of it, which will happen, if the council sells off the public open space at Ray Mill Road East?

**Natalie Hill will ask the following question of Councillor Dudley:**

Your ward at Riverside has been recognised as having a deficit of public open space both within the council's 2008 open space audit and the current Infrastructure Delivery Plan (2013-2030) and so how can you justify losing more of it, which will happen, if the council sells the public open space at Ray Mill Road East?

**Jan Stannard will ask the following question of Councillor Dudley:**

The latest council studies show that your ward has a deficit of open space, so I would like to ask what you think about the fact that building on this open space would make this deficit worse?"

**Kate Jesseman will ask the following question of Councillor D. Wilson:**

My question is simple when will Maidenhead Council stop the destruction of our heritage of enjoying small pieces of open wildlife space such as Deerswood Meadow, in the name of housing and development?

**f) Christine Gill will ask the following question of Councillor D. Wilson and Councillor Dudley:**

Has the proposed development land at Ray Mill Road East been promised or offered to any building company either verbally or in writing

**g) Tony Gale will ask the following question of Councillor D. Wilson:**

Can the Council confirm that no final decision will be made about any plans for the publicly owned open space off Ray Mill Road East until all environmental and

public access issues have been fully addressed and made publicly available ?

**h) Jan Stannard will ask the following question of Councillor D Wilson:**

Why did the housing site assessment in the consultation to the Local Borough Plan state that there were “no known conservation issues relating to the public open space at Ray Mill Road East” when it is common knowledge (over the last 20 years at least) that there is an unusually high population of toads here and the common toad has been listed as a Biodiversity Action Plan priority species deserving consideration and protection from adverse development?

**Natalie Hill will ask the following question of Councillor Dudley**

Why was the land at Ray Mill Road East considered to have "no known conservation issues" when the toad patrol has been there for about 20 years and there are toad warning road signs?

*(A Member responding to a question shall be allowed up to five minutes to reply to the initial question and up to two minutes to reply to a supplementary question. The questioner shall be allowed up to 1 minute to put the supplementary question)*

8. PETITIONS

To receive any petitions presented by Members on behalf of registered electors for the Borough under Rule C.10.

*(Any Member submitting a petition has up to 2 minutes to summarise its contents)*

9. APPROVAL OF AN AMENDED PAY POLICY STATEMENT 2015/16

To consider the above report (page 31)

10. MEMBERS' ALLOWANCE SCHEME - FULL REVIEW AND PROPOSED AMENDMENTS

To consider the above report (page 45)

11. STATEMENT OF LICENSING POLICY

To consider the above report (page 83)

12. STATEMENT OF PRINCIPLES - GAMBLING ACT 2005

To consider the above report (page 117)

13. CONSTITUTIONAL AMENDMENTS

To consider the above report (page 143)

14. COMMUNITY GOVERNANCE REVIEW BRAY PARISH - APPROVAL OF TERMS OF REFERENCE

To consider the above report (page 155)

15. 2015/16 BUDGET DECISIONS: ADULTS SOCIAL CARE

To consider the above report (page 175)

16. COUNCIL STRATEGIC PLAN 2016-2020

To consider the above report (page 181)

17. DELEGATION OF PLANNING FUNCTIONS WITHIN BRAY PARISH

To consider the above report (page 199)

18. MEMBERS' QUESTIONS

*(The Member responding has up to 5 minutes to address Council. The Member asking the question has up to 1 minute to submit a supplementary question. The Member responding then has a further 2 minutes to respond.)*

**a) Question submitted by Councillor Pryer to Councillor Cox, Lead Member for Environmental Services**

Puppy Farming has received significant media coverage recently, I am sure members will join me in never condoning such businesses that are operated with little, or no, regard for the health and welfare of the puppies or their parents but with the main intent of making a profit. Is the council aware of any such premises operating within the Borough?

**b) Question submitted by Councillor E. Wilson to Councillor Cox, Lead Member for Environmental Services**

What steps will be taken to ensure that those who litter our streets in Dedworth are caught and fined accordingly?

19. MOTIONS ON NOTICE

**a) By Councillor Dr L Evans:**

This Council, concerned about the impact of traffic movements from the Former DERA site currently under development, resolves to:

- model the impact on Ascot and the Sunnings
- request that the Department for Transport/Highways Agency considers a spur

on the M3 to alleviate traffic congestion on adjoining roads

- request an appropriate infrastructure contribution from Surrey County Council

**b) By Councillor Smith:**

This council values the importance of open spaces in making the Borough a great place to live, visit and work, and seeks to protect it, particularly in more urban areas where access to an alternative open space is some distance away and seeks to balance need to protect open spaces and the greenbelt with meeting our identified need for sustainable development.

This council resolves to:

- update the Open Space Audit, which was last published in 2008, and identify actions for the future;
- include a feature on the various RBWM-operated open spaces in Around The Royal Borough to raise awareness;
- continue to market and promote spaces in all parts of the Royal Borough that are open to the public.

## COUNCIL MOTIONS – PROCEDURE

- Motion proposed (mover of Motion to speak on Motion)
- Motion seconded (Secunder has right to reserve their speech until **later** in the debate)
- Begin debate

Should An Amendment Be Proposed: (only one amendment may be moved and discussed at any one time)

NB – Any proposed amendment to a Motion to be passed to the Mayor for consideration before it is proposed and seconded.

- Amendment to Motion proposed
- Amendment must be seconded BEFORE any debate can take place on it  
(At this point, the mover and seconder of original Motion can indicate their acceptance of the amendment if they are happy with it)
- Amendment debated (if required)
- Vote taken on Amendment
- If Agreed, the amended Motion becomes the substantive Motion and is then debated (any further amendments follow same procedure as above).
- If Amendment not agreed, original Motion is debated (any other amendments follow same procedure as above).

- The mover of the Motion has a right to reply at the end of the debate on the Motion, immediately before it is put to the vote.
- At conclusion of debate on Motion, the Mayor shall call for a vote. Unless the vote is unanimous, a named vote will be undertaken, the results of which will be announced in the meeting, and recorded in the Minutes of the meeting.

*(All speeches maximum of 5 minutes, except for the Budget Meeting where the Member proposing the adoption of the budget and the Opposition Spokesperson shall each be allowed to speak for 10 minutes to respectively propose the budget and respond to it. The Member proposing the budget may speak for a further 5 minutes when exercising his/her right of reply.)*



# Agenda Item 2

COUNCIL – 22.09.2015

## **AT A MEETING OF THE BOROUGH COUNCIL held in the Council Chamber, Town Hall on Tuesday 22 September 2015**

PRESENT: The Mayor, (Councillor Mrs Eileen Quick), The Deputy Mayor (Councillor Mrs Sayonara Luxton) Councillors Natasha Airey, Malcolm Alexander, Christine Bateson, George Bathurst, Malcolm Beer, Hashim Bhatti, Phillip Bicknell, John Bowden, Paul Brimacombe, Clive Bullock, David Burbage, Stuart Carroll, Gerald Clark, John Collins, David Coppinger, Carwyn Cox, Simon Dudley, David Evans, Marius Gilmore, Jesse Grey, Geoffrey Hill, David Hilton, Charles Hollingsworth, Maureen Hunt, Mohammed Ilyas, Richard Kellaway, John Lenton, Philip Love, Asghar Majeed, Ross McWilliams, Marion Mills, Gary Muir, Jack Rankin, Colin Rayner, Samantha Rayner, Wesley Richards, Hari Sharma, Derek Sharp, Shamsul Shelim, Adam Smith, John Story, Claire Stretton, Lisa Targowska, Simon Werner, Derek Wilson, Ed Wilson and Lynda Yong.

Officers: Alison Alexander, Neil Allen, Mark Blackshaw, Andrew Brooker, Richard Ellis, Simon Fletcher, Elizabeth Hambidge, Christabel Shawcross, Karen Shepherd and Anna Trott.

### **PART I**

#### **34. PRAYERS**

Reverend Stileman said prayers for the meeting.

#### **35. ONE MINUTE SILENCE**

A minute's silence was held in memory of former Councillor Eric Wiles, Ben Page (Community Warden) and Sarah Onouha (Adult Services) who had all recently passed away.

#### **36. APOLOGIES FOR ABSENCE**

Apologies for absence were received from Councillors M. Airey, Lilly Evans, Lynne Jones, Paul Lion, Nicola Pryer, MJ Saunders and Leo Walters,

#### **37. MINUTES**

The minutes of the meeting of the Council held on 28 July 2015 were approved.

#### **38. DECLARATIONS OF INTEREST**

Councillor Mrs Hunt declared an interest in item 13 (motion b) as an Ambassador for the Alexander Devine charity. She would not vote on the motion but would remain in the room for the duration of the discussion and voting on the item.

The Mayor declared an interest in item 13 (motion b) as an Ambassador for the Alexander Devine charity.

Councillors Burbage, Dudley and D. Wilson declared interests in relation to the item 'Constitutional Amendments' as a Bray Parish Councillor.

Councillor Coppinger declared an interest in item 12 (question f) as a member of the Maidenhead Target Shooting Club.

Councillors Rayner and Mrs Rayner declared disclosable pecuniary interests in item 13 (questions c and j) as the family worked with a charity supporting refugees in Syria. Both councillors would leave the room for the duration of the discussion of the items.

The Deputy Mayor and Councillor Mrs Rayner declared interests in item 13 (motion b) as fundraisers for the Alexander Devine charity

Councillors Rayner and Mrs Rayner declared disclosable pecuniary interests in item 13 (questions b) as they were landowners whose land was likely to be compulsory purchased for the Smart Motorways scheme.

39. MAYOR'S COMMUNICATIONS

The Mayor submitted in writing details of engagements that she and the Deputy Mayor had undertaken since the last meeting, which were noted by the Council. The Mayor highlighted her visit to Sportsable to attend the organisations 40<sup>th</sup> anniversary celebrations.

40. PUBLIC QUESTIONS

None received in time.

41. PETITIONS

The following petition was presented by Councillor Mrs Bateson:

'We, the undersigned, wish the RBWM to consider reducing the recently implemented 18 tonne weight limit on the Chobham Road railway bridge to a maximum of 7.5 tonnes. We are concerned that the large lorries pose a safety risk due to the narrow road over the bridge. Large vehicles are forced to cross the central double-white line on a bend where visibility is limited and oncoming traffic may not see them in time.'

Councillor Mrs Bateson addressed the meeting to summarise the content of the petition. She explained that the petition had been signed by 230 people, along with a further 213 signatures on an e-petition. The petition therefore totalled 1003 signatures. The petition had been organised in response to the increase in heavy traffic vehicles travelling along the Chobham Road, which was the High Street in Sunningdale. The parish council was concerned about increased traffic from the planned DERA development which would routinely use the bridge. The Royal Borough had introduced the weight limit in June after it acknowledged with its shops, houses and street parking, that heavy lorries should not use the bridge. Additionally, it was an s-bend bridge which was unsafe for people coming the other way.

The Mayor ruled that the petition should be referred to Cabinet for consideration.

42. APPOINTMENT OF THE MONITORING OFFICER

Members considered the appointment of David Scott (Head of Governance, Performance and Policy) as the Monitoring Officer from 1 December 2015. Mr Scott would be supported by officers from the Shared Legal Services team at Wokingham.

Councillor Burbage advised Members that the recommendation should read 'Council' not 'Cabinet' and hence should be amended.

Councillor Werner commended the recommendation.

It was proposed by Councillor Burbage, seconded by Councillor Dudley, and:

**RESOLVED UNANIMOUSLY: That Council appoint David Scott as the Monitoring Officer for the Royal Borough of Windsor and Maidenhead with effect from 1 December 2015 until further notice.**

43. REPLACEMENT OF DESIGNATED PUBLIC PLACE ORDERS (DPPOS) WITH A PUBLIC SPACE PROTECTION ORDER (PSPO)

Members considered the replacement of DPPOs with a PSPO. Councillor Cox explained that the proposal was a result of the implementation of the Anti-Social Behaviour Act 2014. Under the legislation, the change would take place by October 2017 anyway whether council agreed or not. Councillor Cox explained that a DPPO allowed regulation of activities including the consumption of alcohol in areas where problems occurred. The police were also empowered to remove alcohol where appropriate. PSPOs were similar but extended the powers of local authorities to regulate other activities that could be considered anti-social. A PSPO could be made where the council was satisfied that the activity or activities, carried on in a public place, it proposes to restrict:

- Have had, or are likely to have, a detrimental effect on the quality of life of those in the locality;
- Is, or is likely to be, persistent or continuing in nature;
- Is, or is likely to be, unreasonable; and
- Justifies the restrictions imposed

The report proposed the two existing DPPOs be replaced with one PSPO, with the inclusion of an anomaly at Riverside Gardens. Future PSPOs would come to a PSPO Panel, with the exception of large matters that would come to Full Council for consideration.

Councillor Werner welcomed the report. He was pleased that there was a mechanism for increasing the number of PSPOs in future where a problem occurred. In 2004 Pinkneys Green had had a number of issues with anti-social behaviour. A series of measures were put together at the time, including the first alcohol-free zone in the borough. It had been a fundamental part of solving some of the problems on the estate.

It was proposed by Councillor Cox, seconded by Councillor Werner, and:

**RESOLVED UNANIMOUSLY: That Council:**

- i) Agrees to the replacement of the two current Designated Public Space Orders with one Public Space Protection Order covering all the same locations in the previous DPPOs by 30 October 2015 and makes a small extension to the Riverside Gardens alcohol free zone area to include all of the car park.**
- ii) Agrees to the sealing of the order establishing one Public Space Protection Order as described above.**
- iii) Agrees to amend its constitution with respect to the Alley Gating/Cold Calling Zone Panel (covered in a separate paper entitled “Constitutional Amendments”) and to extend its function to consider all types of PSPO.**

44. CONSTITUTION AMENDMENTS & APPOINTMENTS TO COMMITTEES

Members considered proposed amendments to the Constitution and appointments to Council Committees.

Councillor Burbage explained the first amendment would enable a call-in by Members of the Opposition (numbering three) without needing another councillor in support. The report also proposed the changes relating to PSPOs as per the previous item and minor changes to a number of terms of reference. Reference to the Head of Legal would also be amended to the Monitoring Officer as appropriate.

Councillor Burbage announced that he wished to introduce a further amendment to restore a paragraph omitted at the time of the last revision of the constitution at section 7D 2 Officer Advice To Councillors between 2.3 and 2.4:

‘Where a Councillor requests factual information (usually written) from an Officer as set out in paragraph 2.3 above, that information will also be supplied to the Chairman of the appropriate Panel, Forum or Committee, or the relevant Lead Member of the Cabinet, and relevant Officers.’

The Mayor requested the reason for the urgent amendment. Councillor Burbage responded that a recent exchange between Members and officers had highlighted the need for the change and if the issue was not resolved, ambiguity would remain. The Mayor accepted the reasoning.

Councillor Werner commented that as the clause had not been in place since 2011 he could not see the reason for the urgent request. Councillor Beer stated that he was happy to accept the urgent amendment, with a subsequent amendment to read ‘except where a Councillor requests a question remains confidential.’ A safeguard was needed for confidential matters, for example if a question was being raised on behalf of a resident. Councillor Werner seconded Councillor Beer’s amendment.

Councillor Burbage stated that he did not accept Councillor Beer's further amendment. He commented that there could be room for agreement where confidentiality applied but a blanket option for confidentiality was not appropriate. He suggested that the issue be referred to the Constitution Sub committee for discussion. This would also avoid the need to wait until the next Council meeting in December.

Councillor D. Wilson welcomed the amendments in the report, particularly in relation to the devolution of powers to parishes. It was likely that others would follow Bray's lead and requested that the Constitution Sub Committee consider each request.

Councillor Beer welcomed amendments to panel appointments that would restore some balance and ensure input from the opposition. He commented that the Opposition would not be abusing the ability to call-in executive decisions; with just three Members as the Opposition itself was very busy. The changes to political balance would have allowed the Opposition to sit on approximately 30 panels but this had been pruned to around 10 as detailed in the report.

It was proposed by Councillor Burbage, seconded by Councillor Dudley, and:

**RESOLVED UNANIMOUSLY: That**

- i) the amendments to the Council's Constitution as set out in Appendices are considered and approved; and**
- ii) the Council instructs Constitution Sub Committee to undertake negotiations with Bray Parish Council with the intention of devolving decision making in Planning matters; and**
- iii) the appointments to the committees of Council are approved.**
- iv) The Constitution Sub Committee be requested to consider the inclusion of the following wording in section 7D 2 Officer Advice To Councillors of the constitution between 2.3 and 2.4:**

**'Where a Councillor requests factual information (usually written) from an Officer as set out in paragraph 2.3 above, that information will also be supplied to the Chairman of the appropriate Panel, Forum or Committee, or the relevant Lead Member of the Cabinet, and relevant Officers.'**

45. CODE OF CONDUCT AMENDMENTS

Members considered proposed amendments to Part 7A of the Constitution in respect to Members Code of Conduct.

Councillor Burbage explained that the code had last been updated in 2012. A recent review highlighted inconsistencies in recording personal interest therefore amendments were proposed to come into effect on 1 November 2015. The Constitution Sub Committee would also be asked to undertake a review of the code and make further

changes to the Council meeting in December 2015, as opposed to July 2016 as detailed in the report.

The report also proposed amendments to the complaints process, in particular how long complaints were logged on the website. The changes would also enable councillors to include a statement in response for complaints where a breach was found.

Councillor Werner highlighted that under previous codes Local Authority governors would submit a personal interest whereas governors under any other category would declare a prejudicial interest. He would like to see this approach included in any review of the code as it fitted with the Nolan principles. Councillor Dudley commented that it would be important to ensure people were not put off being involved in their local community. The situation could arise when a large number of the councillors at a meeting could not take part in the debate and this would be a retrograde step. He emphasised the need for a balance.

It was proposed by Councillor Burbage, seconded by Councillor Dudley, and:

**RESOLVED UNANIMOUSLY: That**

- i) The amendments to the Council's Code of Conduct as set out in Appendices are approved and will be adopted from 1<sup>st</sup> November 2015; and**
- ii) Training in the amended Code of Conduct will be offered to Councillors in respect to Personal Interests; and**
- iii) The Constitution Subcommittee undertakes a thorough review of Code of Conduct to make a recommendation to Council by December 2015.**

46. DELEGATION OF PLANNING DECISIONS TO PARISH COUNCILS - REQUIRED CHANGES TO THE COUNCIL CONSTITUTION

Members noted that the item had been included in the 'Constitution Amendments' report already considered.

47. MEMBERS QUESTIONS

**a) Question submitted by Councillor Beer to Councillor Burbage, Leader of the Council**

Please explain why despite the catastrophic flooding last year the Flood Group has not met for over a year since June 2014, no minutes have been published since March 2014 and no further meetings of this group to liaise with outside bodies on the potentially life changing threats of flooding are planned. Please can the Flood Group be urgently restored?

Councillor Burbage responded that the records he had did not match with Councillor Beer's question. He believed that the Flood Group had met on 29 July 2015; Councillor Beer had been invited but had submitted his apologies. The Forum had also met on 2 February 2015 and 20 October 2014. The next meeting was scheduled for 5 October

2015. The borough took flooding issues seriously. Cabinet received regular reports on the issue.

By way of a supplementary Councillor Beer stated that Cabinet initiated a multi-agency officer Flood Working Group in July 2009 and in November 2009 expanded it to include Riverside Ward councillors, representatives of Parish Flood Group, the EA, Thames Water and Thames Awash with the first meeting on 12 December 2009. It had been run by the Operations team almost as an offshore operation with poor links to the website and the council calendar, despite the borough's statutory responsibility as the Area Flood Lead Authority. Councillor Beer asked Councillor Burbage to ensure that it would be properly recognised and facilitated by Members Services in future to avoid inexcusable clashes such as the next Flood Forum with the Borough Transformation presentation.

Councillor Burbage, responded that support by Democratic Services was being reviewed and this would improve the formality and publication of agenda and minutes. He suggested Councillor Beer stay in contact with Councillor Grey as the borough representative on Thames Regional Flood and Coastal Committee and Councillor Rayner as Lead Member.

**b) Question submitted by Councillor Beer to Councillor Burbage, Leader of the Council**

I have not had an answer about if the Council has responded to the Smart Motorway consultation regarding the M4 whereby the hard shoulders will be sacrificed as full traffic lanes without adequate alternative emergency provisions. What is the Council doing about the current consultation?

Councillor Burbage, responded that he understood that Councillor Beer was in dialogue with officers in relation to the issue. The current consultation was being undertaken by the Planning Inspectorate with a number of hearings being held at the Town Hall. The earlier consultation with Highways England had closed. Councillor Cox was the allocated Lead Member and he had been fully briefed by officers. He would no doubt welcome any input from Councillor Beer.

By way of a supplementary Councillor Beer commented that the Lead Member had said he had a conflict of interest and someone else would reply to his query of 19 August 2015. He was still waiting for news on whether the council responded to the consultation the previous November/December. Councillor Beer had asked for the issue to go to the Highways, Transport & Environment Overview & Scrutiny Panel but it did not. He asked whether the borough commented on the Infrastructure Planning Application before July and was participating in the current examination.

Councillor Burbage, apologised if Councillor Beer had requested an item on the Overview & Scrutiny agenda and it had not been put on the agenda, and also if his question had not been responded to. Officers would respond directly to Councillor Beer on these matters. He confirmed that the council had responded to the Planning Inspectorate on the Smart Motorway proposal. He hoped that that Councillor Beer would be able to contribute in future.

Councillor Rayner and Mrs Rayner left the room for the duration of the debate on the question.

**c) Question submitted by Councillor D Wilson to Councillor Rayner, Lead Member for Highways and Transport**

The Stafferton Way Link Road is due to be finished this year; does the Lead Member think that a competition or some input from residents can be arranged when considering its name?

Councillor Rayner responded that residents had been waiting for 25 years for the link road to be finished. A competition had been launched to allow residents to choose the new name for the road. Four individuals would be judging the proposed names, in the Mayor's Parlour. A number of names had already been suggested, including Cilla Black Way. He placed on record his thanks to Councillor Hill, the previous Lead Member, for his work on the project.

By way of a supplementary Councillor D. Wilson asked when the project would be completed?

Councillor Rayner responded that he had been told by the agents that the project would be completed by November 2015. An opening ceremony was planned. There had been some issues with utility companies that had delayed progress.

**d) Question submitted by Councillor Ilyas to Councillor Rayner, Lead Member for Highways and Transport**

Can the Lead Member provide an update on the replacement parking system for the Nicholson's car park?

Councillor Rayner responded that two or three different parking systems had been used in the Nicholson's car park over that last few years. He hoped that the new system would be the right one. A great deal of research had been undertaken and suppliers had been interviewed. The new system moved away from paper cards to tokens with chips, and pay on exit. Individuals could become members of the car park and pay online. An introductory offer would be available to encourage people to join, with £10 free parking in return. The new system would be installed by the end of November. If it were not in by then, installation would wait until after Christmas.

By way of a supplementary Councillor Ilyas asked for assurances that thorough procedures had been put in place to ensure residents would face problems as in the past.

Councillor Rayner responded that he had been assured by officers that the new system would work and be delivered on time. He had asked Community Wardens and Ambassadors to help support residents in the first few weeks. He thanked the Strategic Director of Operations and the parking Principal for their work on the project.



**e) Question submitted by Councillor Mrs N Airey to Councillor Rayner, Lead Member for Highways and Transport**

Can the Lead Member inform the council about the proposal to improve the junction and traffic flow at Imperial Road / Winkfield Road?

Councillor Rayner responded that he had reviewed the traffic situation. During peak times in the summer manually controlled lights had been installed. Unfortunately the two sets of lights implemented in 2008 did not communicate and this had led to problems. The proposal was therefore to remove both sets. Two alternative schemes had been developed and a public consultation on the proposals would take place. A zebra crossing would be retained for the girls' school.

Councillor Mrs N Airey confirmed she did not have a supplementary question.

**f) Question submitted by Councillor Coppinger to Councillor D Wilson, Lead Member for Planning**

Maidenhead Target Shooting Club, established 1906 and at Braywick Park since 1967, has 169 members including 20 juniors, members shoot at national / international level; could the lead member for Planning confirm that any future plan for Braywick will ensure the Olympic sport of shooting can continue to be pursued safely by members of all ages whatever their physical ability.

Councillor D Wilson, responded that the council recognised the important contribution that Maidenhead Target Shooting Club made to the sporting facilities of the borough. In planning for Braywick, the council would seek to ensure that provision was made to secure the future of the Olympic sport of shooting.

Councillor Coppinger confirmed he did not have a supplementary question

**g) Question submitted by Councillor Carroll to Councillor Burbage, Leader of the Council**

Given the desperate situation engulfing the international refugee crisis and following recent policy commitments by the Prime Minister, could the Leader of the Council please outline the Council's position regarding housing extra refugees and any associated plans?

Councillor Burbage responded that borough was working with government to support refugees including those from the Syrian crisis. The next step was for officers and partners to meet on 4 October 2015 with the Home Office and South East Strategic Partnership for Migration to discuss a plan for how the borough could assist. Attendees would be from the Housing, Adult Social Care and Children's Services as well as with partners such as local Housing Associations and the voluntary sector together would consider what practical options were available to accommodate and support children and families in most need, including considering availability of empty homes and access to support services

Councillor Carroll confirmed he did not have a supplementary question.

Councillor Rayner and Mrs Rayner left the room for the duration of the debate on the question.

**h) Question submitted by Councillor E Wilson to Councillor Cox, Lead Member for Environmental Services**

Will the Lead Member take time to look at the innovative work being conducted by Westminster City Council and the charity Hubbub and see whether there are any learnings for litter control in the Royal Borough?

Councillor Cox responded that he had asked officers to contact Westminster City Council. In conjunction with the charity Hubbub they were trialling an initiative called 'Neat Streets' which was based on the latest thinking on behaviour change and awareness raising from around the world. Veolia, the borough's street cleaning contractor was also participating in the initiative. Examples of what they were doing included musical litter bins, chewing gum art and voting with cigarette butts on topical fun issues e.g. 'Who will win the Ashes?' The trial commenced in May and would be completed in October. Westminster City Council had said they would share the results of the trial with the borough and the council would keep in contact with them and consider opportunities to implement appropriate examples of good practice identified during the trial.

By way of a supplementary Councillor E Wilson commented that he welcomed the Lead Member's intervention. Westminster's scheme was very interesting and innovative. The council had an obligation to residents to look at all ways litter could be tackled. The first Dedworth Recycling Day had been held the previous weekend. The five Councillors in Dedworth had adopted Dedworth Road for litter patrols. The Good Business Neighbour scheme was also in place. His challenge to the Lead Member was to come back with some innovative ideas.

Councillor Cox responded that he commended the work being undertaken in Dedworth. He would continue to look at ways to improve the streets in the borough.

**i) Question submitted by Councillor Targowska to Councillor Cox, Lead Member for Environmental Services**

Residents in Portlock Road and Penyston Road have submitted a petition regarding the distribution centre operating at 78 Portlock Road and its use of articulated lorries and parking of business vehicles in Portlock Road and Penyston Road; can I please have an update regarding how the Council is working to address the concerns expressed by residents in that petition?

Councillor Cox responded that noise nuisance complaints were currently being investigated by Environmental Protection personnel. A statutory noise nuisance had not yet been witnessed at this stage, but officers had provided advice to the premises about ensuring their operations did not detrimentally affect neighbouring residential premises. Residents had reported improved levels of noise in the past few weeks and the council had been informed that the business would not be extending its tenancy agreement at the site when it expired at the end of the calendar year. Noise investigations would

continue however and may result in formal action should a statutory nuisance be evidenced. Parking enforcement officers were also patrolling the area so as to discourage any misuse of the parking arrangements in Portlock Road. The Lead Member would ensure that officers keep me and the local ward members fully updated and briefed on developments.

Councillor Mrs Targowska confirmed she did not have a supplementary question

**j) Question submitted by Councillor Richards to Councillor Burbage, Leader of the Council**

Could the Leader of the Council set out what steps he is taking to welcome refugees from the current Syria crisis to the RBWM as part of the government's effort to accept more refugees?

Councillor Burbage had responded to the question earlier, at question g.

Councillor Richards confirmed he did not have a supplementary question

Councillor Rayner and Mrs Rayner left the room for the duration of the debate on the question.

**k) Question submitted by Councillor Beer to Councillor Rayner, Lead Member for Highways and Transport**

The masonry parapet of Albert Bridge on the Old Windsor to Datchet Road has not been repaired after severe damage about a year ago and is hidden by a flimsy barrier. After numerous requests for urgent action notices were eventually issued stating repairs would start on 6th July and last 6 to 7 weeks, please explain the absence of action.

Members noted that the third question from the opposition Leader had been accepted as urgent by the Lead Member.

Councillor Rayner responded that the works had not gone ahead in May because of the Horse Show. Residents would not have been happy if Windsor had become gridlocked at this time. The work would be done in November 2015 when there was less traffic in the area as Legoland was closed.

By way of a supplementary Councillor Beer stated that he first raised the issue a exactly 12 months previously, about three months after a large part of the bridge was dislodged and temporarily barricaded. After another enquiry he had been advised of the November start. Councillor Beer asked if pressure could be applied to start earlier to avoid further delays due to winter frosts causing partial closure of the busy road to extend over the Christmas period.

Councillor Rayner responded that he did not think road closure would be necessary. Professional contractors would be used and no work carried out during frosty conditions. He preferred that work would take longer in Windsor than the town be gridlocked. He would personally keep an eye on progress.

48. ORDER OF BUSINESS

**RESOLVED UNANIMOUSLY: That the order of business as detailed in the agenda be amended.**

49. MOTIONS ON NOTICE

**b) By Councillor Mrs Hunt**

Councillor Mrs Hunt introduced her motion. She explained that the Alexander Devine charity was set up in 2007 to help all children with life-limiting and life threatening illnesses. Anyone who had a poorly child would know the heartaches, the difficulties and the emotional rollercoaster that followed a diagnosis. In 2008 the council pledged to give as much assistance as possible to the charity. In 2010 a benefactor donated land on which the hospice could be built, and planning permission was achieved in 2011. Fundraising then began in earnest; a large variety of events had been held. The council was now asked to waive the large amount of costs related to highway works that would take fundraisers a long time to gather. Councillor Mrs Hunt was proud to be involved with the charity along with fellow councillors. None of what had been achieved could have occurred without the commitment and drive of Fiona Devine.

Councillor Brimacombe stated that he was pleased to second the motion; the Councillors of Cox Green were very pleased to have the hospice site in their Ward, albeit close to the boundary. The highways fees, due payable in the normal course of events would be £3,075. This fee was for supervision, inspection and legal agreements associated with works required for the part of the development that would become public highway. The fees were to ensure that legal agreements were in place and that works were undertaken to the required standard. In addition to the highway fees, Shared Legal Services would charge a fee £2,831 for preparation and processing of the legal agreement. In summary, it was proposed to waive, or not to pass on to the charity, the total costs of £5,906. All Councillors would realise what an enormous achievement it would be to raise the £5 million required and he understood that circa £4 million has been collected so far. Like filling a large bath with small drops of water this took time and patience, but each drop of water was fundamentally important. Councillor Clive Bullock had donated £750 of his Councillor budget to the cause and, between Councillor McWilliams and himself, a further £500 would be added. The bath continued to fill. The council had been a friend to the charity in various forms, not least the Councillors who had declared interests. Councillor Brimacombe commended the motion to Council, that the £5,906 of fees not be passed to the Alexander Devine Charity, in order to give practical support to the establishment of the hospice for children in Berkshire.

Councillor Grey commented that as Mayor in 2009 he had supported the charity which did enormous good work for children and their families in the borough. Both parents worked tirelessly to get the hospice off the ground. Councillor Werner stated that his support for the motion was undivided. The motion was a great precedent to set for charities. The fundraising drive was truly amazing, along with the leadership of the family. Councillor Rayner commented that he got to know the family during his time as

Mayor. The Mayor stated that she looked forward to the ground-breaking ceremony that was to take place the next day.

It was proposed by Councillor Mrs Hunt, seconded by Councillor Brimacombe, and:

**RESOLVED UNANIMOUSLY: That this Council seeks to waive legal costs to Alexander Devine relating to necessary highways works arising from the building of the new hospice.**

(Councillor Mrs Hunt did not vote on the motion)

**a) By Councillor Kellaway**

Councillor Kellaway introduced his motion. He explained that the electrification of the Western region was about to take place, something that had taken years to come to fruition. The programme included plans to electrify branch lines. Trains from Cookham direct to Paddington carried approximately 400 passengers a day. Travellers also came from Bourne End and Marlow giving a total of 1000 coming into Maidenhead each day. The total cost of the project was £34m. Completion of such schemes often slipped and it was therefore vital to maintain pressure on the government to ensure it took place.

Councillor Rayner commented that since he had become Lead Member had had met with Railtrack and First Great Western (FGW) on two occasions. The council needed the support of every resident of Furze Platt, Cookham and even Bourne End. He had recently met with his opposite number at Wycombe District Council who was also supportive. He hoped for a meeting with local MPs to discuss how to discuss pressurising FGW to electrify the line. If diesel trains were introduced instead, the line could be closed.

Councillor Werner stated that he supported the important motion. He had been told the council were trying to get electrification of the route anyway. Without electrification the direct line trains could be entirely lost. It was vital that the council pulled together to get a result on this issue.

Councillor Sharma explained that three months previously a meeting had been held with National Rail and FGW. They had promised they would increase the frequency on the line. At the moment trains ran every half hour. This would benefit all residents. Councillor Ilyas stated that as a ward councillor for Furze Platt, he supported the motion. He believed it would allow more borough residents to benefit from this both economically and from increased transport links for all borough residents. Councillor Clark stated that he supported on behalf of Cookham residents. Improved access for residents would be a key part of the Maidenhead regeneration scheme.

Councillor Lenton commented that he felt 1000 people per day was not a large figure spread over 24 hours. A similar number went through Wraybury station. If platforms were too short electrification would not help anyway. Network Rail projects tended to increase in cost significantly.

Councillor Kellaway responded to Councillor Lenton that he felt 1000 was a large number. Approximately 5000 people came through Maidenhead every day and this

would increase with Crossrail. He hoped all Councillors would support the motion. Councillor Sharma commented that lots of children travelled from Cookham to Furze Platt every day; the line was very well used.

It was proposed by Councillor Kellaway, seconded by Councillor Rayner, and:

**RESOLVED UNANIMOUSLY: That this Council recognises the importance to the local economy and environment of the rail branch line to Furze Platt and Cookham, warmly supports the plans to electrify the line as part of the overall electrification of the Western Rail Line and urges the Department for Transport to move ahead with the scheme as soon as practicable**

**c) By Councillor Richards**

Councillor Richards introduced his motion. Councillor Richards explained that he had proposed the motion because of the historic nature of events. The crisis in Syria had been building for a number of years and had gathered steam last summer with the expulsion of Christians and Yazidis from their homes. The harrowing picture of a three year old boy washed up on the shores of Turkey had recently been broadcast around the world. Europe was facing the greatest number of refugees since World War Two. Over the last three years of the civil war, 4m people had been made refugee. Of Syria's 1.1 million Christian population, an estimated 700,000 had been forced to leave their homes. The crisis compared to 1.2 million refugees from the Balkan wars of the 1990s and 15 million in World War Two. There was both a moral and a legal obligation to act. Justine Greening, International Development Minister had stated that £1bn had been provided in aid, second only to the USA for food, education and health services. At a time of great and legitimate public concern over migration, the Prime Minister had been right to draw a distinction regarding refugees. The Development Secretary had said that the resettlement of 20,000 of the most vulnerable refugees was both the moral thing to do and also the smart the thing to do.

Councillor Richards explained that he wished to withdraw the second motion as it was clear that the government was keeping the situation under review he also wished to add the words 'from camps' to the first recommendation.

Councillor Burbage commented that, in the Home Secretary's constituency, with such a long war and the refugee crisis, he felt that it was right to support the government's approach to aid genuine refugees. The country had a long history of providing refuge from war; the challenge was ever so much greater for the nations to the south and east of the continent. There had been some good news from the European meeting earlier that day on migrant quotas, although the UK was not part of that process. The council's choice was to aid those who were truly refugees from the war, directly from camps. As he had mentioned earlier, the council was working with the Local Government Association and the South East Strategic Partnership for Migration to develop plans, alongside many other local authorities. The Home Office had been working to provide councils with the information needed on resettlement programmes. No doubt resolving funding questions would be part of this work. He thanked local individuals who had offered to help with the refugee crisis locally. Along with Councillor Coppinger and others he would be keeping Councillors informed as the situation developed.

Councillor Brimacombe agreed with Councillor Richards that the scale, complexity and human tragedy of the matter clearly ranked it as one of the most demanding challenges that the collective leadership of Europe had faced in decades. As war had been the root cause, he offered the metaphor that these leaders were themselves walking across a minefield; a policy minefield. At their backs, people must therefore be patient, if they paused, checked, amended their route and sometimes stepped back. New members of the EU had been criticised for enforcing the rule of law; laws set out by founding members. Many different types of people had been caught in the net of the tragedy, organised crime had exploited the situation, and this had all been seen through the eyes and editorship of the media.

Councillor Brimacombe continued that he Prime Minister had found some safe and sensible ground; leading in providing financial support for food and shelter in camps within the region, taking care in selecting the genuine from the duplicitous and assisting the most vulnerable, children and women at risk of abuse. The council should support the Prime Minister in his difficult job. He wholeheartedly supported the motion as amended. Councillor Brimacombe urged councillors to let the concern be sincere, offer a balanced consideration and add voices in decency. Equally, it would be important not to add to the complexity, confusion or difficulty that the collective leaders faced. It would be a long and difficult path for those involved, the way ahead would not be clearly signposted and it would bring dangers. It would test patience, moderation and commitment. Sadly it would continue to do this, long after the eyes of the media guided attention elsewhere.

Councillor Coppinger stated that he and his officers had more than most to do; they would do all they could to support the decisions of the council.

It was proposed by Councillor Richards, seconded by Councillor Burbage, and:

**RESOLVED UNANIMOUSLY: That**

**This Council:**

- i) Supports the Prime Minister's announcement on 7 September that the UK will accept up to 20,000 Syrian refugees from camps over the next 5 years.**

Councillor Rayner and Mrs Rayner left the room for the duration of the debate on the motion.

50. MEETING

The meeting, which started at 7.30pm, ended at 9.09pm.

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## MEMBERS' GUIDANCE NOTE

### DECLARING INTERESTS IN MEETINGS

#### **DISCLOSABLE PECUNIARY INTERESTS (DPIs)**

DPIs include:

- Any employment, office, trade, profession or vocation carried on for profit or gain.
- Any payment or provision of any other financial benefit made in respect of any expenses occurred in carrying out member duties or election expenses.
- Any contract under which goods and services are to be provided/works to be executed which has not been fully discharged.
- Any beneficial interest in land within the area of the relevant authority.
- Any license to occupy land in the area of the relevant authority for a month or longer.
- Any tenancy where the landlord is the relevant authority, and the tenant is a body in which the relevant person has a beneficial interest.
- Any beneficial interest in securities of a body where
  - a) that body has a piece of business or land in the area of the relevant authority, and
  - b) either (i) the total nominal value of the securities exceeds £25,000 or one hundredth of the total issued share capital of that body **or** (ii) the total nominal value of the shares of any one class belonging to the relevant person exceeds one hundredth of the total issued share capital of that class.

#### **PREJUDICIAL INTERESTS**

This is an interest which a reasonable fair minded and informed member of the public would reasonably believe is so significant that it harms or impairs your ability to judge the public interest. That is, your decision making is influenced by your interest that you are not able to impartially consider only relevant issues.

#### **DECLARING INTERESTS**

If you have not disclosed your interest in the register, you **must make** the declaration of interest at the beginning of the meeting, or as soon as you are aware that you have a DPI or Prejudicial Interest. If you have already disclosed the interest in your Register of Interests you are still required to disclose this in the meeting if it relates to the matter being discussed. A member with a DPI or Prejudicial Interest **may make representations at the start of the item but must not take part in discussion or vote at a meeting.** The term 'discussion' has been taken to mean a discussion by the members of the committee or other body determining the issue. You should notify Democratic Services before the meeting of your intention to speak. In order to avoid any accusations of taking part in the discussion or vote, you must move to the public area, having made your representations.

If you have any queries then you should obtain advice from the Legal or Democratic Services Officer before participating in the meeting.

If the interest declared has not been entered on to your Register of Interests, you must notify the Monitoring Officer in writing within the next 28 days following the meeting.

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## MAYOR'S COMMUNICATIONS

Since the last Council meeting the Deputy Mayor, Immediate Past Mayor and I have carried out the following engagements:-

### Meetings

- Maidenhead Talking Newspaper AGM and tea party
- Opened the Older Persons AGM
- Padstones AGM
- Twinning Committee
- Royal Albert Institute Trust
- Charles Davis Trust meeting and service
- Maidenhead CAB AGM
- Prince Philip Trust Fund meeting and dinner
- Charters Community Vision, Charters School, Ascot
- A couple of meetings with Thames Hospice regarding their retail volunteer project
- Community involvement meeting with manager of Maidenhead Branch of the Royal Bank of Scotland

### Schools/Clubs/Community

- Falls Awareness Week Sing-Along at Maidenhead Library
- Alexander Devine Children's Hospice Service ground breaking ceremony
- Various coffee mornings in aid of Macmillan Cancer Support – Nicholson Centre, DAAT, Mayor's Parlour and Windsor Methodist Church which incorporated a Flower Festival
- Windsor Lions Club Swimathon Awards Evening
- Daffodil planting for Marie Curie at Osgood Park, Clewer
- Started Windsor Half Marathon
- 9<sup>th</sup> Maidenhead Brownies – viewing of civic insignia and mayoral presentation
- Civic funeral of former Mayor, Eric Wiles
- Bursary Awards
- Visited the Recycling Day at Clewer Memorial Recreation Ground
- Started Maidenhead Boundary Walk
- Attended the dedication and unveiling of the Trooper Potts VC Memorial at Forbury Gardens, Reading
- Maidenhead Lions Annual Charter Lunch
- Evensong at St George's Chapel and private view of "The Longest Reign" exhibition in Dean's Cloister, Windsor Castle
- Several citizenship ceremonies
- Ceremonial opening of the Crown Court, Reading Minster
- Presentation of the Lifetime Achievement Award
- Visited the Mental Health Awareness Day at the Cardinal Clinic, Windsor
- Participated in a programme of events in the Royal Borough's twin town of Goslar, Germany for the Kaiserring ceremony
- Maidenhead Golf Club Annual Ball
- Presented the prize to the winner of the Windsor Maidenhead Symphony Orchestra Young Musicians competition

- Assisted with judging the renaming of the Stafferton Way link road
- Queen's Award for Voluntary Service presentation reception
- Opened Radian Job Fair, Windsor Community Centre
- Unveiled a Blue Plaque in the Royal Windsor Shopping Centre for Sir Daniel Gooch
- Prince Philip Trust Fund Trophy Challenge
- Windsor and Eton Rotary Club lunch – mayoral speech
- School assembly at Boyne Hill Infant School – mayoral presentation
- Alexander Devine Capital Campaign Autumn Reception
- Lord Lieutenant's/SERFCA (South East Reserve Forces Cadets Association) Awards Ceremony
- Opened Cards for Good Causes Christmas shops in both Windsor and Maidenhead
- Taken the Salute at the march past of The Rifles and RGBW Regimental Association
- Opened Maidenhead Lions Combined Charities Fair
- Attended the 20<sup>th</sup> anniversary reception for the Decorative and Fine Arts Society
- Bracknell Mayor's Civic Service
- Sunday evening service at St Stephen's Church, Windsor
- Joined the Mayor of Hillingdon for his charity day – tour of the Battle of Britain Operations Room, tour of RAF Uxbridge and RAF Northolt
- Opened Maidenhead Painting Club exhibition
- Hosted Afternoon Tea in aid of Thames Hospice
- Attended the Royal Warrant Holders Association Reception and Dinner
- Judged the pumpkins and fancy dress at the Halloween event, Royal Windsor Shopping Centre
- Attended the Hindu Society of Maidenhead DiwaliFest
- Mayoral presentation at Burchetts Green CE Infant School
- Visited Inspire Hot Yoga in Maidenhead
- Attended the installation of Revd Ainsley Swift as Rector of the Windsor Parish Church
- Led Remembrance Day civic services in Windsor, Maidenhead and Sunninghill
- Presented the Legion of Honour medal to one of the members at the Old Comrades Club, Sunninghill
- Participated in a photocall for specialist breast cancer hospital in Bangladesh
- Attended the Corporate Cocktail Party at the Sir Christopher Wren Hotel, Windsor
- Attended the firework display at Royal Windsor Racecourse
- Bateman's Anniversary Ball
- Two sessions of Shakespeare "As You Like It" schools project
- Attended the launch of Sakuru Spa, Lynwood Village, Sunninghill
- Presented prizes at the Windsor Slough Chrysanthemum Fuchsia and Pelargonium Society Late Chrysanthemum Show
- Led the 2 minute silence on Armistice Day in Maidenhead and Windsor
- Visited the Cultural Day at Boyn Grove, Maidenhead
- Photocall with Zipyard and the Salvation Army, Maidenhead
- School assembly and mayoral presentation at St Mary's Catholic Primary School, Maidenhead
- Attended the launch of "My Cancer My Choices" charity
- Preview of the Windsor Contemporary Art Fair
- Windsor and Maidenhead Community Forum interfaith service and diversity day meal
- Windsor Lions Charter lunch

- BCA opening of refurbished kitchen by Mary Berry
- Mayoral presentation and viewing of civic insignia by 19<sup>th</sup> Maidenhead Cubs, Mayor's Parlour
- Presented parking permit to Community First Responders
- Visited Windsor Christmas Gift Fair
- Opened Dog and Craft Show in aid of local good cause "Dogs that Nobody Want Sanctuary"
- Windsor Christmas Lights Switch On
- Maidenhead Christmas Lights Switch On
- Attended the Rotary Clubs of Windsor St George and Windsor & Eton service in Lower Chapel, Eton College to celebrate the 110<sup>th</sup> anniversary of Rotary
- Welcomed 1<sup>st</sup> Clewer Brownies to the Windsor Guildhall
- Participated in the photocall for 16 days campaign/food collection for DASH
- Maidenhead Thames Rotary schools poetry recital
- Presented certificates at the STRIVE Business Start Up Graduation Ceremony
- Opened the church fundraising Christmas Fair, St Andrew's Church, Clewer
- Marist School Ball at Wentworth
- Led the Toy Run from Ascot to Broom Farm Army Estate
- Presented prizes at the Alzheimer's Dementia Support Santa Fun Run
- Mayoral presentation at assembly at St Edwards Royal Free Middle School, Windsor
- Visits to the Royal Mail Delivery Offices in Sunninghill and Windsor ahead of the festive season
- Attended reception by the 1<sup>st</sup> Battalion of the Coldstream Guards, Victoria Barracks, Windsor
- Recorded a Christmas message for Maidenhead Talking Newspaper
- Horton Christmas tree light switch on
- Hosted Christmas meal in aid of Thames Hospice at the Windsor Guildhall
- Opened Costcutter store in Cookham Road, Maidenhead
- Attended the People to Places/Shopmobility Christmas event at the Hitachi offices, Maidenhead
- Maidenhead Rotary Club Christmas lunch for senior citizens, Holiday Inn, Maidenhead
- Windsor town carol service
- St Luke's Church, Maidenhead Tree Festival and decorated "own" tree
- Assisted with judging the schools competition at Tesco, Dedworth and participated in photocall with winning school
- Started the Norden Farm Lantern Parade
- Visited the lunch for senior citizens and the Manor Green School disco hosted by the Maidenhead Thames Rotary Club at the Holiday Inn, Maidenhead
- Visited the children's Christmas party hosted by Alexander Devine Children's Hospice Service
- Mayor's Charity Challenge in aid of Thames Hospice – attended the first event – seasonal music performed by Steve Hutchinson at the Town Hall, Maidenhead
- Attended the Christmas party at Henry Tudor Ward, St Marks Hospital, Maidenhead
- Lunch and prize draw at King George VI Day Centre, Windsor
- Presented good business neighbour award in Clewer

## Concerts/Shows

- Several Windsor Festival events: concert at St Stephen's Church; Magna Carta concert in St George's Chapel, Windsor Castle; Battle of Waterloo Concert, Holy Trinity Church
- Charity dance extravaganza in aid of Urology Cancer Research
- Circus Starr
- Montgomery Holloway Music Trust "An Evening with Laurie Holloway"
- Cookham Bridge Rotary Club concert by the London Welsh Male Voice Choir in aid of Elizabeth House, Cookham
- Windsor Theatre Guild "Crown Matrimonial"
- Maidenhead Operatic Society "The Mikado"
- Windsor Maidenhead Symphony Orchestra concert
- Windsor Boys School "Sweeney Todd"
- Datchet Players "Habeas Corpus"
- Jewel Tones – Sing! Sing! Sing!
- Thames Hospice carol concert at Wellington College
- Riverside Players pantomime "Snow White and the Seven Dwarfs"
- National Rheumatoid Arthritis Society Christmas carol concert
- Charity dance extravaganza in aid of Urology Cancer Research
- Ascot Brass Christmas concert in aid of Macmillan Cancer Support

Report for:  
ACTION



<b>Contains Confidential or Exempt Information</b>	NO – Part I
<b>Title</b>	<b>Approval of an Amended Pay Policy Statement 2015/16</b>
<b>Responsible Officer(s)</b>	Head of HR
<b>Contact officer, job title and phone number</b>	Terry Baldwin Head of HR 01628 796992
<b>Member reporting</b>	David Burbage
<b>For Consideration By</b>	Council
<b>Date to be Considered</b>	15 December 2015
<b>Implementation Date if Not Called In</b>	1 January 2016
<b>Affected Wards</b>	None
<b>Keywords/Index</b>	Pay Policy Statement, senior managers pay, staff remuneration

## Report Summary

1. This report deals with the approval of an amended Pay Policy Statement for 2015/16 as required by the Localism Act 2011.
2. It recommends that Council approve the amended Statement (Appendix1)
3. These recommendations are being made because the Council is required to approve and publish any amendments made to the Statement during the year.
4. If adopted, there are some financial implications for the Council.

## If recommendations are adopted, how will residents benefit?

Benefits to residents and reasons why they will benefit	Dates by which residents can expect to notice a difference
The Pay Policy Statement enables residents to understand the Council's pay policy for senior staff and how it relates to the salaries of the lowest paid. It provides transparency and enables residents to assess whether salaries paid represent value for money.	On going

## 1. Details of Recommendations

**RECOMMENDATION:** That Council approve the amended 2015/16 Pay Policy Statement and as required by the Localism Act 2011, publishes it on its website within 10 working days of this approval.

## 2. Reason for Recommendation(s) and Options Considered

2.1 On 28 September 2015 the Employment Panel approved some changes to the pay structure for Senior Managers. These changes need to be reflected in the current Pay Policy Statement.

2.2 The Statement has been updated to reflect:

- The change to one pay band for the posts of Managing Director and Strategic Directors, section 2.2.
- The introduction of the role of Deputy Director, with its own pay band, section 2.3.
- The change to one pay band for the posts of Heads of Service, section 2.4.

2.3 In February 2016 Council will be required to approve an updated Pay Policy Statement for 2016/17. However, we have also taken this opportunity to update in the current statement the following:

- A number of post titles
- The post allocated the Council's Returning Officer responsibilities, section 2.5.

Option	Comments
Approve the amended 2015/16 Pay Policy Statement	In accordance with the Localism Act any changes to the Pay Policy Statement during the year have to be approved by full Council.
<b>Recommended option</b>	
Reject the amended 2015/16 Pay Policy Statement	The changes to the statement reflect the changes to senior managers' pay approved by Employment Panel on 28 September 2015.

## 3. Key Implications

Defined Outcomes	Unmet	Met	Exceeded	Significantly Exceeded	Date they should be delivered by
Approve and publish the amended statement within 10 working days of this decision	Statement not approved and not published by 31 December 2015	Statement approved and published by 31 December 2015	Statement published by 24 December 2015	Statement published within 2 working days of the meeting	31 December 2015



**4. Financial Details**

**a) Financial impact on the budget**

4.1 The creation of the role of Deputy Director will result in some additional expenditure, where directorates decide to create a deputy director role within their structure.

**5. Legal Implications**

5.1 The amended Pay Policy Statement 2015/16 meets the requirements of the Localism Act 2011.

5.2 The Council was required by Sections 38-39 of the Localism Act 2011 to approve and publish its first pay policy statement by 31 March 2012 for the financial year 2012-13 and annually thereafter. Any changes during the year have to be approved by full Council. Failure to do so would be contrary to the Council's statutory duty under the Localism Act and could result in a number of adverse steps against it including judicial review for failing to comply with statutory duties.

**6. Value For Money**

6.1 All HR policies and procedures are regularly reviewed and updated to reflect legislation, best practice and changes in the organisation.

**7. Sustainability Impact Appraisal**

7.1 None

**8. Risk Management**

Risks	Uncontrolled Risk	Controls	Controlled Risk
Failure to approve the amended Pay Policy Statement at Council on 15 December 2015	Contravention of Council's obligations under the Localism Act	Statement approved at Council 15 December 2015	Council meets its legal obligations

**9. Links to Strategic Objectives**

9.1 The Pay Policy Statement supports all of the council's strategic objectives as it facilitates the council recruiting and retaining the calibre of staff it requires to deliver its services.

**Our Strategic Objectives are:**

**Residents First**

- Support Children and Young People
- Encourage Healthy People and Lifestyles
- Improve the Environment, Economy and Transport
- Work for safer and stronger communities

**Value for Money**

- Deliver Economic Services
- Improve the use of technology
- Increase non-Council Tax Revenue
- Invest in the future

**Delivering Together**

- Enhanced Customer Services
- Deliver Effective Services
- Strengthen Partnerships

**Equipping Ourselves for the Future**

- Equipping Our Workforce
- Developing Our systems and Structures
- Changing Our Culture

**10. Equalities, Human Rights and Community Cohesion**

10.1 The original EQIA was reviewed and no changes were made.

**11. Staffing/Workforce and Accommodation implications:**

11.1 None

**12. Property and Assets**

12.1 None

**13. Any other implications:**

13.1 None

**14. Consultation**

14.1 The Employment Panel on 28 September 2015 approved the amended document.

**15. Timetable for Implementation**

15.1 The amended statement will be published by 31 December 2015.

**16. Appendices**

Appendix 1 – amended Pay Policy Statement 2015/16.

**17. Background Information**

N/A

**18. Consultation (Mandatory)**

<b>Name of consultee</b>	<b>Post held and Department</b>	<b>Date sent</b>	<b>Date received</b>	<b>See comments in paragraph:</b>
<b>Internal</b>				
Cllr Burbage	Leader of the Council	24/11/15	25/11/15	3.1.1 amended

Andrew Brooker	Head of Finance	2/11/15	16/11/15	None
Jane Davidson	Lawyer, Shared Legal services	2/11/15	9/11/15	Legal section comments approved
<b>External</b>				
None				

### Report History

<b>Decision type:</b>	<b>Urgency item - no</b>
Non key	No

Full name of report author	Job title	Full contact no:
Karin Zussman-Ward	HR Consultant	01628 796211

## ROYAL BOROUGH OF WINDSOR AND MAIDENHEAD Amended Pay Policy Statement for the year 2015/16

### 1. INTRODUCTION

- 1.1 Under sections 38 to 43 of the Localism Act 2011, Local Authorities are required to prepare, approve by full Council (as a Part 1 item) and publish on their website, a pay policy statement by 31 March 2015, for the financial year 2015/16.
- 1.2 This statement must be reviewed, updated, approved by full Council and published by 31 March annually for the immediately following financial year.
- 1.3 RBWM may amend this statement during the financial year in which it is effective; however any change must be approved by full Council. Any amended statement will be published on the website within 10 working days of the Council meeting.
- 1.4 In drawing up this statement, RBWM has taken into account the guidance issued by the Department of Communities and Local Government and the advice supplied jointly by the Local Government Association and the Association of Local Authority Chief Executives (ALACE).
- 1.5 Links to external websites:
  - [CLG Guidance](#)
  - [CLG Supplementary Guidance](#)
- 1.6 This statement does not include staff based in RBWM schools as this is outside the scope of the legislation.
- 1.7 This amended statement was approved by full Council on 15 December 2015.
- 1.8 RBWM fully endorses and supports the requirement to be open and honest about the reward packages of the senior staff.

### 2. REMUNERATION OF CHIEF OFFICERS

- 2.1 Under the current structure of the Council, the following posts are included in the definition of 'Chief Officer':
  - Managing Director and Strategic Director of Children's Services
  - Deputy Managing Director and Strategic Director of Adults, Culture and Health
  - Strategic Director of Corporate Services

- Strategic Director of Operations
- Deputy Director - Early Help and Safeguarding

#### **Heads of Service:**

- Adult Social Care Services & Health Partnerships
- Adult Strategic Commissioning
- Libraries, Information, Heritage & Arts
- Public Health
  
- Schools & Education Services
- Strategy, Commissioning & Performance
  
- Community Services
- Finance
- Governance, Policy & Performance
- Human Resources
  
- Benefits and Business Services
- Commissioning & Contracts
- Community Protection & Enforcement
- Customer Services
- Development and Regeneration
- Highways and Transport
- Neighbourhood & Streetscene Delivery
- Technology & Change Delivery

#### **Salaries**

- 2.2 The Managing Director and Strategic Directors are paid within a salary band of £95,950 to £131,300.
- 2.3 Deputy Directors are paid within a salary band of £85,000 to £100,000.
- 2.4 Heads of Service are paid within a salary band of £65,650 to £90,900.
- Initial salary placement is determined by job evaluation and market comparability.
  - Salary levels within the bands are normally determined through a bi-annual market comparability exercise. RBWM aims to pay within 10% of the top of the market. Appointments are therefore made on a market benchmarked 'spot salary'.
  - Due to the decision not to award an annual pay increase to this category of staff since 2009 the market comparability exercise has been deferred.

#### **Other payments**

- 2.5 With effect from 2 November 2015, the Head of Governance, Policy & Performance has undertaken the role of the Council's Returning Officer, appointed for this role under the Representation of the People Act 1983.

The Returning Officer is eligible for fees linked to duties undertaken for running national, European or local elections/referenda. These fees are determined by the number of electors registered in the borough/parliamentary constituency and are determined by a formula operated by the Government for determining fees to all Returning Officers across the country.

2.6 The amount paid is published on the website - [Pay & benefits of senior staff](#)

2.7 There are no other regular payments made to the post holders in the roles listed in section 2.1.

### **Honoraria**

2.8 A revised Honorarium Scheme applicable to all employees was approved by Employment Panel on 4 March 2012.

### **Salary reviews**

2.9 The annual pay review is undertaken by RBWM and any pay award is determined by the Employment Panel. The annual pay review date is 1 April.

2.10 Since 2009 the Employment Panel has not awarded an annual pay increase to the Managing Director, Directors and Heads of Service.

2.11 With effect from 1 April 2014 the Council introduced a Pay Reward Scheme that allows the Council to reward performance based on an assessment of achievement of objectives and demonstration of its corporate behaviours, CREATE. This applies to all staff on RBWM local terms and conditions.

### **Expenses and benefits**

2.12 The Council has a comprehensive Expenses policy, which applies to all staff.

2.13 The Council will pay for one annual membership of a professional body, where the membership/qualification is required for the post held.

2.14 All other benefits are available to all staff and identified in point 3.6.

### **Remuneration on appointment**

2.17 In the event of a vacancy the market levels for the post, see 2.2, may be reassessed and any appointment would be made in accordance with the market comparability evidence.

### **Termination payments**

2.18 RBWM does not treat the Managing Director, Directors, Deputy Directors and Heads of Service differently to other Council employees in relation to termination payments. See section 6.

### **Other terms and conditions**

- 2.19 Since 1 March 2013 the terms and conditions for this group of staff have been fully locally determined and set out in the RBWM Pay and Conditions of Employment handbook.
- 2.20 All staff receive 28 days annual leave plus 8 bank holidays each year.

### **Use of interim managers in senior roles**

- 2.21 RBWM would not normally appoint a consultant to a permanent post.
- 2.22 There may be occasions when RBWM has a short term need for an interim senior manager, for example pending a permanent appointment or for maternity cover etc. In these cases RBWM may use a consultant appointed via their temporary worker agency or a direct consultancy agreement, both routes being in accordance with Contract Rules.
- 2.23 The council would consider appointing a senior manager via their agency or on a consultancy contract for a fixed period where they have been unable to recruit to the post. Such appointments would be in accordance with Contract Rules. In addition they will be approved by Employment Panel and reviewed every six months.

## **3. DEFINITION AND REMUNERATION OF THE LOWEST PAID EMPLOYEES**

### **Definition of RBWM lowest paid employees**

- 3.1 The simplest definition to use is that of the lowest pay point that the Council uses.
- 3.2 The reasons for adopting this definition is because it is recommended by the JNC for Chief Executives in their guidance to local authorities.

### **Salaries**

- 3.3 The hourly rate of the lowest paid employee is £6.98, which equates to an annual salary of £13,485.
- 3.4 RBWM's lowest paid employees are above the minimum wage rate, currently £6.70 per hour (over 21 rate as at 1 October 2015).

### **Other payments**

- 3.5 It is unlikely that this particular pay level would receive any additional payments. The Council's Pay and Benefits policy sets out their policy on additional payments such as overtime; stand by among other things.

### **Salary review and increments**

- 3.6 Since 2010, the annual pay review for this group of staff has been undertaken by RBWM and any pay award is determined by the Employment Panel. The pay review date is 1 April.

- 3.7 In April 2011, the salaries of those earning less than £21,000 per annum were increased by £250.
- 3.8 In April 2012 no pay award was made.
- 3.9 For those employees, up to and including Scale 6 (renamed G5), not eligible for an increment a 1% consolidated pay increase in April 2013 was applied.
- 3.10 For April 2014, Employment Panel on 21 January 2014 approved: an increase of at least 2.5% (including incremental progression) for scales 2 and 3 (Renamed G1 and 2) and a 2% increase for those at the top of scales 4 and 5 (renamed G3 and 4).
- 3.11 In April 2015, payments were made in accordance with the council's Pay Reward Scheme to reward high performance. Based on appraisal outcomes linked to the achievement of objectives, qualifying employees received salary increases up between 0.85% for a "good" rating and 5.97% for an "outstanding" rating and/or one off lump sum payments.

### **Benefits**

- 3.12 The Council offers a range of benefits to its staff:
- Advantage card – for those staff who are non residents (residents automatically qualify)
  - Bike Lease Scheme via salary sacrifice
  - Buy and sell annual leave
  - Car Lease Scheme via salary sacrifice
  - Childcare Vouchers via salary sacrifice
  - Contributory pension scheme (employee contribution rates from 5.5% to 11.4% and employer contribution rate of 12.8%)
  - Employee Assistance Programme (EAP)
  - Eye care vouchers for designated DSE users
  - Car parking at work
  - Physiotherapy – subject to criteria
  - Season ticket loan
  - Discounted rail travel to Maidenhead on Great Western routes

## **4. RELATIONSHIP BETWEEN THE REMUNERATION OF CHIEF OFFICERS AND THE LOWEST PAID STAFF**

4.1 Using the information already published on the website, the total remuneration package for the Managing Director as at 31 May 2014, was £145,852. This is a salary of £129,000, plus employer's pension contributions and expenses and allowances. [Pay & benefits of senior staff](#)

4.2 The remuneration of the lowest paid employee was £13,485, which represents solely basic salary as no other allowances are payable.



Employer's pension contributions for a full time employee at this level would increase the total remuneration to £15,211.

- 4.3 Using a remuneration figure for the Managing of £129,082 (£145,852 minus the Employers pension contribution) and a remuneration figure of £13,485 for the lowest paid employee, the pay multiple is 9.6, no change from last year.
- 4.4 The ratio between the highest paid employee, the Managing Director and the average pay of all RBWM employees is 1:4.35 and the median pay of all employees is 1:5.03.
- 4.5 The Hutton Review of Fair Pay in the public sector, published in March 2011, did not recommend a defined pay multiple, but instead recommended that the public sector should publish, track and explain their pay multiples over time.
- 4.6 The policy regarding the pay of senior staff aims to ensure that the Council can recruit and retain the calibre of staff that is needed to deliver continuous improvement in service delivery. RBWM uses market comparability to determine pay levels to ensure that they are not over or underpaying for these key roles.

## **5. RE-EMPLOYMENT OF THOSE IN RECEIPT OF SEVERANCE PAY OR RETIREMENT PENSION**

- 5.1 If an individual is in receipt of a severance payment or retirement pension from another local authority or RBWM, that would not be taken into account in the decision as to whether or not to employ them.
- 5.2 Under Regulation 70 of the Local Government Pension Scheme (LGPS) (Administration) Regulations 2008, the Berkshire Pension Fund is required to determine its approach to the abatement of pensions in the event that the recipient re-enters Local Government employment. The Pension Fund Panel determined on 20 October 2003 (under the previous LGPS Regulation 109) that no abatement would be exercised for those returning to local government employment within the Berkshire fund area.
- 5.3 The Government is consulting on regulations regarding the recovery of public sector exit payments. Once the regulations are approved, then this section of the pay statement will be reviewed.

## **6. POLICIES ON REDUNDANCY AND PENSION ENTITLEMENT**

### **Redundancy**

- 6.1 The Policy and Procedure for Redundancy, Early Retirements on the Grounds of Efficiency of the Service and Ill Health defines how RBWM will approach redundancy including redundancy pay

- 6.2 The council uses its discretionary powers to calculate redundancy pay using the individual's actual weekly salary.
- 6.3 RBWM does not enhance the number of statutory week's redundancy pay an individual is entitled to under the Employment Rights Act 1996.

#### **Pension enhancement**

- 6.4 The LGPS contains provision for employers to enhance pension payments. Employers are required to determine how they will use these discretionary provisions. The council has determined generally not to use its discretion to enhance pension payments by either additional years or additional pension, RBWM will however consider any application on its merits.

#### **Early retirement or flexible retirement**

- 6.5 In certain circumstances, eligible employees may request early retirement or flexible retirement. (Flexible retirement gives access to accrued pension, whilst allowing the scheme member to continue working). In both these cases, there must be sufficient financial or other benefit to RBWM for such retirements to be approved.

### **7. APPROVAL OF SALARY PACKAGES OVER £100,000**

- 7.1 Under the terms of the Constitution the appointment of the Managing Director is approved by full Council following a recommendation by the Employment Panel.
- 7.2 For Directors and Heads of Service and for posts attracting a remuneration package exceeding £100,000, the terms of recruitment for and appointments of, these posts will be made by the Employment Panel.

### **8. HOW DECISIONS ON PAY AND REWARD POLICIES ARE MADE**

- 8.1 All of the pay and reward policies are approved by the council's Employment Panel.
- 8.2 All of the policies are reviewed regularly and updated to reflect legislation, best practice and organisational changes.

### **9. PUBLICATION AND ACCESS TO INFORMATION AND REMUNERATION OF CHIEF OFFICERS**

- 9.1 In accordance with the Accounts and Audit (England) Regulations 2011 and the Code of Recommended Practice for Local Authorities on Data Transparency, RBWM publishes annually the remuneration of the Managing Director and Directors on its website. [Pay & benefits of senior staff](#)

### **10. OTHER RELEVANT COUNCIL DOCUMENTS**

- Expenses policy
- Flexible retirement
- Honoraria

- Pay & benefits policy
- [Pay & benefits of senior staff](#)
- Pension abatement policy
- Pension's discretion policy
- Policy and procedure for redundancy, early retirements on the grounds of efficiency of the service and ill health

## 11. NUMBER OF STAFF AND SALARY BANDS

11.1 This table shows the number of staff within specified pay bands:

Pay band* £	Number of staff*
<15,000	18
>15,000 <25,000	560
>25,000 <35,000	390
>35,000 <45,000	266
>45,000 <55,000	61
>55,000 <65,000	32
>65,000 <80,000	14
>80,000 <100,000	8
>100,000	3
<b>Total</b>	<b>1,352</b>

\* Excludes casual workers. Multiple job holders counted individually. All data based on Full Time Equivalent salary and permanent allowances only. Overall staff numbers have been reduced due to transferring of audit, fraud and cash collection functions as well as leisure centres.

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Report for:  
ACTION



<b>Contains Confidential or Exempt Information</b>	No – Part I
<b>Title</b>	<b>Members’ Allowance Scheme – Full Review and Proposed Amendments</b>
<b>Responsible Officer(s)</b>	Andrew Brooker - Acting Strategic Director of Corporate Services
<b>Contact officer, job title and phone number</b>	David Scott, Head of Governance, Policy & Performance
<b>Member reporting</b>	Councillor Burbage
<b>For Consideration By</b>	Council
<b>Date to be Considered</b>	15 December 2015
<b>Implementation Date if Not Called In</b>	N/A
<b>Affected Wards</b>	None
<b>Keywords/Index</b>	Remuneration, allowances, Members

## REPORT SUMMARY

1. Full Council in July 2015 requested the Independent Remuneration Panel (IRP) undertake a full review of the Members’ Allowance Scheme, with a report back in December 2015.
2. This report summarises the review process and sets out the recommendations of the IRP, following the full review undertaken during September and November 2015.
3. The recommendations propose increasing allowances for roles held by Elected Members, both in relation to the basic allowance and the Special Responsibility Allowances (SRAs) in the scheme. Such changes require amendments to the Members’ Allowances Scheme in the Constitution.

## If recommendations are adopted, how will residents benefit?

Benefits to residents and reasons why they will benefit	Dates by which residents can expect to notice a difference
1. Proposed amendments to the scheme will update and clarify the allowances payable to Members, which contributes to transparency.	On going

## 1. DETAILS OF RECOMMENDATIONS

### RECOMMENDATION: That:

- a) Council consider proposals by the Independent Remuneration Panel (IRP) as detailed in Appendix A.
- b) The Head of Governance, Policy and Performance amend the Members' Allowances Scheme in the Constitution accordingly.
- c) An additional £25,060 to be added to the Members' Allowance budget for 2015/2016, increasing to £75,179 for all subsequent years, to fund the changes to the scheme.
- d) An additional £375 to be added to the Civic Allowances budget for 2015/16, increasing to £900 for all subsequent years, to fund the changes to the scheme.

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

- 2.1 Local authorities are required to appoint an Independent Remuneration Panel (IRP) to advise Council on the terms and conditions of their Scheme of Members' Allowances. No changes may be made to the allowances scheme unless the IRP has first considered the matter and reported to Council. The only exception is in relation to annual inflation adjustments and then only for up to four years without an IRP report.
- 2.2 At Full Council in July 2015 Members requested a full review of the scheme. The IRP met in September 2015 to undertake the review. The review included interviews with the Managing Director, and councillors from the administration and Opposition. The Panel received a number of written representations from councillors, which they considered.
- 2.3 The IRP made 30 recommendations on amendments to the Scheme of Allowances. The IRP's reasons for its recommendations are outlined in its report which is attached at Appendix A.

RECOMMENDATION 1: The Basic Allowance payable in the Royal Borough of Windsor & Maidenhead is set at £7,920.

RECOMMENDATION 2: The Basic Allowance continues to include the range of current expenses as currently set out in the Members' Allowances scheme.

RECOMMENDATION 3: The SRA for the Leader is £23,760.

RECOMMENDATION 4: The SRA for the Deputy Leader and Deputy Chairman of the Cabinet is £13,068.

RECOMMENDATION 5: The SRA for the other Lead (Cabinet) Members is £11,880.

- RECOMMENDATION 6: The SRA for the Principal Members is £9,504.
- RECOMMENDATION 7: The number of remunerated Principal Members is capped at a maximum of 4 at any one time
- RECOMMENDATION 8: The SRA for the Deputy Lead Members is £2,376.
- RECOMMENDATION 9: The number of remunerated Deputy Lead Members is capped at a maximum of 9 at any one time.
- RECOMMENDATION 10: The SRA for the Chairmen of the 3 Area Development Control Panels, 7 Overview and Scrutiny Panels and 1 Licensing Panel is £5,940.
- RECOMMENDATION 11: That the number of remunerated Chairmen in this category is capped as follows:
- Area Development Control Panels: a maximum of 3
  - Overview and Scrutiny Panels: a maximum of 7
  - Licensing Panel: a maximum of 1
- RECOMMENDATION 12: The SRA for the Chairman of the Policy Committee is £5,940.
- RECOMMENDATION 13: The SRA for the Chairman of the Audit and Performance Review Panel is £4,752
- RECOMMENDATION 14: The SRAs for the Chairmen of the 2 Area (Town) Forums are discontinued,
- RECOMMENDATION 15: The SRA for the Chairman of the Sustainability Panel is £2,376.
- RECOMMENDATION 16: The SRA for the Chairman of the Rights of Way and Highway Licensing Panel is £2,376,
- RECOMMENDATION 17: The SRA for the Chairman of the Berkshire Pension Fund Panel is £2,376 at this stage.
- RECOMMENDATION 18: The SRA for Members attending meetings of the Licensing Panel Sub-Committees is discontinued.
- RECOMMENDATION 19: The SRA for Members of the Appeals Panel be £30 per meeting up to three hours and £60 for meetings that last over 3 hours.
- RECOMMENDATION 20: The SRA for the Leader of the Main Opposition Group is £4,752.
- RECOMMENDATION 21: The provision for an SRA for a Leader of a Minority Opposition Group is maintained and set at £1,188 payable if such a Group attains the qualifying criteria of having at least 5 Members.

RECOMMENDATION 22: The Council continue to impose a 1-SRA only rule within the Royal Borough of Windsor & Maidenhead Members' Allowances scheme.

RECOMMENDATION 23: The reference to the Co-optees allowances in the RBWM allowances scheme is amended so as to clarify that there are no Co-optees' Allowances payable.

RECOMMENDATION 24: The reference to the Financial Loss Allowance paid to Independent Education Appeal Panel and Independent Review Panel Members is amended to clarify that this remuneration is not within the formal scope of the 2003 Regulations but has been included in the scheme for transparency purposes.

RECOMMENDATION 25: Subsistence Allowances should continue to not be included in the Royal Borough's members' allowances scheme.

RECOMMENDATION 26: The current terms and conditions and the rates payable for the ICT, DCA, and Travel Allowances are maintained.

RECOMMENDATION 27: The civic allowances should be reset as follows:

- Mayor: £10,000
- Deputy Mayor: £3,500

RECOMMENDATION 28: The Mayor and Deputy Mayor's Civic Allowance is included in the RBWM allowances scheme with the clarification that is paid under the Local Government Act 1972 and subject to the same annual index that applies to the Basic Allowance and SRAs.

RECOMMENDATION 29: The following allowances continue or will be indexed (up to December 2018) at the following rates:

- Basic Allowance, SRAs, Civic Allowances, ICT and the Financial Loss Allowances: updated annually in line with the average pay increase given to Royal Borough employees (and rounded to the nearest pound as appropriate). Any implementation of this index should continue to be applicable from the same date that it applies to Officers.
- Mileage Allowance: adjusted on the 1 April each year by reference to the HMRC AMAP (Authorised Mileage Allowance Payments) approved rates.
- Other travel: will be reimbursement of actual costs taking into account the most cost effective means of transport available and the convenience of use.
- Dependant Carer's Allowance: paid at the maximum hourly minimum wage applicable to the age of the carer (who must be 16 years of age or over) or, for



carers of dependants on social/medical grounds, the Royal Borough's average hourly homecare charge

- The adjustments recommended above to be made each year for a period of up to 4 years period running from January 2015 to December 2018) without the need for a review by the Remuneration Panel, unless such a review is requested by the Panel

RECOMMENDATION 30: The recommendations are implemented from the 15 December 2015, which is the scheduled date for Council to consider the report, or any other date thereafter as agreed by the Council.

Option	Comments
Approve the recommendations <b>Recommended option</b>	The approval to amend the scheme as per the recommendations would have a full year cost of an additional £75,179.
Amend the recommendations	Members can endorse the recommendations in part or amend them as appropriate
Do nothing	The Council can decide not to accept any of the recommendations.

### 3. KEY IMPLICATIONS

Defined Outcomes	Unmet	Met	Exceeded	Significantly Exceeded	Date they should be delivered by
n/a					

### 4. FINANCIAL DETAILS

#### Financial impact on the budget

- 4.1 The approval to amend the scheme as per the IRP recommendations would have an additional full year cost of £75,179 for Members' Allowances. This would result in a total budget for Members' Allowances of £732,996. The approval to amend the scheme in relation to Civic Allowances would have an additional full year cost of £900. There is currently no provision in the Members' Allowance budget for the increases to the Basic Allowance or SRAs, or in the Civic Allowances budget for the increases to the Civic Allowances.
- 4.2 Where a Councillor holds more than one of the positions attracting a Special Responsibility Allowance as specified in Schedule 1 of the Members' Allowance Scheme, the Councillor will only be eligible to receive one such allowance: The sum to be paid to be the highest eligible allowance.

## **5. LEGAL IMPLICATIONS**

The Local Authorities (Members' Allowances) (England) Regulations 2003/1021 require the Council to:

- (a) have regard to a report issued by the Independent Remuneration Panel prior to making any amendments to the allowance scheme;
- (b) ensure that a copy of the report is made available for inspection by the public;  
and
- (c) publish in one or more newspapers circulating in its area, a notice which—
  - (i) states that it has received recommendations from an independent remuneration panel in respect of its scheme;
  - (ii) describes the main features of that panel's recommendations and specifies the recommended amounts of each allowance mentioned in the report in respect of that authority;

## **6. VALUE FOR MONEY**

- 6.1 Updating the scheme to clarify allowances paid to Members reflects the council's transparency agenda.

## **7. SUSTAINABILITY IMPACT APPRAISAL**

N/A

## **8. RISK MANAGEMENT**

- 8.1 Regulations state that Council is required to have regard to recommendations of the IRP before making any changes to the Members' Allowances Scheme.

## **9. LINKS TO STRATEGIC OBJECTIVES**

### **Delivering Together**

- Deliver Effective Services

### **Value for Money**

- Invest in the future

### **Equipping Ourselves for the Future**

- Developing Our systems and Structures

## **10. EQUALITIES, HUMAN RIGHTS AND COMMUNITY COHESION**

N/A

## **11. STAFFING/WORKFORCE AND ACCOMMODATION IMPLICATIONS**

N/A

## 12. PROPERTY AND ASSETS

N/A

## 13. ANY OTHER IMPLICATIONS

N/A

## 14. CONSULTATION

14.1 The IRP met in September 2015 to undertake the review, including interviews with the Managing Director, and councillors from both the administration and Opposition. The Panel also received a number of written representations from councillors. The full list of representation is detailed in paragraph 10 of appendix A, the IRP report.

## 15. TIMETABLE FOR IMPLEMENTATION

15.1 The Members' Allowance Scheme in the constitution will be updated immediately following Council approval of any amendments.

## 16. APPENDICES

16.1 Appendix A – 'A Review of Members' Allowances for the Royal Borough of Windsor & Maidenhead – The Seventh Report by the Independent Remuneration Panel'.

## 17. BACKGROUND INFORMATION

17.1 The Local Authorities (Members Allowances) (England) Regulations 2003.

## 18. CONSULTATION (MANDATORY)

Name of consultee	Post held and Department	Date sent	Date received	See comments /paragraph:
<b>Internal</b>				
Cllr Burbage	Leader of the Council	25/11/15		
David Scott	Head of Governance, Policy and Performance	17/11/15	24/11/15	Comments included
Alison Alexander	Managing Director	17/11/15	17/11/15	Comments included
Andrew Brooker	Head of Finance	17/11/15	18/11/15 (At CSDMT)	None
Sean O'Connor	Interim Monitoring Officer	17/11/15	17/11/15	Comments included - 5
Andrew Scott	Civic Team Manager	25/11/15	25/11/15	Figures in paragraph 4.1/ recommenda

				ion d)
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**Report History**

<b>Decision type:</b>	<b>Urgency item</b>
N/A	No

Full name of report author	Job title	Full contact no:
Karen Shepherd	Democratic Services Manager	01628 796529

**A Review of  
Members' Allowances  
For the  
Royal Borough of  
Windsor & Maidenhead**

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**The Seventh Report**

**By the**

**Independent Remuneration  
Panel**

**Air Vice-Marshal Andrew Vallance  
(Chairman)  
Chris Stevens  
Karnail Pannu**

**November 2015**

**EXECUTIVE SUMMARY**

<b>Recommended Schedule of Allowances</b>	<b>Nos.</b>	<b>Ratio</b>	<b>Payable per Allowance</b>	<b>Total per Member</b>	<b>Sub Total Payable</b>
<b>Basic Allowance</b>	57		£7,920		£451,440
<b>Special Responsibility Allowances</b>					
Leader	1	100%	£23,760	£31,680	£23,760
Deputy Leader	1	55%	£13,068	£20,988	£13,068
Deputy Chairman of Cabinet	1	55%	£13,068	£20,988	£13,068
Other Lead/Cabinet Members	7	50%	£11,880	£19,800	£83,160
Principal Members	4	40%	£9,504	£17,424	£38,016
Deputy Lead Members	9	10%	£2,376	£10,296	£21,384
Chairmen Development Control Panels	3	25%	£5,940	£13,860	£17,820
Chairman Licensing Panel	1	25%	£5,940	£13,860	£5,940
Chairmen Scrutiny Panels	7	25%	£5,940	£13,860	£41,580
Chairman Policy Committee	1	25%	£5,940	£13,860	£5,940
Chairman Audit & Performance Review Panel	1	20%	£4,752	£12,672	£4,752
Chairman Sustainability Panel	1	10%	£2,376	£10,296	£2,376
Chairman of Rights of Way & Highway Licensing Panel	1	10%	£2,376	£10,296	£2,376
Chairman Pensions Fund Panel	1	10%	£2,376	£10,296	£2,376
Leader Main Opposition Group	1	20%	£4,752	£12,672	£4,752
Leader Minority Opposition Group[s]	NA	5%	£1,188	£1,188	£1,188
Members of Appeals Panels	NA	Meetings up to 3 hours	£30	NA	NA
		Meetings over 3 hours	£60	NA	NA
<b>Sub Totals</b>	<b>40<sup>1</sup></b>				
<b>Basic Allowance</b>					<b>£451,440</b>
<b>SRAs</b>					<b>£281,556</b>
<b>Total</b>					<b>£732,996</b>

<sup>1</sup> This figure does not include the recommended SRAs for Members of Appeals Panels on a per meeting basis.

**The Panel also recommends that:**

**A cap on remunerated categories of post holders**

The number of SRAs paid to

- Principal Members is capped at a maximum of 4
- Deputy Lead Members is capped at a maximum of 9
- Chairmen of Scrutiny Panels is capped at a maximum of 7
- Chairmen of Area Development Control Panels is capped at a maximum of 3
- Chairman of Licensing Panel is capped at a maximum of 1

**Discontinued SRAs**

The following SRAs are discontinued:

1. The Chairmen of the 2 Area (Town) Forums
2. Members attending meetings of the Licensing Panel Sub-Committees

**Qualifying Criteria for Leader[s] of Minority Opposition Group[s]**

The recommended SRA (£1,188) for a Leader of a Minority Opposition Group is only payable when such a Group attains the qualifying criteria of having 5 Members.

**Maintaining the 1-SRA only rule**

The Council continues to impose a 1-SRA only rule for the Royal Borough of Windsor & Maidenhead Members' Allowances scheme.

**Co-optees' Allowances**

Reference to the Co-optees allowances in the RBWM allowances scheme is amended so as to clarify that there are no Co-optees' Allowances payable.

In the same section (9) of the allowances scheme the Panel also recommends that reference to the Financial Loss Allowance paid to Independent Education Appeal Panel and Independent Review Panel Members is amended to clarify that this remuneration is not within the formal scope of the 2003 Regulations but has been included in the scheme for transparency purposes.

**The Subsistence Allowance**

Subsistence Allowances should continue to not be included in the Royal Borough's members' allowances scheme.

**The ICT, DCA and Travel Allowances**

The current terms and conditions and rates payable for the following allowances are maintained:

- The Information and Computer Technology (ICT) Allowance
- The Dependants' Carers' Allowance
- The Travel Allowances

### **The Civic Allowances**

The Civic Allowances should be reset as follows:

- Mayor: £10,000
- Deputy Mayor: £3,500

The Panel further recommends that the Mayor and Deputy Mayor's Civic Allowance, although not within the formal scope of the 2003 Regulations, is included in the RBWM allowances scheme with the clarification that is paid under the Local Government Act 1972 and subject to the same annual index that applies to the Basic Allowance and SRAs.

### **Confirmation of indexing**

The following allowances continue or will be indexed (up to December 2018) at the following rates:

- **Basic Allowance, SRAs, Civic Allowances, ICT and the Financial Loss Allowances:** updated annually in line with the average pay increase given to Royal Borough employees (and rounded to the nearest pound as appropriate). Any implementation of this index should continue to be applicable from the same date that it applies to Officers.
- **Mileage Allowance:** adjusted on the 1 April each year by reference to the HMRC AMAP (Authorised Mileage Allowance Payments) approved rates.
- **Other travel:** will be reimbursement of actual costs taking into account the most cost effective means of transport available and the convenience of use.
- **Dependant Carer's Allowance:** paid at the maximum hourly minimum wage applicable to the age of the carer (who must be 16 years of age or over) or, for carers of dependants on social/medical grounds, the Royal Borough's average hourly homecare charge

The adjustments recommended above to be made each year for a period of up to 4 years period running from January 2015 to December 2018) without the need for a review by the Remuneration Panel, unless such a review is requested by the Panel

### **Implementation**

The recommendations contained in this report are implemented from the 15 December 2015, which is the scheduled date for Council to consider this report, or any other date thereafter as agreed by the Council.



**Independent Remuneration Panel:  
A Review of Members' Allowances  
For the  
Royal Borough of Windsor & Maidenhead  
  
The Seventh Report  
  
November 2015**

**Introduction: The Regulatory Context**

3. This report is a synopsis of the deliberations and recommendations made by the statutory Independent Remuneration Panel (the Panel) appointed by the Royal Borough of Windsor & Maidenhead (RBWM) to advise the Council on its Members' Allowances scheme.
4. The Panel was convened under *The Local Authorities (Members' Allowances) (England) Regulations 2003 (SI 1021)* (the 2003 Regulations). These regulations, arising out of the relevant provisions in the *Local Government Act 2000*, require all local authorities to maintain an independent remuneration panel (also known as an IRP) to review and provide advice on the councils' Members' Allowances. This is in the context whereby Full Council retains powers of determination regarding Members' allowances, both levels and scope of remuneration and other allowances/reimbursements.
5. In particular the Panel was convened in accordance with a resolution adopted by Council on 23 June 2015 in which it was agreed to hold a full review to report back to Council in time for its meeting on 15 December 2015.

**Terms of Reference**

6. The Panel was given the following terms of reference, namely to make recommendations on:
  - I. The amount of Basic Allowance that should be payable to the elected Members and the expenses it includes

- II. The categories of Members who should receive a Special Responsibility Allowance (SRA) and as to the amount of such an allowance
- III. The amount of Co-optees allowances where applicable
- IV. Travel and Subsistence Allowances
- V. The amount of Childcare and Dependants' Carers' Allowance
- VI. Whether the allowances should continue to be adjusted in line with the average pay increases negotiated through the National Joint Committee for Local Government Employees or with reference to any other index or none
- VII. The implementation date for the recommendations of the Panel
- VIII. Additional expenses received by Members such as support for telecommunications
- IX. The Civic Allowances

### **The Panel**

7. The Royal Borough of Windsor & Maidenhead reconvened its Panel and the following Members were appointed to carry out the independent allowances review, namely:
  - Air Vice-Marshal Andrew Vallance CB OBE MPhil FRAeS
    - Served in the RAF for 38 years and since December 2004 has been Secretary of the UK's Defence Press and Broadcasting Advisory Committee (now known as the Defence and Security Media Advisory Committee). He is the Chairman of the Services' Sound and Vision Corporation and is actively involved in his local church of St Michael and All Angels, Sunninghill, in addition to several local charitable bodies.
  - Chris Stevens
    - Was born in Sunningdale, schooled at Windsor Grammar and has lived in Windsor for the past 35 years. He worked at The Sun for 30 years where he was Assistant Editor, and is now Senior Sub-Editor at the Daily Mail. Married with two daughters, he is a keen supporter of the Alexander Devine Children's Hospice Service.
  - Karnail Pannu
    - Chairperson of Windsor and Maidenhead Community Forum, President of the local Sikh temple and a governor of Newlands Girls' School. He has served as member of Housing Solutions, the Royal Borough's Standard Board as independent member for 18 years; a governor of East Berks College and Berkshire College of Agriculture for 8 years each. He has taught for 37 years in Buckinghamshire.

8. The Panel was advised by Declan Hall (PhD), a former academic at the Institute of Local Government, The University of Birmingham, now an independent consultant specialising in Members' allowances and support.
9. The Panel was supported by Karen Shepherd, Democratic Services Manager at the Royal Borough of Windsor & Maidenhead.

## **Process and Methodology**

### **Evidence Reviewed by the Panel**

10. The Panel met at the Town Hall, Maidenhead, on 23 and 25 September 2015 to consider the evidence and hear representations, including factual briefings on the Council by Officers. All Members were invited to make written submissions to the Panel and all Members who wished to meet with the Panel were accommodated as far as practically possible – see appendices one and two for details. The Panel also reviewed relevant written information, such as council and committee meetings schedules, benchmarking data, statutory guidance, etc<sup>2</sup>. The Panel meetings were held in private session to enable it to meet with Members and Officers and consider the evidence in confidence.

### **Benchmarking - the RBWM comparator group of councils**

11. As per the previous full review in 2008 the Panel has reviewed and evaluated the evidence and representations within a comparative context. In particular, the Panel has benchmarked the scope and levels of allowances paid in the Royal Borough of Windsor & Maidenhead against those paid in the 2 comparator groups of councils utilised for benchmarking purposes. The first (combined) benchmarking group of 10 councils consists of a combination of 2 sub groups:
  - I. Royal Borough of Windsor & Maidenhead's 8 'nearest neighbours' (2014 model) as defined by the Chartered Institute of Public Finance and Accountancy (CIPFA). These authorities are those deemed closest to Royal Borough of Windsor & Maidenhead on a range of demographic, and social and economic criteria - this is done on a national basis. They include (in order)
    - a. Wokingham
    - b. West Berkshire
    - c. Bracknell Forest
    - d. Solihull
    - e. Bath & North East Somerset
    - f. Central Bedfordshire
    - g. Bedford

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<sup>2</sup> See Appendices 1 & 2 for further details

- h. Cheshire East
- II. The second sub group included the other Berkshire Unitary councils not otherwise included in sub group I. These are:
  - a. Reading
  - b. Slough<sup>3</sup>
- 12. A second benchmarking group was also utilized, namely the 12 unitary councils in the South East that responded to the SE Employers 2015 survey of allowances.<sup>4</sup> This gave the Panel two benchmarking groups that had a sub regional, regional and national dimension.
- 13. The Panel has not been driven by the levels of allowances paid across the comparator authorities but it was concerned to understand how the issues under review have been addressed elsewhere, i.e., what is the most common and good practice. Moreover, the Panel felt that it was important to place the Royal Borough of Windsor & Maidenhead allowances scheme in a comparative perspective. Leaving aside the fact that this only gives relative values and is less a guide to the real worth of councillor's work it does inform elected Members on the wider picture and it highlights the distinctive model of remuneration in the Royal Borough of Windsor & Maidenhead - a model the Panel has recommended be largely retained.

## **Principles and Key Messages**

### **The purpose of a Members' Allowances scheme**

- 14. One theme that emerged from the representations made to the Panel was that the level of allowances payable under the current Royal Borough of Windsor & Maidenhead Members' Allowances scheme did not fully compensate the work and responsibilities undertaken by Members and are not enough to attract professional and executive types. This may well be the case; however members' allowances schemes are not intended to 'attract' candidates for Council. Members' allowances were never intended to be paid at full 'market rates.' They would have to be at a level so high as not to be publically acceptable. Moreover, the Panel (and a number of interviewees) were not at ease with the concept of using allowances to 'attract' candidates for council - if elected Members were standing for and remaining on the Council due to financial appeal it would run contrary to the public service ethos. The desire to serve local communities and residents is the prime motive for being a Councillor.

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<sup>3</sup> See Appendix 3 for more details.

<sup>4</sup> The mean and median allowances for the SEE survey as shown in Appendix 3 were not published by the SEE (bar BA, Leader and Deputy Leader), they were subsequently inserted and adjusted by removing all 0 (zero) values inserted against listed SRAs that were included in the published SEE survey.

15. The policy intention behind the requirement to establish a Members' Allowances scheme for all English councils is to enable and facilitate Members' roles and responsibilities as far as practically possible while taking into account such factors as the nature of the council, local economic conditions and good practice. Thus the Panel has sought to recommend a scheme that seeks to minimise financial barriers to public service so as to enable a wide range of people to become a Councillor without incurring undue personal financial cost.

### **Royal Borough of Windsor & Maidenhead Members' Allowances Model**

16. The Royal Borough of Windsor & Maidenhead has a distinctive model of remuneration - it pays a low Basic Allowance and in most instances low SRAs. The comparative data does indeed show that for many of the allowances paid in Royal Borough of Windsor & Maidenhead they are relatively low. The Panel took the opportunity to discuss this in some depth and concluded that while there was a case, in most instances, for an upward revision of allowances that any increases should be relatively marginal.
17. The upward revision, particularly in regards to the Basic Allowance, might have been greater but for the 2nd distinctive feature of the Royal Borough of Windsor & Maidenhead model of remuneration - namely the increase in recent years in the number of remunerated posts. Indeed, the panel in the Sixth Report (June 2015 - paragraph 15) expressed  

... Some unease about the number of new posts, the apparent lack of compensatory offsets and the consequent additional financial burden they would place on the Royal Borough.
18. In particular there has been a growth in remunerated posts centred on the Executive. While this is addressed in more detail below the Panel recognizes that there are reasons for this increase in such remunerated posts but it also keen to ensure that the recent expansion is capped.
19. The other qualifier is that the comparatively high number of executive focused SRAs in the Royal Borough of Windsor & Maidenhead is partly qualified by having fewer remunerated posts in other areas, e.g., unlike many other councils RBWM committee vice chairs are not paid an SRA, similarly nor are they as a rule paid to routine roles such as in Wokingham where all members of the Planning Committee receive an SRA of £1,250. Thus, the total paid out in SRAs is not excessive in the comparative context.
20. It is also noted that in the Royal Borough of Windsor & Maidenhead that a Member can draw down 1-SRA only regardless of number of remunerated posts a Member may hold. As there are Members who hold

more than 1 remunerated post then all the available SRAs do not get paid. By maintaining this principle, it means that the marginal increases in most SRAs arising out of the Panels' recommendations will be limited.

### **Updating scheme to reflect the Royal Borough's governance model**

21. Rather than fundamentally restructure the allowances scheme the Panel concluded that it needed to recalibrate and update it so it more closely fits with the RBWM governance model that is now characterised by being more Member driven particularly regarding executive associated roles.

### **Recommendations - the Basic Allowance**

#### **Recalibrating the Basic Allowance**

22. In arriving at the recommended Basic Allowance in 2008 the Panel followed the formulaic approach as laid out in the 2003 Statutory Guidance (paragraphs 67-69) which recommends the consideration of three variables - namely time, public service and worth of remunerated time. If the Panel 'recalibrated' the Basic Allowance by repeating the formulaic approach but updated the variables to take into account the most recent data available it gives the following values:

- Time required to fulfil duties: 129.6 days per year
- Public Service Discount: 49%
- 2014 Rate of Remuneration: £120 per day

#### **Time to fulfil duties for which the Basic Allowance is paid**

23. The Basic Allowance is primarily a time-based payment (see 2003 Statutory Guidance paragraph 10). In the 2008 review the Panel utilized 103.5 days per year as the minimum required input from a Member to fulfil those duties for which the Basic Allowance is paid, including preparing for and attending meetings, - both formal and informal, addressing constituents' concerns, representing and engaging with local communities, external appointments and other associated work including telephone calls, emails and meetings with Officers.
24. The most up to date information available on what is a reasonable time expectation for which the Basic Allowance is paid comes from the 2013 Councillors Census. In data supplied by the advisor to the Panel it shows that Councillors in unitary councils who hold no positions of responsibility report that they put in on average 21.6 hours per week on "on council business". This equates to 129.6 days per year based on a 48 week working year and an 8 hour working day - the same working year/day used in 2008.

25. Thus, the Panel for the purposes of recalibrating the Basic Allowance for this review has updated the expected time input from Members to the equivalent of 129.6 days per year.

### **The Public Service Discount (PSD)**

26. The Public Service Discount (PSD) recognizes the principle that not all of what a Councillor does should be remunerated – there is an element of public service. This principle is realized by discounting an element of the expected time inputs associated with the Basic Allowance; in the Royal Borough the Panel in 2008 used 50%, which it has reset at 49%.
27. The proportion of 49% is at the top end of the spectrum used by Panels in England, typically ranging from 33% to 50%. However a 49% PSD has been adopted on the grounds that the 2013 Census of Councillors shows that 49% of all work undertaken by all English Councillors<sup>5</sup> is either:
- "Engaging with constituents, surgeries, enquiries"
  - "Working with community groups"
28. Thus, of the expected time input of 129.6 days per year 49% of that time, or 63.5 days per year are deemed public service, leaving 66 remunerated days per year.

### **The rate of remuneration**

29. In 2008 the Panel used the 2007 LGA daily session rate (£138.75) as the rate of the remuneration. This advice was issued annually to IRPs as a suggested basis for the rate of remuneration and it was widely adopted. However, the LGA has since stopped issuing this advice as Panels switched to a rate of remuneration that most closely reflected the typical earnings of Members' constituents. The reason for the switch was one of data availability: the Office of National Statistics started to collect and publish data on average earnings on a council by council basis about 5 years ago.
30. In 2014 the median gross daily salary for all full time employee jobs in the RBWM was £120<sup>6</sup> as published by the Office of National Statistics (ONS) in its Annual Survey of Hourly Earnings (ASHE). Thus, the Panel has reset the rate of remuneration to £120 per day.

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<sup>5</sup> See Kettlewell, K. And Phillips, L. (2014), *Census of Local Authority Councillors 2013*, (LGA Research Report), Slough, NFER, p. 42 Table 7 that shows on average all Councillors spend 10.5 hours per week on dealing with constituents and community groups, out of a total weekly input of 21.3 hours per week. Data is not broken down for unitary councils in this instance.

<sup>6</sup> See ASHE, 2014, Table 7.1a - Median weekly pay - gross - for full time employee jobs in the RBWM. This shows the weekly figure to be £599.90 and divided by 5 working days equals £119.98 per day. The ONS advises that the median is a more accurate measure of average earnings due to a handful of high earners and large number of employees earning the minimum wage or just above it.

31. By replicating the previous methodology with the updated variables it produces the following recalibrated Basic Allowance:
- 129.6 days minus 49% PSD multiplied by £120 per day = £7,920
32. The current Basic Allowance (with indexation) is £7,225, thus it has lost its value relative to the Basic Allowance as set in 2008. Moreover, benchmarking shows that it is comparatively low:
- Mean BA: Combined Benchmarking Group: £8,706
  - Median BA: Combined Benchmarking Group: £8,015
  - Mean BA: SE Employers 2015 Allowances survey: £8,838
  - Median BA: SE Employers 2015 Allowances survey: £8,454
33. More specifically out of all the councils utilised in both benchmarking groups, the Basic Allowance for the RBWM is the lowest. This is in itself is not sufficient reason to increase the Basic Allowance, but when the recalibrated Basic Allowance (£7,920) and the fact that it includes council related land-line and mobile telephone calls, broadband, postage and stationery, travel to meet with communities and constituents, in-authority subsistence and other incidentals such as office equipment for home use, then the case becomes more compelling - at the least to the recalibrated Basic Allowance.
34. For the purposes of this review the Panel has been guided by the recalibrated Basic Allowance of £7,920.
35. **The Panel recommends that the Basic Allowance payable in the Royal Borough of Windsor & Maidenhead is set at £7,920.**
36. **The Panel further recommends that the Basic Allowance continues to include the range of current expenses as currently set out in the Members' Allowances scheme.**

### **Special Responsibility Allowances - the Leader's SRA**

37. Following the 2008 review the Leader's current SRA (£18,790) was set at a multiple of 2.59 times the Basic Allowance partly because the 'factor' approach is highlighted in the Statutory Guidance (paragraph 76) and partly because at the time it reflected the common differential between the Basic Allowance and Leader's SRA in the combined benchmarking group; the same ratio in 2015 is 2.57. Nationally, the typical differential ranges from 2.5 to 3 times the Basic Allowance - regardless of the type of authority.



38. Currently, the Leader's SRA and total remuneration package is at the lower end of the comparative spectrum, with a mean and median SRA in the combined benchmarking group of £22,375 and £20,000 respectively and the same figures from the SEE allowance being £21,261 and £19,528.
39. Looking at the role of Leader of the Council in the Royal Borough of Windsor & Maidenhead, it remains the fact that the Leader's overall commitment, regardless of the individual, if not quite explicitly a full time role, requires a significant time commitment that equates to full time in all but name. It certainly precludes employment in any meaningful sense. Many of the SRAs for Leaders in the benchmarking group have been explicitly set with a limited time commitment in mind such as in Reading (£7,004) and West Berkshire where the Leaders' remuneration was expressly set based on a part time leadership model.
40. The Leader's role appears to have changed the most since the last full review. In common with all Leaders, the Leader of RBWM since the implementation of the relevant sections (in 2011) of the Local Government and Public Involvement in Health Act 2007 now holds all executive powers and the discharge of these functions. It is the Leader who chooses the Cabinet and assigns their portfolios and the extent of delegations.
41. There has also been a RBWM specific reform - in 2012 Council deleted the post of Chief Executive, with the Leader and, through delegation, the rest of the Cabinet, taking on the responsibility for setting the major policy and executive decision making. The Leader and to a lesser extent other executive members have become 'more hands on'. A defined feature of the executive in RBWM is that it has explicitly adopted a model of being 'member led'. For example, not only do executive Members conduct the appraisals of all 4 Directors but also have responsibility for agreeing all executive papers at member level. In this context the current remuneration for the Leader is based on a more traditional model where a Chief Executive would handle most staffing, policy and executive matters. In the new RBWM executive model senior Members now take many of these decisions and take the time and effort to come to those decisions.
42. Consequently, the Panel has reset the Leader's SRA at 3 times the recommended Basic Allowance (£7,920), which equates to £23,760.
43. **The Panel recommends that the SRA for the Leader is £23,760.**

#### **Arriving at the other SRAs**

44. As mentioned there are a large number of remunerated posts associated with the executive function. In addition to the Leader the rest of the Cabinet consists of:

- Deputy Leader of the Council/Finance Lead
  - Deputy Chairman of the Cabinet/Education Lead
  - 7 other Cabinet Members with specified lead responsibilities
45. In addition there are also
- 4 Principal Members with specific remits
  - 9 Deputy Lead Members with specific remits
46. The Principal Members and Deputy Lead Members are not formal members of the Cabinet - the Local Government Act caps all Cabinets at 10 Members, including Leader and Deputy Leader. The Panel was concerned that there might be some duplication of responsibilities for which SRAs are paid as indicated by the fact that there are 23 SRAs associated with the executive. Moreover, at present there are 42 SRAs available for 57 Members (excluding the SRA for Members on Licensing Sub Committees and Appeals Panels), which means that 74% of Members can potentially receive an SRA. The Panel is cognizant of the 2003 Statutory Guidance (paragraph 72) which states:
- If the majority of members of a council receive a special responsibility allowance the local electorate may rightly question whether this was justified.
47. Under the 1-SRA only rule there are only 26 SRAs being paid currently - which raises questions about the possible duplication of roles? Regardless, the Panel accepts that the rationale for having a large number of SRAs (if not always the current ratios utilised in setting them) is largely a function of the Member led model of governance adopted by the Council. Yet, the Panel may have recommended higher SRAs, particularly those associated with the executive function, if there were fewer of them. In effect, the pay-off is that with the current number of Members being paid an SRA then the Panel has recommended lower SRA levels than it might have otherwise.
48. In arriving at the other recommended SRAs the Panel continued with the pro rata approach as set out in the 2003 Statutory Guidance (paragraph 76). In most cases the current ratios, as expressed as a percentage of the Leader's SRA, have been maintained except where there is a case to reset the original ratio.

### **The Deputy Leader and Deputy Chairman of the Cabinet**

49. The Deputy Leader's SRA (£11,274) was set at 60% of the Leader's SRA. This was based on the fact that not only is the role of Deputy Leader in Royal Borough of Windsor & Maidenhead an active one, the

Deputy Leader is also now required to deputize (within and outwith the Council) for the Leader more often than in the past. He has acquired a greater range of discrete tasks undertaken at the behest of the Leader, such as being on more outside bodies due to the pressures on the Leaders' role. The Deputy Leader is also the lead for Finance (including property) Benchmarking shows that the Deputy Leader is typically paid as follows:

- Combined BM Group: mean SRA = £13,694
- Combined BM Group:: median SRA = £13,338
- SEE 2015 allowances survey: mean SRA = £13,575.
- SEE 2015 allowances survey: median SRA = £12,306

50. Since the original assessment of the role of Deputy Leader the post of Deputy Chairman of the Cabinet was created. He is also the Lead Member for Education (including Windsor) and is currently paid on a par with the Deputy Leader. However, the Deputy Chairman of the Cabinet (a post to unique to RBWM that is separately identifiable) has in effect taken the role from the Deputy Leader but with no compensating decrease in the ratio used to arrive at the SRA for Deputy Leader. This is an anomaly, and the Panel has reduced the current ratio of 60% of the Leaders' SRA to arrive at the SRA for the Deputy Leader and Deputy Leader of the Cabinet to 55%, which equates to £13,068.

51. **The Panel recommends that the SRA for the Deputy Leader and Deputy Chairman of the Cabinet is £13,068.**

### **The other 7 Lead (Cabinet) Members**

52. The SRA for other Lead (Cabinet) Members, currently £10,335, was set in 2008 at 55% of the Leader's SRA. Benchmarking shows that the other Leader or Cabinet Members are typically paid as follows:

53.

- Combined BM Group: mean SRA = £11,802
- Combined BM Group:: median SRA = £10,406
- SEE 2015 allowances survey: mean SRA = £9,783
- SEE 2015 allowances survey: median SRA = £10,335

54. The Panel had concerns that one of the other Lead Members is the Conservative Group Chief Whip and is therefore being remunerated for what may be regarded as a party political role. However, it is recognized that the Chief Whip has a council business management role beyond that of a traditional whip. Additionally, there are executive responsibilities that go with the role, in this case Neighbourhood Planning, Ascot and The Sunnings. On that basis the Panel recommends that the post should continue to be remunerated on a par with other Lead Members.

55. Yet the fact remains that the other Lead Members now receive more support arising from the increase in number of Principal and Deputy Lead Members. Consequently the Panel has reset the SRA for the other Lead Members and reduced it from 55% to 50% of the Leader's recommended SRA, which equates to £11,880.
56. **The Panel recommends that the SRA for the other Lead (Cabinet) Members is £11,880.**

### **The Principal Members**

57. There are currently 4 Principal Members who each receive an SRA on par with other Lead (Cabinet) Members. It is understood that the establishment of the Principal Member posts is part of the wider change in the governance model in RBWM to reinforce the more hands-on approach and member-driven model of executive governance. As such, Principal Members attend Cabinet, present papers and participate in collective cabinet discussions. However, they do not vote at Cabinet, and thus they do not have the same formal legal responsibilities as exercised by full Lead/Cabinet members. On constitutional grounds alone, they cannot exercise the same responsibility of full Lead/Cabinet Members. Benchmarking is of limited value in this case as Principal Members are unique to RBWM. Consequently, the Panel has reset the ratio utilised in arriving at the SRA for Principal Members at 40% of the Leader's recommended SRA, which equates to £9,504.
58. **The Panel recommends that the SRA for the Principal Members is £9,504.**
59. **The Panel also recommends that the number of remunerated Principal Members is capped at a maximum of 4 at any one time.**

### **Deputy Lead Members**

60. The SRA for Deputy Lead Members, currently £1,879, was set at 10% of the Leader's SRA. Since then their number has increased from 5 to 9 in total. Again it is recognized that the increase in the number of Deputy Lead Members is one part of the Member driven approach to governance in RBWM. This post is not always in existence or if so not always remunerated elsewhere; it is only remunerated in 4 of the 10 councils in the CBMG, with a mean and median SRA of £3,727 and £3,341 respectively. However, the higher SRAs in the CBMG are based on having fewer deputy Lead Members than does the RBWM. Consequently the Panel has decided to maintain the current ratio of 10% of the Leader's (recommended) SRA in arriving at the SRA for the Deputy Lead Members, which equates to £2,376.

61. **The Panel recommends that the SRA for the Deputy Lead Members is £2,376.**
62. **The Panel also recommends that the number of remunerated Deputy Lead Members is capped at a maximum of 9 at any one time.**

### **The Chairmen of the main Statutory Function Committees**

63. Currently, the Chairmen of the main statutory committees each receive an SRA, originally set in 2008 at 25% of the Leader's SRA, as follows:
  - 3 Area Development Control Panels: £4,698
  - 7 Overview and Scrutiny Panels: £4,698
  - 1 Licensing Panel: £4,698
64. Benchmarking shows that the equivalent posts in peer councils on average receive a higher SRA except in the case of the Chairman of the Licensing Panel - the mean and median SRA for equivalent posts in the CBGM is £3,681 and £2,747 respectively and £4,944 and £4,620 in the SEE 2015 allowances survey.
65. No evidence was received to indicate the current ratio required resetting. Thus 25% of the Leader' recommended SRA has been maintained, which equates to £5,940.
66. **The Panel recommends that the SRA for the Chairmen of the 3 Area Development Control Panels, 7 Overview and Scrutiny Panels and 1 Licensing Panel is £5,940.**
67. **The Panel also recommends that the number of remunerated Chairmen in this category are capped as follows:**
  - **Area Development Control Panels: a maximum of 3**
  - **Overview and Scrutiny Panels: a maximum of 7**
  - **Licensing Panel: a maximum of 1**

### **Chairman of the Policy Committee**

68. Similarly the SRA (£4,698) for the Chairman of the Policy Committee has been set at 25% of the Leader's SRA. No evidence was received to indicate that this ratio required revisiting and 25% of the Leader's recommended SRA has been maintained in arriving at the SRA for the Chairman of the Policy Committee, which equates to £5,940.
69. **The Panel recommends that the SRA for the Chairman of the Policy Committee is £5,940.**

### **The Chairman of the Audit and Performance Review Panel**

70. The current SRA (£3,758) for the Chairman of the Audit and Performance Review Panel has been set at 20% of the Leader's SRA. The Panel received no evidence that this ratio required revisiting. Thus 20% of the Leader's recommended SRA has been maintained, which equates to £4,752.
71. **The Panel recommends that the SRA for the Chairman of the Audit and Performance Review Panel is £4,752.**

### **The Chairmen of the 2 Area (Town) Forums**

72. Currently, the Chairmen of the 2 Area (Town) Forums, for Maidenhead and Windsor respectively, each receive an SRA of £1,879, which was set at 10% of the Leader's SRA. The Panel is not convinced these posts merit an SRA - they usually only meet 3 times per year and more importantly have no formal decision making or policy development powers.
73. **The Panel recommends that the SRAs for the Chairmen of the 2 Area (Town) Forums are discontinued.**

### **Chairman of the Sustainability Panel**

74. The Panel considered the merit of maintaining the SRA, currently £1,979 - 10% of the Leader's SRA, for the Chairman of the Sustainability Panel. Where such a separate post exists, it is not typically remunerated. However, the Sustainability Panel reports to the Cabinet and has a role to play in keeping sustainability to the fore in the Cabinet's deliberations and decision making. Hence, the Panel has maintained this SRA at the current ratio.
75. **The Panel recommends that the SRA for the Chairman of the Sustainability Panel is £2,376.**

### **Chairman of the Rights of Way and Highway Licensing Panel**

76. Similarly the Panel also considered the merit of maintaining the SRA, currently £1,879 - 10% of the Leader's SRA, for the Chairman of the Rights of Way and Highways Panel; it is not typically remunerated where such as separate post exists. However, the function is a statutory one and of an importance in the Royal Borough that is not typically present elsewhere. The Panel has maintained this SRA at the current ratio.

77. **The Panel recommends that the SRA for the Chairman of the Rights of Way and Highway Licensing Panel is £2,376.**

### **The Chairman of the Berkshire Pension Fund Panel**

78. The Chairman of the Pension Fund Panel also receives an SRA of £1,879, 10% of the Leader's SRA. The issue for the Panel regarding this post was whether 10% was still an appropriate ratio and whether it needed an upward resetting. The Pension Fund Panel exercises the general powers and duties of an Administering Authority in the maintenance of such Superannuation funds as may be required in accordance with the Superannuation Fund Act 1972 and Regulations existing under that Act. On the other hand, in exercising these powers the Pension Fund Panel relies a great deal on professional advice and does not meet on the normal bi-monthly cycle, typically it meets 4 times a year.
79. There has also been a recent legislative change, namely the Public Services Pensions Act 2013. This statutorily requires all local government Pension Funds to appoint a Pensions Board consisting of, in the case of Berkshire, an independent Chairman (selected by the Pension Fund Panel) and 3 employers and 3 employees' representatives. Pension boards are responsible for assisting the scheme managers in securing compliance with the scheme regulations and other legislation relating to the governance and administration of the scheme. It is too early to gain a clear picture of how this will effect the work of the Pensions Fund Panel. Thus, the Panel has at this juncture maintained the 10% ratio for arriving at the recommended SRA for the Chairman of the Pension Fund Panel.
80. **The Panel recommends that the SRA for the Chairman of the Berkshire Pension Fund Panel is £2,376 at this stage.**

### **The Members of the Licensing Panel Sub Committees**

81. Currently Members sitting on a Licensing Panel Sub-Committee are paid an SRA of £25.26 per meeting. The function of the Licensing Sub-Committees relates primarily to the discharge of functions under the Licensing Act 2003 and Gambling Act 2005. This mainly involves considering applications to licensing applications (particularly variation in licensing hours for pubs and clubs) where there has been an objection, and reviews of premises licences. The sub-committees consist of any 3 members drawn from the full Licensing Panel on a rota/nearest Ward Member basis and meet as and when required.
82. The original rationale for this SRA is no longer as strong as it was in 2008, when all licensing premises and personal licensees were originally required to reapply for a license and the Sub-Committees were meeting

frequently. Since then, the number of meetings of Licensing Panel Sub Committees has decreased, from 28 meetings in 2012 (calendar year) to 14 meetings in 2012, 15 meetings in 2014 and only 4 meetings by the end of September 2015. While the rotation of membership to sit on the Licensing Sub Committees does not have to be strictly adhered to (primarily where there are conflicts of interest and the desire for the Sub-Committees to try and maintain a political balance), the reality is that Members sitting on Licensing Panel Sub-Committees are not undertaking a greater role than Members of the Development Control Panels in discharging a statutory regulatory function. Licensing Panel Sub-Committee work can be regarded as part of the regulatory role that all Members can reasonably expect to carry out and for which the Basic Allowance is payable. It is largely for this reason that this role is no longer commonly remunerated in English local government, only Bedford and Medway pay such an allowance in the comparator councils.

83. **The Panel recommends that the SRA for Members attending meetings of the Licensing Panel Sub-Committees is discontinued.**

#### **Members of the Appeals Panel**

84. Similarly, Members sitting on the Appeals Panel receive an SRA of £25.26 per meeting. These Panels consist of 3 Members drawn from any elected Member across the Council and meet as and when. Appeals Panels meetings fell from 26 in 2013, to 5 last year and 5 up to the end of September 2015. They mainly meet to consider
- *Social Services and Housing Homeless Appeals* - to consider and determine appeals made against decisions made by the officers under delegated powers in respect of homelessness and the interpretation of rules for admission to the Housing Waiting List.
  - *School Transport Appeals* - to consider and determine appeals against decisions made by officers under delegated powers relating to applications for home to school transport and discretionary awards. To determine applications for major and minor awards which are exceptional to the guidelines.
  - Appeals in relation to the refusal to grant, suspension or revocation of Private Hire or Hackney Carriage Driver or Vehicle Licences.
85. Part of the reason there has been a dramatic reduction in the number of Appeals Panels is more efficient organisation of appeals. Taxi appeals now where possible try to deal with 3-4 taxi appeals in a single sitting - thus making each meeting more substantial. This is not necessarily the case with meetings of the Licensing Panel Sub-Committees, which can still consider a single appeal that is dealt with in less than 20 minutes.
86. Ironically while the potential membership of Appeals Panels is wider than for Licensing Panel Sub-Committees the reality is that the work of these



appeals panels falls on a small coterie of Members, namely those who are available at short notice and willing to sit on an Appeals Panel. Moreover, the work of the Appeals Panels can be more involved. Consequently the Panel considers this SRA should be maintained and reset it at £30 per meeting up to 3 hours and £60 for meetings that last over 3 hours.

87. **The Panel recommends the SRA for Members of the Appeals Panel be £30 per meeting up to three hours and £60 for meetings that last over 3 hours.**

### **The Leader of the Main Opposition Group**

88. The SRA for the Leader of the Main Opposition Group was set in 2008 at 35% of the Leader's SRA. Over the years, the size of the Main Opposition Group has shrunk (now down to 3 Members), as has the ratio used to arrive at the SRA for the Main Opposition Group Leader which is at present 10%, which equates to £1,879.
89. The Panel recognizes that the Main (indeed currently only) Opposition Group is indeed small, but regardless of the size of the Opposition there are a number of roles to undertake that have little to do with the size of an Opposition Group. For instance, the Leader of the Opposition still has to scrutinize and challenge budget and policy proposals. Indeed, the importance of a properly resourced Opposition is enshrined in the 2003 Regulations (5. [2b]) by the requirement to pay an SRA to at least one Member who is not a member of the controlling group, where the council is divided into political groups and one or more form the administration - a condition that exists in RBWM.
90. Consequently, the Panel has reset the ratio utilised in arriving at the SRA for the Main Opposition Group Leader by increasing it to 20%, which equates to £4,752.
91. **The Panel recommends that the SRA for the Leader of the Main Opposition Group is £4,752.**

### **Leader of Minority Opposition Group[s]**

92. Although there are currently no Minority Opposition Groups on Council the allowances scheme contains provision for an SRA (£940 or 5% of the Leader's SRA) for any Leaders of Minority Opposition Groups as long as they have at least 2 Members (the legal minimum required to form a political group under the Local Government and Housing Act 1989). Although payments will not be made to future-proof the allowances scheme, the Panel considers that provision for an SRA for Leader of Minority Group[s] should be maintained at the current ratio, which now equates to £1,188. However, it has changed the qualification criteria so

that the allowance will only be paid if a Minority Opposition Group attains 5 members.

93. **The Panel recommends that the provision for an SRA for a Leader of a Minority Opposition Group is maintained and set at £1,188 payable if such a Group attains the qualifying criteria of having at least 5 Members.**

#### **Confirmation of the 1-SRA only rule**

94. The 2003 Regulations do not prohibit the payment of multiple SRAs to Members, as the benchmarking clearly shows. But as per good practice, the Royal Borough of Windsor & Maidenhead has adopted a 1-SRA only rule. In other words, regardless of the number of remunerated posts individual Members hold - and it does occur in the RBWM with 6 Members holding at least 2 remunerated posts - they can only be paid 1 SRA. Moreover, this cap on the payment of SRAs to Members means that posts are not simply sought out for financial reasons; i.e. collecting remunerated posts does not enhance remuneration. Indeed, the logic of the 1-SRA only rule is that it helps to spread such posts around more. It also makes for a more transparent allowances scheme and acts as a brake on the total paid out each year in SRAs, as in practice it will be highly unusual if all SRAs are paid out annually, resulting in a saving to the council.
95. **The Panel recommends that the Council continue to impose a 1-SRA only rule within the Royal Borough of Windsor & Maidenhead Members' Allowances scheme.**

#### **Co-optees' Allowances**

96. Currently the allowances scheme contains provision for a Co-optees' Allowance (£359) to be paid to co-optees on the Standards Committee. This provision is now redundant because, since 2013, the Standards Committee was abolished. There are other co-optees on Council committees and panels but no evidence was received to suggest they merit a Co-optees' Allowance.
97. **The Panel recommends that the reference to the Co-optees allowances in the RBWM allowances scheme is amended so as to clarify that there are no Co-optees' Allowances payable.**
98. **In the same section of the allowances scheme (section 9) the Panel also recommends that the reference to the Financial Loss Allowance paid to Independent Education Appeal Panel and Independent Review Panel Members is amended to clarify that this remuneration is not within the formal scope of the 2003 Regulations but has been included in the scheme for transparency purposes.**

## **The Allowances for expenses**

### **The Subsistence Allowance**

99. The Royal Borough does not provide for a Subsistence Allowance for Members whether they are attending an approved duty within or outwith its boundaries. No evidence was received to suggest this should be revised.
100. **The Panel recommends that Subsistence Allowances should continue to not be included in the Royal Borough's members' allowances scheme.**

### **The ICT, DCA and Travel Allowances**

101. No evidence was received to suggest revising the current terms and conditions and rates payable for the following allowances:
- The Information and Computer Technology (ICT) Allowance
  - The Dependants' Carers' Allowance
  - The Travel Allowances
102. **The Panel recommends that the current terms and conditions and the rates payable for the ICT, DCA, and Travel Allowances are maintained.**

### **The Civic Allowances**

103. While not formally within the remit of the 2003 Regulations, the Panel has been asked to consider the current Civic Allowances that are payable to the Mayor (£9,300) and the Deputy Mayor (£3,300) of the Royal Borough. The Civic Allowances are paid under the Local Government Act 1972 (sections 3.5 and 5.4) not as remuneration (although in many authorities it has in effect become a substitute salary) but to meet the expenses of holding the offices of Mayor and Deputy Mayor of the Royal Borough.
104. Not all the Civic Allowance is paid directly to the Office holder. The Mayor is paid directly £6,000 out of the £9,300 Civic Allowance, while the Deputy Mayor directly receives £2,640 out of the £3,300 Civic Allowance. These payments are to cover out of pocket expenses that arise during the course of their duties including *inter alia*
- Offertories at all church and other religious services
  - Purchases and donations at bazaars, fair and fetes

- Appropriate clothing
  - Hairdressing, manicure, pedicure, etc
  - Certain foreign travel expenses
  - Cost of hospitalities not administered by the Mayor's office such as dinners organized by local organizations, entertaining personal guests, etc
105. The remaining £3,300 of the Mayor's Civic Allowance and £660 of the Deputy Mayor's Civic Allowance is held by the Mayor's Office to pay directly on their behalf the following costs incurred carrying out *inter alia*
- Hospitalities in connection with official visits to the Mayor's Parlour
  - Donations to charities
  - Purchase of gifts for official visitors
  - Purchase of gifts for hosts when on official visits
  - Purchase of Christmas cards
  - Hospitality for top table(s)/private guests at Mayor's Annual Charity Dinner
  - Cost of hospitality for attendance at neighbouring authorities (capped at a maximum of 5 per year)
106. Previous Mayors had in the past raised concerns that the Civic Allowance has lost relative value since it was set in 2005. It has not changed since then and there is no mechanism to automatically adjust the Civic Allowance to reflect increases in the cost of holding office.
107. Benchmarking is of limited value in this instance as allowances schemes do not necessarily include relevant figures on the Civic Allowances and it is difficult to actually find out what respective civic heads and deputy civic heads actually receive once all support and in some cases SRAs are taken into account.
108. **Regardless, the Panel accepts the case to increase the Civic Allowances and recommends that they should be reset as follows:**
- **Mayor: £10,000**
  - **Deputy Mayor: £3,500**
96. **The Panel further recommends that the Mayor and Deputy Mayor's Civic Allowance is included in the RBWM allowances scheme with the clarification that is paid under the Local Government Act 1972 and subject to the same annual index that applies to the Basic Allowance and SRAs.**

**Confirmation of indexing**

109. In its Fifth Report (November 2014) the Panel in accordance with the '4 year rule' (2003 Regulations 21. (1) (e)) confirmed the continuation of the indexation of allowances to run for the maximum period of 4 years, until December 2018. However due to some of the recommended amendments in this review the scope of indexation requires clarified.
110. **Consequently the Panel confirms and recommends that the following allowances continue or will be indexed (up to December 2018) at the following rates:**
- **Basic Allowance, SRAs, Civic Allowances, ICT and the Financial Loss Allowances:** updated annually in line with the average pay increase given to Royal Borough employees (and rounded to the nearest pound as appropriate). Any implementation of this index should continue to be applicable from the same date that it applies to Officers.
  - **Mileage Allowance:** adjusted on the 1 April each year by reference to the HMRC AMAP (Authorised Mileage Allowance Payments) approved rates.
  - **Other travel:** will be reimbursement of actual costs taking into account the most cost effective means of transport available and the convenience of use.
  - **Dependant Carer's Allowance:** paid at the maximum hourly minimum wage applicable to the age of the carer (who must be 16 years of age or over) or, for carers of dependants on social/medical grounds, the Royal Borough's average hourly homecare charge
  - The adjustments recommended above to be made each year for a period of up to 4 years period running from January 2015 to December 2018) without the need for a review by the Remuneration Panel, unless such a review is requested by the Panel

## **Implementation**

111. **The Panel recommends that the recommendations contained in this report are implemented from the 15 December 2015, which is the scheduled date for Council to consider this report, or any other date thereafter as agreed by the Council.**

## **Appendix One**

### **Members and Officers who met with the Panel**

#### **Members**

Cllr G. Bathurst	Chairman of Policy Committee/Principal Member for Policy
Cllr M. Beer	Acting Leader The (Opposition) Group of Three
Cllr D. Burbage MBE	Leader of Council & Conservative Group
Cllr S. Carroll	Deputy Lead Member for Public Health
Cllr P. Bicknell	Deputy Chairman of Cabinet & Cabinet Lead Member for Education
Cllr G. Hill	Cabinet Lead Member for Customer & Business Services
Cllr L. Jones	Independent Member
Cllr C. Stretton	Principal Member for Culture & Communities

#### **Written Submissions**

Cllr M. Beer	Acting Leader The (Opposition) Group of Three
Cllr D. Burbage MBE	Leader of Council & Conservative Group
Cllr J. Lenton	Chairman of Berkshire Pension Fund Panel
Cllr A. Smith	Vice Chairman of Audit & Performance Review Panel

#### **Officers**

A. Alexander	Managing Director
K. Shepherd	Democratic Services Manager

## **Appendix Two**

### **Information Received by the Panel**

1. Terms of Reference
2. 2015/16 RBWM Members' Allowances scheme, including travel and subsistence rates
3. Statutory publication of RBWM allowances and expenses paid to and claimed by Members, including sub-totals for each category 2014/15
4. Consolidated Guidance for Panels and Regulations May 2003 (Department of Communities and Local Government)
5. The Local Authorities (Members' Allowances) (England) Regulations 2003 (SI 1021)
6. Membership of main committees, sub committees and panels, including Chair and Vice Chairmen
7. Meetings schedule of council committees 2015/16
8. Benchmarking - Summary of allowances paid in other Berkshire Unitary councils and 8 Nearest Neighbours (CIPFA 2014 model) and SE Employers survey of allowances 2015 - unitary councils
9. The Fifth Report of the RBWM Independent Remuneration Panel (November 2014) plus minutes of Council 9 December 2014 meeting considering 5th Report
10. The Sixth Report of the RBWM Independent Remuneration Panel (June 2015) plus accompanying minutes of Council meeting on 23 June 2015 that considered 6th Report
11. Councillors Census 2013 data showing mean hours per week by council type and positions held
12. Summary of SE Employers Allowances Survey 2015 - unitary councils
13. PowerPoint presentation on Reviewing Allowances: the RBWM model, patterns, issues and options (by D Hall)
14. National Joint Council for Local Government Services, 2014-16 payscales and allowances, including NJC index, 21 November 2014
17. Office of National Statistics, 2014 Annual Survey of Hourly Earnings
18. Hard copies of allowances schemes from Berkshire and Near Neighbour Councils in benchmarking group

**Appendix Three: Benchmarking Allowances for Royal Borough of Windsor & Maidenhead**

**BM1 RBWM BM Group + SE Employers Allowances Survey (15/16): BA + Exec & Scrutiny SRAs**

Comparator Council	BA	Leader	Leader Total Package	Deputy Leader	Deputy Chairman Cabinet	Cabinet Members	Cabinet Mbrs W/O Portfolio	Principal Members	Deputy Leads	Chair Main O&S	Main O&S V/Chair	Chairs or Leads Scrutiny
Bath & NE Somerset	7,809	30,515	38,324	18,325		18,325						7,480
Bedford	10,322	NA	NA	NA		10,332						5,161
Bracknell Forest	8,687	28,954	37,641	17,372		15,926			2,201	7,239		5,791
Central Beds	10,996	31,337	42,333	23,816		18,802	10,655		6,267			10,655
Cheshire East	11,200	27,000	38,200	16,300		13,500			4,480			7,280
Reading	8,220	7,004	15,224	5,722		3,816						2,147
Slough	7,329	19,055	26,384	13,338		10,480				6,671	1,334	2,858
Solihull	7,688	19,200	26,888	9,216		7,688						6,144
West Berks	7,324	18,310	25,634	9,155		9,155				5,493		
Wokingham	7,487	20,000	27,487	10,000		10,000			2,000	5,000		2,500
<b>CBMG Mean</b>	<b>8,706</b>	<b>22,375</b>	<b>30,902</b>	<b>13,694</b>		<b>11,802</b>			<b>3,737</b>	<b>6,101</b>		<b>5,557</b>
<b>CBMG Median</b>	<b>8,015</b>	<b>20,000</b>	<b>27,487</b>	<b>13,338</b>		<b>10,406</b>			<b>3,341</b>	<b>6,082</b>		<b>5,791</b>
<b>RBW&amp;M</b>	<b>7,255</b>	<b>18,790</b>	<b>26,045</b>	<b>11,274</b>	<b>11,274</b>	<b>10,335</b>		<b>10,335</b>	<b>1,879</b>			<b>4,698</b>
<b>CBMG SRA/Leader Mean SRA ratio</b>	<b>2.57</b>	<b>100%</b>		<b>61.2%</b>		<b>52.7%</b>			<b>16.7%</b>	<b>27.3%</b>		<b>24.8%</b>
<b>SEE Survey Mean</b>	<b>8,838</b>	<b>21,261</b>	<b>30,099</b>	<b>13,575</b>		<b>9,783</b>			NA	NA	NA	<b>£5,549</b>
<b>SEE Survey Median</b>	<b>8,454</b>	<b>19,528</b>	<b>27,982</b>	<b>12,306</b>		<b>10,335</b>			NA	NA	NA	<b>5,511</b>

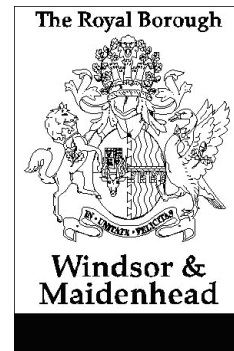


BM2 RBWM CBM Group + SE Employers Survey (15/16): Planning & Licensing/Regulatory SRAs										
Comparator Council	Chair Planning (DCC)	V/Chair Planning	Chair Strategic Planning	V/Chair Strategic Planning	Chair Licensing	V/Chair Licensing	Chairs Licensing Panels	Licensing Members	Chair Audit &/or Governance	Comments or Other
Bath & NE Somerset	13,463						4,487			Fostering & Adoption Panel Members £3,591
Bedford	5,161				5,161			25/52 p/mtg	5,161	Chair Licensing Act Committee £5,161
Bracknell Forest	7,239	723			5,626	553			2,201	
Central Beds	13,162	2,507			2,507				10,655	General Purposes Chair £5,013
Cheshire East	7,280	1,000	7,280	1,000	7,280	1,000			7,280	2 Chairs Area DCC SRAs @ total of £16,560 + V/Chair Audit £1,000
Reading	2,147	1,074			2,147	1,074				
Slough	4,764	1,587			2,858	952			1,905	
18 Solihull	6,144	3,072			2,304		3,072		2,304	Adoption & Fostering Panel Members £1,536
West Berks	4,578				2,747				2,747	2 Chairs Area DCC SRAs payable for total of £9,156
Wokingham	5,000				2,500				2,500	Planning Members £1,250
<b>CBMG Mean</b>	<b>6,894</b>	<b>1,661</b>			<b>3,681</b>	<b>895</b>			<b>4,344</b>	
<b>CBMG Median</b>	<b>5,653</b>	<b>1,331</b>			<b>2,747</b>	<b>976</b>			<b>2,624</b>	
<b>RBWM</b>	<b>4,698</b>				<b>4,698</b>		<b>1,879</b>	<b>25.26 p/mtg</b>	<b>3,758</b>	<b>3 Chairs Area DCC SRAs payable for total of £14,094</b>
<b>CBMG SRA/Leader Mean SRA ratio</b>	<b>30.8%</b>				<b>16.5%</b>				<b>19.4%</b>	
<b>SEE Survey Mean</b>	<b>5,928</b>	<b>2,085</b>			<b>4,944</b>	<b>1,620</b>			<b>3,806</b>	
<b>SEE Survey Median</b>	<b>5,255</b>	<b>1,564</b>			<b>4,620</b>	<b>1,013</b>			<b>3,383</b>	

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BM3 RBWM: CBM Group + SE Employers Survey (15/16): Other Regulatory & Misc SRAs									
Comparator Council	Chair Standards	Chair HR or Personnel	V/Chair HR or Personnel	Chairs Local Forums	Chair Policy	Vice Chair Policy	Chairs Other	Vice Chairs Other	Comments or Others
Bath & NE Somerset					7,480		4,487		50% of 2nd SRA payable
Bedford	1,548						5,161		Scheme not clear on specific chairs who get standard SRA + Council Speaker & Deputy get £7,226 & £2,374
Bracknell Forest	638	2,201							Standards Chair is Co-optee, Education Appeals Mbrs :get £30/£59 p/mtg
Central Beds									
Cheshire East		7,280					7,280	1,000	Rights of Way Chair V/Chair get £5,600 & £1,000
Reading	2,147	2,147	1,074		2,147	1,074	2,147		Standards Chair is Co-optee, Standards V/Chair gets £1,074
Slough	953	1,905							
Solihull									
West Berks									
Wokingham	1,250	1,250							Below Exec level Members can get >1 SRA
<b>CBMG Mean</b>	<b>1,307</b>	<b>2,957</b>					<b>4,769</b>		
<b>CBMG Median</b>	<b>1,250</b>	<b>2,147</b>					<b>4,824</b>		
<b>RBWM</b>				<b>1,879</b>	<b>4,698</b>		<b>1,879</b>		
<b>CBMG SRA/Leader Mean SRA ratio</b>	<b>5.8%</b>	<b>13.2%</b>					<b>21.3%</b>		
<b>SEE Survey Mean</b>	<b>NA</b>	<b>NA</b>					<b>NA</b>		
<b>SEE Survey Median</b>	<b>NA</b>	<b>NA</b>					<b>NA</b>		

Report for:  
ACTION



<b>Contains Confidential or Exempt Information</b>	No – Part I
<b>Title</b>	<b>Statement of Licensing Policy</b>
<b>Responsible Officer(s)</b>	Craig Miller - Community Protection and Enforcement Lead
<b>Contact officer, job title and phone number</b>	Steve Johnson – Enforcement Principal 01628 683555
<b>Member reporting</b>	Cllr Asghar Majeed
<b>For Consideration By</b>	Council
<b>Date to be Considered</b>	15 December 2015
<b>Implementation Date if Not Called In</b>	5 January 2016
<b>Affected Wards</b>	All
<b>Keywords/Index</b>	Licensing policy

### Report Summary

1. The Licensing Act 2003 requires the council to have in place a published Licensing Policy.
2. RBWM's current policy is required to be updated with effect from 5<sup>th</sup> January 2016.
3. The process and timetable to ensure this happens has been agreed and managed by RBWM's Licensing Panel over a number of Panel meetings beginning in July 2014.
4. The process has involved drawing up a draft revised policy, engaging in statutory consultation with interested parties, redrafting the policy to take into account consultation and Members wishes - and incorporating legal advice about the policy as a whole.
5. Following this process, the 18<sup>th</sup> November Licensing Panel endorsed the version of the draft policy that is appended to this report and recommended forwarding it to Full Council for final approval.

<b>If recommendations are adopted, how will residents benefit?</b>	
Benefits to residents and reasons why they will benefit	Dates by which residents can expect to notice a difference
Residents can be assured of having a policy in place which will assist with controlling levels of nuisance and anti-social behaviour, particularly in town centres, and which will be part of a holistic approach to the management of the evening and night-time economy.	5 <sup>th</sup> January 2016

## **1. Details of Recommendations**

**RECOMMENDATION: That Council adopt the attached Licensing Policy Statement for a 5 year period beginning on 5<sup>th</sup> January 2016.**

## **2. Reason for Recommendation and Options Considered**

- 2.1. The Licensing Act 2003 requires the council as the licensing authority for the area to have a Licensing Policy in place at all times. The existing policy is required to be updated and the new policy in place on 5<sup>th</sup> January 2016 to last for the next 5 years.
- 2.2. Beginning in July 2014, RBWM's Licensing Panel authorised a process and timetable for producing a new Licensing Policy for the borough, including the undertaking of a consultation process (as required by Section 5(3) of the Licensing Act 2003) on a first draft of the new policy.
- 2.3. Following the consultation Members, at the July 2015 Panel, authorised an updated version of the policy, but asked for advice to be obtained on the proposed policy as a whole from a senior barrister working in the area of licensing.
- 2.4. This was undertaken and all of the necessary changes suggested during the whole of the process (outlined below from paragraph 2.7 to 2.11) were incorporated into a final draft of the new policy, which is now attached as Appendix A to this report.
- 2.5. At the 18<sup>th</sup> November 2015 Licensing Panel, Members endorsed this version of the draft policy and recommended forwarding it to Full Council for final approval, hence the recommendation above.
- 2.6. The main changes to the current policy are as follows.
- 2.7. The introduction of a 'Framework Hours Policy'. During the consultation process, both Members of the council and Thames Valley Police expressed their concerns about the effects of later opening hours on residents and on crime and disorder in the area, most particularly in Windsor town centre.

- 2.8. As a result, the new draft policy incorporates a more strategic approach to licensing hours and includes (at Section 6 of the draft policy) a schedule of the expected opening and closing hours for different types of premises.
- 2.9. Of course, these hours are not set in stone and if an applicant wishes to depart from them, reasons for departure from the policy can be given to Members of the Licensing Panel Sub-Committee if relevant representations are made. The strategy cannot be applied retrospectively but where individual premises are causing problems, they can of course be subject to the usual existing licence review process.
- 2.10. Child Sexual Exploitation. The revised draft policy also includes, for the first time, specific reference to the issue of child sexual exploitation and what the borough expects of licence holders in reference to safeguarding children from this sort of activity. These provisions are at Section 10 of the draft policy.
- 2.11. The draft policy also incorporates minor technical matters reflecting recent changes in legislation and moves some areas that were previously in the body of the policy (the Pool of Conditions, the Licensing and Planning Protocol and the Delegation of Functions) into separate Annexes to it.

Options	Comments
This is a statutory requirement and the council is required to comply.	Members are being asked to approve the adoption of a policy that has been the subject of great oversight by the Licensing Panel – but may wish to make changes to the wording or composition of the policy.

### 3. Key Implications

What does success look like, how is it measured, what are the stretch targets

Defined Outcomes	Unmet	Met	Exceeded	Significantly Exceeded	Date they should be delivered by
% change in annual anti-social behaviour (ASB) incidents areas where alcohol related ASB is the issue	>0 %	0% to -2%	-2% to -10%	>- 10%	5 <sup>th</sup> January 2017
% change in annual complaints regarding other ASB issues	>0 %	0% to -2%	-2% to -10%	>- 10%	5 <sup>th</sup> January 2017

related to licensed premises					
% change in annual complaints regarding noise nuisance related to licensed premises	>0 %	0% to -2%	-2% to -10%	>- 10%	5 <sup>th</sup> January 2017

#### 4. Financial Details

None

#### 5. Legal Implications

The requirement to have a Licensing Policy statement is contained in Section 5 of the Licensing Act 2003. The new policy must be in place on 5<sup>th</sup> January 2016 and will then continue in effect for 5 years.

#### 6. Value for Money

N/A

#### 7. Sustainability Impact Appraisal

There are no significant sustainable development impacts resulting from this.

#### 8. Risk Management

Risks	Uncontrolled Risk	Controls	Controlled Risk
Non-compliance with a statutory requirement	Licensing Policy Statement is not put in place	Policy Statement is reviewed and published every 5 years	Policy Statement is available on the borough's website

#### 9. Links to Strategic Objectives

This links to work for safer and stronger communities. The council's statement of Licensing Policy is a key aspect of the control of nuisance and anti-social behaviour and is part of a holistic approach to the management of the night time economy.

#### Our Strategic Objectives are:

##### Residents First

- Support Children and Young People
- Encourage Healthy People and Lifestyles
- Improve the Environment, Economy and Transport
- Work for safer and stronger communities

##### Value for Money

- Deliver Economic Services
- Improve the use of technology
- Increase non-Council Tax Revenue
- Invest in the future

### **Delivering Together**

- Enhanced Customer Services
- Deliver Effective Services
- Strengthen Partnerships

### **Equipping Ourselves for the Future**

- Equipping Our Workforce
- Developing Our systems and Structures
- Changing Our Culture

### **10. Equalities, Human Rights and Community Cohesion**

None

### **11. Staffing/Workforce and Accommodation implications:**

None

### **12. Property and Assets**

None

### **13. Any other implications:**

None

### **14. Consultation**

The following have been consulted:

- The chief officer of police for the area
- The Royal Berkshire Fire and Rescue Service
- The Director of Public Health
- Persons/bodies representative of local licence holders (e.g. Licensed Victuallers Associations and Pub watches)
- Persons/bodies representative of local club premises certificate holders
- Persons/bodies representative of businesses and residents in the area
- All Members of the Royal Borough
- All Parish Councils
- Local Chambers of Commerce

In addition, the information has been available on the Council's website and in newsletters to residents and other Council publications

### **15. Timetable for Implementation**

July 2014	Panel considers proposals for commencing process
October 2014	Panel considers first draft of new policy and authorises commencement of consultation
November 2014	Consultation until March 2015
April 2015	Panel considers feedback on consultation
July 2015	Panel considers final draft of policy and makes recommendation, subject to legal opinion
November 2015	Panel considers final draft of policy and makes recommendation, following legal opinion

December 2015 Full Council considers recommendation from Licensing Panel  
 5<sup>th</sup> January 2016 Policy comes into effect

**16. Appendices**

Appendix A – Draft Statement of Licensing Policy

**17. Background Information**

Section 5 Licensing Act 2003  
 RBWM’s current Statement of Licensing Policy

**18. Consultation (Mandatory)**

<b>Name of Consultee</b>	<b>Post held and Department</b>	<b>Date sent</b>	<b>Date received</b>	<b>See comments in paragraph:</b>
<b>Internal</b>				
Cllr Burbage	Leader of the Council	01/12/2015	02/12/2015	
Cllr Cox	Lead Member	26/11/2015	30/11/2015	
Cllr Majeed	Licensing Panel Chairman	26/11/2015	30/11/2015	
Simon Fletcher	Strategic Director of Operations	26/11/2015		
Will Cottrell	Shared Legal Services	02/12/2015		

**Report History:**

<b>Decision type:</b>	<b>Urgency item?</b>
Non-key decision	No

<b>Full name of report author</b>	<b>Job title</b>	<b>Full contact no:</b>
Steve Johnson	Enforcement Principal	01628 683555



## APPENDIX A

### THE ROYAL BOROUGH OF WINDSOR & MAIDENHEAD

#### DRAFT LICENSING POLICY STATEMENT 2016-2021

#### 1. Introduction

1.1 Section 5 of the Licensing Act 2003 requires the Licensing Authority to publish a licensing policy statement every 5 years. This is the Statement of Licensing Policy for the Royal Borough of Windsor & Maidenhead 2016 – 2021.

1.2 The policy is made following consultation with:

- The Chief Officer of Police
- The Fire Authority
- Persons representing holders of existing licences.
- Persons representing registered clubs.
- Persons representing businesses and residents in the Council's area
- Windsor and Maidenhead Local Safeguarding Children Board (LSCB)

Additional consultation has also been carried out with:

- The Planning Authority

1.3 This Statement of Licensing Policy will be formally reviewed when required by legislation, but will be kept under constant review during the period that it applies.

1.4 This Statement of Licensing Policy will not be used to attach conditions that duplicate other regulatory regimes, unless they relate to specific issues that cannot be addressed elsewhere.

1.5 The Licensing Authority will not use this Policy to impose standard conditions on licences without regard to the merits of the individual case but it may have reference to model conditions for guidance when imposing any conditions.

## 2. Licensing Objectives and other key aims and purposes

### 2.1 Licensable Activities

The policy relates to the following activities:

- a) The retail sale of alcohol
- b) The wholesale of alcohol to members of the public
- c) The supply of alcohol to members of registered clubs
- d) The provision of regulated entertainment.
- e) The supply of hot food and drink between 2300 and 0500 hours, known as late night refreshment.

### 2.2 Entertainment No Longer Licensable

The Legislative Reform (Entertainment Licensing) Order 2014 came into force on 6 April 2015 with the effect that the following forms of entertainment are no longer licensable:

- Performances of plays between 08.00 and 23.00, provided that the audience does not exceed 500.
- Performances of dance between 08.00 and 23.00, provided that the audience does not exceed 500
- ‘Not-for-profit’ film exhibition held in community premises between 08.00 and 23.00 provided that the audience does not exceed 500 and the organiser:
  - (a) gets consent to the screening from a person who is responsible for the premises; and
  - (b) ensures that each such screening abides by age classification ratings.
- Indoor sporting events between 08.00 and 23.00, provided that those present do not exceed 1000.
- Any contest, exhibition or display of Greco-Roman wrestling, or freestyle wrestling between 08.00 and 23.00, provided that the audience does not exceed 1000.
- Performances of unamplified live music between 08.00 and 23.00, on any premises.
- Performances of amplified live music between 0800 and 2300:
  - On premises authorised to sell alcohol for consumption on those premises, provided that the audience does not exceed 500
  - In a workplace that is not licensed to sell alcohol on those premises, provided that the audience does not exceed 500
  - In a church hall, village hall, community hall, or other similar community premises, that is not licensed by a premises licence to sell alcohol, provided that the audience does not exceed 500, and the organiser gets consent for the performance from a person who is responsible for the premises
  - At the non-residential premises of (i) a local authority, or (ii) a school, or (iii) a hospital, provided that the audience does not exceed 500, and the organiser gets consent for the performance on the relevant premises from: (i) the local authority concerned, or (ii) the school or (iii) the health care provider for the hospital
- Playing of Recorded Music between 0800 and 2300:
  - On premises authorised to sell alcohol for consumption on those premises, provided that the audience does not exceed 500
  - In a church hall, village hall, community hall, or other similar community premises, that is not licensed by a premises licence to sell alcohol, provided that the audience does not exceed 500, and the organiser gets consent for the performance from a person who is responsible for the premises
  - At the non-residential premises of (i) a local authority, or (ii) a school, or (iii) a hospital, provided that the audience does not exceed 500, and the organiser gets

consent for the performance on the relevant premises from: (i) the local authority concerned, or (ii) the school proprietor or (iii) the health care provider for the hospital

- Any entertainment taking place on the premises of the local authority between 08.00 and 23.00, with no limit on audience size, where the entertainment is provided by or on behalf of the local authority.
- Any entertainment taking place on the hospital premises of the health care provider between 08.00 and 23.00, with no limit on audience size, where the entertainment is provided by or on behalf of the health care provider.
- Any entertainment taking place on the premises of the school between 08.00 and 23.00, with no limit on audience size, where the entertainment is provided by or on behalf of the school proprietor; and
- Any entertainment (excluding films and boxing or wrestling entertainment) taking place at a travelling circus between 08.00 and 23.00, with no limit on audience size, provided that it takes place within a moveable structure that accommodates the audience, and that the travelling circus has not been located on the same site for more than 28 consecutive days.

2.3 The licensing objectives covered by this policy are:

- Promoting the Prevention of Crime and Disorder;
- Promoting Public Safety;
- Promoting the Prevention of Public Nuisance; and
- Promoting the Protection of Children from Harm.

2.4 The policy takes into account:

- The Council's Community Strategy
- Central Government's Alcohol Harm Reduction Strategy
- Central Government's "Safer Clubbing" Guide
- Section 17 of the Crime and Disorder Act 1998

2.5 The policy further takes into account paragraph 1.5 of the Section 182 Guidance which states that the legislation also supports a number of other key aims and purposes. These are vitally important and should be principal aims for everyone involved in licensing work. They include:

- Protecting the public and local residents from crime, anti-social behaviour and noise nuisance caused by irresponsible licensed premises;
- Giving the police and licensing authorities the powers they need to effectively manage and police the night-time economy and take action against those premises that are causing problems;
- Recognising the important role which pubs and other licensed premises play in our local communities by minimising the regulatory burden on business, encouraging innovation and supporting responsible premises;
- Providing a regulatory framework for alcohol which reflects the needs of local communities and empowers local authorities to make and enforce decisions about the most appropriate licensing strategies for their local area; and

- Encourage greater community involvement in licensing decisions and giving local residents the opportunity to have their say regarding licensing decisions that may affect them.

### **3. The Royal Borough**

- 3.1 The Royal Borough of Windsor & Maidenhead is a unitary council in the Thames Valley area, in the South East of England. It is an area of 198 square kilometres and is home to Windsor Castle, Eton College, Legoland and Ascot Racecourse. The Borough's population is just over 147,000.
- 3.2 There are currently over 680 licensed premises in the Borough. These consist of public houses, night clubs, members clubs, restaurants, takeaways, off licences, village halls, a theatre, a cinema and 2 art centres.
- 3.3 Windsor is one of the top 4 night time economy centres within the Thames Valley Police area, which covers the counties of Berkshire, Buckinghamshire and Oxfordshire. This brings with it a number of challenges from a licensing perspective.

### **4. Principles**

- 4.1 Each application on its own merits

Each and every application will be considered on its own merits and on a case by case basis. Determinations will be made in accordance with the Royal Borough's Statement of Licensing Policy and with the Section 182 Guidance issued by the Secretary of State.

- 4.2 Cumulative impact

The Licensing Authority does not intend to introduce a special policy in respect of cumulative impact. The absence of a special policy does not prevent any responsible authority or other person from making representations on an application on the grounds that the premises will give rise to a negative cumulative impact on one or more of the licensing objectives. The Licensing Authority will have regard to the layout of the local area of the premises and the local environment in appropriate cases.

- 4.3 Other Regulatory Regimes, HRA 1998 and integrating strategies

Licensing is not the primary mechanism for controlling anti-social behaviour away from premises and beyond the control of operators. However, it is a key aspect of such control and licensing law is part of the holistic approach to the management of the evening and night time economy in town and city centres.

- 4.4 The Licensing Authority will exercise its function under the Licensing Act 2003 with due regard to the requirements and responsibilities placed upon them by other legislation. Legislation which may be relevant includes:

- The Health and Safety at Work etc. Act 1974
- The Noise Act 1996
- The Environmental Protection Act 1990
- The Crime and Disorder Act 1998
- The Clean Neighbourhoods and Environmental Act 2005

- The Gambling Act 2005
- The Regulatory Reform (Fire Safety) Order 2005 and
- The Human Rights Act 1998.

4.5 The Licensing Authority recognises its duty to promote equality under the terms of the Race Relations Amendment Act 2003, the Disability Discrimination Acts 1995 and 2005, the Equality Act 2006 and other relevant legislation as amended by the Equality Act 2010.

4.6 The Licensing Authority will secure the integration of licensing with local crime prevention, planning, transport, tourism, race equality and cultural strategies, together with other plans for management of town centres and the night time economy, by consultation, dialogue and joint working with the departments and agencies concerned.

4.7 So far as possible, duplication with other regulating agencies will be avoided and conditions will only be attached to licences which are necessary for the promotion of the licensing objectives.

## 5. Conditions

5.1 Standardised conditions will be avoided but selection may be made from the pool of conditions at Annex A to this report. Conditions will be tailored to the individual style and characteristics of the premises. So far as possible, conditions will reflect local crime reduction strategies.

5.2 The Council maintains that licensing is about the control of licensed premises, qualifying clubs and temporary events within the terms of the 2003 Act and any terms and conditions attached to licences will be focused on matters which are within the control of individual licensees and others granted relevant permissions, centring on the premises and their vicinity.

## 6. Key Strategies for 2016 – 2021

### 6.1 Framework Hours

The current staggered closing times of licenced premises, that has developed since 2005 in the Royal Borough, has helped to reduce the problems associated with large numbers of people leaving premises at the same time and reduced congestion at taxi ranks and fast food outlets. However, the later opening hours have brought increased levels of crime, disorder and nuisance. Responsible Authorities, local residents and local Councillors have reported many issues, including noise, anti-social behaviour and litter, which are having an adverse impact on their quality of life. In particular, there has been an increase in violent crime in Windsor town centre between the hours of 00:00 and 04:00.

Having considered the evidence of alcohol related crime, disorder and anti-social behaviour, the number of late night premises and, in particular, the social, practical and regulatory impacts on the morning after the night, the Licensing Authority has adopted a Framework Hours Policy. This Framework Hours Policy will apply to new and variation applications.

### 6.2 The Framework Hours are:

Premises Type	Commencement Hour for Licensable Activities	Terminal Hour for Licensable Activities
	No earlier than	No later than
Off licence	09:00am	11:00pm

Restaurant	09:00am	01:00am
Pub/Bars/Night Clubs	10:00am	02:00am
Takeaways	n/a	02:00am

- 6.3 The Framework Hours Policy is not an entitlement. An applicant will still need to demonstrate that, for the terminal hour of 02:00 to apply for example, it can operate so as to promote the licensing objectives and that the application and proposed operation is reasonably acceptable in the particular location.
- 6.4 The operational hours of existing licensed premises will remain unchanged. On any application for a review of an existing licensed premises, the Framework Hours Policy may be a valid consideration depending upon the circumstances of the application. On any review application the Licensing Authority are not bound to maintain and apply the Framework Hours. Hours of operation and commencement and terminal hours for licensable activities will need to be considered in light of the promotion of the licensing objectives and the hours that are reasonably acceptable in the particular location.
- 6.5 Framework Hours are intended to guide applicants on the Licensing's Authority's expectations when preparing their Operating Schedule. However, if no relevant representations are received, the application will be granted by the Licensing Authority under delegated powers.
- 6.6 Any conditions setting out hours of premises refers, unless otherwise stated, to the hours during which licensable activities may take place pursuant to the Premises Licence or Club premises Certificate. The Licensing Authority expects the premises to close thirty minutes after the terminal hour for the latest licensable activity.
- 6.7 Subject to any relevant representations that may be made to the contrary in individual cases, certain types of licenced premises are not considered to make a significant contribution to the problems of late night crime and disorder and anti-social behaviour and, as such, these premises will generally have greater freedom to operate outside framework hours. Such venues are predominantly seated. Examples include:
- Theatres
  - Cinemas
  - Qualifying Clubs
- 6.8 For the purpose of this policy, premises shall be considered as a restaurant or café if the sale of alcohol is made only to seated customers who are also dining and where this is a condition of the licence, or a condition volunteered in the Operating Schedule for the premises. Where such conditions have not been offered, the premises will be treated as a public house.
- 6.9 Hot Take-Away Food and Drink Premises

Late night refreshment venues, with or without authorisation for the sale and supply of alcohol, are those whose activities include supplying hot food and drink for consumption off the premises between the hours of 23:00 and 05:00. Such premises can attract large numbers of customers who have come from bars and clubs in the area who have consumed considerable quantities of alcohol. These customers can be noisy and cause disturbance in the vicinity long after other nearby licensed premises have closed.

These types of premises are often found in clusters or in close proximity to late night opening bars, clubs and other potential crime and disorder hotspots including unlicensed late night refreshments, bus stops, and taxi ranks which can give rise to a negative cumulative impact on one or more of the licensing objectives. The Licensing Authority will have regard

to the layout of the local area of the premises, the local environment and in appropriate cases the cumulative impact of such operations.

Consumption of food can also lead to public nuisance being caused by deposits of litter in the area. Late night refreshment venues will almost always operate outside the Framework Hours. They are therefore expected to provide a robust Operating Schedule outlining in particular how they will address the prevention of crime and disorder and public nuisance objectives.

#### 6.10 Music, Dance and Similar Venues

The Licensing Authority recognises the cultural importance and significance of premises providing live music, dance and similar entertainment. The Royal Borough is keen to encourage diverse forms of entertainment throughout the borough, but at the same time recognises that this can, if not properly managed, give rise to public nuisance concerns that impact adversely on persons living and working in the vicinity of licensed premises. It is particularly important that entertainment operators pay particular regard to the prevention of public nuisance objective when preparing their Operating Schedules.

Statistics show that nightclubs and late night dance venues generally contribute far higher levels of alcohol related violence per premises than other licensed venues. As a result, nightclub and late night dance venue operators should pay particular regard to the prevention of crime and disorder objective when preparing their Operating Schedules.

#### 6.11 Promoting Food-Led and Seated Entertainment Venues

The Licensing Authority wishes to encourage applications for food-led and other predominantly seated entertainment venues. Nationally, it has been demonstrated that restaurants and similar establishments have a lower impact on crime, disorder and nuisance; this national observation has been experienced locally within the Royal Borough. In order to encourage food-led and other predominantly seated entertainment venues, the Royal Borough has determined to adopt a Framework Hours Policy (see above) with a terminal hour of 01:00 being set for such premises.

The Framework Hours Policy is not an entitlement, an applicant will still need to demonstrate that, for the terminal hour of 01:00 to apply, it can operate so as to promote the licensing objectives and that the application and proposed operation is reasonably acceptable in the particular location.

#### 6.12 Licensing and Planning Protocol

The Royal Borough has developed a Licensing and Planning Protocol to assist in the proper demarcation of the respective competencies of the licensing and planning regimes. The Protocol is set out at Annex B.

#### 6.13 Wider Community Interest

The Licensing Authority considers that its licensing functions are exercised in the public interest, furthermore that the Licensing Authority is under a duty to take any steps with a view to the promotion of the licensing objectives in the interests of the wider community and not just those of the individual licence holder.

The Licensing Authority will have particular regard to those applications in close proximity to residential premises and the likely effect on the promotion of the licensing objectives in

such circumstances. Subject to any relevant representations, the Licensing Authority will have particular regard to:

- The nature of the activities
- The character of the surrounding area
- Measures for limitation of noise emissions from the premises. These may include as appropriate; noise limitation devices, sound insulation, whether windows are to be opened, the insulation of acoustic lobbies and double glazing
- Measures to deal with queuing, where necessary
- Use of outdoor areas
- Measures to deal with dispersal of customers from the premises as necessary, including the employment of door supervisors, use of dedicated Hackney Carriage/Private Hire firms, notices in the premises requesting customers to respect neighbours
- Winding down periods, particularly in public houses and nightclubs etc.

## **7. Promoting the Prevention of Crime and Disorder**

7.1 Where relevant representations have been made, the Licensing Authority will have particular regard to the following issues in relation to the crime and disorder objective:

- Measures to prevent bottles being carried from premises
- Use of drinks' promotions
- Measures to prevent binge drinking
- Participation in the Pub Watch Scheme
- Use of door supervisors
- Training staff in crime prevention measures
- Search procedures
- Use of close circuit television
- Lighting
- Where premises are new, designing out crime
- Quality of surveillance of premises

### 7.2 Drugs

The Licensing Authority recognises that drug use by young people in a club environment is not something that is relevant to all licensed premises. However, it is also recognised that special conditions will need to be imposed for certain types of venues to reduce the sale and consumption of drugs. Where relevant representations are made by the Police, the conditions to be imposed in such cases are set out in Annex A – Pool of Conditions, although further conditions may be imposed from time to time. These conditions take into account the "Safer Clubbing guidance" issued by the Home Office. In all cases where these conditions are to be imposed, advice will be taken from the local Drugs and Alcohol Action Team and the Police.

In addition to meeting the requirements of the licensing objectives, licensees have a social responsibility not to sell drug paraphernalia and other products that promote drug use.

7.3 Officers of the Licensing Team will engage in the following activities:

- Provide clear information on the Council's policy on safer clubbing in its local statement of policy.
- Provide clear information on how to apply for a Premises Licence or Club Premises Certificate.



- Provide induction training to Councillors serving on Licensing Panels.
- Advise venue owners on how to establish and maintain a safe environment.
- Advise venue owners, in partnership with the Thames Valley Police, on developing a venue drugs policy.
- Ensure that sufficient medical staff is always present and are trained to a high standard.
- Liaise with Police and other officers to ensure good communication about potentially dangerous venues.
- Encourage venues to use outreach services.
- Encourage venues to provide safe transport home.
- Monitor the operation of clubs at times of peak occupancy.
- Ensure that door supervisors are properly trained and registered with the Security Industry Authority.
- Offer to assist with detecting drugs with the use of sniffer dogs and the “Itemiser” drugs detection equipment.

#### 7.4 Door Supervisors

Whenever any persons are employed at licensed premises to carry out any security activity, all such persons must be licensed with the Security Industry Authority. Where relevant representations are made the Licensing Authority may consider that certain premises require strict supervision for the purpose of promoting the reduction of crime and disorder. In such cases, the Licensing Authority may impose a condition that licensed door supervisors must be employed at the premises either at all times or at such times as certain licensable activities are being carried out.

## 8. Promoting Public Safety

8.1 Where relevant representations have been made, the Licensing Authority will have particular regard to the following issues in relation to the public safety objective:

- The use of shatterproof glasses
- The promotion of sensible drinking
- Measures taken to prevent drug spiking
- Drugs policies
- Safe capacities

8.2 In appropriate cases, the following conditions may be imposed on premises’ licences to ensure the safety of those attending the premises:

- that a personal licence-holder shall be present at all times when the premises are open for the sale of alcohol
- suitably qualified first-aiders will be required

#### 8.3 Capacity

Fire Safety Certificates should impose number restrictions for individual premises. Following relevant representations the Licensing Authority may impose conditions in relation to the maximum number of persons to attend premises where:-

- It considers it to be necessary for the purpose of the prevention of crime and disorder or the promotion of public safety.

- If the fire safety certificate was issued prior to any licensable activity taking place at the premises or if activities have changed since the certificate was issued. In those circumstances, the Council may impose a maximum number of persons to be in the premises at any one time to ensure the safety of those persons at the premises and to ensure a safe means of escape from fire. The Council will have regard to advice from the Fire Authority in this respect.

## **9. Promoting the Prevention of Public Nuisance**

9.1 Where relevant representations are made, the Licensing Authority will have particular regard to the following issues in relation to the public nuisance objective:

- The disposal of waste, particularly glass
- The use and maintenance of plant, including air extraction and ventilation systems
- Litter in the vicinity of the premises
- Noise from deliveries/collections to and from the premises
- Measures to control behaviour and queues
- Whether door supervisors are able to stay at the entrance to encourage quiet departure
- The provision of Hackney Carriage/Private Hire services at the premises
- Signs on doors and on tables encouraging consideration to the neighbours

9.2 Noise

Where relevant representations are made the Licensing Authority will impose conditions in relation to licensed premises to prevent unnecessary noise and disturbance to local residents where relevant representations are made. This may include restrictions on times when music or other licensable activities may take place and may impose technical restrictions on levels of sound at premises. Conditions may also be imposed requiring licensees to display signs at all exits from premises reminding customers to leave premises quietly and to respect the rights of nearby residents.

## **10. Promoting the Prevention of Children from Harm**

10.1 The Royal Borough recognises that the protection of children from harm includes the protection of children from moral, psychological and physical harm. This includes not only protecting children from the harms directly associated with alcohol consumption but also wider harms such as exposure to strong language and sexual expletives (for example, in the context of exposure to certain films or adult entertainment). The Licensing Authority will also consider the need to protect children from sexual exploitation when undertaking licensing functions.

10.2 The Royal Borough will give considerable weight to representations about child protection matters. In addition to the Local Safeguarding Children Board, the Director of Public Health may also have access to relevant evidence to inform such representations. These representations may include, amongst other things, the use of health data about harms that alcohol can cause to underage drinkers. In relation to applications for the grant of a licence in areas where evidence is presented on high levels of alcohol-related harms in persons aged under 18, the Licensing Authority will have particular regard to ensure that conditions are imposed to ensure that this objective is effectively promoted. Applicants are therefore expected to provide a robust Operating Schedule outlining in particular how they will address the prevention of children from harm objective.

- 10.3 Alcohol is often a factor in child sexual exploitation, where young people may be encouraged or coerced to drink; alcohol may also be a factor in risk taking behaviour by young people who drink irresponsibly and then get involved in activities that otherwise they would not. Nationally, evidence has been found of the sexual exploitation of children taking place on licensed premises, or licensed premises being used for the purposes of grooming and enticement.
- 10.4 The Windsor and Maidenhead Local Safeguarding Children Board (LSCB) works with other statutory authorities and the licensing trade to promote risk management and safeguarding in relation to child sexual exploitation. The LSCB can provide advice to assist licensees to identify risk and report concerns at different types of licensed premises so that children remain safe and businesses operate responsibly.
- 10.5 The Licensing Authority encourages license holders and operators of licensed premises:
- a) To ensure that they are fully aware of the signs of child sexual exploitation and to understand that the sexual exploitation of a child is sexual abuse and a criminal offence and
  - b) To raise the awareness of their staff about child sexual exploitation and provide intelligence to the appropriate authorities about concerns and about perpetrators who may be operating in their areas.
- 10.6 The LSCB, the NWG and the Royal Borough websites contain more information about child sexual exploitation matters and can be found here:  
<http://www.wamlscb.org/>  
<http://www.nwgnetwork.org/>  
[http://www.rbwm.gov.uk/web/social\\_child\\_protect.htm](http://www.rbwm.gov.uk/web/social_child_protect.htm)
- 10.7 All applicants need to demonstrate how children and young people will be safeguarded if attending the licensed premises, or how it will be ensured that they do not gain access to the premises if not appropriate. Where relevant representations are made in relation to the protection of children from harm the Licensing Authority may impose conditions restricting the access of children or excluding them altogether from licensed premises. Such conditions will be imposed for the prevention of harm to children objective. Examples of premises which may be included are:
- Where there have been convictions for serving alcohol to minors or with a reputation for under-age drinking
  - With a known association with drug taking or dealing
  - Where there is a strong element of gambling on the premises
  - Where entertainment of an adult or sexual nature is commonly provided
  - Where there is concern or evidence that young people are being exploited
- Options will include:
- Limitations on the hours when children may be present
  - Age limitations below 18
  - Limitations or exclusions when certain activities are taking place
  - Requirements for accompanying adults
  - Full exclusion of people under 18 from the premises when any licensable activities are taking place
- The provision of a full range of non-alcoholic drinks
- 10.8 Where cinemas are concerned, the Council will impose conditions that children will be restricted from viewing age-restricted films classified according to the recommendations of the British Board of Film Classification or the Local Authority itself.

- 10.9 Conditions may be imposed on licences for premises where unaccompanied children will be present at places of public entertainment to the effect that adult staff must be present to control the access and egress of children and to ensure their safety.
- 10.10 On the receipt of any application the licensing officers of the Licensing Authority will undertake a preliminary assessment as to whether Child Protection issues arise. Where it is considered that such issues are engaged the licensing officers will mark the application for the immediate attention of the Local Safeguarding Children Board with a request that any relevant representations, if required, should be made to the Licensing Authority within the relevant time period for the submission of relevant representations.

## **11. Consumption of Alcohol in Public Places**

- 11.1 The Council has adopted the relevant powers to designate parts of its area as places where alcohol may not be consumed publicly. This will be kept under review by the Council.
- 11.2 The Licensing Authority commends the Portman Group's Code of Practice on the naming, packaging and presentation of alcoholic drinks and schemes such as the BBPA's Guidelines on Trade Promotions which encourage responsible drinks promotions.

## **12. Enforcement**

- 12.1 The Licensing Team has already established joint inspections of premises together with the Thames Valley Police which is considered to be highly effective. It is proposed to continue such inspections to ensure the prevention of crime and disorder and the safety of the public. Inspections will take place at the discretion of the Team Manager and partner agencies and resources will be concentrated on areas of need. The Licensing Team will engage with other partner agencies as necessary. The council has an enforcement policy which is available on the council's website. Enforcement action will generally be taken in accordance with that policy.

## **13. Live Music, Dancing and Theatre**

- 13.1 The Licensing Authority recognises that as part of implementing its Local Cultural Strategy, proper account should be taken of the need to encourage and promote live music, dancing and theatre for the wider cultural benefit of the community. Conditions to be imposed on relevant licences will not discourage the promotion of such entertainment but will relate solely to the promotion of the licensing objectives.

## **14. Film Exhibition**

- 14.1 In connection with the film exhibition, conditions will specify that immediately before each exhibition at the premises of a film (other than a current newsreel) passed by the British Board of Film Classification, there shall be exhibited on screen for at least five seconds in such a manner as to be easily read by all persons in the auditorium a reproduction of a certificate of the Board or, as regards a trailer advertising a film, of the statement approved by the Board indicating the category of the film. For the film passed by the Council, conditions will require notices to be displayed both inside and outside the premises so that persons entering can readily read them and be aware of a category attached to any film or trailer.

## **15. Retail Radio Scheme**

- 15.1 All premises licensees will be encouraged to subscribe to the Council's award-winning Retail Radio system. For some premises it will be considered that subscription to the scheme should be a condition of the Licence to assist with the reduction of crime and disorder at the premises.

## **16. Pubwatch**

- 16.1 Where appropriate, it will be a condition that a representative of the premises' licensee shall attend the local Pubwatch or any similar scheme which may replace it. Licensees are, however, encouraged to join their local Pubwatch, regardless of the conditions of their licence.
- 16.2 Further information about the Pubwatch scheme can be viewed at [www.nationalpubwatch.org.uk/](http://www.nationalpubwatch.org.uk/) or supplied by the Licensing Team, upon request.

## **17. Transport**

- 17.1 The Council's Local Transport Plan will take into account the need to disperse people quickly and safely from Town Centres to avoid concentrations which may cause disorder and disturbance. This will also be taken into account when surveying the local Hackney Carriage trade and specific consultation with the Police will be included on that point.

## **18. Temporary Events**

- 18.1 Section 100 of the Licensing Act 2003 states that the organiser of a Temporary Event must give the Authority notice of the proposed event. Section 104 of the Act states that a copy of the Notice must also be provided to the Police and to Environmental Protection. No notification need be given to other authorities such as the Fire Authority or Planning Section by the applicant but see below.
- 18.2 Section 100 (7) of the Act states that the organiser must give the Authority a minimum of 10 clear working days notice. This does NOT include the application date, event date, weekends and bank holidays. However, in a significant number of cases this time period would not allow enough time for the organiser to liaise with the Police and other relevant bodies to ensure that the event passes off safely with minimum disturbance to local residents.
- 18.3 The Authority strongly recommends that all Temporary Event applications are received by the Authority, by Thames Valley Police and by Environmental Protection at least 28 days before the planned event. This will ensure that full discussion can occur between the organiser and any other interested parties in order that the event can take place with the minimum of risk of crime and disorder.
- 18.4 Section 107 states that a personal licence holder may hold up to 50 Temporary Events each year and a person who is not a personal licence holder may hold up to 5 such events. Each Temporary Event may last for up to 168 hours and individual premises may hold up to 12 such events per year so long as the total number of days used for these events does not exceed 21 per calendar year.
- 18.5 Late Temporary Events

Late notices can be given no later than 5 working days but no earlier than 9 working days before the event in relation to which the notice is given. If there is an objection from either the Police or Environmental Protection, the event will not go ahead and a counter notice will be issued

The number of late notices that can be given in any one calendar year is limited to 10 for personal licence holders and 2 for non-personal licence holders. These count towards the total number of temporary event notices.

## ANNEX A – POOL OF CONDITIONS

### 1. General

When applicants for premises licences or club premises certificates are preparing their operating schedules or club operating schedules, the following options should be considered as measures which, if necessary, would promote the licensing objectives.

### 2. Retail Radio

The Council's retail radio connects premises licence holders, designated premises supervisors, managers of premises and clubs to the local police can provide for rapid response by the police to situations of disorder which may be endangering the customers and staff on the premises.

The radios provide two-way communication, enabling licence holders, managers, designated premises supervisors and clubs to report incidents to the police, and enabling the police to warn those operating a large number of other premises of potential trouble-makers or individuals suspected of criminal behaviour that are about in a particular area. Radios can also be used by licence holders, door supervisors, managers, designated premises supervisors and clubs to warn each other of the presence in an area of such people.

The Secretary of State recommends that such systems should be considered appropriate necessary conditions for public houses, bars and nightclubs operating in city and town centre leisure areas with a high density of licensed premises. Following individual consideration of the particular circumstances of the venue, such conditions may also be appropriate and necessary in other areas for the prevention of crime and disorder.

A condition requiring radio links to the police will include the following elements:

- A requirement that radio equipment is kept in working order at all times;
- A requirement that the radio link be activated, made available to and monitored by the designated premises supervisor or a responsible member of staff at all times that the premises are open to the public;
- A requirement that any police instructions/directions are complied with whenever given; and
- A requirement that all instances of crime or disorder are reported via the radio by the designated premises supervisor or a responsible member of staff.

### 3. Door Supervisors

Conditions relating to the provision of door supervisors and security teams may be valuable in:

- Preventing the admission and ensuring the departure from the premises of the drunk and disorderly, without causing further disorder;
- Keeping out excluded individuals (subject to court bans or imposed by the licence holder);
- Searching and excluding those suspected of carrying illegal drugs, or carrying offensive weapons; and
- Maintaining orderly queuing outside of venues prone to such queuing.

Where door supervisors conducting security activities are to be a condition of a licence, which means that they would have to be registered with the Security Industry Authority, conditions may also need to deal with the number of such supervisors, the displaying of name badges, the carrying of proof of registration, where and at what times they should be stationed on the premises, and

whether at least one female supervisor should be available (for example, if female customers are to be the subject of body searches). Door supervisors also have a role to play in ensuring public safety.

#### **4. Bottle Bans**

Glass bottles may be used as weapons inflicting more serious harm during incidents of disorder. A condition can prevent sales of drinks in glass bottles for consumption on the premises.

A condition requiring that no sales may be made of beverages in glass bottles for consumption on the premises may include the following elements:

- No bottles containing beverages of any kind, whether open or sealed, shall be given to customers on the premises whether at the bar or by staff service away from the bar;
- No customers carrying open or sealed bottles shall be admitted to the premises at any time that the premises are open to the public (**note:** this needs to be carefully worded where off-sales also takes place).

In appropriate circumstances the condition could include exceptions, for example, as follows:

- But bottles containing wine may be sold for consumption with a table meal by customers who are seated in an area set aside from the main bar area for the consumption of food.

#### **5. Plastic Containers and Toughened Glass**

Glasses containing drinks may be used as weapons during incidents of disorder and in toughened form can cause very serious injuries. Consideration could therefore be given to conditions requiring either the use of plastic containers or toughened glass, which inflicts less severe injuries, where considered necessary. Location and style of the venue and the activities carried on there would be particularly important in assessing whether a condition is necessary. For example, the use of glass containers on terraces of some outdoor sports grounds may obviously be of concern, and similar concerns may also apply to indoor sports events such as boxing matches. Similarly, the use of such plastic containers or toughened glass during the televising of live sporting events, such as international football matches, when high states of excitement and emotion fuelled by alcohol might arise, may be a necessary condition.

It should be noted that the use of plastic or paper drinks containers and toughened glass may also be relevant as measures necessary to promote public safety.

#### **6. CCTV**

The presence of CCTV cameras can be an important means of deterring and detecting crime at and immediately outside licensed premises. Conditions should not just consider a requirement to have CCTV on the premises, but also the precise siting of each camera, the requirement to maintain cameras in working order, and to retain recordings for an appropriate period of time.

CCTV should be installed and working to the satisfaction of Thames Valley Police.

CCTV images must be kept for 31 days and made available upon the request of Thames Valley Police employees and authorised persons, as defined by Sections 13 & 69 of the Licensing Act 2003.

The DPS or nominated person should be trained on how to work the CCTV system to the standard where the nominated person can download any potential evidence required by Thames Valley Police employees or authorised persons, as defined by Sections 13 & 69 of the Licensing Act 2003.



The nominated person is responsible for supplying the necessary media (discs, data stick).

## **7. Open Containers Not To Be Taken From The Premises**

Drinks purchased in licensed premises or clubs may be taken from those premises for consumption elsewhere. Where premises are licensed for the sale of alcohol for consumption off the premises, that would be entirely lawful. However, consideration should be given to a condition preventing the taking of alcoholic and other drinks from the premises in open containers (e.g. glasses and opened bottles). This may again be necessary to prevent the use of these containers as offensive weapons in surrounding streets after individuals have left the premises.

## **8. Restrictions On Drinking Areas**

It may be necessary to restrict the areas where alcoholic drinks may be consumed in premises after they have been purchased from the bar. An example would be at a sports ground where the police consider it necessary to prevent the consumption of alcohol on the terracing of sports grounds during particular sports events. Such conditions should not only specify these areas, but indicate the circumstances in which the ban would apply and times at which it should be enforced.

## **9. Capacity Limits**

Although most commonly made a condition of a licence on public safety grounds, consideration will be given to conditions which set capacity limits for licensed premises or clubs where it may be necessary to prevent overcrowding which can lead to disorder and violence. Where such a condition is considered necessary, consideration will also be given to whether door supervisors would be needed to ensure that the numbers are appropriately controlled.

## **10. Proof of Age Cards**

It is unlawful for children under 18 to attempt to buy alcohol just as it is unlawful to sell or supply alcohol to them. To prevent such crimes, it may be necessary to require a policy to be applied at certain licensed premises requiring the production of “proof of age” before such sales are made.

## **11. Crime Prevention Notices**

It may be necessary at some premises for notices to be displayed which warn customers of the prevalence of crime which may target them. A condition attached to a premises licence or club premises certificate might require the displaying of notices at the premises which warn customers about the need to be aware of pickpockets or bag unattended because of concerns about terrorism. The notice should display the name of a contact for customers if they wished to report concerns.

## **12. Signage**

It may be necessary for the normal hours under the terms of the premises licence or club premises certificate at which licensable activities are permitted to take place to be displayed on or immediately outside the premises so that it is clear if breaches of the terms of the licence or certificate are taking place.

Similarly, it may be necessary for any restrictions on the admission of children to be displayed on or immediately outside the premises so that the consequences of breaches of these conditions would also be clear and to deter those who might seek admission in breach of those conditions.

### **13. Large Capacity Venues Used Exclusively Or Primarily For The “Vertical” Consumption Of Alcohol (Hvuds)**

Large capacity “vertical drinking” (HVVDs) are premises with exceptionally high capacities, used primarily or exclusively for the sale of alcohol, and have little or no seating for patrons.

Where necessary and appropriate, conditions will be attached to premises licences for the promotion of the prevention of crime and disorder at such premises (if not volunteered by the venue operator and following representations on such grounds) which require adherence to:

- A prescribed capacity;
- An appropriate ratio of tables and chairs to customers based on the capacity; and
- The presence of SIA registered security teams to control entry for the purpose of compliance with the capacity limit.

### **14. Disabled People**

In certain premises where existing legislation does not provide adequately for the safety of the public, consideration might also be given to conditions that ensure that:

- When disabled people are present, adequate arrangements exist to enable their safe evacuation in the event of an emergency; and disabled people on the premises are made aware of those arrangements

### **15. Escape Routes**

It may be necessary to include conditions relating to the maintenance of all escape routes and exits including external exits. These might be expressed in terms of the need to ensure that such exits are kept unobstructed, in good order with non-slippery and even surfaces, free of trip hazards and clearly identified. In restaurants and other premises where chairs and tables are provided this might also include ensuring that internal gangways are kept unobstructed.

In certain premises where existing legislation does not provide adequately for the safety of the public, consideration might also be given to conditions that ensure that:

- All exit doors are easily openable without the use of a key, card, code or similar means;
- Doors at such exists are regularly checked to ensure that they function satisfactorily and a record of the check kept;
- Any removable security fastenings are removed whenever the premises are open to the public or occupied by staff;
- All fire resisting doors to ducts, service shafts and cupboards shall be kept locked shut; and
- The edges of the treads of steps and stairways are maintained so as to be conspicuous

### **16. Safety Checks**

In certain premises where existing legislation does not provide adequately for the safety of the public or club members and guests, consideration might also be given to conditions that ensure that:

- Safety checks are carried out before the admission of the public; and
- Details of such checks are kept in a Log-book

## **17. Special Effects**

The use of special effects in venues of all kinds being used for regulated entertainment is increasingly common and can present significant risks. Any special effects or mechanical installation should be arranged and stored so as to minimise any risk to the safety of the audience, the performers and staff.

Special effects which should be considered include:

- Dry ice machines and cryogenic fog;
- Smoke machines and fog generators
- Pyrotechnics, including fireworks;
- Real flame;
- Firearms
- Motor vehicles
- Strobe lighting
- Lasers (see HSE Guide The Radiation Safety of lasers used for display purposes [HS (G)95] and BS EN 60825: Safety of laser products);
- Explosives and highly flammable substances

In certain circumstances, it may be necessary to require that certain special effects are only used with the prior notification of the Licensing Authority or inspection by the fire authority.

## **18. Conditions Relating To The Protection Of Children From Harm**

### **18.1 Access for children to licensed premises – in general**

For any premises with known associations (having been presented with evidence) with or likely to give rise to heavy or binge or underage drinking, drugs, significant gambling, or any activity of entertainment (whether regulated entertainment or not) of a clearly adult or sexual nature, there should be a strong presumption against permitting any access at all for children under 18 years. Applicants wishing to allow access for children to premises where these associations may be relevant, the purposes of obtaining or varying a premises licence or club premises certificate should:

- Explain their reasons; and
- Outline in detail the steps that they intend to take to protect children from harm on such premises.

In any other case, subject to the premises licence holder's or club's discretion, the expectation would be for unrestricted access for children subject to the terms of the 2003 Act. An operating schedule or club operating schedule should indicate any decision for the premises to exclude children completely, which would mean there would be no need to detail in the operating schedule steps that the applicant proposes to take to promote the protection of children from harm. Otherwise, where entry is to be permitted, the operating schedule should outline the steps to be taken to promote the protection of children from harm while on the premises.

### **18.2 Age restrictions – specific**

Under the 2003 Act a wide variety of licensable activities could take place at various types of premises and at different times of the day and night. Whilst it may be appropriate to allow children unrestricted access at particular times and when certain activities are not taking place, the Council following relevant representations made by responsible authorities and

interested parties will need to consider a range of conditions that are to be tailored to the particular premises and their activities where these are necessary.

The Council will consider:

- The hours of day during which age restrictions should and should not apply. For example, the fact that adult entertainment may be presented at premises after 8.00 pm does not mean that it would be necessary to impose age restrictions for earlier parts of the day;
- Types of event or activity in respect of which no age restrictions may be needed, for example;
  - Family entertainment; or
  - Non-alcohol events for young age groups, such as under 18s dances
- Similarly, types of event or activity which give rise to a more acute need for age restrictions than normal, for example;
  - During “Happy Hours” or on drinks promotion nights;
  - During activities outlined in the first bullet point in the first paragraph above.

### 18.3 Age restrictions - cinemas

The Secretary of State considers that, in addition to the mandatory condition imposed by virtue of Section 20, requiring the admission of children to films to be restricted in accordance with recommendation given either by a body designated under Section 4, the Video Recordings Act 1984 or by the Licensing Authority itself, conditions restricting the admission of children to film exhibitions should include:

- A condition that where the Council itself is to make recommendations on the admission of children to films, the cinema or venue operator must submit any film to the authority that it intends to exhibit 28 days before it is proposed to show it. This is to allow the authority time to classify it so that the premises licence holder is able to adhere to any age restrictions then imposed;
- A condition that when films are classified, by either the film classification body as specified in the licence or the Licensing Authority, they should be classified in the following way:
  - U - Universal. Suitable for audiences aged four years and over
  - PG- Parental Guidance. Some scenes may be unsuitable for young children.
  - 12A Passed only for viewing by persons aged 12 years or older or persons younger than 12 when accompanied by an adult.
  - 15- Passed only for viewing by persons aged 15 years and over
  - 18- Passed only for viewing by persons aged 18 years and over
- That conditions specify that immediately before each exhibition at the premises of a film passed by the British Board of Film Classification there shall be exhibited onscreen for at least five seconds in such a manner as to be easily read by all persons in the auditorium a reproduction of the certificate of the Board or, as regards a trailer advertising a film, of the statement approved by the Board indicating the classification of the film;

- A condition that when the Licensing Authority has made a recommendation on the restriction of admission of children to a film, notices are required to be displayed both inside and outside the premises so that persons entering can readily be made aware of the classification attached to any film or trailer. Such a condition might be expressed in the following terms.

“Where a programme includes a film recommended by the Licensing Authority as falling into the 12A, 15 or 18 category no person appearing to be under the age of 12 and unaccompanied, or under 15 or 18 as appropriate, shall be admitted to any part of the programme; and the licence holder shall display in a conspicuous position a notice in the following terms –

**PERSONS UNDER THE AGE OF [INSERT APPROPRIATE AGE] CANNOT BE ADMITTED TO ANY PART OF THE PROGRAMME**

“Where films of different categories form part of the same programme, the notice shall refer to the oldest age restriction.

This condition does not apply to members of staff under the relevant age while on-duty provided that the prior written consent of the person’s parent or legal guardian has first been obtained.”

## 18.4 Theatres

The admission of children to theatres, as with other licensed premises, is not expected to normally be restricted unless it is necessary to promote the licensing objective of the protection of children from harm. However, theatres may be the venue for a wide range of activities. The admission of children to the performance of a play is expected to normally be left to the discretion of the licence holder and no condition restricting the admission of children in such circumstances may be necessary. Entertainment may also be presented at theatres specifically for children (see below).

## 18.5 Performances especially for children

Where performances are presented especially for unaccompanied children in theatres and cinemas conditions are anticipated to be needed which require:

- An attendant to be stationed in the area(a) occupied by the children, in the vicinity of each exit, provided that on each level occupied by children the minimum number of attendants on duty should be one attendant per 50 children or part thereof.
- The Council, having regard to any representations made by responsible authorities on the issue, will also consider whether or not standing should be allowed. For example, there may be reduced risk for children in the stalls than at other levels or areas in the building.

## 18.6 Children in performances

The Council may consider the following matters:

- **Venue** – the backstage facilities should be large enough to accommodate safely the number of children taking part in any performance.

- **Fire safety** – all chaperones and production crew on the show should receive instruction on the fire procedures applicable to the venue prior to the arrival of the children.
- **Special effects** - it may be inappropriate to use certain special effects, including smoke, dry ice, rapid pulsating or flashing lights, which may trigger adverse reactions especially with regard to children.
- **Care of children** – theatres, concert halls and similar places are places of work and may contain a lot of potentially dangerous equipment. It is therefore important that children performing at such premises are kept under adult supervision at all times including transfer from stage to dressing room and anywhere else on the premises. It is also important that the children can be accounted for at all times in case of an evacuation or emergency.

## **18.7 The Portman Group Code of Practice on the naming, packaging and promotion of alcoholic drinks**

Where appropriate and necessary, consideration can be given to attaching conditions to premises licences and club premises certificates that require compliance with the Portman Group's Retailer Alert Bulletin.

## **18.8 Proof of Age cards**

Where necessary and appropriate, a requirement for the production of proof of age cards before any sale of alcohol is made could be attached to any premises licence or club premises certificate for the protection of children from harm.

## ANNEX B - LICENSING AND PLANNING PROTOCOL

Licensing and Planning are two separate regimes. As a matter of law the Licensing Authority could not refuse an application because of the absence of appropriate planning consent. However the Licensing Authority would generally expect applicants to have planning and other permissions required for lawful operation of the premises in place at the time of the licensing application. For the avoidance of doubt, the granting of any variation to an existing licence which involves a material alteration to a building does not relieve the applicant of the need to apply for planning permission, listed building consent or building regulations approval where appropriate.

The Licensing Authority has recognised that the overlap between the objectives of licensing and planning are a source of confusion for operators and the wider community. It is clear that planning, building control and licensing should properly be separated to avoid duplication and inefficiency. This is relatively easy to state but much harder to formulate any general principle that would assist in demarcating the respective competences of the planning and licensing authorities.

It may however be generally stated that the framework and substance of the Licensing Act 2003, and its underlying rationale, would strongly suggest that operational matters are intended primarily for regulation by the licensing authorities.

There can, however, be no hard-and-fast rule the planning context in respect of the land use principles and the operational matters thereto is complex and there is likely to be a multiplicity of situations. In appropriate circumstances the planning authority may impose conditions on granting permission for licensed premises that concern operational matters and there may be cases where the planning authority could properly leave such matters to be regulated by the Licensing Authority. Each case has to be considered upon its own facts.

The inevitable confusion that arises in the practical application of overlapping yet separate regimes undermines the key aim and purpose of greater community involvement in licensing decisions. The Royal Borough has developed a Licensing and Planning Protocol to assist in the proper demarcation of the respective competencies of the licensing and planning regimes.

### Context

The Licensing Act 2003 is the legislation that regulates the operation of licensed premises. The licensee is held as responsible for the proper operation of the premises. The licensing objectives are:

- The prevention of crime and disorder
- Public safety
- The prevention of public nuisance
- The protection of children from harm.

The Planning Act 2008 is clear that planning permission runs with the land; all planning decisions should be made in line with the national and local planning policies and should balance the environmental, social and economic impacts of a development.

There is a tension between the two legislative frameworks when it comes to the management of the night-time economy. The Royal Borough has in the past used planning conditions to limit the hours of operation of licensed premises and has also imposed similar restrictions on licences via licence conditions.

However, because the legal considerations and policy framework are different for the two processes there is, in theory and in practice, the possibility of a licensed premises having a planning condition stating one “closing time” and a licence condition stating another. This is unhelpful not only to the proprietor/operator of the premises, but also to local residents, and hinders the effective management of the night time economy locally.

The Council has a responsibility to take into account the expectations of local residents to be able to live in peace and enjoy their homes without unreasonable noise, disturbance or fear of crime. Therefore it is an important duty of the Council to manage effectively the night time economy wherever licensed premises exist.

The most flexible and proactive tool to manage these premises is the licensing regime - as any issues arising through mismanagement of opening hours conditions can be dealt with through the current well-established licence review process.

Having a generic regime responsible for the hours of operation of these premises will mean that there is greater clarity for residents and licensees, a single point of responsibility for enforcement and simpler town centre management.

## Aims

This protocol sets out the mechanisms by which the Royal Borough:

- a) will deal, through its Licensing and Planning teams, with Licence and Planning applications made by new licensed premises; and
- b) will enforce existing “hours of use” restrictions

The operation of this protocol will be reviewed at 6-monthly intervals (every April and October) by the Lead Members for Planning and Property and for Environmental Services - in conjunction with the Head of Planning & Property Services and the Head of Public Protection.

## Planning Applications

- the Royal Borough’s Planning team will, within 5 working days of receipt, inform the Licensing team of all new applications made to it by premises that are likely to require a licence under the Licensing Act 2003
- the Licensing Team will then confer with the Planning team as to whether the premises is likely to require a licence under the 2003 Act
- if the premises are likely to require such a licence, then when granting planning permission the Royal Borough’s Planning team will not include any planning conditions that control the premise’s hours of operation

## Licensing Applications

- applicants are already required by statute to send a copy of their application to the Royal Borough’s Planning team
- the Planning team will ensure that all copies received are considered jointly by both Development Control Planning Officers and by the Planning Enforcement team



- after such consideration, Development Control Planning Officers will discuss the application with the relevant Ward Members in order that a judgement on the proposed licensed hours can be made from a planning point of view – to see if a relevant objection needs to be mounted or a concern raised with the Licensing team
- if it is felt that an objection or concern should be raised, Development Control Planning Officers will raise the matter with the Licensing team within 10 working days of receipt of the copy application

With existing licensed premises, where there is a discrepancy in relation to “closing hours” between a licence condition and a planning condition then either:

- a. a licensing condition will specify an earlier closing time, or
- b. a planning condition will specify an earlier closing time

The Royal Borough’s Licensing and Planning teams will each maintain a register of premises that have conflicting conditions in relation to closing hours.

If a licence condition specifies an earlier closing time, then the Royal Borough’s Licensing team will enforce the condition in the same way that they have done since the Licensing Act 2003 was implemented.

This entails the use of an annual programmed set of proactive night-time and weekend operations, as well as responding to changes in the Royal Borough’s night-time economy and responding to complaints made by residents, the police and other concerned parties and to any intelligence received.

If a planning condition specifies an earlier closing time then the Royal Borough’s Planning Enforcement team will continue to enforce the condition in its traditional manner.

In addition, however, all existing Licensing Officers will be authorised under the relevant Planning legislation in order to assist in the enforcement of earlier planning condition closing times.

During the course of their normal enforcement duties outlined above, Licensing Officers will, when encountering premises that are allegedly breaching an earlier planning condition closing time:

- remind licensees of their planning conditions and encourage licensees to abide by them
- capture evidence and report the matter to the Planning Enforcement team
- provide relevant witness statements if subsequently requested by the Planning Enforcement team, and
- if required, act as witnesses in any subsequent legal proceedings should formal action be pursued

Both Licensing and Planning teams will also ensure that Lead Members are informed of any and all enforcement actions at their normal Lead Member briefings.

## ANNEX C - DELEGATION OF FUNCTIONS

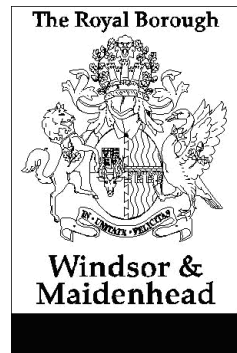
The delegations of functions in relation to Licensing matters are as follows:

<u>Matter to be dealt with</u>	<u>Licensing Panel</u>	<u>Sub Committee</u>	<u>Officers</u>
Application for personal licence		If an objection made	If no objection made
Application for personal licence with unspent convictions		All cases	
Application for premises licence/club premises certificate		If a representation made	If no representation made
Application for provisional statement		If a representation made	If no representation made
Application to vary premises licence/club premises certificate		If a representation made	If no representation made
Application to vary Designated Premises Supervisor		If Police objection	All other cases
Request to be removed as Designated Premises Supervisor			All cases
Application for transfer of premises licence		If Police objection	All other cases
Applications for Interim Authorities		If Police objection	All other cases
Application to review premises licence/club premises certificate		All cases	
Decision on whether a complaint is irrelevant, frivolous, vexatious etc.			All cases
Decision to object when Local Authority is a consultee and not the relevant authority considering the application		All cases	
Determination of a Police objection to a temporary event notice		All cases	
Applications for minor variations			All cases
Delegation of authority in relation to powers of entry			Community Protection and Enforcement Lead
Authority to make a representation on behalf of the Licensing Authority as a responsible or to review a licence on behalf of the Licensing Authority			Community Protection and Enforcement Lead



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Report for:  
ACTION



<b>Contains Confidential or Exempt Information</b>	No – Part I
<b>Title</b>	<b>Statement of Principles – Gambling Act 2005</b>
<b>Responsible Officer(s)</b>	Craig Miller - Community Protection & Enforcement Services Lead
<b>Contact officer, job title and phone number</b>	Steve Johnson – Enforcement Principal 01628 683555
<b>Member reporting</b>	Cllr Asghar Majeed
<b>For Consideration By</b>	Council
<b>Date to be Considered</b>	15 December 2015
<b>Implementation Date if Not Called In</b>	1 January 2016
<b>Affected Wards</b>	All
<b>Keywords/Index</b>	Gambling Policy

### Report Summary

1. The Gambling Act 2005 requires the council as the licensing authority to have in place a “Statement of Principles” in relation to gambling in its area.
2. The existing Statement has been in effect since 2013 The attached draft is intended to replace that document and will be in force from 1<sup>st</sup> January 2016 for a 3 year period when it will be revised again.
3. The draft Statement, which mirrors the wording of the existing one, has been through the required consultation period - and the Licensing Panel of 13<sup>th</sup> October recommended that it be adopted by RBWM’s Full Council.

### If recommendations are adopted, how will residents benefit?

Benefits to residents and reasons why they will benefit	Dates by which residents can expect to notice a difference
1. The Statement of Principles will ensure that the objectives of the Gambling Act 2005 are met so that the gambling activities authorised by the Council do not have any adverse effect on the lives of the residents of the Royal Borough.	1 <sup>st</sup> January 2016

## 1. Details of Recommendations

**RECOMMENDATION: That Council adopt the attached Gambling Act 2005 “Statement of Principles” for a 3 year period beginning on 1<sup>st</sup> January 2016.**

## 2. Reason for Recommendation(s) and Options Considered

- 2.1 It is a statutory requirement of the Gambling Act 2005 for a licensing authority like the Royal Borough to publish a Statement of the Principles which they propose to apply when exercising their functions under the Act. The Statement must be published at least every 3 years – and the Royal Borough’s current Statement was published in January 2010.
- 2.2 Gambling is a relatively low level activity in the Royal Borough’s area. There are 22 bookmakers, two racetracks and one adult entertainment centre (that allows gambling via slot machines).
- 2.3 There have been no problems associated with any of these premises over the past three years and there have been no complaints about the licensable activities at these premises.
- 2.4 The Council also authorises Society lotteries for organisations such as Parent Teacher Associations and Charities. Once again, this is relatively low level work and relatively few problems arise.
- 2.5 The Gambling Act 2005 provides for objectives which are to be the guiding principles in dealing with any applications made under the Act. These are as follows:
- i) preventing gambling from being a source of crime and disorder, being associated with crime and disorder or being used to support crime
  - ii) ensuring that gambling is being conducted in a fair open way
  - iii) protecting children and other vulnerable persons from being harmed or exploited by gambling.

These objectives are expanded on in the draft Statement of Principles but they follow similar lines to the Licensing Act 2003 with which Members are now very familiar.

- 2.6 At the July 2015 Licensing Panel, Members approved a draft wording of the new Statement of Principles (attached as Appendix A) and, in accordance with the Act and supporting regulations, authorised the Community Protection & Enforcement Services Lead to undertake a consultation exercise with interested bodies on the proposed Statement.
- 2.7 There was only one response to that consultation which was actually about the way the Statement is interpreted and put into practice. It therefore did not necessitate any amendment to the wording of the Statement that had been approved by Members at the July Panel.
- 2.8 So, at the October 2015 Licensing Panel, Members unanimously resolved to recommend that the draft Statement of Gambling Principles attached to this

report be adopted by RBWM's Full Council.

Option	Comments
This is a statutory requirement and the council is required to comply.	There are no options other than amendments to the wording approved by Members at the October 2015 Licensing Panel.

### 3. Key Implications

Defined Outcomes	Unmet	Met	Exceeded	Significantly Exceeded	Date they should be delivered by
% change in annual overall complaints regarding licensable activities at Gambling premises	>0 %	0% to -2%	-2% to -10%	>- 10%	1st January 2017
% change in annual crime & disorder incidents where gambling is a factor	>0 %	0% to -2%	-2% to -10%	>- 10%	1st January 2017
% change in annual incidents involving children and gambling	>0 %	0% to -2%	-2% to -10%	>- 10%	1st January 2017

### 4. Financial Details

There are no financial implications as a result of this report

### 5. Legal Implications

The council, as a licensing authority, must publish a Statement of Principles in order to comply with Section 349 of the Gambling Act 2005

### 6. Value for Money

N/A

### 7. Sustainability Impact Appraisal

There are no significant sustainable development impacts resulting from this.

### 8. Risk Management

Risks	Uncontrolled Risk	Controls	Controlled Risk
Non-compliance with a statutory requirement	Statement is not put in place	Statement is reviewed and published every 3 years	Statement is available on the borough's website

## 9. Links to Strategic Objectives

The main links are to:

### Residents First

- Support Children and Young People
- Work for safer and stronger communities

### Delivering Together

- Enhanced Customer Services
- Deliver Effective Services

## 10. Equalities, Human Rights and Community Cohesion

None.

## 11. Staffing/Workforce and Accommodation implications:

None.

## 12. Property and Assets

None

## 13. Any other implications:

None.

## 14. Consultation

The list those consulted is shown below. In addition the draft statement has been available on the Council's website.

## 15. Timetable for Implementation

The new policy must be in effect by 1<sup>st</sup> January 2016.

## 16. Appendices

Appendix A - Draft Statement of Principles, Gambling Act 2005

## 17. Background Information

Section 349 of the Gambling Act 2005

## 18. Consultation (Mandatory)

Name of consultee	Post held and Department	Date sent	Date received	See comments in paragraph:
<b>Internal</b>				
Cllr Burbage	Leader of the Council	01/12/2015	02/12/2015	
Cllr Cox	Lead Member	26/11/2015	30/11/2015	
Cllr Majeed	Licensing Panel Chairman	26/11/2015	30/11/2015	
Simon Fletcher	Strategic Director of Operations	26/11/2015		
Will Cottrell	Shared Legal Services	02/12/2015		
<b>External</b>				
	Chief Officer of Police for the Authority's Area. GAMCARE.	August 2015		



	Those representing the interests of persons carrying on gambling businesses in the Council's area. Parish Councils All Members of RBWM			
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**Report History**

<b>Decision type:</b>	<b>Urgency item?</b>
	No

Full name of report author	Job title	Full contact no:
Steve Johnson	Enforcement Principal	01628 683555

APPENDIX A

THE ROYAL BOROUGH OF WINDSOR AND  
MAIDENHEAD

DRAFT

**Statement  
of  
Principles  
Gambling Act 2005**



# THE ROYAL BOROUGH OF WINDSOR AND MAIDENHEAD

## DRAFT STATEMENT OF PRINCIPLES

### GAMBLING ACT 2005

January 2016

#### PART A

##### **1. The Licensing Objectives**

In exercising most of their functions under the Gambling Act 2005, licensing authorities must have regard to the licensing objectives as set out in Section 1 of the Act. The licensing objectives are:

- Preventing gambling from being a source of crime or disorder, being associated with crime or disorder or being used to support crime
- Ensuring that gambling is conducted in a fair and open way
- Protecting children and other vulnerable persons from being harmed or exploited by gambling

It should be noted that the Gambling Commission has stated: “The requirement in relation to children is explicitly to protect them from being harmed or exploited by gambling”.

This licensing authority is aware that, as per Section 153, in making decisions about premises licences and temporary use notices it should aim to permit the use of premises for gambling in so far as it thinks it:

- in accordance with any relevant code of practice issued by the Gambling Commission
- in accordance with any relevant guidance issued by the Gambling Commission
- Reasonably consistent with the licensing objectives and
- in accordance with the authority’s statement of licensing policy

##### **2. Introduction**

The Royal Borough of Windsor and Maidenhead is a Unitary Authority with an estimated population of 146,335 covering 76 square miles.

Under Section 349 of the Gambling Act, licensing authorities are required to publish a statement of the principles which they propose to apply when exercising their functions. This statement must be published at least every three years. The statement must also be reviewed from “time to time” and any amended parts re-consulted upon. The statement must be then re-published.

The Council consulted widely upon this statement before finalising and publishing. A list of those persons consulted is provided below. It should be noted that unsolicited comments were received from other persons but we have not listed all of these.

The Gambling Act requires that the following parties are consulted by licensing authorities:

- The Chief Officer of Police;
- One or more persons who appear to the authority to represent the interests of persons carrying on gambling businesses in the authority’s area;

- One or more persons who appear to the authority to represent the interests of persons who are likely to be affected by the exercise of the authority's functions under the Gambling Act 2005.

List of persons this authority consulted:

- The Thames Valley Police
- RBWM Services
- Parish Councils
- Gamcare – Gambling Charity
- The Racecourse Association Limited
- Windsor Racecourse
- Ascot Racing Limited
- British Beer and Pub Association
- Association of British Bookmakers
- British Amusement Catering Trades Association

Our consultation took place between July and September 2015 and we followed the Cabinet Office's Consultation Principles (published July 2012).

The full list of comments made and the consideration by the Council of those comments is available by request to Alan Barwise, Team Leader – Licensing.

The policy was approved at a meeting of the Full Council on *[date to be inserted]* and was published via our website on *[date to be inserted]*. Copies were placed in the public libraries of the area as well as being available in the Town Hall.

Should you have any comments as regards this policy statement please send them via e-mail or letter to the following contact:

Name: Alan Barwise, Team Leader - Licensing  
Address: RBWM – York House, Sheet Street, Windsor, SL4 1DD  
Email: [alan.barwise@rbwm.gov.uk](mailto:alan.barwise@rbwm.gov.uk)

It should be noted that this statement of licensing principles will not override the right of any person to make an application, make representations about an application, or apply for a review of a licence, as each will be considered on its own merits and according to the statutory requirements of the Gambling Act 2005.

### **3. Declaration**

In producing the final statement, this licensing authority declares that it has had regard to the licensing objectives of the Gambling Act 2005, the Guidance to Licensing Authorities issued by the Gambling Commission, and any responses from those consulted on the statement.

#### **4. Responsible Authorities**

The licensing authority is required by regulations to state the principles it will apply in exercising its powers under Section 157(h) of the Act to designate, in writing, a body which is competent to advise the authority about the protection of children from harm. The principles are:

- the need for the body to be responsible for an area covering the whole of the licensing authority's area; and
- the need for the body to be answerable to democratically elected persons, rather than any particular vested interest group.

In accordance with the suggestion in the Gambling Commission's Guidance to Licensing Authorities, this authority designates the Local Safeguarding Children Board for this purpose.

The contact details of all the Responsible Authorities under the Gambling Act 2005 are available via the Council's website at: [www.rbwm.gov.uk](http://www.rbwm.gov.uk)

#### **5. Interested parties**

Interested parties can make representations about licence applications, or apply for a review of an existing licence. These parties are defined in the Gambling Act 2005 as follows:

"For the purposes of this Part a person is an interested party in relation to an application for or in respect of a premises licence if, in the opinion of the licensing authority which issues the licence or to which the applications is made, the person-

- a) lives sufficiently close to the premises to be likely to be affected by the authorised activities,
- b) has business interests that might be affected by the authorised activities, or
- c) represents persons who satisfy paragraph (a) or (b)"

The licensing authority is required by regulations to state the principles it will apply in exercising its powers under the Gambling Act 2005 to determine whether a person is an interested party. The principles are:

Each case will be decided upon its merits. This authority will not apply a rigid rule to its decision making. It will consider the examples of considerations provided in the Gambling Commission's Guidance to Licensing Authorities at 8.9 to 8.17. It will also consider the Gambling Commission's Guidance that "has business interests" should be given the widest possible interpretation and include partnerships, charities, faith groups and medical practices.

Interested parties can be persons who are democratically elected such as councillors and MP's. No specific evidence of being asked to represent an interested person will be required as long as the councillor / MP represents the ward likely to be affected. Likewise, parish councils likely to be affected will be considered to be interested parties. Other than these however, this authority will generally require written evidence that a person/body (e.g. an advocate / relative) 'represents' someone who either lives sufficiently close to the premises to be likely to be affected by the authorised activities and/or has business interests that might be affected by the authorised activities. A letter from one of these persons, requesting the representation is sufficient.

If individuals wish to approach councillors to ask them to represent their views then care should be taken that the councillors are not part of the Licensing Panel dealing with the licence application. If there are any doubts then please contact the licensing team, York House, Sheet Street, Windsor, SL4 1DD or by email: [licensing@rbwm.gov.uk](mailto:licensing@rbwm.gov.uk).

## **6. Exchange of Information**

Licensing authorities are required to include in their statements the principles to be applied by the authority in exercising the functions under Sections 29 and 30 of the Act with respect to the exchange of information between it and the Gambling Commission, and the functions under Section 350 of the Act with respect to the exchange of information between it and the other persons listed in Schedule 6 to the Act.

The principle that this licensing authority applies is that it will act in accordance with the provisions of the Gambling Act 2005 in its exchange of information which includes the provision that the Data Protection Act 1998 will not be contravened. The licensing authority will also have regard to any Guidance issued by the Gambling Commission on this matter, as well as any relevant regulations issued by the Secretary of State under the powers provided in the Gambling Act 2005.

Should any protocols be established as regards information exchange with other bodies then they will be made available.

Please contact the licensing team for further information on our protocols.

## **7. Enforcement**

Licensing authorities are required by regulation under the Gambling Act 2005 to state the principles to be applied by the authority in exercising the functions under Part 15 of the Act with respect to the inspection of premises; and the powers under Section 346 of the Act to institute criminal proceedings in respect of the offences specified.

This licensing authority's principles are that:

It will be guided by the Gambling Commission's Guidance to Licensing Authorities and will endeavour to be:

- Proportionate: regulators should only intervene when necessary: remedies should be appropriate to the risk posed, and costs identified and minimised;
- Accountable: regulators must be able to justify decisions, and be subject to public scrutiny;
- Consistent: rules and standards must be joined up and implemented fairly;
- Transparent: regulators should be open, and keep regulations simple and user friendly; and
- Targeted: regulation should be focused on the problem, and minimise side effects.

As per the Gambling Commission's Guidance to Licensing Authorities this licensing authority will endeavour to avoid duplication with other regulatory regimes so far as possible.

This licensing authority has adopted and implemented a risk-based inspection programme, based on;

- The licensing objectives
- Relevant codes of practice
- Guidance issued by the Gambling Commission, in particular at Part 36
- The principles set out in this statement of licensing policy

The main enforcement and compliance role for this licensing authority in terms of the Gambling Act 2005 is to ensure compliance with the premises licences and other permissions which it authorises. The Gambling Commission is the enforcement body for the operating and personal licences. It is also worth noting that concerns about manufacture, supply or repair of gaming machines are not dealt with by the licensing authority but should be notified to the Gambling Commission.

This licensing authority also keeps itself informed of developments as regards the work of the Better

Regulation Executive in its consideration of the regulatory functions of local authorities.

Bearing in mind the principle of transparency, this licensing authority's enforcement/compliance protocols/written agreements are available upon request to the licensing team. Our risk methodology is also available upon request.

## **8. Licensing authority functions**

Licensing authorities are required under the Act to:

- Be responsible for the licensing of premises where gambling activities are to take place by issuing *Premises Licences*
- Issue *Provisional Statements*
- Regulate *members' clubs* and *miners' welfare institutes* who wish to undertake certain gaming activities via issuing Club Gaming Permits and/or Club Machine Permits
- Issue *Club Machine Permits* to *Commercial Clubs*
- Grant permits for the use of certain lower stake gaming machines at *unlicensed Family Entertainment Centres*
- Receive notifications from alcohol licensed premises (under the Licensing Act 2003) for the use of two or fewer gaming machines
- Issue *Licensed Premises Gaming Machine Permits* for premises licensed to sell/supply alcohol for consumption on the licensed premises, under the Licensing Act 2003, where there are more than two machines
- Register *small society lotteries* below prescribed thresholds
- Issue *Prize Gaming Permits*
- Receive and Endorse *Temporary Use Notices*
- Receive *Occasional Use Notices*
- Provide information to the Gambling Commission regarding details of licences issued (see section above on 'information exchange')
- Maintain registers of the permits and licences that are issued under these functions

It should be noted that licensing authorities are not be involved in licensing remote gambling at all, which is regulated by the Gambling Commission via operating licences.

## **PART B PREMISES LICENCES: CONSIDERATION OF APPLICATIONS**

### **1. General Principles**

Premises licences are subject to the requirements set-out in the Gambling Act 2005 and regulations, as well as specific mandatory and default conditions which are detailed in regulations issued by the Secretary of State. The Council can exclude default conditions and also attach others, where it is believed to be appropriate.

#### **(i) Decision-making**

This licensing authority is aware that in making decisions about premises licences it should aim to permit the use of premises for gambling in so far as it thinks fit:

- in accordance with any relevant code of practice issued by the Gambling Commission;
- in accordance with any relevant guidance issued by the Gambling Commission;
- reasonably consistent with the licensing objectives; and

- in accordance with the authority's statement of licensing policy.

It is appreciated that as per the Gambling Commission's Guidance to Licensing Authorities "moral objections to gambling are not a valid reason to reject applications for premises licences" (except as regards any 'no casino resolution' - see section on Casinos - page 12) and also that unmet demand is not a criterion for a licensing authority.

**(ii) Definition of "premises"**

In the Act, "premises" is defined as including "any place". Section 152 therefore prevents more than one premises licence applying to any place. But a single building could be subject to more than one premises licence, provided they are for different parts of the building and the different parts of the building can be reasonably regarded as being different premises. This approach has been taken to allow large, multiple unit premises such as a pleasure park, pier, track or shopping mall to obtain discrete premises licences, where appropriate safeguards are in place. However, the Council will pay particular attention if there are issues about sub-divisions of a single building or plot and should ensure that mandatory conditions relating to access between premises are observed.

The Gambling Commission states in the fifth edition of its Guidance to Licensing Authorities that: "In most cases the expectation is that a single building / plot will be the subject of an application for a licence, for example, 32 High Street. But, that does not mean 32 High Street cannot be the subject of separate premises licences for the basement and ground floor, if they are configured acceptably. Whether different parts of a building can properly be regarded as being separate premises will depend on the circumstances. The location of the premises will clearly be an important consideration and the suitability of the division is likely to be a matter for discussion between the operator and the licensing authority. However, the Commission does not consider that areas of a building that are artificially or temporarily separated, for example by ropes or moveable partitions, can properly be regarded as different premises. If a premises is located within a wider venue, a licensing authority should request a plan of the venue on which the premises should be identified as a separate unit."

This licensing authority takes particular note of the Gambling Commission's Guidance to Licensing Authorities which states that: licensing authorities should take particular care in considering applications for multiple licences for a building and those relating to a discrete part of a building used for other (non-gambling) purposes. In particular they should be aware of the following:

- The third licensing objective seeks to protect children from being harmed by gambling. In practice that means not only preventing them from taking part in gambling, but also preventing them from being in close proximity to gambling. Therefore premises should be configured so that children are not invited to participate in, have accidental access to or closely observe gambling where they are prohibited from participating.
- Entrances to and exits from parts of a building covered by one or more premises licences should be separate and identifiable so that the separation of different premises is not compromised and people do not "drift" into a gambling area. In this context it should normally be possible to access the premises without going through another licensed premises or premises with a permit.
- Customers should be able to participate in the activity names on the premises licence.

The Guidance also gives a list of factors which the licensing authority is aware of, which may include:

- Is a separate registration for business rates in place for the premises?
- Is the premises' neighbouring premises owned by the same person or someone else?
- Can each of the premises be accessed from the street or a public passageway?
- Can the premises only be accessed from any other gambling premises?



This authority will consider these and other relevant factors in making its decision, depending on all the circumstances of the case.

**The Gambling Commission's relevant access provisions for each premises type are reproduced below:**

7.23:

**Casinos**

- The principal access entrance to the premises must be from a street (as defined at 7.21 of the Guidance)
- No entrance to a casino must be from premises that are used wholly or mainly by children and/or young persons
- No customer must be able to enter a casino directly from any other premises which holds a gambling premises licence

**Adult Gaming Centre**

- No customer must be able to access the premises directly from any other licensed gambling premises

**Betting Shops**

- Access must be from a street (as per paras 7.21 and 7.23 Guidance to Licensing Authorities) or from another premises with a betting premises licence
- No direct access from a betting shop to another premises used for the retail sale of merchandise or services. In effect there cannot be an entrance to a betting shop from a shop of any kind unless that shop is itself a licensed betting premises.

**Tracks**

- No customer should be able to access the premises directly from:
  - a casino
  - an adult gaming centre

**Bingo Premises**

- No customer must be able to access the premise directly from:
  - a casino
  - an adult gaming centre
  - a betting premises, other than a track

**Family Entertainment Centre**

- No customer must be able to access the premises directly from:
  - a casino
  - an adult gaming centre
  - a betting premises, other than a track

Part 7 of the Gambling Commission's Guidance to Licensing Authorities contains further guidance on this issue, which this authority will also take into account in its decision-making.

**(iii) Premises "ready for gambling"**

The Guidance states that a licence to use premises for gambling should only be issued in relation to premises that the licensing authority can be satisfied are going to be ready to be used for gambling in the

reasonably near future, consistent with the scale of building or alterations required before the premises are brought into use.

If the construction of a premises is not yet complete, or if they need alteration, or if the applicant does not yet have a right to occupy them, then an application for a provisional statement should be made instead.

In deciding whether a premises licence can be granted where there are outstanding construction or alteration works at a premises, this authority will determine applications on their merits, applying a two stage consideration process:-

- First, whether the premises ought to be permitted to be used for gambling
- Second, whether appropriate conditions can be put in place to cater for the situation that the premises are not yet in the state in which they ought to be before gambling takes place.

Applicants should note that this authority is entitled to decide that it is appropriate to grant a licence subject to conditions, but it is not obliged to grant such a licence.

More detailed examples of the circumstances in which such a licence may be granted can be found at paragraphs 7.58-7.65 of the Guidance.

#### **(iv) Location**

This licensing authority is aware that demand issues cannot be considered with regard to the location of premises but that considerations in terms of the licensing objectives are relevant to its decision-making. As per the Gambling Commission's Guidance to Licensing Authorities, this authority will pay particular attention to the protection of children and vulnerable persons from being harmed or exploited by gambling, as well as issues of crime and disorder. Should any specific policy be decided upon as regards areas where gambling premises should not be located, this statement will be updated. It should be noted that any such policy does not preclude any application being made and each application will be decided on its merits, with the onus upon the applicant showing how potential concerns can be overcome.

#### **(v) Planning:**

The Gambling Commission Guidance to Licensing Authorities states:

7.58 –

In determining applications, the licensing authority should not take into consideration matters that are not related to gambling and the licensing objectives. One example would be the likelihood of the applicant obtaining planning permission or building regulations approval for their proposal.

This authority will not take into account irrelevant matters as per the above guidance. In addition this authority notes the following excerpt from the Guidance:

7.65 -

When dealing with a premises licence application for finished buildings, the licensing authority should not take into account whether those buildings have to comply with the necessary planning or building consents. Nor should fire or health and safety risks be taken into account. Those matters should be dealt with under relevant planning control, building and other regulations, and must not form part of the consideration for the premises licence. S.210 of the Act prevents licensing authorities taking into account the likelihood of the proposal by the applicant obtaining planning or building consent when considering a premises licence application. Equally, the grant of a gambling premises licence does not prejudice or prevent any action that may be appropriate under the law relating to planning or building.

**(vi) Duplication with other regulatory regimes**

This licensing authority seeks to avoid any duplication with other statutory / regulatory systems where possible, including planning. This authority will not consider whether a licence application is likely to be awarded planning permission or building regulations approval, in its consideration of it. It will though, listen to, and consider carefully, any concerns about conditions which are not able to be met by licensees due to planning restrictions, should such a situation arise.

When dealing with a premises licence application for finished buildings, this authority will not take into account whether those buildings have to comply with the necessary planning or buildings consents. Fire or health and safety risks will not be taken into account, as these matters are dealt with under relevant planning control, buildings and other regulations and must not form part of the consideration for the premises licence.

**Licensing objectives** - Premises licences granted must be reasonably consistent with the licensing objectives. With regard to these objectives, this licensing authority has considered the Gambling Commission's Guidance to Licensing Authorities and some comments are made below.

**Preventing gambling from being a source of crime or disorder, being associated with crime or disorder or being used to support crime** - This licensing authority is aware that the Gambling Commission takes a leading role in preventing gambling from being a source of crime. The Gambling Commission's Guidance does however envisage that licensing authorities should pay attention to the proposed location of gambling premises in terms of this licensing objective. Thus, where an area has known high levels of organised crime this authority will consider carefully whether gambling premises are suitable to be located there and whether conditions may be suitable such as the provision of door supervisors. This licensing authority is aware of the distinction between disorder and nuisance and will consider factors (for example whether police assistance was required and how threatening the behaviour was to those who could see it) so as to make that distinction.

**Ensuring that gambling is conducted in a fair and open way** - This licensing authority has noted that the Gambling Commission states that it generally does not expect licensing authorities to be concerned with ensuring that gambling is conducted in a fair and open way as this will be addressed via operating and personal licences. *For Local Authorities with tracks:* There is however, more of a role with regard to tracks which is explained in more detail in the 'tracks' section – see page 14).

**Protecting children and other vulnerable persons from being harmed or exploited by gambling** - This licensing authority has noted the Gambling Commission's Guidance that this objective means preventing children from taking part in gambling (as well as restriction of advertising so that gambling products are not aimed at or are, particularly attractive to children). The licensing authority will therefore consider, as suggested in the Gambling Commission's Guidance, whether specific measures are required at particular premises, with regard to this licensing objective. Appropriate measures may include supervision of entrances / machines, segregation of areas etc.

This licensing authority is also aware of the Gambling Commission Codes of Practice as regards this licensing objective, in relation to specific premises.

As regards the term “vulnerable persons” it is noted that the Gambling Commission does not seek to offer a definition but states that “it will for regulatory purposes assume that this group includes people who gamble more than they want to; people who gambling beyond their means; and people who may not be able to make informed or balanced decisions about gambling due to a mental impairment, alcohol or drugs. In relation to this definite re licensing authority included people with a mental illness and people with a learning

difficulty. This licensing authority will consider this licensing objective on a case by case basis.

**Conditions** - Any conditions attached to licences will be proportionate and will be:

- relevant to the need to make the proposed building suitable as a gambling facility;
- directly related to the premises and the type of licence applied for;
- fairly and reasonably related to the scale and type of premises; and
- reasonable in all other respects.

Decisions upon individual conditions will be made on a case by case basis, although there will be a number of measures this licensing authority will consider utilising should there be a perceived need, such as the use of supervisors, appropriate signage for adult only areas etc. There are specific comments made in this regard under some of the licence types below. This licensing authority will also expect the licence applicant to offer his/her own suggestions as to ways in which the licensing objectives can be met effectively.

This licensing authority will also consider specific measures which may be required for buildings which are subject to multiple premises licences. Such measures may include the supervision of entrances; segregation of gambling from non-gambling areas frequented by children; and the supervision of gaming machines in non-adult gambling specific premises in order to pursue the licensing objectives. These matters are in accordance with the Gambling Commission's Guidance.

This authority will also ensure that where category C or above machines are on offer in premises to which children are admitted:

- all such machines are located in an area of the premises which is separated from the remainder of the premises by a physical barrier which is effective to prevent access other than through a designated entrance;
- only adults are admitted to the area where these machines are located;
- access to the area where the machines are located is supervised;
- the area where these machines are located is arranged so that it can be observed by the staff or the licence holder; and
- at the entrance to and inside any such areas there are prominently displayed notices indicating that access to the area is prohibited to persons under 18.

These considerations will apply to premises including buildings where multiple premises licences are applicable.

This licensing authority is aware that tracks may be subject to one or more than one premises licence, provided each licence relates to a specified area of the track. As per the Gambling Commission's Guidance, this licensing authority will consider the impact upon the third licensing objective and the need to ensure that entrances to each type of premises are distinct and that children are excluded from gambling areas where they are not permitted to enter.

It is noted that there are conditions which the licensing authority cannot attach to premises licences which are:

- any condition on the premises licence which makes it impossible to comply with an operating licence condition;
- conditions relating to gaming machine categories, numbers, or method of operation;
- conditions which provide that membership of a club or body be required (the Gambling Act 2005 specifically removes the membership requirement for casino and bingo clubs and this provision prevents it being reinstated; and
- conditions in relation to stakes, fees, winning or prizes.

**Door Supervisors** - The Gambling Commission advises in its Guidance to Licensing Authorities that if a licensing authority is concerned that a premises may attract disorder or be subject to attempts at unauthorised access (for example by children and young persons or vulnerable people) then it may require that the entrances to the premises are controlled by a door supervisor, and is entitled to impose a premises licence to this effect.

Where it is decided that supervision of entrances/machines is appropriate for particular cases, a consideration of whether these need to be SIA licensed or not will be necessary. It will not be automatically assumed that they need to be licensed, as the statutory requirements for different types of premises vary (as per the Guidance, Part 33).

## **2. Adult Gaming Centres**

This licensing authority will specifically have regard to the need to protect children and vulnerable persons from harm or being exploited by gambling and will expect the applicant to satisfy the authority that there will be sufficient measures to, for example, ensure that under 18 year olds do not have access to the premises.

This licensing authority may consider measures to meet the licensing objectives such as:

- Proof of age schemes
- CCTV
- Supervision of entrances / machine areas
- Physical separation of areas
- Location of entry
- Notices / signage
- Specific opening hours
- Self-exclusion schemes
- Provision of information leaflets / helpline numbers for organisations such as GamCare.

This list is not mandatory, nor exhaustive, and is merely indicative of example measures.

## **3. (Licensed) Family Entertainment Centres**

This licensing authority will specifically have regard to the need to protect children and vulnerable persons from harm or being exploited by gambling and will expect the applicant to satisfy the authority, for example, that there will be sufficient measures to ensure that under 18 year olds do not have access to the adult only gaming machine areas.

This licensing authority may consider measures to meet the licensing objectives such as:

- CCTV
- Supervision of entrances / machine areas
- Physical separation of areas
- Location of entry
- Notices / signage
- Specific opening hours
- Self-exclusion schemes
- Provision of information leaflets / helpline numbers for organisations such as GamCare.
- Measures / training for staff on how to deal with suspected truant school children on the premises

This list is not mandatory, nor exhaustive, and is merely indicative of example measures.

This licensing authority will, as per the Gambling Commission's guidance, refer to the Commission's website to see any conditions that apply to operating licences covering the way in which the area containing the category C machines should be delineated. This licensing authority will also make itself aware of any mandatory or default conditions on these premises licences, when they have been published.

#### **4. Casinos**

*No Casinos resolution* - This licensing authority has not passed a 'no casino' resolution under Section 166 of the Gambling Act 2005, but is aware that it has the power to do so. Should this licensing authority decide in the future to pass such a resolution, it will update this policy statement with details of that resolution. Any such decision will be made by the Full Council.

*Licence considerations / conditions* – This licensing authority will attach conditions to casino premises licences according to the principles set out in the Gambling Commission's Guidance at paragraph 9, bearing in mind the mandatory conditions listed in paragraph 17 of the Guidance, and the Licence Conditions and Codes of Practice published by the Gambling Commission.

*Betting machines* - This licensing authority will, as per the Gambling Commission's Guidance, take into account the size of the premises, the number of counter positions available for person-to-person transactions, and the ability of staff to monitor the use of the machines by children and young persons (it is an offence for those under 18 to bet) or by vulnerable people, when considering the number/nature/circumstances of betting machines an operator wants to offer.

#### **5. Bingo premises**

This licensing authority notes that the Gambling Commission's Guidance states:

18.5 Licensing authorities need to satisfy themselves that bingo can be played in any bingo premises for which they issue a premises licence. An operator may choose to vary their licence to exclude a previously licensed area of that premises, and then apply for a new premises licence, or multiple new premises licences, with the aim of creating separate premises in that area. Essentially providing multiple licensed premises within a single building or site. Before issuing additional bingo premises licences, licensing authorities need to consider whether bingo can be played at each of those new premises.

This authority also notes the Guidance at paragraph 18.5 regarding the unusual circumstances in which the splitting of a pre-existing premises into two adjacent premises might be permitted, and in particular that it is not permissible to locate eight category B3 gaming machines in one of the resulting premises, as the gaming machine entitlement for that premises would be exceeded.

18.7 Children and young people are allowed into bingo premises; however they are not permitted to participate in the bingo and if category B or C machines are made available for use these must be separated from areas where children and young people are allowed. Social Responsibility (SR) code 3.2.5(3) states that 'licensees must ensure that their policies and procedures take account of the structure and layout of their gambling premises' in order to prevent underage gambling.

#### **6. Betting premises**

*Betting machines* - This licensing authority will, as per the Gambling Commission's Guidance, take into account the size of the premises, the number of counter positions available for person-to-person transactions, and the ability of staff to monitor the use of the machines by children and young persons (it is

an offence for those under 18 to bet) or by vulnerable people, when considering the number/nature/circumstances of betting machines an operator wants to offer.

## **7. Tracks**

This licensing authority is aware that tracks may be subject to one or more than one premises licence, provided each licence relates to a specified area of the track. As per the Gambling Commission's Guidance, this licensing authority will especially consider the impact upon the third licensing objective (i.e. the protection of children and vulnerable persons from being harmed or exploited by gambling) and the need to ensure that entrances to each type of premises are distinct and that children are excluded from gambling areas where they are not permitted to enter.

This authority will therefore expect the premises licence applicant to demonstrate suitable measures to ensure that children do not have access to adult only gaming facilities and that arrangements will be put in place to ensure as far as is possible that vulnerable adults do access adult only gaming facilities. It is noted that children and young persons will be permitted to enter track areas where facilities for betting are provided on days when dog-racing and/or horse racing takes place, but that they are still prevented from entering areas where gaming machines (other than category D machines) are provided.

This licensing authority may consider measures to meet the licensing objectives such as:

- Proof of age schemes
- CCTV
- Supervision of entrances / machine areas
- Physical separation of areas
- Location of entry
- Notices / signage
- Specific opening hours
- Self-exclusion schemes
- Provision of information leaflets / helpline numbers for organisations such as GamCare

This list is not mandatory, nor exhaustive, and is merely indicative of example measures.

*Gaming machines* - Where the applicant holds a pool betting operating licence and is going to use the entitlement to four gaming machines, machines (other than category D machines) should be located in areas from which children are excluded.

## **Applications and plans**

The Gambling Act (s151) requires applicants to submit plans of the premises with their application, in order to ensure that the licensing authority has the necessary information to make an informed judgement about whether the premises are fit for gambling. The plan will also be used for the licensing authority to plan future premises inspection activity. (See Guidance to Licensing Authorities, para 20.43).

Plans for tracks do not need to be in a particular scale, but should be drawn to scale and should be sufficiently detailed to include the information required by regulations. (See Guidance to Licensing Authorities, para 20.44).

## **8. Travelling Fairs**

This licensing authority is responsible for deciding whether, where category D machines and / or equal

chance prize gaming without a permit is to be made available for use at travelling fairs, the statutory requirement that the facilities for gambling amount to no more than an ancillary amusement at the fair is met.

The licensing authority will also consider whether the applicant falls within the statutory definition of a travelling fair.

It is noted that the 27-day statutory maximum for the land being used as a fair applies on a per calendar year basis, and that it applies to the piece of land on which the fairs are held, regardless of whether it is the same or different travelling fairs occupying the land. This licensing authority will work with its neighbouring authorities to ensure that land which crosses our boundaries is monitored so that the statutory limits are not exceeded. (See Guidance to Licensing Authorities, para. 30.1-30.6).

### **9. Provisional Statements**

Developers may wish to apply to this authority for provisional statements before entering into a contract to buy or lease property or land to judge whether a development is worth taking forward in light of the need to obtain a premises licence. There is no need for the applicant to hold an operating licence in order to apply for a provisional statement.

S204 of the Gambling Act provides for a person to make an application to the licensing authority for a provisional statement in respect of premises that he or she:

- expects to be constructed;
- expects to be altered; or
- expects to acquire a right to occupy.

The process for considering an application for a provisional statement is the same as that for a premises licence application other than for tracks. The applicant is obliged to give notice of the application in the same way as applying for a premises licence. Responsible authorities and interested parties may make representations and there are rights of appeal.

In contrast to the premises licence application, the applicant does not have to hold or have applied for an operating licence from the Gambling Commission (except in the case of a track) and they do not have to have a right to occupy the premises in respect of which their provisional application is made.

The holder of a provisional statement may then apply for a premises licence once the premises are constructed, altered or acquired. The licensing authority will be constrained in the matters it can consider when determining the premises licence application, and in terms of representations about premises licence applications that follow the grant of a provisional statement, no further representations from relevant authorities or interested parties can be taken into account unless:

- they concern matters which could not have been addressed at the provisional statement stage, or
- they reflect a change in the applicant's circumstances.

In addition, the authority may refuse the premises licence (or grant it on terms different to those attached to the provisional statement) only by reference to matters:

- which could not have been raised by objectors at the provisional statement stage;
- which in the authority's opinion reflect a change in the operator's circumstances; or
- where the premises has not been constructed in accordance with the plan submitted with the application. This must be a substantial change to the plan and this licensing authority notes that it can discuss any concerns it has with the applicant before making a decision.



## 10. Reviews:

Requests for a review of a premises licence can be made by interested parties or responsible authorities; however, it is for the licensing authority to decide whether the review is to be carried out. This will be on the basis of whether the request for the review is relevant to the matters listed below;

- in accordance with any relevant Code of Practice issued by the Gambling Commission;
- in accordance with any relevant guidance issued by the Gambling Commission;
- reasonably consistent with the licensing objectives; and
- in accordance with the authority's statement of principles.

The request for the review will also be subject to the consideration by the authority as to whether the request is frivolous, vexatious, or whether it will certainly not cause this authority to wish to alter/revoke/suspend the licence, or whether it is substantially the same as previous representations or requests for review.

The licensing authority can also initiate a review of a particular premises licence, or a particular class of premises licence on the basis of any reason which it thinks is appropriate.

Once a valid application for a review has been received by the licensing authority, representations can be made by responsible authorities and interested parties during a 28 day period. This period begins 7 days after the application was received by the licensing authority, who will publish notice of the application within 7 days of receipt.

The licensing authority must carry out the review as soon as possible after the 28 day period for making representations has passed.

The purpose of the review will be to determine whether the licensing authority should take any action in relation to the licence. If action is justified, the options open to the licensing authority are:-

- (a) add, remove or amend a licence condition imposed by the licensing authority;
- (b) exclude a default condition imposed by the Secretary of State (e.g. opening hours) or remove or amend such an exclusion;
- (c) suspend the premises licence for a period not exceeding three months; and
- (d) revoke the premises licence.

In determining what action, if any, should be taken following a review, the licensing authority must have regard to the principles set out in Section 153 of the Act, as well as any relevant representations.

In particular, the licensing authority may also initiate a review of a premises licence on the grounds that a premises licence holder has not provided facilities for gambling at the premises. This is to prevent people from applying for licences in a speculative manner without intending to use them.

Once the review has been completed, the licensing authority must, as soon as possible, notify its decision to:

- the licence holder
- the applicant for review (if any)
- the Commission
- any person who made representations
- the chief officer of police or chief constable; and
- Her Majesty's Commissioners for Revenue and Customs

**PART C**  
**Permits / Temporary & Occasional Use Notice**

**1. Unlicensed Family Entertainment Centre gaming machine permits (Statement of Principles on Permits - Schedule 10 paragraph 7)**

Where a premises does not hold a premises licence but wishes to provide gaming machines, it may apply to the licensing authority for this permit. It should be noted that the applicant must show that the premises will be wholly or mainly used for making gaming machines available for use (Section 238).

The Gambling Act 2005 states that a licensing authority may prepare a *statement of principles* that they propose to consider in determining the suitability of an applicant for a permit and in preparing this statement, and/or considering applications, it need not (but may) have regard to the licensing objectives and shall have regard to any relevant guidance issued by the Commission under Section 25. The Gambling Commission's Guidance to Licensing Authorities also states: "In its statement of policy, a licensing authority may include a statement of principles that it proposes to apply when exercising its functions in considering applications for permits. In particular it may want to set out the matters that it will take into account in determining the suitability of the applicant. Given that the premises is likely to appeal particularly to children and young persons, licensing authorities may wish to give weight to matters relating to protection of children from being harmed or exploited by gambling and to ensure that staff supervision adequately reflects the level of risk to this group. Licensing authorities are also encouraged to also specify in their statement of policy that a plan for the uFEC must be submitted." (See Guidance to Licensing Authorities, para. 24.8)

Guidance also states: "...An application for a permit may be granted only if the licensing authority is satisfied that the premises will be used as an unlicensed FEC, and if the chief officer of police has been consulted on the application....Licensing authorities might wish to consider asking applicants to demonstrate:

- a full understanding of the maximum stakes and prizes of the gambling that is permissible in unlicensed FECs;
- that the applicant has no relevant convictions (those that are set out in Schedule 7 of the Act); and
- that employees are trained to have a full understanding of the maximum stakes and prizes. (See Guidance to Licensing Authorities, para. 24.9))

It should be noted that a licensing authority cannot attach conditions to this type of permit.

Statement of Principles

This licensing authority will expect the applicant to show that there are policies and procedures in place to protect children and vulnerable adults from harm. Harm in this context is not limited to harm from gambling but includes wider child protection considerations. The efficiency of such policies and procedures will each be considered on their merits, however, they may include appropriate measures / training for staff as regards suspected truant school children on the premises, measures / training covering how staff would deal with unsupervised very young children and vulnerable adults being on the premises, or children causing perceived problems on / around the premises. This licensing authority will also expect, as per Gambling Commission Guidance, that applicants demonstrate a full understanding of the maximum stakes and prizes of the gambling that is permissible in unlicensed FECs; that the applicant has no relevant convictions (those that are set out in Schedule 7 of the Act); and that staff are trained to have a full understanding of the maximum stakes and prizes.

**2. (Alcohol) Licensed premises gaming machine permits - (Schedule 13 paragraph 4(1))**

### **Automatic entitlement: 2 machines**

There is provision in the Act for premises licensed to sell alcohol for consumption on the premises to automatically have 2 gaming machines, of categories C and/or D. The premises merely need to notify the licensing authority.

The licensing authority can remove the automatic authorisation in respect of any particular premises if:

- provision of the machines is not reasonably consistent with the pursuit of the licensing objectives;
- gaming has taken place on the premises that breaches a condition of Section 282 of the Gambling Act (i.e. that written notice has been provided to the licensing authority, that a fee has been provided and that any relevant code of practice issued by the Gambling Commission about the location and operation of the machine has been complied with);
- the premises are mainly used for gaming; or
- an offence under the Gambling Act has been committed on the premises.

### **Permit: 3 or more machines**

If a premises wishes to have more than 2 machines, then it needs to apply for a permit and the licensing authority must consider that application based upon the licensing objectives, any guidance issued by the Gambling Commission issued under Section 25 of the Gambling Act 2005, and “*such matters as they think relevant.*”

This licensing authority considers that “such matters” will be decided on a case by case basis but generally there will be regard to the need to protect children and vulnerable persons from harm or being exploited by gambling and will expect the applicant to satisfy the authority that there will be sufficient measures to ensure that under 18 year olds do not have access to the adult only gaming machines. Measures which will satisfy the authority that there will be no access may include Staff training and supervision of the machines. Notices and signage may also be helpful.

As regards the protection of vulnerable adults, applicants may wish to consider providing the telephone number of GamCare on the machines.

It is recognised that some alcohol licensed premises may apply for a premises licence for their non-alcohol licensed areas. Any such application would most likely need to be applied for, and dealt with as an Adult Gaming Centre premises licence.

It should be noted that the licensing authority can decide to grant the application with a smaller number of machines and/or a different category of machines than that applied for. Conditions (other than these) cannot be attached.

It should also be noted that the holder of a permit must comply with any Code of Practice issued by the Gambling Commission about the location and operation of the machine.

### **3. Prize Gaming Permits**

The Gambling Act 2005 states that a licensing authority may “prepare a statement of principles that they propose to apply in exercising their functions under this Schedule” which “may, in particular, specify matters that the licensing authority proposes to consider in determining the suitability of the applicant for a permit”.

This licensing authority has prepared a Statement of Principles which is that the applicant should set out the types of gaming that he or she is intending to offer and that the applicant should be able to demonstrate:

- that they understand the limits to stakes and prizes that are set out in Regulations;

- that the gaming offered is within the law
- Clear policies that outline the steps to be taken to protect children from harm.

In making its decision on an application for this permit the licensing authority does not need to (but may) have regard to the licensing objectives but must have regard to any Gambling Commission guidance. (Gambling Act 2005, Schedule 14 paragraph 8(3)).

It should be noted that there are conditions in the Gambling Act 2005 by which the permit holder must comply, but that the licensing authority cannot attach conditions. The conditions in the Act are:

- the limits on participation fees, as set out in regulations, must be complied with;
- all chances to participate in the gaming must be allocated on the premises on which the gaming is taking place and on one day; the game must be played and completed on the day the chances are allocated; and the result of the game must be made public in the premises on the day that it is played;
- the prize for which the game is played must not exceed the amount set out in regulations (if a money prize), or the prescribed value (if non-monetary prize); and
- participation in the gaming must not entitle the player to take part in any other gambling.

#### **4. Club Gaming and Club Machines Permits**

Members Clubs (but not Commercial Clubs) may apply for a Club Gaming Permit or a Clubs Gaming machines permit. The Club Gaming Permit will enable the premises to provide gaming machines (3 machines of categories B, C or D), equal chance gaming and games of chance as set-out in forthcoming regulations. A Club Gaming machine permit will enable the premises to provide gaming machines (3 machines of categories B, C or D).

Gambling Commission Guidance states: "Members clubs must have at least 25 members and be established and conducted "wholly or mainly" for purposes other than gaming, unless the gaming is permitted by separate regulations. The Secretary of State has made regulations and these cover bridge and whist clubs, which replicates the position under the Gambling Act 1968. A members' club must be permanent in nature, not established to make commercial profit, and controlled by its members equally. Examples include working men's clubs, branches of Royal British Legion and clubs with political affiliations."

The Commission Guidance also notes that "licensing authorities may only refuse an application on the grounds that:

- (a) the applicant does not fulfil the requirements for a members' or commercial club or miners' welfare institute and therefore is not entitled to receive the type of permit for which it has applied;
- (b) the applicant's premises are used wholly or mainly by children and/or young persons;
- (c) an offence under the Act or a breach of a permit has been committed by the applicant while providing gaming facilities;
- (d) a permit held by the applicant has been cancelled in the previous ten years; or
- (e) an objection has been lodged by the Commission or the police.

There is also a 'fast-track' procedure available under the Act for premises which hold a Club Premises Certificate under the Licensing Act 2003 (Schedule 12 paragraph 10). As the Gambling Commission's Guidance to Licensing Authorities states: "Under the fast-track procedure there is no opportunity for objections to be made by the Commission or the police, and the ground upon which an authority can refuse a permit are reduced." and "The grounds on which an application under the process may be refused are:

- (a) the club is established primarily for gaming, other than gaming prescribed by regulation under s.266 of the Act;
- (b) in addition to the prescribed gaming, the applicant provides facilities for other gaming; or

- (c) a club gaming permit or club machine permit issued to the applicant in the last ten years has been cancelled."

There are statutory conditions on club gaming permits that no child uses a category B or C machine on the premises and that the holder complies with any relevant provision of a code of practice about the location and operation of gaming machines.

### **5. Temporary Use Notices**

Temporary Use Notices allow the use of premises for gambling where there is no premises licence but where a gambling operator wishes to use the premises temporarily for providing facilities for gambling. Premises that might be suitable for a Temporary Use Notice, according to the Gambling Commission, would include hotels, conference centres and sporting venues.

The licensing authority can only grant a Temporary Use Notice to a person or company holding a relevant operating licence, i.e. a non-remote casino operating licence.

The Secretary of State has the power to determine what form of gambling can be authorised by Temporary Use Notices, and at the time of writing this Statement the relevant regulations (SI no 3157: The Gambling Act 2005 (Temporary Use Notices) Regulations 2007) state that Temporary Use Notices can only be used to permit the provision of facilities or equal chance gaming, where the gaming is intended to produce a single winner, which in practice means poker tournaments.

There are a number of statutory limits as regards Temporary Use Notices. The meaning of "premises" in Part 8 of the Act is discussed in Part 7 of the Gambling Commission Guidance to Licensing Authorities. As with "premises", the definition of "a set of premises" will be a question of fact in the particular circumstances of each notice that is given. In the Act "premises" is defined as including "any place".

In considering whether a place falls within the definition of "a set of premises", the licensing authority needs to look at, amongst other things, the ownership/occupation and control of the premises.

This licensing authority expects to object to notices where it appears that their effect would be to permit regular gambling in a place that could be described as one set of premises, as recommended in the Gambling Commission's Guidance to Licensing Authorities.

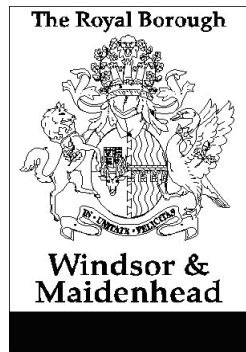
### **6. Occasional Use Notices:**

The licensing authority has very little discretion as regards these notices aside from ensuring that the statutory limit of 8 days in a calendar year is not exceeded. This licensing authority will though consider the definition of a 'track' and whether the applicant is permitted to avail him/herself of the notice.

## ANNEX 'A'

### TABLE OF DELEGATIONS OF LICENSING FUNCTIONS

Matter to be dealt with	Full Council	Sub-Committee	Licensing Officers
Three year licensing policy	All cases		
Policy not to permit casinos	All cases		
Fee setting – when appropriate		If delegated by Full Council	
Application for premises licences		Where representations have been received and not withdrawn	Where no representations received/representations have been withdrawn
Application for a variation to a licence		Where representations have been received and not withdrawn	Where no representations received/representations have been withdrawn
Application for a transfer of a licence		Where representations have been received from the Commission	Where no representations received from the Commission
Application for a provisional statement		Where representations have been received and not withdrawn	Where no representations received/representations have been withdrawn
Review of a premises' licence		All cases	
Application for club gaming / club machine permits		Where representations have been received and not withdrawn	Where no representations received/representations have been withdrawn
Cancellation of a club gaming/club machine permits		All cases	
Applications for other permits			All cases
Cancellation of licensed premises gaming machine permits			All cases
Consideration of temporary use notice			All cases
Decision to give a counter notice to a temporary use notice		All cases	
Consideration of an Occasional Use Notice			All cases
Prosecution of offences under Gambling Act 2005			Community Protection & Enforcement Services Lead in conjunction with the Head of Legal Services
The appointment of Authorised Persons in accordance with Section 304 Gambling Act 2005			Community Protection & Enforcement Services Lead
Applications for Licensed Premises Gaming Machine Permits		Over 4 machines	Up to 4 machines



Report for: ACTION
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<b>Contains Confidential or Exempt Information</b>	No – Part I
<b>Title</b>	<b>CONSTITUTIONAL AMENDMENTS</b>
<b>Responsible Officer(s)</b>	Sean O'Connor
<b>Contact officer, job title and phone number</b>	Sean O'Connor, Solicitor 07824546852
<b>Member reporting</b>	Councillor Burbage
<b>For Consideration By</b>	Council
<b>Date to be Considered</b>	15 December 2015
<b>Implementation Date if not Called In</b>	
<b>Affected Wards</b>	All
<b>Keywords/Index</b>	Constitution

### Report Summary

1. This report sets out proposed amendments to the Constitution.
2. It recommends that Council considers and adopts the amendments to the Constitution as set out in the Appendix for the reasons detailed in paragraph 2 of this Report.
3. It recommends that a thorough review of the Code of Conduct and processes are undertaken by the Constitution Subcommittee to make recommendation back to Council by July 2016.
4. If adopted, there are no key financial implications for the Council.

### If recommendations are adopted, how will residents benefit?

Benefits to residents and reasons why they will benefit	Dates by which residents can expect to notice a difference
An up to date Constitution reflecting best practice will ensure democratic processes run efficiently and effectively, and ensure residents are informed of the correct processes.	From date of decision

## 1. DETAILS OF RECOMMENDATIONS

### RECOMMENDATION: That Council:

- i. Approves the amendments to the Constitution set out in Appendix 1
- ii. Requests the Constitutional Subcommittee to undertake a thorough review of the Code of Conduct with a view to making recommendation to Council by July 2016.

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

2.1 The Constitution of the Council is a single point of reference which contains the principal operating structures and procedures of the authority. It sets out how the Council operates, how decisions are made and the procedures which are followed to ensure that these are efficient, transparent and accountable to local people.

### **Code of Conduct review by Constitutional Subcommittee**

2,2 The Council adopted the Code of Conduct in 2012 as a result of changes introduced by the Localism Act 2011. Further changes to the Code including the registration of Personal Interests were adopted by Council on 22 September 2015. These came into effect on 1 November 2015.

Council requested in September 2015 that Constitution Subcommittee undertook a thorough review and consultation of the current Code, with a view (if necessary) to make recommendation to Council by December 2015.

To enable further discussion and consultation with Members and Officers, Council is requested to extend this period of review with a view to reporting back to Council by July 2016. The Code of Conduct cannot be amended by a subcommittee of Council under section 28 (13)(14) of the Localism Act 2011 and accordingly any changes will need to be recommended by the Subcommittee for approval by full Council.

### **Parish Council Membership on Crime and Disorder Overview and Scrutiny Panel.**

2.3 The Terms of Reference for Overview and Scrutiny Panels allows the co-opting of part of its membership from Parish Councils. The Crime and Disorder Overview and Scrutiny Panel consists of 7 members with 2 being co-optees from the Parish Councils.

Where a vacancy exists, the current process of selecting a nominee from the Parish Councils involves notifying the Parish Councils of the vacancy and inviting nominations. Where more than one nomination has been received, a ballot is held where the Parish Councils may vote for one candidate.

The process is not formalised within the Constitution for the Crime & Disorder Overview & Scrutiny Panel and the Chairman has requested that the selection process is formalised within the terms of reference for the panel in para A3 (c) of Part 4A 'Purpose and Procedure Rules for Overview and Scrutiny' in the Constitution.

### **Cabinet Regeneration Sub Committee**

2.4 On the 29<sup>th</sup> October 2015 Cabinet formed a new Sub Committee for the specific purposes of promoting the redevelopment and regeneration of Maidenhead Town Centre.

The Sub Committee consists of the Lead Members for Finance, Highways and Transportation and Planning. In attendance will be the Principal Members for Culture and Communities and Maidenhead Regeneration.

The full Terms of Reference are in the Appendix. A new A2.18 shall be added to Part 3A of the Constitution.



### **Director of Development and Regeneration**

- 2.5 Currently all officer planning functions are delegated to the Director of Development and Regeneration. This is in addition to the Directors strategic responsibility for property matters and regeneration. Operationally, there has been determined to be a need for greater separation between the Borough's statutory planning functions (e.g. development control and planning enforcement) and the strategic regeneration role. This has been of particular relevance for developments where the Borough is a partner or has land as part of the development.

The amendments in the Appendix seek to delegate responsibility for planning functions to the Borough Planning Manager.

### **Electoral Registration Officer/Returning Officer**

- 2.6 The Council is required to appoint one of its Officers as the proper officer of the Council for the positions of Electoral Registration Officer and the Returning Officer.

The Constitution currently states that this is within the role of Managing Director (p127 'Powers of the Managing Director') whilst the proper officer functions state that it is the Head of Education, Strategy and Commissioning. (Part 5B page 135).

The amendments in Appendix 1 state that all proper officer functions for the Electoral Registration Officer and Returning Officer are delegated to the Monitoring Officer.

### **Changing the Constitution**

- 2.7 The Constitutional Sub-Committee is unique as a committee of Council in that it's current terms of reference do not allow the committee to make any decisions without express permission from full Council. Likewise there are no provisions in the Constitution for simple updates in changes in law to be made unless a report to Council is made.

The result of this is that many simple and immaterial amendments to the Constitution often require a report to full Council.

The proposal is that where a decision has been made by Council, Cabinet or any of their subcommittees (and a matter hasn't already been expressly reserved to Council in law or the Constitution) then the Constitution may be changed to reflect such decision without further approval by full Council. Where a decision of Cabinet or any subcommittees of Cabinet or Council has been made (or delegated in general terms), then such decision or delegation shall deemed to include the necessary changes to the constitution.

This shall not include matters that are reserved to full Council either in the Constitution or at law. This includes matters which cannot be delegated under s101 of the Local Government Act 1972 such as setting the annual budget, policy framework, appointments and terms of reference for Council subcommittees, changing the Code of Conduct and approval of Members Allowance Scheme.

In addition, it is proposed that very minor and inconsequential changes of an editorial nature as may seem appropriate to make the Constitution internally consistent, up-to-date and readily understandable are delegated to the Monitoring Officer in consultation with the Chairman of the Constitutional Sub-Committee.

Where amendments have been made, then Democratic Services will notify all Members of the changes and (if necessary) the reason for the change.

## Appendix

2.8 Appendix 1 documents the proposed changes to Constitution.

Option	Comments
1. Approve the changes to the Constitution.	The Constitution will promote best practice and confidence in decision making. <b>RECOMMENDED OPTION</b>
2. Do not approve changes or make appointments	The Constitution will not promote best practice. The Council will not have complied with relevant legislation.

## 3. KEY IMPLICATIONS

Defined Outcomes	Unmet	Met	Exceed	Significantly Exceeded	Date they should be delivered by
Consider the motion and, if appropriate, amend the Constitution by the date agreed.	Do not amend the Constitution by the date set out.	Amend by the date set out.	n/a	n/a	January 2016

## 4. FINANCIAL DETAILS

### Financial impact on the budget (mandatory)

4.1 There are no financial implications.

## 5. LEGAL IMPLICATIONS

5.1 The Constitution must be in compliance with the terms of the Local Government Act 2000, Local Government and Public Involvement in Health Act 2007 and Local Democracy, Economic Regeneration and Construction Act 2009, Localism Act 2011 and any other relevant statutory acts or guidance.

## 6. VALUE FOR MONEY

6.1 An updated Constitution will ensure the Council is less likely to be challenged on its procedures and processes.

## 7. SUSTAINABILITY IMPACT APPRAISAL

7.1 There is no impact on sustainability objectives.

## 8. RISK MANAGEMENT

Risks	Uncontrolled Risk	Controls	Controlled Risk
There is a risk of challenge if the Constitution is not legally updated.	Constitution is not updated.	Constitution is regularly reviewed and updated.	Revised Constitution available on website.

## 9. LINKS TO STRATEGIC OBJECTIVES

### 9.1 The main links are to: **Residents First**

- Work for safer and stronger communities

### **Value for Money**

- Improve the use of technology

### **Delivering Together**

- Enhanced Customer Services
- Deliver Effective Services

### **Equipping Ourselves for the Future**

- Developing Our systems and Structures

## 10. EQUALITIES, HUMAN RIGHTS AND COMMUNITY COHESION

10.1 These amendments to the Constitution do not require a full EQIA. No negative impacts were identified.

## 11. STAFFING/WORKFORCE AND ACCOMMODATION IMPLICATIONS

11.1 None.

## 12. PROPERTY AND ASSETS

12.1 None.

## 13. ANY OTHER IMPLICATIONS

13.1 None.

## 14. CONSULTATION

14.1 N/A

## 15. TIMETABLE FOR IMPLEMENTATION

15.1 The amendments will be implemented when approved by Council.

## 16. APPENDICES

16.1 Appendix 1 – Summary of the changes to the Constitution

**17. BACKGROUND INFORMATION**

17.1 None

**18. CONSULTATION (MANDATORY)**

<b>Name of consultee</b>	<b>Post held and Department</b>	<b>Date sent</b>	<b>Date received</b>	<b>See comments in paragraph:</b>
<b>Internal</b>				
Cllr Burbage	Leader of the Council	02/12/15	02/12/15	
Alison Alexander	Managing Director			
Chris Hilton	Director of Development & Regeneration			
Jennifer Jackson	Borough Planning Manager	02/12/15	02/12/15	
Sean O'Connor	SLS	n/a		5. Legal
Andrew Brooker	Head of Finance			4. Financial
Cllr D. Hilton	Chair of Crime & Disorder Overview & Scrutiny	02/12/15	02/12/15	
David Scott	Head of Governance, Performance and Policy	02/12/15	04/12/15	
<b>External</b>				
	Police, voluntary Organisation, etc	n/a		

**Report History**

<b>Decision type:</b>	<b>Urgency item?</b>
Non-key decision	No

<b>Full name of report author</b>	<b>Job title</b>	<b>Full contact no:</b>
Sean O'Connor	Solicitor	07824546852

# Appendix 1

## Change to Constitution – December 2015

The changes shall be made as stated in the table (strikethrough denotes deletion of existing and underline indicates additional/replacement wording):

### Paragraph 2.3 Crime and Disorder Overview and Scrutiny Panel

Paragraph and Part of Constitution	Amendment
Part 2B A3 (c)	<p><b>Change to ‘Decision Making Body’ for Functions relating to town and country planning and development control :</b></p> <p>c) Crime and Disorder</p> <p>The Crime and Disorder Overview and Scrutiny Panel may, in accordance with <u>The Crime and Disorder (Overview and Scrutiny) Regulations Statutory Instrument 2009 no.942</u> co-opt additional members to serve on the Panel subject to:-</p> <ul style="list-style-type: none"> <li>i) the person co-opted to serve on the Panel shall not be entitled to vote on any particular matter, unless the committee so determines.</li> <li>ii) the co-opted person’s membership may be limited to the exercise of the Panel’s powers in relation to a particular matter or type of matter.</li> </ul> <p>The co-opted person <u>shall not be a member of the Cabinet of the Council.</u> <del>being an employee, officer or member of a responsible authority or of a co-operating person or body.</del></p> <p><u>The Panel shall be 7 members and two further co-opted parish councillors one representing each of the northern and southern parishes.</u></p> <p><u>Co-optees and substitutes for either the northern or southern Parish Councils shall be appointed as follows:</u></p> <ul style="list-style-type: none"> <li>a. <u>Vacancies are notified to each Parish Council by the Council</u></li> <li>b. <u>Parish Councils must submit in writing their nominations within 28 days of notification. Each Parish Council can only nominate one co-optee.</u></li> <li>c. <u>Each nomination shall include details of the proposed co-optee with a maximum 100 word supporting statement</u></li> <li>d. <u>Where more than one nomination is received then each Parish Council (in either the northern or southern Parishes) is then entitled to vote on the nominated candidates. The votes must be received within 28 days of notification.</u></li> <li>e. <u>The nominee with the greatest number of votes shall be elected to the Panel as the co-optee. The nominee with the next highest number of votes shall be the substitute. In the event of a tie for either position the Chairman of the Panel shall select the nominee to be appointed as co-optee to the Panel.</u></li> <li>f. <u>If only one nomination is received for either the northern or the southern parishes, the nominee will automatically be appointed as co-optee</u></li> </ul> <p><u>The Panel shall be permitted to change the process of appointment as it see fits and decide the exact methodology.</u></p> <p><u>Each co-optee and substitute shall remain on the Panel for a maximum</u></p>

	<p><u>period of 4 years (providing Council re-appoints at each Annual Council meeting). In the event the co-optee is absent from 2 or more meetings in any one year then the Panel may pass a resolution to remove the co-optee from the Panel.</u></p> <p><u>Where a co-optee resigns then the substitute shall take the place as the co-optee on the Panel for the remainder of the term if the Panel resolves to accept the substitute. Where the substitute elects not to take up the position on the Panel, then the Panel shall seek further nominations from the Parish Councils and steps a. to f. above shall be followed. Where a substitute position is vacant then the Parish Council's shall be requested to nominate further substitutes and the process in points a to f shall be followed.</u></p>
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## Paragraph 2.4 Cabinet Regeneration Sub Committee

Paragraph and Part of Constitution	Amendment
<p><b>Part 3 Part A</b></p>	<p><b>Part 3 – The Executive/Cabinet</b></p> <p><b>Add the following :</b></p> <p><b>A2.18      <b>Cabinet Regeneration Sub Committee</b></b></p> <p><u>Purpose</u></p> <p>The Sub-Committee shall have delegated authority to undertake the following functions:-</p> <ul style="list-style-type: none"> <li>a) General responsibility for the oversight of matters relating to the approved Area Action Plan for the regeneration of Maidenhead Town Centre.</li> <li>b) Formulation of the Council's property strategy within Maidenhead Town Centre, including dealings with existing land owners, the process for seeking and obtaining a development partner or partners and any Compulsory Purchase Order.</li> <li>c) To agree recommendations to Cabinet and/or Council (as appropriate) for authorisation of land disposals and acquisitions required in connection with the regeneration of Maidenhead Town Centre.</li> <li>d) Subject to the limitations contained in the general framework for delegations established by the Council and existing delegations to officers, approval of the terms of Development Agreements, other agreements with developers and those related to any CPO process, and other property agreements.</li> <li>e) Determination of all matters which may be necessary to secure implementation of the approved Area Action Plan other than development control or building control functions.</li> </ul> <p><u>Membership</u></p> <p>The Sub Committee consists of the Lead Members for Finance, Highways and Transportation and Planning. In attendance will be the Principal Members for Culture and Communities and Maidenhead Regeneration.</p> <p><u>Quorum</u></p> <p>The quorum for the Sub-Committee shall be 2. Any Cabinet Member may act as substitute for the substantive Cabinet members identified above.</p>

	<p><u>Frequency</u></p> <p>As and when required.</p> <p><u>Type</u></p> <p>Committee of Cabinet</p>
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**Paragraph 2.5 Director of Development and Regeneration.**

Paragraph and Part of Constitution	Amendment
Part 2B Table 2	<p><b>Change to ‘Decision Making Body’ for Functions relating to town and country planning and development control :</b></p> <p>The Council has established three Area Development Control Panels – <b>Maidenhead Development Control Panel</b> and <b>Windsor Rural and Urban Development Control Panels</b>. These powers are delegated to these panels. Where an application appears likely to the <del>Borough Planning Manager</del> <b>Director of Development and Regeneration, Monitoring Officer</b> and Lead Member to have a significant impact which goes beyond the area of the relevant Development Control Panel, a joint meeting of the panels will be convened to determine the application.</p>
Part 6 Para D3	<p><b>Terms of Reference for Area and Joint Planning</b></p> <p><b>D3 Area and Joint Development Control Panels</b></p> <p>D3.1 Purpose</p> <p>(i) Within the operating guidelines and budget approved by the Council to consider all matters relating to the following:</p> <p>a. Where a Councillor has requested within 28 days of the publication of the weekly list featuring an application, using the adopted pro-forma for Calling in applications, that an application should be the subject of a decision by the Development Control Panel (other than applications for 'Certificate of Lawfulness for proposed uses of developments')</p> <p>b. Where a planning application proposes more than two dwellings or over 1000sm of non-residential floor space the decision is made by the Area Development Control Panel unless the decision is delegated to the <del>Borough Planning Manager</del> <b>Director of Development and Regeneration</b> by the Chairman of the relevant Development Control Panel.</p> <p>c. Where the Officer’s decision would reverse a previous decision of a Development Control Panel for the same development or would have the effect of preventing the proper implementation of any previous decision of the Council.</p> <p>d. Where an Officer’s decision would be contrary to a previous decision that had occurred as a result of a discussion with a Councillor, where amendments took place such that the decision was taken under delegated authority.</p> <p>e. Where an approved Local Plan or other Policy Statement is in existence for a particular area or development topic and the Officers <del>recommendation</del> <b>decision</b> upon the application would significantly prejudice the implementation of the development plan polices or proposals.</p> <p>f. Where an application seeks a renewal of a planning permission, or a variation of a planning permission or a variation of a planning condition for a previously approved</p>

planning application where the decision was is made by the Area Development Control Panel unless the decision is delegated to the Borough Planning Manager Director of Development and Regeneration by the Chairman of the relevant Development Control Panel.

g. Where an application is made by a Councillor or a member of their family and there are one or more objections or it is contrary to adopted planning policies.

h. Where an application is made by the Council or the Council has land ownership interest in the application site and there are one or more objections or it is contrary to adopted planning policies.

i. Where an application is made by officers in politically restricted posts or by an officer employed in the Planning Department Unit and there are one or more objections or it is contrary to adopted planning policies.

j. Where in the opinion of the Borough Planning Manager Director of Development and Regeneration, and the Lead Member of Planning and Development, that it would not be appropriate to use delegated authority.

k. Any tree of significance that is to be felled whether covered by a TPO or on Highways land may come to an area panel if the Borough Planning Manager Director of Development and Regeneration and the lead member agree if it is appropriate in the public interest. i.e. a contribution to the street scene.

l. All other functions regarding town and country planning and development control listed in Section A of Schedule 1 of The Local Authorities (Functions and Responsibilities) (England) Regulations 2000 are to be delegated to Officers.

(ii) To advise the Council, the Cabinet, the Planning and Environment Overview and Scrutiny Panel on the preparation, updating and monitoring of the Local Plan and policies relating to development control guidance.

**Part 6 Para D3** **Terms of Reference for Area and Joint Planning**

*D3.7 Joint Development Control Panels*

Planning applications which are likely to have a significant impact, going beyond the area of the relevant Area Development Control Panel will be considered and determined at a joint meeting of the ~~two~~ Development Control Panels.

The initial decision as to whether an application falls into this category will be taken by the Borough Planning Manager Director of Development and Regeneration and the Monitoring Officer, in agreement with the Lead Member for Planning and the Development Control Panel Chairmen. In the event of a lack of unanimity, the ~~relevant two~~ Development Control Panel Chairmen and the Lead Member for Planning will meet and reach a majority decision to recommend to the Borough Planning Manager Director of Development and Regeneration and the Monitoring Officer.

Where at least 5 Members of an Area Development Control Panel, or the Chairman of that Panel, believes that an application due to be determined by the other Development Control Panel is likely to have a significant impact on their area and should be determined by Joint Panel, they shall notify the Borough Planning Manager Monitoring Officer in writing as soon as possible and, in any event, prior to the time fixed for the Development Control Panel due to determine the application. The matter will then be considered by the Borough Planning Manager Director of Development and Regeneration and the Monitoring Officer, in consultation with the ~~two~~ relevant Development Control Panel Chairmen and the Lead Member for Planning, who will decide how the application is to be determined. If this decision cannot be made prior to the Development Control Panel at which the application was due to be considered, the application will be deferred. In the event of a majority decision not being made, the Lead Member for Planning shall determine how the application shall be determined.



<b>Part 7B para 16.</b>	<b>Members Planning Code of Conduct</b> <ul style="list-style-type: none"> <li>Do suggest to the <u>Borough Planning Manager</u> <del>Director of Development and Regeneration</del> any other areas of planning legislation you require training on.</li> </ul>
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## Paragraph 2.6 Electoral Registration Officer and Returning Officer

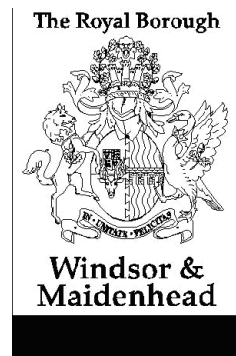
Paragraph and Part of Constitution	Amendment
<b>Part 5A para 3</b>	<b>Delegations to Officers – Powers of the Managing Director</b> 3.5 <del>To undertake the role of Returning Officer and Electoral Registration Officer and aligned duties.</del>
<b>Part 5B</b>	<b>Change to ‘Proper Officer’ for functions relating to Representation of the People Act 1983 :</b> Delete ‘Head of Education, Strategy and Commissioning’ for both Electoral Registration Officer and Returning Officer, and replace with ‘Monitoring Officer’.

## Paragraph 2.7 Changing the Constitution

Paragraph and Part of Constitution	Amendment
<b>Article 14 para 14.2</b>	Changes to the Constitution will only be <u>(i) made approved by the full Council after consideration of the proposal by the Constitution Sub-committee established to monitor and review the Constitution. or (ii) made by full Council after consideration of the proposal by the Constitution Sub-committee established to monitor and review the Constitution or (iii) made by the Constitutional Sub-committee under delegated authority in accordance with its Terms of Reference in part F9</u>  <u>Changes of an editorial nature as may seem appropriate to make the Constitution internally consistent, up-to-date and readily understandable can be made by the Monitoring Officer in consultation with the Chairman of the Constitutional Sub-Committee</u>
<b>Part 6 para F9</b>	<b>Part 6 – Terms of Reference of all other Committees, Panels and other Bodies of the Council.</b> <b>F9 Constitution Sub Committee</b>  <i>F9.1 Purpose</i> <ol style="list-style-type: none"> <li>To make recommendations to Council for changes to the <u>Constitution for purposes of good governance and better performance of statutory duties.</u></li> <li>To make amendments to the Constitution <del>as may from time to time be required</del> <u>necessary</u> to give effect to decisions of the Council, <del>or the Cabinet Executive or any delegated decision of any subcommittee, panel or forum,</del></li> <li>To make changes as necessary or to comply with <del>and to reflect</del> <u>changes in legislative requirements, fact and law</u> or to give effect to any decision of</li> </ol>

	<p><u>the Sub Committee that has been delegated to it in wide or general terms.</u></p> <p>d. <u>To make such changes necessary to reflect any changes in the allocation of functions to officers</u></p> <p><u>except where such power is expressly reserved to full Council or Cabinet in this Constitution or in law</u></p> <p><i>F9.2 Membership</i></p> <p>4 Members of the Council – including the Leader of the Council.</p> <p><i>F9.3 Quorum: 2 Members</i></p> <p><i>F9.4 Frequency: As and when required.</i></p> <p><u>F9.5 Type: Committee of Council</u></p>
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Report for:  
ACTION



<b>Contains Confidential or Exempt Information</b>	No - Part I
<b>Title</b>	<b>Community Governance Review Bray Parish – Approval of Terms of Reference</b>
<b>Responsible Officer(s)</b>	David Scott, Returning Officer and Head of Governance, Performance and Policy 01628 796748
<b>Contact officer, job title and phone number</b>	Suzanne Martin, Electoral Services Manager. 01628 682935.
<b>Member reporting</b>	N/A
<b>For Consideration By</b>	Council
<b>Date to be Considered</b>	15 December 2015
<b>Implementation Date if Not Called In</b>	Immediately
<b>Affected Wards</b>	None directly, but Bray and Oldfield Wards are considered but only at parish level.

## REPORT SUMMARY

1. This report seeks Council's approval to the draft the Terms of Reference for a Community Governance Review of Bray Parish and the area known as The Fisheries which is currently outside Bray Parish area in Oldfield Ward. The draft Terms of Reference as set out in Appendix A
2. In April 2015, the Council received a valid petition from the required number of local government electors in Bray Parish calling for the area known as The Fisheries to be incorporated into the existing parish of Bray. The Council is therefore required to conduct a Community Governance Review in accordance with the Local Government and Public Involvement in Health Act 2007.
3. It is recommended that the Council takes the decision to publish the Terms of Reference, so that the review can officially commence and follow the timetable set out. As part of the review, the Council will need to consider whether these changes should or should not come into effect for the next Parish elections in May 2019. The review must be concluded within twelve months of publishing the Terms of Reference.
4. There are no direct additional financial implications arising from the recommendation, though it should be noted that modest costs will be incurred in the administration of the review when consulting with members of the public and individuals interested in the review, these will be met from within existing resources.

## 1. DETAILS OF RECOMMENDATIONS

### RECOMMENDATION: That Council agrees

- i. to conduct a review of Bray Parish in accordance with the Local Government and Public Involvement in Health Act 2007.
- ii. the details outlined in the Terms of Reference and publishes these so that the review can begin.
- iii. to conduct the review in accordance with the timetable set out, and that if the outcome of the review is that it is recommended to support the inclusion of the area of the Fisheries into Bray Parish, a Reorganisation Order will be made to bring the changes into effect in May 2019 at the next Parish elections.

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

- 2.1 The petition that has been received has been acknowledged as valid and the Council is now legally required to conduct a review of Bray Parish. Section 81 of the Local Government and Public Involvement in Health Act 2007 specifies that the principal council (in this case RBWM) must draw up terms of reference for the review and these will be form the basis of undertaking the review.

## 3. KEY IMPLICATIONS

Defined Outcomes	Unmet	Met	Exceeded	Significantly Exceeded	Date they should be delivered by
The terms of reference for a Community Governance Review are published by	Beyond 1 January 2016	1 January 2016	18 December 2015	Before 18 December 2015	1 January 2016
The Community Governance Review is concluded by	Beyond 1 January 2017	1 January 2017	18 December 2016	Before 18 December 2016	1 January 2017
The Community Governance Review has effective local public engagement	No public responses received	Between 1 and 10 responses received	More than 10 responses received	More than 30 responses received	18 June 2016

## 4. FINANCIAL DETAILS

- 4.1 There are no direct financial implications arising from the recommendations, although there will be small costs incurred in order to administer the review. As part of the consultation process, the Council will need to ensure that two principal documents; the Terms of Reference report and the Draft Proposals are published and copies are distributed directly to the parties identified in the draft Terms of Reference - Appendix 2. In addition, the Council will need to issue press releases to the media to advise the general electorate that a review is being conducted and to advise how they may

provide comments and make submissions. These costs will be met from within existing resources.

## 5. LEGAL IMPLICATIONS

5.1 The legislation relevant to the conduct of Community Governance Reviews is the Local Government and Public Involvement in Health Act 2007. Also relevant to parish governance matters is the Local Government Act 1972. The Department for Communities and Local Government and the Local Government Boundary Commission for England have jointly published guidance in 2008 to be used by Officers involved in the administration of a review. Officers have taken note of the legislation and guidance when composing the Terms of Reference and defining how the review will be conducted. Officers will follow the legislative requirements when carrying out the other subsequent stages of the review until its completion in August 2016.

## 6. VALUE FOR MONEY

6.1 N/A

## 7. SUSTAINABILITY IMPACT APPRAISAL

7.1 No sustainability impact appraisal is required.

## 8. RISK MANAGEMENT

Risks	Uncontrolled Risk	Controls	Controlled Risk
Failure to agree and publish the Terms of Reference report and carry out a Community Governance Review of Bray Parish in accordance with the legislation and guidance..	Failure to carry out a review could result in a legal challenge.	Ensure that the Terms of Reference are agreed and published and that the remaining stages of the review are completed within the timescales outlined in the Terms of Reference.	Complete the Community Governance Review where a valid petition has been received calling for the review of the parish area in accordance with legislative requirements.

## 9. LINKS TO STRATEGIC OBJECTIVES

9.1 The Community Governance Review will commit to the strategic objectives of the Council including putting Residents First, delivering Value for Money, Delivering Together and Equipping ourselves for the future.

## 10. EQUALITIES, HUMAN RIGHTS AND COMMUNITY COHESION

10.1 The Council must seek to ensure that, so far as is reasonable and practicable, the conduct of the Community Governance Review is transparent throughout and that the electorate knows how to submit its comments during the two consultation stages.

## 11. STAFFING/WORKFORCE AND ACCOMMODATION IMPLICATIONS

11.1 None.

## **12. PROPERTY AND ASSETS**

12.1 None.

## **13. ANY OTHER IMPLICATIONS**

13.1 None.

## **14. CONSULTATION**

14.1 The public will have two opportunities to provide their views on whether the Fisheries should be incorporated into the parish of Bray. The first consultation period will last for two months and will invite residents to submit their views after the Terms of Reference report has been published. Submissions for this first stage will close on 16 February 2016. The council will then compile its Draft Proposals and publish these on 16 April 2016. At this point the second consultation period begins and residents are invited to submit their views on the Council's Draft Proposals up until 16 June 2016. The Council will publish its Final Proposals by 16 August 2016 in consideration of any comments received.

## **15. TIMETABLE FOR IMPLEMENTATION**

15.1 The Community Governance Review of Bray Parish must be concluded within twelve months of publication of the Terms of Reference. Should the outcome of the review be that the Fisheries is incorporated into the parish of Bray, a Reorganisation Order must be made. Changes to the composition of Bray Parish will not come into effect until the next parish elections in May 2019.

## **16. APPENDICES**

16.1 Appendix A – Draft Terms of Reference for the Community Governance Review. The Terms of Reference document includes four appendices.

## **17. BACKGROUND INFORMATION**

17.1 Where a petition has been received and is found to be valid, the principal council must conduct a Community Governance Review of the area identified in the petition. A principal council may also conduct a Community Governance Review in response to a request by a particular parish for a review, or conduct one of its own making, where it is perceived that the arrangements for parish governance in all or part of its administrative area should be reviewed. This may be due to changes in population or development of land in or around the review area.

17.2 The principal council has a duty to review parish governance in its area and should review its area at least every ten to fifteen years.

17.3 A Community Governance Review may cover a range of topics in relation to parish governance, from the creation of brand new parishes and the alteration of parish boundaries to the increase or decrease in the number of councillors appointed to a parish.

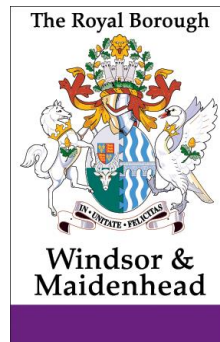
17.4 A principal council is not obliged to agree to any changes proposed in a review. It should however, be seen to make transparent and open decisions when making its draft and final proposals and to uphold the democratic processes underpinning local government. Whatever the outcome of the review, the principal council is required to publish its decisions and make these accessible to all.

## 18. CONSULTATION (MANDATORY)

Name of consultee	Post held and Department	Date sent	Date received	See comments in paragraph:
<b>Internal</b>				
Cllr Burbage	Leader of the Council	2/12/15	2/12/15	Section 3 updated
Alison Alexander	Managing Director and Strategic Director of Children's Services	1/12/15	1/12/15	Included in the report and Appendix
Andrew Brooker	Strategic Director of Corporate Services	2/12/15		
<b>External</b>				
SLS c/o Rupert Avery	SLS Link	2/1/2/15		

## REPORT HISTORY

Decision type:	Urgency item?	
	No	
Full name of report author	Job title	Full contact no:
David Scott	Returning Officer and Head of Governance, Performance and Policy	01628 796748



**COMMUNITY GOVERNANCE REVIEW – PARISH OF BRAY**

**LOCAL GOVERNMENT AND PUBLIC INVOLVEMENT IN HEALTH**

**ACT 2007**

**TERMS OF REFERENCE**

**THESE TERMS OF REFERENCE HAVE BEEN PUBLISHED BY THE COUNCIL**

**ON:**

16 December 2015

**SUBMISSIONS AND COMMENTS ON THIS TERMS OF REFERENCE**

**DOCUMENT SHOULD BE MADE BY:**

16 February 2016



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## 1. INTRODUCTION

### **The receipt of a petition**

1.1 The Royal Borough of Windsor and Maidenhead has received a Community Governance Petition. The petition calls for the consideration of adding an area known as The Fisheries to the parish of Bray. The area known as The Fisheries comprises six roads which are part of Oldfield East polling district in Oldfield Ward. The proposition is to incorporate this part of Oldfield East polling district into the parish of Bray, and to create an additional warded part of the parish for The Fisheries.

1.2 The petition received by the Council was signed by 802 local government electors of Bray Parish and The Fisheries. The petition has been checked and found to be a valid petition in accordance with Section 80 of the Local Government and Public Involvement in Health Act 2007 (the Act).  
In accordance with Section 83 of the Act, the Royal Borough of Windsor and Maidenhead (the Council) is required by law to conduct a Community Governance Review.

### **The legislative framework**

1.3 In undertaking the review, the Council will be guided by Part 4 of the Local Government and Public Involvement in Health Act 2007, the relevant parts of the Local Government Act 1972, and the following regulations, which guide, in particular, consequential matters arising from the Review: Local Government (Parishes and Parish Councils) (England) Regulations 2008 (SI2008/625); Local Government Finance (New Parishes) Regulations 2008 (SI2008/626).<sup>1</sup>

1.4 The Council is also required to have regard to guidance on Community Governance Reviews issued in accordance with section 100(4) of the Act by the Government Department for Communities and Local Government. This Guidance was published in April 2008, and it has been considered when writing these Terms of Reference.<sup>2</sup>

### **What is a Community Governance Review?**

1.5 A Community Governance Review considers the following topics for the areas under Review.

- parish areas: creating, merging, altering or abolishing parishes;
- the naming of parishes and the style of new parishes;
- the electoral arrangements for parishes (creating a council; the number of councillors to be elected to the council, and parish warding);
- consequential matters: the 'knock-on' effect on the Borough wards; dealing with fixed and monetary assets; resolving issues relating to employees of

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<sup>1</sup> The 2007 Act has transferred powers to the principal councils that previously, under the Local Government Act 1997, had been shared with the Electoral Commission's Boundary Committee for England

<sup>2</sup> This Guidance is available on the website of the Department for Communities and Local Government at [www.gov.uk/government/publications/community-governance-reviews-guidance](http://www.gov.uk/government/publications/community-governance-reviews-guidance)

the existing parishes; setting a precept for a new council; setting a date for the first elections and the subsequent electoral cycle, and

**Responsibilities for undertaking the review**

- 1.6 The Council has formally resolved to undertake a Community Governance Review of the existing parish of Bray and to publish these Terms of Reference at its meeting of 15 December 2015.
- 1.7 The Council will make the final decisions regarding the outcome of the review after all consultations have been received.
- 1.8 The Electoral Services department of the Council will oversee the consultation process and all subsequent correspondence regarding the review.

**The areas under review**

- 1.9 The Council has resolved that the following areas shall be the subject of this Review:<sup>3</sup>
  - The area known as The Fisheries. This includes the following roads; Avenue Road, Bray Road (partial), Church Road, Fishery Road, Glebe Road and The Rushes.
  - The current warded parishes of Bray, which include Alexander, Bray Village, Dedworth, Holyport and Oakley Green & Fifield.
- 1.10 The Council has considered that this Review has the potential to create an additional warded parish for Bray, comprising solely the area known as The Fisheries. This would increase the number of wards in Bray from the current five to six.
- 1.11 This would create implications at borough ward level as a new polling district for Oldfield ward would need to be created. It is proposed that the current Oldfield East polling district be split into two parts and a new polling district should be created, containing The Fisheries. This new polling district would then be coterminous with the new warded parish of Bray for The Fisheries, should this be the outcome of the Review.
- 1.12 Should the outcome of the review be that a new warded parish for Bray is created, the Council would intend to create a fourth polling district for Oldfield East ward as part of a Polling District and Places review. It should be noted that there are no proposed changes to the boundaries between the borough wards of Bray and Oldifeld, and this aspect is not to be considered as part of the proposed review from this Terms of Reference.
- 1.13 Appendix 1 includes two maps. The first shows the current boundaries for Bray parish and the wards within it. The second shows the area defined as The Fisheries which is proposed as the new parish ward for Bray parish.

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<sup>3</sup> Section 81(2) requires the area under Review to be specified in this Terms of Reference

## 2. CONSULTATION

### The consultation process

- 2.1 In coming to its recommendations in this Review, the Council will take into account the views of local people. The Act requires the Council to consult the local government electors for the area under review and any other person or body who appears to have an interest in the Review and to take the representations that are received into account by judging them against the criteria in the Act.<sup>4</sup> A timetable for the submission of comments is found in Table 2.1.
- 2.2 The Council will publish all decisions in the Review and its reasons for the decisions taken. The Council will endeavour to ensure that local government electors and any other person or body that appears to have an interest in the Review have every opportunity to express their views.
- 2.3 In accordance with the Act, representations received in connection with the Review will be taken into account, and all consultees will be consulted of the outcome of the Review. The Council proposes to use general press releases, its website, the placing of key documents on deposit at Maidenhead library and Bray Parish's council office, at briefing meetings and direct personal communication to achieve these objectives. The Council must endeavour to ensure that the consultation process is cost effective and only reasonable costs are incurred.

### How to submit your views

- 2.4 Comments should be submitted to the Electoral Services office of the Council. They can be submitted either by letter or by e-mail.

You can contact us at:

Electoral Services  
The Royal Borough of Windsor and Maidenhead  
Town Hall  
St Ives Road  
Maidenhead  
SL6 1RF

01628 796400

[Electoral.Registration@rbwm.gov.uk](mailto:Electoral.Registration@rbwm.gov.uk)

Details of our Officer contacts are as follows:

David Scott Head of Governance, Policy, Performance and Partnerships and Returning Officer.	Strategic management of the Review	<a href="mailto:David.Scott@rbwm.gov.uk">David.Scott@rbwm.gov.uk</a> 01628 796748
Suzanne Martin Electoral Services Manager	Responding to consultation responses and preparing key consultation documents	<a href="mailto:Suzanne.Martin@rbwm.gov.uk">Suzanne.Martin@rbwm.gov.uk</a> 01628 682935

<sup>4</sup> Section 93

### Contact details for Bray Parish Council

<p>Bray Parish Council</p> <p>Parish Office Moneyrow Green Holyport Maidenhead SL6 2NA</p> <p>Tel: 01628 777997 Email: <a href="mailto:clerk@brayparishcouncil.gov.uk">clerk@brayparishcouncil.gov.uk</a> Website: <a href="http://www.brayparishvillages.com">www.brayparishvillages.com</a></p>
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#### Timetable for the review

- 2.5 Publication of this Terms of Reference document formally begins the Review, and the Review must be completed within twelve months.<sup>5</sup>

The timetable for the review is set out in Table 1.

**Table 1 – Timetable for the Review**

Action	Timetable	Relevant Date
Terms of Reference approved by Council		15 December 2015
Terms of Reference are published	1 day	16 December 2015
Stage 1 – Consultation period. Deadline for initial submissions	Two months	16 February 2016
Stage 2 – Consideration of submissions. Draft recommendations are published.	Two months	16 April 2016
Stage 3 – Consultation period. Deadline for submissions on draft proposals	Two months	16 June 2016
Stage 4 – Council agrees and publishes its final proposals	Two months	16 August 2016
If required, Council resolves to make a Reorganisation Order	Thereafter	

#### Consultees for this Review

- 2.6 A number of community organisations operate within the parish of Bray, and many of these will be interested in the Review. Furthermore, the political parties, the parish councillors of Bray and the Borough ward members also have a clear interest in the Review. We have compiled a list of interested organisations and

<sup>5</sup> Section 93(8) of the 2007 Act

individuals with whom we propose to consult directly, which can be found in Appendix 2.

- 2.7 Electoral Services of RBWM proposes to supply copies of this Terms of Reference document, our Draft and our Final Proposals to all organisations or individuals included in Appendix 2. Printed copies of any of these documents will also be available to anyone who requests a copy, and copies will be available on the Council's website, at libraries in the affected area and at the parish council offices.

### 3. ELECTORATE AND DEMOGRAPHIC FORECASTS

#### The electorate and electorate forecasts for the Review areas

- 3.1 The Council has used the statistics from the revised electoral register published on 1 December 2015 to provide the following electorate figures. These are shown in Table 2.

**Table 2 - Current electorate and property statistics for the Review area**  
Parish of Bray

<b>Ward</b>	<b>Properties</b>	<b>Electors</b>	<b>Electors per property</b>
Alexander	333	408	1.2
Bray Village	1142	1986	1.7
Dedworth	325	436	1.3
Holyport	1489	2689	1.8
Oakley Green & Fifield	462	777	1.7

#### The Fisheries

<b>Street</b>	<b>Properties</b>	<b>Electors</b>	<b>Electors per property</b>
Avenue Road	24	47	1.9
Bray Road	15	24	1.6
Church Road	4	15	3.7
Fishery Road	41	81	1.9
Glebe Road	16	25	1.6
The Rushes	12	22	1.8
<b>Total</b>	<b>112</b>	<b>214</b>	<b>1.9</b>

### 4. THE PRESENT STRUCTURE OF PARISHES

#### The parish areas

- 4.1 The current boundaries of the existing parishes of Bray are shown in the maps in Appendix 1.

#### The parish electoral arrangements

- 4.2 Bray Parish is divided into five wards for the purposes of elections to the parish council. The existing ward boundaries are shown in a map in Appendix 1.

- 4.3 There are fifteen parish councillors for Bray. The breakdown of councillors to electors per warded parish is shown in Table 3.

**Table 3 – Electoral arrangements and levels of representation for the Review area**

<b>Parish Ward</b>	<b>Electors</b>	<b>Councillors</b>	<b>Ratio of Electors to Councillors</b>
Alexander	408	1	408
Bray Village	1986	5	398
Dedworth	436	1	436
Holyport	2689	6	449
Oakley Green & Fifield	777	2	389

- 4.4 Comparative information about the number of councillors in the remaining parishes of RBWM, can be found in Appendix 3.

### **Council tax precepts**

- 4.5 Residents who are represented at parish level pay a proportion of their council tax to their parish council. This is known as a parish precept. Residents who live in unparished areas of RBWM pay all their council tax to the Borough council. The proportion of residents' council tax allocated to the parishes differs from parish to parish. The different parish precepts are shown in Appendix 4.

## **5. NEXT STEPS**

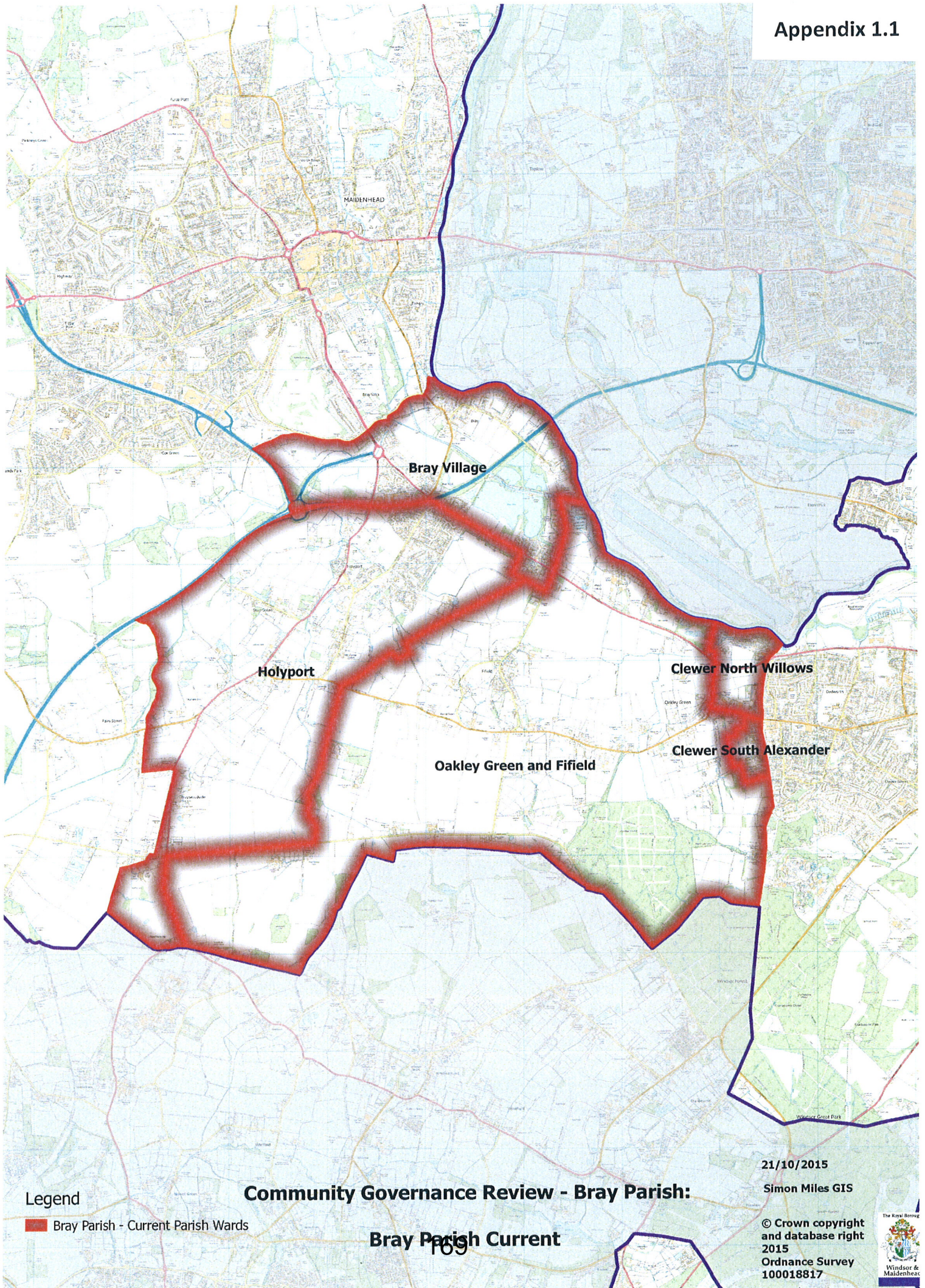
- 5.1 Electoral Services at RBWM will endeavour to ensure that the outcome of this Review will encompass the broadly held views of the residents of the affected areas insofar as they are compatible with the two central tests: 1. That community governance in our area should reflect the identities and interests of our communities and 2. That it should be effective and convenient. RBWM now invites initial submissions and any comments interested parties may wish to make in response to this Terms of Reference document, and these should be received by a closing date of 16 February 2016.
- 5.2 The Council will then prepare its Draft Proposals for this Review. In its Draft Proposals, the Council will balance the submissions that it has received against the legal tests and policies that have been outlined in this Terms of Reference document. The Draft Proposals will give our initial proposals for the future of community governance in Bray Parish. The proposals may be for no change or they may be for modifications to the existing structure. The Council will allow a period of two months, in accordance with the review timetable for consultations on the proposals.
- 5.3 Final Proposals will be made in response to the outcome of those consultations, within two months of the deadline for the previous consultations and will be published by 16 August 2016.
- 5.4 If changes to the existing structure of community governance in the affected areas are being recommended, the Review will be completed when the Council adopts a Reorganisation of Community Governance Order.

- 5.5 If no changes to the existing structure is recommended, then a Reorganisation Order will not be necessary.
- 5.6 If it is decided that a new warded parish for Bray is to be created, the electoral arrangements will come into force at the next elections to the parish council in May 2019.

**6. LIST OF APPENDICES**

Appendix 1.1	Bray Parish map showing wards
Appendix 1.2	The Fisheries area map
Appendix 2	List of organisations and individuals for consultations.
Appendix 3	Comparative information about councillor numbers for all parishes.
Appendix 4	Parish Precepts





Legend

Bray Parish - Current Parish Wards

Community Governance Review - Bray Parish:

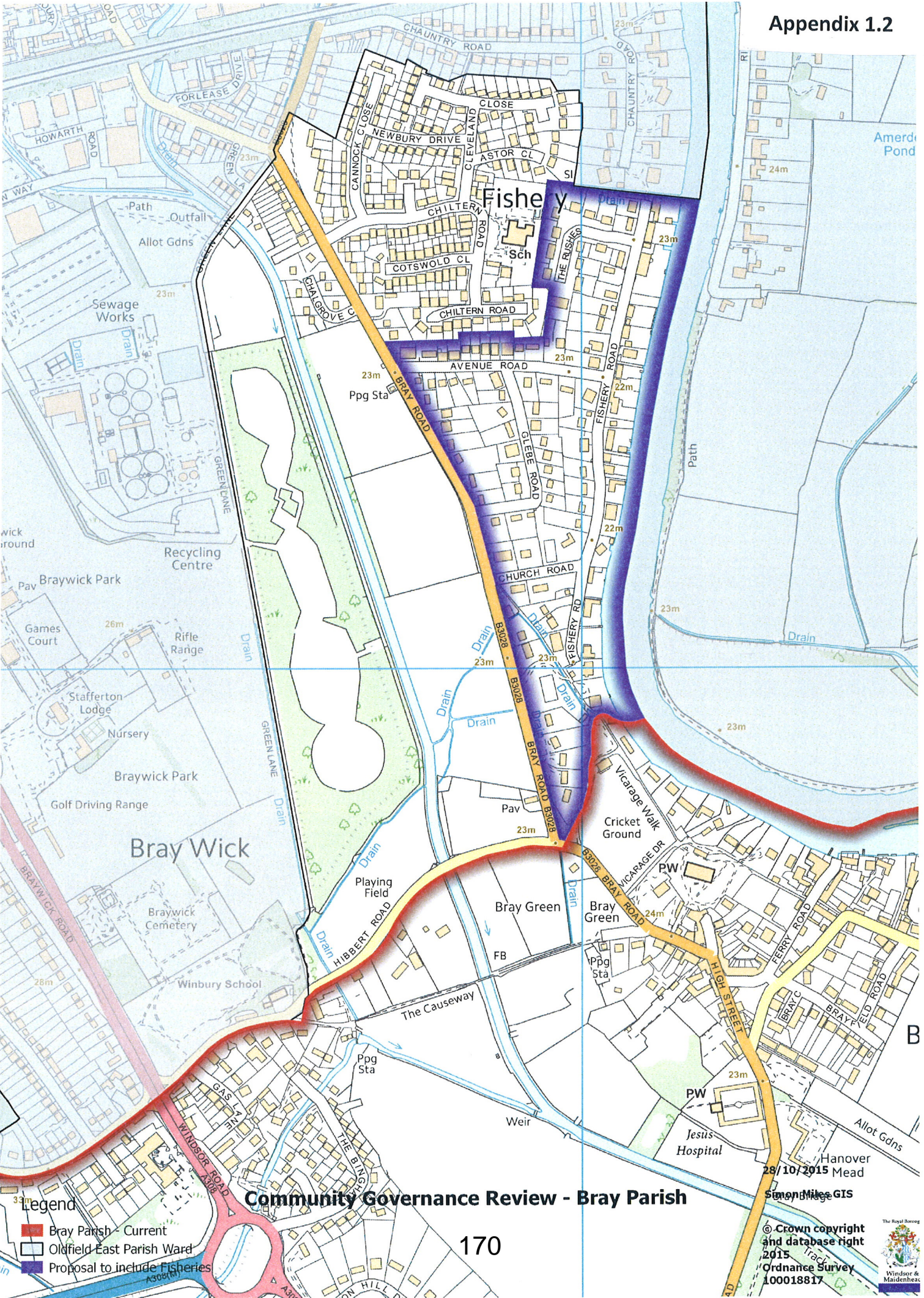
Bray Parish Current

21/10/2015

Simon Miles GIS

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Ordnance Survey 100018817





Community Governance Review - Bray Parish

28/10/2015  
 Simon Miles GIS  
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 Ordnance Survey 100018817



**BRAY PARISH COMMUNITY GOVERNANCE REVIEW**  
**ORGANISATIONS & INDIVIDUALS IN BRAY**

**Borough Ward Councillors for Bray.** Councillors David Burbage, David Coppinger and Leo Walters.

**Parish Councillors for Bray.**

**Alexander:** Julie-Ann Glover

**Bray Village:** Sandra Kiely, Ken Elvin, Chris Graham, David Burbage, Margaret Pierce.

**Dedworth:** Michael Airey

**Holyport:** Derek Wilson, Simon Dudley, Peter Janikoun, Louvain Kneen, Barbara Bou-Sreih, Leo Waters

**Oakley Green & Fifield:** Chris Yates and Nicola Marsh.

**The Fisheries Residents Association.** Website: [www.fisheryresidents.info](http://www.fisheryresidents.info). Chairman: Mr Barrie Mair.

**Oakley Green, Fifield and District Community Association (OGAFCA).** Website: [www.ogafcap.co.uk](http://www.ogafcap.co.uk) Chairman: Grenville Annetts.

**Oakley Green & Fifield Residents Association (OGFRA).** Website: [www.ogfra.org](http://www.ogfra.org) Chairman: Rod Ball

**Down Place Residents Association (DPRA):** Chairman: David Short

**Borough Ward Councillors for Oldfield Ward:** Councillors Geoff Hill, Asghar Majeed and Derek Wilson.

**Individual local residents:** in Bray Parish and The Fisheries. (Residents from across the Borough are also able to comment on the consultation).

## BRAY PARISH COMMUNITY GOVERNANCE REVIEW

## COUNCILLOR NUMBERS FOR ALL PARISHES

Parish	Warded Parishes	No. Councillors	Total
Bisham		6	6
Bray	Alexander	1	15
	Bray Village	5	
	Dedworth	1	
	Holyport	6	
	Oakley Green & Fifiel	2	
Cookham	Cookham	2	15
	Cookham Rise	9	
	Cookham West	4	
Cox Green	Cox Green East	6	15
	Cox Green North	5	
	Cox Green South	4	
Datchet		15	15
Eton		7	7
Horton		9	9
Hurley	Hurley North	4	10
	Hurley South	6	
Old Windsor		13	13
Sunningdale		10	10
Sunninghill & Ascot	Ascot & Cheapside	7	16
	Sunninghill & South Ascot	9	
Waltham St. Lawrence		7	7
White Waltham	Littlewick Green	2	8
	White Waltham & Paley Street	3	
	Woodlands Park	3	
Wraysbury		11	11

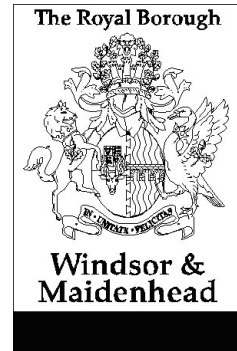
## BRAY PARISH COMMUNITY GOVERNANCE REVIEW

## COUNCIL TAX PRECEPTS

Parish	2014/2015 Precept (£)	2015/2016 Precept (£)	2015/2016 Band D Charge (£)
Bisham	24,000	25,000	35.22
Bray	132,600	136,313	32.99
Cookham	87,543	88,418	31.74
Cox Green	108,843	110,957	36.89
Datchet	176,650	176,650	82.50
Eton	57,442	57,988	34.13
Horton	23,268	24,164	53.16
Hurley	30,750	31,750	32.90
Old Windsor	120,631	127,935	55.54
Shottesbrooke	Nil	Nil	Nil
Sunningdale	84,835	87,460	27.70
Sunninghill & Ascot	151,041	161,080	26.27
Waltham St. Lawrence	14,000	14,000	21.75
White Waltham	93,958	95,078	84.40
Wraysbury	61,229	63,066	30.07
Unparished	944,000	956,119	29.26

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Report for: ACTION



<b>Contains Confidential or Exempt Information</b>	No – Part I
<b>Title</b>	<b>2015/16 Budget Decisions : Adults Social Care</b>
<b>Responsible Officer(s)</b>	Andrew Brooker – Interim Strategic Director of Corporate Services, Head of Finance
<b>Contact officer, job title and phone number</b>	Andrew Brooker, Head of Finance – 01628 796341
<b>Member reporting</b>	Cllr Dudley
<b>For Consideration By</b>	Council
<b>Date to be Considered</b>	15 December 2015
<b>Implementation Date if Not Called In</b>	Immediately
<b>Affected Wards</b>	All
<b>Keywords/Index</b>	Budget 2015/16; Adult Social Care

## Report Summary

1. This report deals with the request to recast the 2015-16 Revenue Budget to reflect the additional unplanned expenditure currently being incurred in Adults Social Care. Efforts have been made to mitigate this pressure within the ASC budget but the net cost is currently projected to be £2.084m. This includes the withdrawal of £217k Public Health grant by the Dept. of Health as part of its in-year savings regime.
2. The issues behind this additional spend and the funding opportunities have been reported to Cabinet in the Finance Update. In accordance with Councils Budget Management Strategy all Service Directors have been asked to identify savings proposals to mitigate these additional costs. To date as well as managing the inevitable service pressures that emerge Service Directors have identified savings notably within Operations.
3. The additional costs have a full year impact of £2.8m and provision for this cost is included in the Budget Build for 2016-17 with proposals being put to Council in February 2016 after being debated at Overview & Scrutiny Panels and Cabinet in January/February 2016.

<b>If recommendations are adopted, how will residents benefit?</b>	
Benefits to residents and reasons why they will benefit	Dates by which residents can expect to notice a difference
1. Adult Social Care service users will continue to receive the support that their care plans specify despite rising costs	Immediately.

## 1. Details of Recommendations

### **RECOMMENDATION: That Council:**

**Agree an additional £2.084m to be added to the 2015-16 Revenue Budget for Adult Social Care to be funded by the virement of:**

1. **£600k budget from the Operations Directorate (representing the current projected underspend).**
2. **£1.484m from the Councils Development Fund. (Details of the Fund in Appendix A)**

## 2. Background

On the 26<sup>th</sup> November 2015 the Finance Update report to Cabinet highlighted the full extent of the pressure on Adult Social Care (ASC) budgets that has been emerging since the start of the year. The Cabinet report goes into the detail but in summary the Borough is facing the same demographic pressures that are facing Councils nationwide, exacerbated by rising prices from contractors as demand exceeds supply and reduced homecare income. The ASC overspend reported to November Cabinet is £2.084m.

It is recommended that this additional expenditure is funded by transferring:

1. £600k from the Operations Revenue budget reflecting the current projected underspend that arises, in the main, from the strong processing performance in Housing Benefits and savings in Waste Management;
2. £500k from the Development Fund, as recommended by Cabinet at its meeting in September;
3. An additional £984k from the Development Fund.

The September Finance update can be found at :

[http://rbwm.moderngov.co.uk/Data/Cabinet/201509241930/Agenda/meetings\\_150924\\_cab\\_finance\\_full.pdf](http://rbwm.moderngov.co.uk/Data/Cabinet/201509241930/Agenda/meetings_150924_cab_finance_full.pdf)

<b>Option</b>	<b>Comments</b>
To accept proposals to recast 15-16 Revenue Budgets, thereby adding £2.084m to ASC budgets.	This will enable the approved estimate for 15-16 to reflect current patterns of spend.
To reject proposals to recast ASC budgets	Approved estimate for 15-16 would be significantly out of kilter with current spending patterns



### 3. Key Implications

Defined Outcomes	Unmet	Met	Exceeded	Significantly Exceeded	Date they should be delivered by
That the actual spend for 2015-16 is contained within the revised Approved Estimate	>1%	+1% to -1%	-1% to -2%	< 2%	March 2016

### 4. Financial Details

In constructing its Budget for the year the Council made allowance for a number of risks associated with Adult Social Care spend, Appendix K Council Budget Report refers.

[http://rbwm.moderngov.co.uk/Data/Council/201502241930/Agenda/meetings\\_150224\\_council\\_budget\\_full.pdf](http://rbwm.moderngov.co.uk/Data/Council/201502241930/Agenda/meetings_150224_council_budget_full.pdf)

In the event additional Business Rate Income, initially allocated to the Development Fund, flexibilities built into the Councils capital financing arrangements along with strong budget management in Operations have enabled the additional expenditure to be funded without creating significant issues for the overall level of General Fund balances.

The additional net spend of £2.084m in 2015-16 has a full year impact of £2.85m in 2016-17. Provision has been made in budget plans currently being prepared for 2016-17.

### 5. Legal Implications

In producing and reviewing this report the Council is meeting legal obligations to monitor its financial position and maintain its expenditure within approved budget.

### 6. Value For Money

At the time the Budget was set for 2015-16 analysis of data on the Audit Commission website showed that in 2014/15 the Royal Borough's planned spend per head of population as £715, the lowest in the country (next lowest York £733) compared to a national average of £955 per head. Whilst this additional expenditure is not planned it will not change the Borough's position as the lowest spend per head of population.

### 7. Sustainability Impact Appraisal

None arising from this decision.

### 8. Risk Management

No risks identified

## 9. Links to Strategic Objectives

### Our Strategic Objectives are:

#### Residents First

- Improve the Environment, Economy

#### Value for Money

- Invest in the future

## 10. Equalities, Human Rights and Community Cohesion

Not applicable as no changes to service delivery arise from this decision

## 11. Staffing/Workforce and Accommodation implications:

None arising from this decision

## 12. Property and Assets

None arising from this decision

## 13. Any other implications:

None arising from this decision

## 14. Consultation

Finance Updates are regularly reviewed and commented on by relevant Overview & Scrutiny Panels

## 15. Timetable for Implementation

Immediately

## 16. Appendices

Appendix A            Development Fund analysis

## 17. Background Information

Finance Update September 2016 Cabinet

Budget Report February 2016 Council

## 18. Consultation (Mandatory)

Name of consultee	Post held and Department	Date sent	Date received	See comments in paragraph:
<b>Internal</b>				
CMT		19-11-2015		
Chris Targowski	Cabinet Policy Officer	30-11-2015		
Anna Trott	Cabinet Secretary	30-11-2015		
Cllr Dudley	Lead Member for Finance	25-11-2015	30-11-2015	
Cllr Coppinger	Lead Member for Adult's	30-11-2015		
Cllr Burbage	Leader	30-11-2015		

## Report History

<b>Decision type:</b>	<b>Urgency item?</b>
Key decision	Yes

<b>Full name of report author</b>	<b>Job title</b>	<b>Full contact no:</b>
Andrew Brooker	Head of Finance	01628 796341

<b>Corporate Development Fund (AE35) £000</b>		
<b>Balance B/F from 2014/15</b>		1,263
<b>Transacted amounts in 2015/16</b>		
<b>To/From Capital Fund</b>		
Sunninghill Christmas Lights (May Cabinet)	-10	
Feasibility work on development sites in Maidenhead (July Cabinet)	-190	
To fund the work of regeneration staff in the capital programme (July Cabinet)	-126	
Leisure Centre dilapidation capital budget (July Council)	-445	
Update to Transport Model (September Cabinet)	-125	-896
<b>To/From General Fund</b>		
Contribution from General Fund (Budgeted)	229	
Business Rate discount (Budgeted)	-150	
Economic Development post (Budgeted)	-120	
Business rate income contribution (July Cabinet)	1,040	
Budget to resist Heathrow expansion (August Cabinet)	-25	
Contribution resulting from MRP policy change (September Cabinet)	900	
Contribution to the restructure of the Development and Regeneration service	-28	
Transfer to General Fund (November Cabinet)	-500	
Transfer of compulsory purchase provision (December Cabinet)	362	1,708
		<u>2,075</u>
<b>Transaction pending Council approval in December</b>		
Transfer to General Fund (December Council)	-984	
		<u>1,091</u>

Report for: ACTION



<b>Contains Confidential or Exempt Information</b>	NO - Part I
<b>Title</b>	<b>Council Strategic Plan 2016-2020</b>
<b>Responsible Officer(s)</b>	Alison Alexander, Managing Director and Strategic Director for Children's Services.
<b>Contact officer, job title and phone number</b>	David Scott, Head of Governance, Performance and Policy. 01628 796748.
<b>Member(s) reporting</b>	Cllr David Burbage, Leader of the Council. Cllr George Bathurst, Principal Member for Policy.
<b>For Consideration By</b>	Council
<b>Date to be Considered</b>	15 December 2015
<b>Implementation Date if Not Called In</b>	Immediately
<b>Affected Wards</b>	All

**Report Summary**

1. This report proposes a new four-year strategic plan for the Royal Borough. The plan sets out the Council's vision to make the Royal Borough a great place to live, work, play and do business. The four strategic priorities underpinning the vision are carried through from the Council's previous strategic plan because they remain relevant. The four strategic priorities, which our staff deliver against daily, are: Residents First, Value for Money, Delivering Together and Equipping Ourselves for the Future.
2. It is recommended that Council approve the near final draft plan, attached at Appendix A, and agrees to delegate the finalisation of the plan to the Managing Director and Leader of the Council in consultation with the Principal member for Policy, to enable any minor further edits to be made prior to the Council considering the Annual Budget which will determine the resources available for 2016/17 the first year of the Plan.

<b>If recommendations are adopted, how will residents benefit?</b>	
<b>Benefits to residents and reasons why they will benefit</b>	<b>Dates by which residents can expect to notice a difference</b>
1. Residents will have clarity on the work of the council, how residents have been served and future benefits.	1 April 2016.
2. Residents will be informed to be able to hold the council to account for performance.	1 April 2016.

## 1. DETAILS OF RECOMMENDATIONS

### RECOMMENDATIONS: That Council:

- i. **Approve the near final draft Council Strategic Plan 2016-2020 and**
- ii. **Delegates authority to the Managing Director and Leader of the Council in consultation with the Principal Member for Policy to make final minor alterations to the plan as may be necessary.**

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

- 2.1 A strategic plan ensures that the Council's residents, staff and partners are fully informed of the Council's strategic plans and priorities for the forthcoming period. The previous Council Strategic Plan expired in 2015.
- 2.2 The new Strategic Plan, attached at Appendix A, reflects back over the last few years as well as setting out how the Council will continue to put residents first; secure value for money in all that it does; work with the wider public sector, the voluntary and private sector in the Borough to ensure that the Borough is equipped for the future.
- 2.3 The Plan spans four years, but Full Council will be asked to review it annually, to ensure the council has delivered as it planned, and that the plan remains current.
- 2.4 The vision and strategic priorities in the Strategic Plan is used to set operating priorities of the individual Directorates and teams across the council, as well as complementing the current administration's manifesto. In addition the Council's annual budget is set against the backdrop of the Strategic Plan.
- 2.5 The Strategic Plan 2016-20 has built upon the last Corporate Strategy 2010-2015. The strategic priorities remain the same because they are considered to be important to our residents and therefore at the heart of the council business. Over the last four years the Council has gained a track record in delivering against these priorities. As a consequence the Borough's residents have high expectations of the Council. Over the next four years the Council will continue to meet residents' expectations through the following:
  - **Put Residents First.** Deliver real benefits to our communities by putting residents first – not bureaucracy and red tape. Listen to our residents as they come first and keep on listening and act upon what they say. Whether it is maintaining a weekly bin collection, providing opportunities for an outstanding education or assisting older people to retain dignity and independence in old age, people will always be our focus not administrative convenience. During the last Corporate Plan period, 2010-15, resident satisfaction increased. 88% of residents reported being very or fairly satisfied with the Royal Borough as a place to live in 2014/15, compared to 85% in 2013 and 78% in both 2012 and 2011.
  - **Achieve Value for Money.** Commit to achieving the best for residents whilst being good value for money. Take care with taxpayers' money, never forgetting whose money it really is. Continue to keep council tax to a minimum, but reinforce our promise to continually improve services through the use of

technology, innovation, best practice and multi-skilling staff. During the last corporate plan period, 2010-2015 Council Tax was cut six times, savings of £41.5 million achieved. This was against a backdrop of a continuing reduction in Government funding.

- **Deliver Together.** Deliver together in partnership with residents, community groups, businesses and others across the public, voluntary and private sector.
- **Equipping Ourselves for the Future.** Through our continuous focus on transforming our services, stretching across all levels of the council. Improving partnership working, driving up customer satisfaction levels, ideally at a lower cost, and all for the benefit of residents and businesses in achieving their own aspirations.

2.6 Through adopting this Strategic Plan the Council will be committing to residents that things will continue to meet their need and improve the community in which they live work and play in. For instance:

<p><b>Residents First</b> Residents will have more choice in education.</p> <p>Residents will enjoy healthy lifestyles and be supported into old age.</p> <p>Residents will enjoy vibrant town centres benefitting from Crossrail and other major infrastructure investments while retaining the unique character of our towns, villages and green belt countryside</p>		
<p><b>Value for Money</b></p> <p>Low Council Tax will be the norm.</p> <p>Improved services for less costs to the tax payer.</p> <p>More residents will have the opportunity to own their own home.</p>	<p><b>Delivering Together</b></p> <p>Council services will be available for longer and in more locations</p> <p>Residents can access services in the most convenient way for them, and get their issue resolved first time</p>	<p><b>Equipping Ourselves for the Future</b></p> <p>Mobile technology will enable us to deliver services where residents need them, when they want them.</p> <p>Investing in our staff and encouraging joined up working to deliver seamless front line services.</p>

**Evidencing delivery against the Council Strategic Plan**

- 2.7 The Strategic Plan will form the base of all council documents and reports and material will evidence impact against the four strategic priorities, for instance:
- Briefings with Council partners, e.g. Parish Councils, the Police and Clinical Commissioning Groups.
  - Prominent publication on the RBWM website and Around the Royal Borough.

Option	Comments
Approve the proposed Council Strategic Plan.	Approving the proposed strategic plan will result in an improved focus and clarity regarding the priorities and approach of the

<b>Recommended</b>	Council.
Do not approve the proposed Council Strategic Plan.	This option is not recommended. Without an approved strategic plan there will be less clarity for staff and residents regarding the priorities and approach of the Council.

### 3. KEY IMPLICATIONS

Defined Outcomes	Unmet	Met	Exceeded	Significantly Exceeded	Date they should be delivered by
Percentage of KPIs achieved in the IPMR over two years	Below 60%	60-79%	80-89%	90% or above	1 April 2017
Resident satisfaction (Very or fairly satisfied as a place to live)	Below 80%	80-90%	91-95%	Above 95%	1 April 2017
Staff Survey Satisfaction*	Below 50%	50-69%	70-80%	Above 80%	1 April 2017

\*This will be reviewed after the 2016 staff survey results.

### 4. FINANCIAL DETAILS

#### 4.1 Financial impact on the budget

Estimate	Year 1 2016/17	Year 2 2017/18	Year 3 2018/19	Year 4 2019/20
	Revenue	Revenue	Revenue	Revenue
Addition	N/A	N/A	N/A	N/A
Reduction	N/A	N/A	N/A	N/A

Estimate	Year 1 2016/17	Year 2 2017/18	Year 3 2018/19	Year 4 2019/20
	Capital	Capital	Capital	Capital
Addition	N/A	N/A	N/A	N/A
Reduction	N/A	N/A	N/A	N/A

### 5. LEGAL IMPLICATIONS

- 5.1 Under the Constitution, the Council is required to set the policy framework and the budget. The framework includes statutory plans but also non statutory plans which are produced either by government recommendation or as a matter of local choice. The Strategic Plan is considered one of the Council's most important documents as it sets out the Council's role in making the Royal Borough a great place to live, work, play and do business.



## 6. VALUE FOR MONEY

6.1 A main strategic priority of the Strategic Plan is to achieve value for money.

## 7. SUSTAINABILITY IMPACT APPRAISAL

N/A

## 8. RISK MANAGEMENT

Risks	Uncontrolled Risk	Controls	Controlled Risk
The Council does not have an agreed set of core priorities to work towards.	High	The strategic plan is adopted by Council setting out key objectives.	Low
The Council receives less funding from Government.	High	The strategic plan will assist the Council in ensuring that all spend delivers value for money	Low
The strategic plan does not deliver its agreed objectives.	Medium	An annual report will be published to summarise the Council's progress and identify areas for improvement.	Low

## 9. LINKS TO STRATEGIC OBJECTIVES

9.1 These remain the same as the previous Corporate Plan:

<p><b>Residents First</b>            Support Children and Young People            Encourage Healthy People and Lifestyles            Improve the Environment, Economy and Transport            Work for safer and stronger communities</p>	<p><b>Value for Money</b>            Deliver Economic Services            Improve the use of technology            Increase non-Council Tax Revenue            Invest in the future</p>
<p><b>Delivering Together</b>            Enhanced Customer Services            Deliver Effective Services            Strengthen Partnerships</p>	<p><b>Equipping Ourselves for the Future</b>            Equipping Our Workforce            Developing Our systems and Structures            Changing Our Culture</p>

## 10. EQUALITIES, HUMAN RIGHTS AND COMMUNITY COHESION

N/A

## 11. STAFFING/WORKFORCE AND ACCOMMODATION IMPLICATIONS

N/A

## 12. PROPERTY AND ASSETS

N/A

## 13. ANY OTHER IMPLICATIONS

N/A

## 14. CONSULTATION

14.1 Consultation has taken place with:

- Elected Members and Overview and Scrutiny Panels.
- Strategic leadership of the council
- Staff

## 15. TIMETABLE FOR IMPLEMENTATION

Action	Date
Report and draft plan presented to Cabinet for approval	26 November 2015
Report and near final Strategic Plan presented to Council for adoption	15 December 2015
Strategic plan commences	1 April 2016

## 16. APPENDICES

16.1 Appendix A - Council Strategic Plan 2016-20.

## 17. BACKGROUND INFORMATION

17.1 Council Corporate Plan 2010-2015.

## 18. CONSULTATION

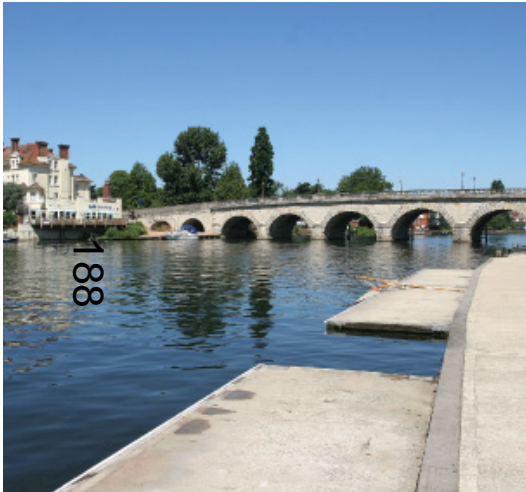
Name of consultee	Post held	Date sent	Date received	Comments
<b>Internal</b>				
Cllr Burbage	Leader of the Council	09/11/2015	12/11/15	Version considered by Cabinet
Cllr Bathurst	Principal Member for Policy	10/11/2015		
Alison Alexander	Managing Director and Strategic Director for Children's Services	09/11/2015	21/11/15	Comments included in the report and Appendix.
David Scott	Head of Governance, Performance and Policy	09/11/2015	7/12/15	Comments included in the report
Andrew Brooker	Interim Strategic Director of Corporate Services	09/11/2015		
Simon Fletcher	Strategic Director	09/11/2015		

	of Operations			
Christabel Shawcross	Deputy Managing Director and Strategic Director Adults			
Sean O'Connor	Legal	10/11/2015		Version sent to Cabinet

## REPORT HISTORY

<b>Decision type:</b>	<b>Urgency item?</b>
Key decision	No

<b>Full name of report author</b>	<b>Job title</b>	<b>Full contact no:</b>
Christopher Targowski	Cabinet Policy Manager	01628 796321
Anna Trott	Cabinet Secretary	01628 796264
Louisa Dean	Communications and Marketing Manager	01628 796410



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Royal Borough  
of Windsor &  
Maidenhead

# Council Strategic Plan 2016-2020

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## Foreword

### Cllr David Burbage MBE, Leader of the Council



Since 2007 when I became Leader of the Council we have been serving you, the taxpayers of the Royal Borough of Windsor & Maidenhead to the best of our ability.

The simple motto "Residents' First" has been proudly displayed in my office at the town hall in that time and is used on many occasions to test proposals and opportunities out before us. The Council's Strategic Plan does the same, putting this at the centre of all we do, alongside our other key strategic priorities: Value for Money, Delivering Together and Equipping Ourselves for the Future.

Many of the challenges facing local government are complex - but the good news is we have an experienced team of both councillors and officers and strong foundations from which we can rise to meet them.

We try to make local people the winners from the decisions we take, which can be seen from some of our achievements such as six consecutive council tax cuts, opening two new libraries, maintaining a weekly bin collection and keeping up the expenditure on our roads and pavements.

We know residents expect a high quality of service from their local council and the Strategic Plan sets out ways that we would like to see that taken forward even further. Our latest survey shows that the Council's satisfaction ratings are up again, but there is always more to do.

This document contains just some of our ambitions for the Royal Borough, and I welcome feedback from all those who live, work, play and do business here to help us make the Borough an even better place over the next four years.

*Photo courtesy of Baylis Media Ltd.*

# Introduction

## Alison Alexander, Managing Director

The Strategic Plan is the over-arching element that ensures that what we do as a Council will deliver real benefits to our communities, always bearing in mind our responsibility to use taxpayers' money wisely.



We want to make sure that the Royal Borough of Windsor and Maidenhead continues to be a great place to live, work, play and do business.

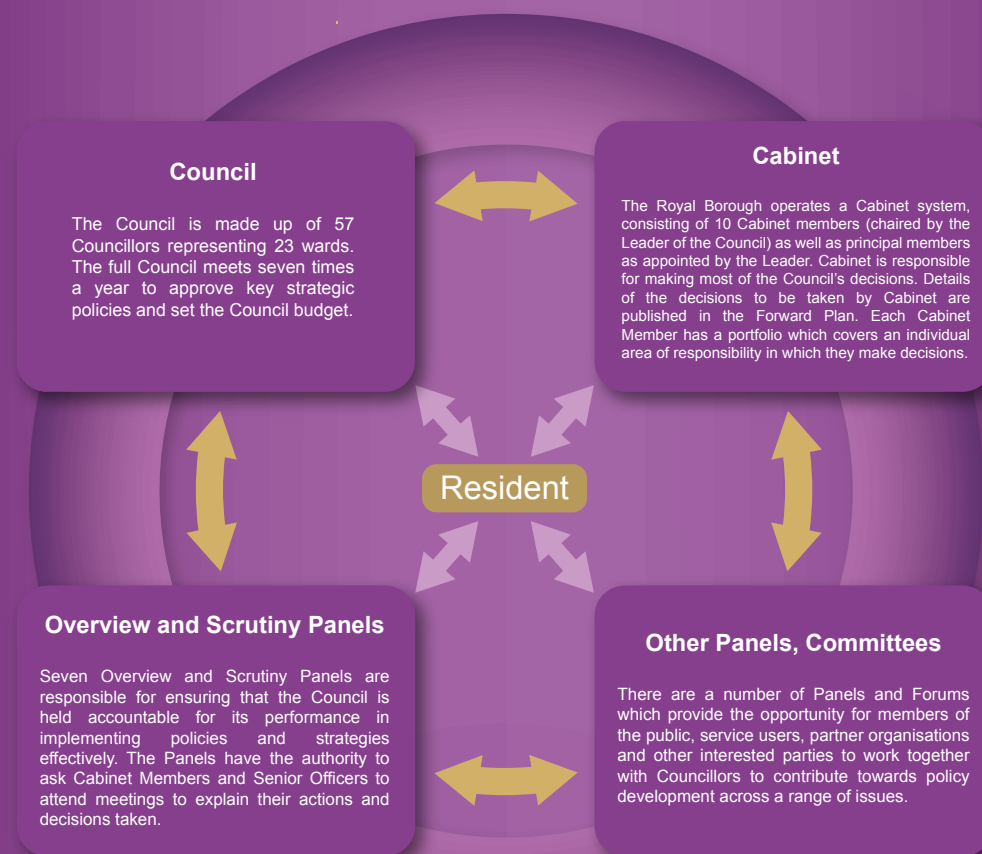
We are a modern, dynamic, successful council and we put residents first, not bureaucracy and red tape. We listen. The democratic process (right) is an integral part of how we ensure the voices of those that the councillors represent get heard.

Whether it is how often the bins are collected, or how we make sure that our children get an outstanding education or how we help older people to retain dignity and independence, we listen to the people who live here and we put them first when we make decisions.

We all know that money is tight but we have put together a four year programme to transform the way we work across all levels of the council. We need to save money but we set out to do that and still improve how we work with our partners and make our residents even more satisfied with the services we provide on their behalf.

The Strategic Plan is our firm commitment to these principles. It will guide the work of every member of staff in the Council and determine how we go about our day to day business.

# The Council & Democracy



# What will be different for residents in four years time

## Putting Residents First

### Strategic Priorities

Residents will have more choice in education.

Residents will enjoy healthy lifestyles and be supported into old age.

197 Residents will enjoy vibrant town centres benefitting from Crossrail and other major infrastructure investments while retaining the unique character of our towns, villages and green belt countryside.

Residents will be more satisfied with the Borough's roads.

## Value for Money

### Strategic Priorities

Low Council Tax will be the norm.

More residents will have the opportunity to own their own home.

We will seek to avoid over-inflationary increases in fees and charges.

## Delivering Together

### Strategic Priorities

Council services will be available for longer and in more locations.

Residents can access services in the most convenient way for them, and get their issue resolved first time.

We will share more services and work with our staff to deliver more effective and integrated services.

We will work more closely with Parish Councils and other key partners.

## Equipping Ourselves for the Future

### Strategic Priorities

Mobile technology will enable us to deliver services where residents need them, when they want them.

Investing in our staff and encouraging joined up working to deliver seamless front line services.

# Royal Borough Facts

## The Royal Borough

- Total population: 146,300
- Borough size: 79 miles<sup>2</sup>
- Number of houses (Band D equivalent): 64,000
- Band D Council Tax: £906.95
- Number of businesses: 8,375
- Employment rate: 79.4% (national average 73.5%)
- Two MPs: Theresa May (Maidenhead) and Adam Afriyie (Windsor)

## Education, children and family support

- 19,000 pupils: 8,000 primary age, 11,000 secondary age
- 65 schools + 1 virtual including 42 junior, primary and first schools and 14 secondary (including 4 middle)
- Ofsted ratings: 73% rated good or outstanding
- 9% of school age children on free school meals (national average 18.3%)
- 13 Children's Centres. 9 Youth Centres
- 750 statements of Special Educational Needs
- Corporate parent to around 110 children
- Support more than 150 Borough families with multiple complex needs

## The council

- Expenditure: £80.3m via service directorates and £9m other spend (debt, finance costs etc.)
- Income: £60.1m council tax and £29.2m from central government.
- Council staff: 1,346 (headcount), 1,136 FTE
- Volunteers: 3,200
- Responsible for around 400 different tasks

## Adult social care and support

- Adult social care clients: 750 (16-64) 2,000 (65+)
- 48 older people's homes.
- Homelessness advice and Information Service
- 2 residential care and respite for people with Learning Disabilities
- Community day care resource at Boyn Grove
- 510 households on the housing register



# Royal Borough Facts Continued...

## Public health

- Life expectancy at birth: 81 (male) 85 (female). National average of 79
- 2 clinical commissioning groups (Bracknell & Ascot CCG and Windsor, Ascot & Maidenhead CCG) converging 23 GP practices
- Pooled budget of £9m with the 2 CCGs
- 1 community health provider (Berkshire Healthcare Foundation Trust)
- 3 hospitals

193

## Planning and housing

- Average house price: £420k
- 83% greenbelt
- 4,500 planning applications received per year

## Democracy and customer services

- 23 wards and 57 elected member
- 14 Parish Councils plus one Town Council (Eton)
- 350 member meetings
- 254,000 calls, 25,000 emails and 7,000 web chats received by the Customer Service Centre every year

## Community, leisure and living

- 9 community centres
- 12 library buildings, one container library visiting 5 sites and one mobile library
- 200 hectares of managed parks and open spaces
- 5 leisure centres (externally managed).
- 4 cemeteries
- 1 Windsor and Royal Borough Museum
- 7.1 million visitors a year

## Highways, parking and environment

- Road network: 375 miles
- Resurface 4 miles of road a month
- 2.7m visitors to Borough car parks per year (approximately 5,800 spaces)
- 1 emergency centre (Tinkers Lane)
- Collect 71,000 tonnes of refuse, recycling, food waste and green waste a year

# Putting Residents First

## We will achieve this by...

### Support children and young people

Our priorities:

'To ensure every child and young person in the Borough is safe and has the opportunity to have an excellent academic and vocational education.'

Our ambitions:

1. Improved standards and quality of education in the Royal Borough of Windsor & Maidenhead.
2. More schools rated Good or Outstanding by Ofsted.
3. More pupils achieving their potential and attaining above the national average.
4. More Free School Meal pupils achieving in line with their peers.
5. Less children in care whilst improved outcomes for those in care.
6. Better protection and support for vulnerable children such as those at risk or experiencing Child Sexual Exploitation.
7. Our Safeguarding Service judged as Good or Outstanding.

### Encourage healthy people and lifestyles

Our priorities:

'To maintain excellent parks, libraries, sports and leisure facilities ensuring residents have the opportunity to be healthy.'

Our ambitions:

1. Declining obesity.
2. Childhood immunisation levels increasing.
3. Smoking levels declining, especially during pregnancy.
4. Fewer residents dependent on drugs and alcohol.
5. Increased take up of leisure facilities.
6. Residents of all ages taking up health checks.

### Improve the environment, economy and transport

Our priorities:

'To continue investing in infrastructure and support the regeneration of our towns whilst protecting the character of the Royal Borough.'

Our ambitions:

1. Better managed development and support of infrastructure in the borough through the Borough Local Plan.
2. Successful delivery of highways schemes.
3. Increased satisfaction in our road network.
4. Increased footfall in our town centres.
5. Growth in business rates and council tax income.
6. Successfully planning for the arrival of Crossrail.
7. Increased range of housing available.



### Work for safer and stronger communities

Our priorities:

'To ensure our residents are safe and supported by a skilled workforce.'

Our ambitions:

1. More families receiving help and assistance early through the Intensive Family Support Programme, Children's Centres and Youth Support to prevent escalations and referrals to social care.
2. More residents using technology, such as Telecare, to access services.
3. More rigorous enforcement, where appropriate, against those who threaten the safety and enjoyment of our communities.
4. Increased multi-skilled workforce.

# Deliver Together

## We will achieve this by...

### Enhance customer services

Our priorities:

'To bring customer services closer to the resident by making greater use of community facilities such as libraries and to use technology to enhance our existing out-of-hours access to council services.'

Our ambitions:

1. Improved call abandoned rates.
2. Improved levels of customer satisfaction.
3. Fewer complaints.
4. More services accessible outside of the Town Hall and York House.
5. Improved consultation with residents through the Annual Residents' Survey.

### Deliver effective services

Our priorities:

'To improve service delivery by implementing, and benchmarking against, best practice learned internally, nationally and internationally as well as explore ways of delivering services differently to improve outcomes for residents.' access to council services.'

Our ambitions:

1. Constant transformation of services.
2. Council services shaped by residents through, for example, the Annual Residents' survey.
3. Improve performance of all services against appropriate local and national benchmarks of success.
4. Increased revenue streams outside of council tax and business rates.

### Strengthen partnerships

Our priorities:

'To work with all our partners in the private, public and voluntary sector to deliver the best outcomes for residents and to localise decision making by devolving powers to organisations and individuals.'

Our ambitions:

1. More volunteers supporting council services.
2. Increased engagement with, and support from, the Local Enterprise Partnership and other partners.
3. Increased participation in Big Society initiatives such as Adopt A Street.
4. Increased engagement and collaboration with the Borough's business community.



# Value for Money

## We will achieve this by...

### Deliver economic services

Our priorities:

'To keep council tax low and reduce our high cost placements in social care.'

Our ambitions:

1. More approved foster carers.
2. Less permanent admissions to residential or nursing care for those over 65.
3. Explore available external funding opportunities.
4. Support growth in the number and diversity of businesses in the Borough.

### Improve use of technology, systems and structures

Our priorities:

'To deliver improved customer services and outcomes for residents through the use of existing and emerging technology and to explore opportunities to refresh the Advantage Card offer to provide improved accessibility, functionality and offers.'

Our ambitions:

1. More services available through technology.
2. More residents using Telecare.

### Increase non-council tax revenue

Our priorities:

'To intelligently use the Borough's assets to increase income and to maximise our ability to collect business rates as well as to seek greater external investment in the Borough through a variety of means such as Joint Ventures, the Local Enterprise Partnership and other sources.'

Our ambitions:

1. Growth in Business Rates collected.
2. Continued collection of CIL/ s.106 developer funding to improve the Borough's infrastructure.
3. Increased Library and Museum income as well as other income streams.



### Invest in the future

Our priorities:

'To develop innovative services that will help to meet future challenges and demand and to launch a home ownership plan through shared equity and other models, where the resident has a stake in their property.'

Our ambitions:

1. Review annual s.106 projects to maintain effective use of developer funds.
2. Review the Community Infrastructure Levy once more residents are helped on to the housing ladder.

# Equipping Ourselves for the Future

## We will achieve this by...

### Equip our workforce

Our priorities:

'To invest in learning and development for our staff and multi-skill our workforce'

Our ambitions:

1. Increased levels of staff satisfaction in the Annual Staff Survey.
2. Reduced voluntary staff turnover.
3. Increased levels of engagement with the Council's learning and development programme.
4. Better use of information gathered from staff appraisals to inform workforce development.

### Develop our systems and structures

Our priorities:

'To progress the digitalisation of the council's systems to further develop the ambitions for a 24/7 council as well as promote joined-up working across the council to help engender a "tell us once" ethos, improving outcomes for residents.'

Our ambitions:

1. Fewer complaints relating to avoidable contact.
2. Improvements to the Council's internal technology systems to increase work productivity through the Corporate Transformation Programme.

### Change our culture

Our priorities:

'To better use digital and mobile technology and deliver against the Council's Transformation Programme.'

Our ambitions:

1. Deliver against the Corporate Project tracker e.g. improved use of project management software.
2. Deliver against the Council's Capital Programme.
3. Progress to a paperless council.
4. Council services shaped by residents through, for example, the Annual Residents' survey.





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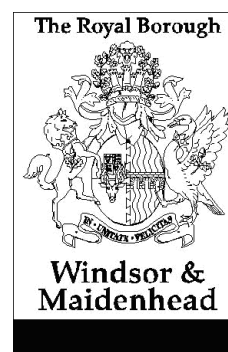
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Report for:  
ACTION



<b>Contains Confidential or Exempt Information</b>	NO - Part I
<b>Title</b>	<b>DELEGATION OF PLANNING FUNCTIONS WITHIN BRAY PARISH</b>
<b>Responsible Officer(s)</b>	Chris Hilton, Director of Development and Regeneration
<b>Contact officer, job title and phone number</b>	Chris Hilton, Director of Development and Regeneration 01628 683811
<b>Member reporting</b>	Councillor David Burbage, Leader of the Council
<b>For Consideration By</b>	Council
<b>Date to be Considered</b>	15 December 2015
<b>Implementation Date if Not Called In</b>	N/A
<b>Affected Wards</b>	Bray, Clewer North, Clewer South

## REPORT SUMMARY

1. This report seeks to progress the constitutional framework within which devolution in Planning matters to Parish Councils can be progressed.
2. It recommends that Council approves the principles and basis of the establishment of a Bray Parish Development Control Sub-Committee to consider certain types of planning application made within Bray Parish for a 12 month period.
3. It recommends the delegation to Constitution Sub-Committee the ability to agree the final details of this arrangement and to make any changes to the Constitution that are consequently required.
4. In recognition of principals of co-opting members of the Parish Council onto the Parish Development Control Sub-Committee, it recommends approval of the suspension of the political balance rules in respect of this Sub-Committee

## If recommendations are adopted, how will residents benefit?

Benefits to residents and reasons why they will benefit	Dates by which residents can expect to notice a difference
1. Residents will benefit through more localised decision-	It is anticipated that

making in respect of certain types of planning application made within Bray Parish.	the first meeting of the Sub-Committee might be able to be held in early February 2016
---	--

## 1. DETAILS OF RECOMMENDATIONS

### RECOMMENDATION: That Council:

- i. Approve the principles of delegation for an initial 12 month period and the basis of the establishment of the Bray Sub-Committee**
- ii. Delegate to Constitution Sub-Committee the ability to agree the final details the Sub-Committee including the ability to extend the duration of the term and any consequent changes to the Constitution and**
- iii. Approve suspension of the political balance rules in respect of the Bray Parish Sub-Committee**

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

- 2.1 In the meeting of the 22<sup>nd</sup> September 2015, the Council, in furtherance of its strategy of devolution to Parishes, instructed the Constitution Sub Committee to undertake negotiations with Bray Parish Council with the intention of devolving decision making in planning development management.
- 2.2 The Constitutional Sub Committee has been in active negotiation with Bray Parish Council to devolve to the Parish Council part of its statutory function in making decisions on planning applications and is now in a position to make a recommendation to Council in relation to delegation of part of the development control decision making within Bray Parish.

### **Legislative Basis and Proposal for Delegation**

- 2.3 Section 102 of the Local Government Act 1972 permits the Borough to appoint further Sub-Committees of its Development Control Area Panels. The Sub-Committee can be delegated a range of powers that permit it to make decisions on behalf of the Borough and in particular, delegated the ability to consider applications that fall within the boundaries of Bray Parish only. This Sub-Committee will constitute a part of the Borough (rather than the Parish Council) and meets the requirements of the Town and Country Planning Act 1990 which requires the Borough as the Local Planning Authority to consider any application for planning permission.
- 2.4 The Borough is able to co-opt third parties onto the Sub-Committee under s102 and the proposal is that the co-opted members of the Sub-Committee will be co-opted from the Members of Bray Parish Council.
- 2.5 Therefore, a Sub-Committee of the Maidenhead and Windsor Urban Panels would be formed (called the Bray Parish Sub-Committee). It would be a Sub-Committee of both Panels, as the Parish and Borough Ward boundaries are not contiguous,



as part of Clewer North and Clewer South Wards (which comes under Windsor Urban Panel) lie within the Parish of Bray.

- 2.6 The Sub-Committee would comprise such Members of Bray Parish Council, co-opted for the purpose. The Sub-Committee would operate under the same rules and procedures as the Borough Panels (e.g. public speaking, training etc). The benefits are that it is more efficient and cost effective to set up, the procedures/processes are already established and there is no duplication of effort/process.
- 2.7 The members of the Sub-Committee will be required to be trained in planning decision making prior to sitting on the Sub-Committee, will need to comply with the Members Code of Conduct and record their interests on the Members Register of Interests.
- 2.8 The proposal is that the Sub-Committee would consider the following applications:

*Householder applications - defined as those within the curtilage of a dwelling house which require an application for planning permission and are not a change of use.*

*Included in householder developments are extensions, conservatories, loft conversions, dormer windows, alterations, garages, car ports or outbuildings, swimming pools, walls, fences, domestic vehicular accesses, including footway crossovers, porches and satellite dishes.*

*Where an application includes the following matters then the application will be considered by the relevant Area Development Control Panels in substitute:*

- i. Retrospective applications*
- ii. Listed Building Consent*
- iii. Householder applications that relating to any work to two or more flats, applications to change the number of dwellings (flat conversions, building a separate house in the garden), change of use to part or all of the property to non-residential (including business) uses, anything outside the garden property (including stables if in a separate paddock).*

- 2.9 A Call-in procedure will apply where a Member of the Borough Council can request a planning application to be considered by the appropriate Area Development Control Panel.
- 2.10 The processes required supporting the Development Control delegation and necessary resources needed are currently being finalised and agreed with Bray Parish Council.
- 2.11 The proposed delegation to the Sub-Committee is for an initial period of 12 months. It will be reviewed after that 12 month period and a decision will then be

taken by Constitutional Sub-Committee as to whether to continue beyond the 12 month pilot period.

- 2.12 Council is requested to approve the principles of delegation and the basis of the establishment of the Bray Parish Sub-Committee and to delegate to Constitution Sub-Committee the ability to agree the final details of this devolution/delegation.

### **Constitutional Changes**

- 2.13 The proposed changes to the Constitution are set out in the Appendix. Although these are likely to be sufficient for the purposes of the delegation, Council is requested to delegate to Constitutional Sub-Committee power to finalise the details in the delegation to the Bray Parish Sub-Committee.

### **Political Balance**

- 2.14 As a sub-committee of Council, Bray Parish Sub-Committee is subject to the rules on political balance under s15 of the Local Government and Housing Act 1989. This means that the Sub-Committee must reflect the political balance of the Council as a whole. However, this does not facilitate the purposes of Borough's ambition of devolution of decision making. The purpose being to enable Parish Councillors in the relevant Parish to be those entrusted with taking decisions.
- 2.15 If the political balance rules are applied, it may result in member of the Bray Parish Sub-Committee having to co-opt members that are not part of the Parish Council.
- 2.16 Council is therefore requested to suspend the application of the political balance rules to the Bray Parish Sub-Committee which will enable the Sub-Committee to consist solely of members of Bray Parish Council. It is anticipated that should this delegation be extended to other Parish Councils then it will require a similar suspension of the political balance rules.
- 2.17 To suspend the rules under s17 (b) of the Local Government and Housing Act 1989 the decision must be unanimous. If any member of the Council votes against the decision at the Council meeting, then the political balances rules cannot be suspended.

## **1.10 Appendix**

The Appendix to this Report documents the proposed changes to Constitution.

### 3. KEY IMPLICATIONS

Defined Outcomes	Unmet	Met	Exceed	Significantly Exceeded	Date they should be delivered by
Consider the motion and, if appropriate, approve the creation of the Bray Sub Committee	Do not create the Bray Sub Committee	Create the Bray Sub Committee	N/A	N/A	January 2016
Achieve more localised decision making on certain types of planning application	Do not achieve more localised decision making	Achieve more localised decision making	N/A	N/A	From February 2016

### 4. FINANCIAL DETAILS

#### Financial impact on the budget

4.1 None.

### 5. LEGAL IMPLICATIONS

3.1 Section 102 of the Local Government Act 1972 allows RBWM to appoint a Sub-Committee with the same constitution as the Parish Council. This Sub-Committee would constitute part of the Local Authority (rather than the Parish), meeting the requirements of the Town and Country Planning Act 1990.

### 6. VALUE FOR MONEY

6.1 Although there are some resource implications in terms of officer time required to service the Sub-Committee, it is considered that these resource implications are small and are outweighed by the benefits of achieving more localised decision-making.

### 7. SUSTAINABILITY IMPACT APPRAISAL

7.1 There is no impact on sustainability objectives.

### 8. RISK MANAGEMENT

<b>Risks</b>	<b>Uncontrolled Risk</b>	<b>Controls</b>	<b>Controlled Risk</b>
Increased losses of planning appeals and/or legal challenges as a result of the decision making of the Sub Committee	HIGH The Sub Committee makes decisions without appropriate training and advice	All Members of the Sub-Committee will be required to undertake training to same standard as RBWM Panel Members. A training programme will be offered by RBWM. Officer advice will also be available at the meetings of the Sub Committee	LOW The controlled risk should be no higher than similar risks at RBWM's Development Control Panels

## **9. LINKS TO STRATEGIC OBJECTIVES**

The main links are to:

Residents First

- Work for safer and stronger communities Value for Money

Delivering Together

- Enhanced Customer Services
- Deliver Effective Services

## **10. EQUALITIES, HUMAN RIGHTS AND COMMUNITY COHESION**

10.1 These proposals do not require a full EQIA. No negative impacts are identified.

## **11. STAFFING/WORKFORCE AND ACCOMMODATION IMPLICATIONS**

11.1 There will be some limited staff resource implications, dependent upon the final details that are agreed with Bray.

## **12. PROPERTY AND ASSETS**

12.1 None.

## **13. ANY OTHER IMPLICATIONS**

13.1 None.

## **14. CONSULTATION**

14.1 Discussions are ongoing with Bray Parish Council regarding the details of the devolution arrangements.

## 15. TIMETABLE FOR IMPLEMENTATION

Date	Details
Mid Jan 2016	Complete negotiations and approval of details and any required changes to the Constitution by Constitution Sub-Committee
Feb 2016	First meeting of Bray Sub-Committee

## 16. APPENDICES

16.1 None.

## 17. BACKGROUND INFORMATION

17.1 None.

## 18. CONSULTATION (MANDATORY)

Name of consultee	Post held and Department	Date sent	Date received	See comments in paragraph:
<b>Internal</b>				
Cllr Burbage	Leader of the Council			
Alison Alexander	Managing Director			
Sean O'Connor	Interim Head of Legal Services	03.12.15		
Andrew Brooker	Head of Finance			
Chris Hilton	Director of Development and Regeneration			
<b>External</b>	None			

## REPORT HISTORY

Decision type:	Urgency item?
Non-key decision	No

Full name of report author	Job title	Full contact no:
Simon Rowberry	Interim Planning Policy Manager	



## Appendix

### Change to Constitution

The changes shall be made as stated in the table (strikethrough denotes deletion of existing and underline indicates additional/replacement wording):

### **D3 Area and Joint Development Control Panels**

#### D3.1 Purpose

(i) Within the operating guidelines and budget approved by the Council to consider all matters other than those delegated to a Parish Development Control Subcommittee relating to the following:

a. Where a Councillor has requested within 28 days of the publication of the weekly list featuring an application, using the adopted pro-forma for Calling in applications, that an application should be the subject of a decision by the Development Control Panel (~~other than application for 'Certificate of Lawfulness for proposed use of development'.~~)

b. Where a planning application proposes more than two dwellings or over 1000sqm of non-residential floor space. ~~the decision is made by the Area Development Control Panel unless the decision is delegated to the Director of Development and Regeneration by the Chairman of the relevant Development Control Panel.~~

c. Where the Officer's decision would reverse a previous decision of a Development Control Panel for the same development or would have the effect of preventing the proper implementation of any previous decision of the Council.

~~d. Where an Officer's decision would be contrary to a previous decision that had occurred as a result of a discussion with a Councillor, where amendments took place such that the decision was taken under delegated authority.~~

d.e Where an emerging or approved Local Plan or other Policy or Guidance Statement is in existence for a particular area or development type ~~topic~~ and the Officers ~~decision recommendation on~~ upon the application would be contrary to any existing or emerging significantly prejudice the implementation of the development plan policies or guidance proposal.

ef. Where an application seeks a renewal of a planning permission, or a variation of a planning permission or a variation of a planning condition for a previously approved planning application. ~~the decision is made by the Area Development Control Panel unless the decision is delegated to the Director of Development and Regeneration by the Chairman of the relevant Development Control Panel.~~

fg. Where an application is made by a Councillor or a member of their family and there are one or more objections or it is contrary to adopted planning policies.

hg. Where an application is made by the Council or the Council has land ownership interest in the application site ~~and there are one or more objections or it is contrary to the adopted planning policies.~~

ih. Where an application is made by officers in politically restricted posts or by an officer employed in the Planning Unit/Department and there are one or more objections or it is contrary to adopted planning policies.

ij. Where in the opinion of the Borough Planning Manager ~~Director of Development and Regeneration~~ and the Lead Member of Planning ~~and Development~~, that it would not be appropriate to use delegated authority.

l. Where any tree of amenity value or significance that is to be felled whether covered by a TPO or on Highways land may come to an area panel if the Borough Planning Manager ~~Director of Development and Regeneration~~ and the Lead Member for Planning agree if- it is appropriate in the public interest. i.e. a contribution to the amenity or street scene.

k. All other functions regarding town and country planning and development control listed in Section A of Schedule 1 of The Local Authorities (Functions and Responsibilities) (England) Regulations 2000 are to be delegated to Officers unless delegated to a Parish Development Control Subcommittee.

(ii) To advise the Council, the Cabinet, the Planning and Housing ~~Environment~~ Overview and Scrutiny Panel on the preparation, updating and monitoring of the Local Plan and policies relating to development management control guidance.

### *D3.2 Membership*

- a) Maidenhead Development Control Panel – 11 Members  
Wards: Belmont, Bisham & Cookham, Boyn Hill, Bray, Cox Green, Furze Platt, Hurley & the Walthams, Oldfield, Pinkneys Green and Maidenhead Riverside.
- b) Windsor Rural Development Control Panel – 6 Members  
Wards: Ascot & Cheapside, Horton & Wraybury, Old Windsor, Sunningdale and Sunninghill & South Ascot.
- c) Windsor Urban Development Control Panel – 8 Members  
Wards: Castle Without, Clewer North, Clewer South, Clewer East, Eton and Castle, Eton Wick, Datchet, Park
- d) Joint Panel: Where an application appears likely to have significant impact which goes beyond the area of the relevant Development Control Panel a joint meeting of the Panels will be convened to determine the application.

### *D3.3 Dual Hatted Members and Lobbying*

These issues are dealt with in the Planning Code of Conduct Part 7 B. Any queries can be discussed with the Democratic Services Manager or Monitoring Officer.

N.B: A Cabinet Member may be a Member of a Development Control Panel.

*D3.5 Quorum:* Maidenhead DC Panel – 3 Members  
Windsor Rural DC Panel – 2 Members  
Windsor Urban DC Panel – 2 Members

*D3.6 Frequency:* Every four weeks      **208**



### *D3.7 Joint Development Control Panels*

Planning applications which are likely to have a significant impact, going beyond the area of the relevant Area Development Control Panel will be considered and determined at a joint meeting of the ~~two~~ Development Control Panels.

The initial decision as to whether an application falls into this category will be taken by the Borough Planning Manager ~~Director of Development and Regeneration, and the Monitoring Officer,~~ in agreement with the Lead Member for Planning and the Development Control Panel Chairmen. In the event of a lack of unanimity, the ~~two~~ Development Control Panel Chairmen and the Lead Member for Planning will meet and reach a majority decision to recommend to the Borough Planning Manager ~~Director of Development and Regeneration and the Monitoring Officer~~

Where at least 5 Members of an Area Development Control Panel, or the Chairman of that Panel, believes that an application due to be determined by the other Development Control Panel is likely to have a significant impact on their area and should be determined by Joint Panel, they shall notify the Borough Planning Manager ~~Director of Development and Regeneration~~ in writing as soon as possible and, in any event, prior to the time fixed for the Development Control Panel due to determine the application. The matter will then be considered by the Borough Planning Manager ~~Director of Development and Regeneration and the Monitoring Officer~~ in consultation with the ~~two~~ Development Control Panel Chairmen and the Lead Member for Planning, who will decide how the application is to be determined. If this decision cannot be made prior to the Development Control Panel at which the application was due to be considered, the application will be deferred.

## **D4 Parish Development Control Sub Committees**

### D4.1 Purpose

Within the operating guidelines and budget approved by the Council to consider all applications in the relevant Wards relating to the following matters:

a. Householder applications - defined as those within the curtilage of a dwelling house which require an application for planning permission and are not a change of use.

- Included in householder developments are extensions, conservatories, loft conversions, dormer windows, alterations, garages, car ports or outbuildings, swimming pools, walls, fences, domestic vehicular accesses, including footway crossovers, porches and satellite dishes.

Where an application includes the following matters then the application will be considered by the relevant Development Control Panels in substitute:

- i. Retrospective applications
- ii. Listed Building Consent
- iii. Householder applications that relating to any work to two or more flats, applications to change the number of dwellings (flat conversions, building

a separate house in the garden), change of use to part or all of the property to non-residential (including business) uses, anything outside the garden property (including stables if in a separate paddock).

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#### D4.2 Membership

- a) Bray Development Control Subcommittee – 14 members of the Panel (being co-opted from elected parish councillors of Bray Parish Council)  
Wards: Bray, Clewer North (part) & Clewer South (part)

#### D4.3 Political Balance

A Parish Development Control Subcommittee is a committee of Council and the political balance rules under s15 Local Government and Housing Act 1989 apply unless suspended by Council each year at full Annual Council.

D4.5 Quorum: Bray DC Subcommittee – 5 Members

D4.6 Frequency: Every four weeks

#### D4.7 Call-in

Within 28 days of the publication of the weekly list featuring an application, a Councillor may Call-in the application using the adopted pro-forma for Calling in applications. The application will then be consider by the relevant Area Development Control Panel for that Ward in substitute.