

AT A MEETING OF THE BOROUGH COUNCIL held in the Council Chamber - Guildhall on Tuesday, 26th April, 2016

PRESENT: The Mayor (Councillor Eileen Quick), The Deputy Mayor (Councillor Sayonara Luxton) and Councillors Leo Walters, Edward Wilson, Lynda Yong, Maureen Hunt, Malcolm Beer, Hashim Bhatti, John Bowden, Paul Brimacombe, Clive Bullock, Gerry Clark, David Coppinger, Diment, Carwyn Cox, David Evans, Geoff Hill, George Bathurst, Mohammed Ilyas, Richard Kellaway, John Lenton, Paul Lion, Philip Love, Asghar Majeed, Marion Mills, Gary Muir, Phillip Bicknell, Nicola Pryer, Jack Rankin, Colin Rayner, Samantha Rayner, Wesley Richards, MJ Saunders, Hari Sharma, Derek Sharp, Malcolm Alexander, Christine Bateson, David Burbage, Stuart Carroll, John Collins, Simon Dudley, Dr Lilly Evans, Marius Gilmore, Jesse Grey, Lynne Jones, Ross McWilliams, Shamsul Shelim, John Story, Claire Stretton, Lisa Targowska, Simon Werner and Derek Wilson

Officers: Russell O'Keefe, Elizabeth Hambidge, Jessica Hosmer-Wright, Alison Alexander, Simon Fletcher, David Scott, Karen Shepherd and Anna Trott

40. APOLOGIES FOR ABSENCE

Apologies for absence were received from Councillors N. Airey, M. Airey, Hilton, Hollingsworth and Smith.

41. COUNCIL MINUTES

RESOLVED UNANIMOUSLY: That the minutes of the meeting held on 23 February 2016 be approved.

42. DECLARATIONS OF INTEREST

Councillor Werner declared an interest in the Motion on Notice as his wife ran a church service for families.

Councillor C Rayner declared a Disclosable Pecuniary Interest in Member Question a) as he was a farmer. He left the room for the duration of the discussion and voting on the item.

Councillor Kellaway declared an interest in the item 'Petition for Debate' as he was a member of Maidenhead Town Partnership Board and PRoM.

Councillor S Rayner declared a Disclosable Pecuniary Interest as she was a farmer. She left the room for the duration of the discussion and voting on the item

Councillor D. Wilson declared an interest in the item 'Petition for Debate' as he was a member of Maidenhead Town Partnership Board and PRoM.

Councillor Stretton declared an interest in the item 'Petition for Debate' as she was a member of Maidenhead Town Partnership Board and PRoM.

Councillor Hill declared an interest in the item 'Petition for Debate' as he was a member of Maidenhead Town Partnership Board.

Councillor Love declared an interest in the item 'Petition for Debate' as he was a member of Maidenhead Town Partnership Board and PRoM

Councillor E. Wilson declared an interest in the Motion on Notice as his wife worked at St Edwards RC School.

Councillor Dr L. Evans declared an interest in item 'Petition for Debate' as she was a Parish Councillor for Sunningdale.

Councillor Burbage declared an interest in the item 'Petition for Debate' as he was a member of PRoM.

Councillor Ilyas declared an interest in the Motion on Notice as he was a member of Maidenhead Mosque which undertook active youth work.

43. 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 the Queen's 90th birthday celebrations. Members noted that the borough had presented Her Majesty with four dog coats for her corgis embroidered with the Royal Borough crest. She thanked all officers who had been involved in the preparations.

The Mayor thanked Councillor Burbage for all the work he had put in as Council Leader since 2007 to make the borough a flagship council. Councillor Burbage thanked all Members and officers for their support and looked forward to working with them in the future. Councillor Dudley, on behalf of all Members, thanked Councillor Burbage for his efforts and highlighted a number of achievements including reductions in council tax and opening of new libraries.

Members then held a one minute silence in honour of former Mayor Emrys Richards, who had passed away the previous week.

44. PETITION FOR DEBATE

A petition containing over 1000 signatories was submitted to the Council on 18 April 2016. In accordance with the provisions of the Council's Constitution, it was requested by the lead petitioner that the petition be debated at a Full Council meeting.

The petition read as follows:

We the undersigned petition The Royal Borough of Windsor and Maidenhead to reconsider its decision to impose parking charges on Sundays in Maidenhead Town Centre.

The petition was introduced by the Strategic Director of Operations and Customer Services. The Strategic Director thanked Marc Jones of the Maidenhead and District Chamber of Commerce for presenting the petition of nearly 3,000 signatures to Council. He explained that a report had been prepared for Council which set out the background to the issue and recommended that Council debated and resolved a way forward. In order to provide some context to the debate, he highlighted that the

proposed parking fees were agreed as part of the overall budget setting for 2016/17 and sought to offer parity with other towns where Sunday charges were in place.

However, it was acknowledged that the quality, availability and charging levels in car parks were important to the overall offer of the town and were linked to its attractiveness and competitiveness. This was relevant in Maidenhead where there was significant change and exciting regeneration activity underway. The new Sunday charges were not introduced on the planned date of 4 April 2016 to enable wider engagement and consultation. Therefore, the petition was very welcome

Marc Jones, Lead Petitioner, raised a number of questions:

- Why were the parking fees being introduced at this time?
- Why were residents and stakeholders not consulted?
- Why was the council jeopardising the fragile signs of recovery in the town?

Mr Jones understood that the council believed the charges would generate £40,000 of revenue but he submitted that proper due diligence had not been undertaken and did not take into account the impact on the town centre. Mr Jones highlighted that this was one of the largest petitions ever submitted to the council, with more signatures received after the deadline. Empirical evidence suggested that charges would affect the High Street. The signs by parking machines were already impacting on businesses; he understood that Sainsbury's had already experienced a reduction in trade. Maidenhead had an inferior retail offering in comparison to High Wycombe and Windsor, and lower footfall and more empty premises. These towns charged for parking on a Sunday but there was no comparison. The Bishops Centre offered free parking on a Sunday; this had impacted the town centre, which the council had underestimated.

Residents used the town centre because it was convenient for shopping and leisure activities on a Sunday. Charges would be an obstacle to this. Most machines did not give change which was another inconvenience. Mr Jones was of the view that the proposed charges were a levy on residents and they would go elsewhere. It was not necessarily the cost that would drive people away but the inconvenience of having to pay. The impact on businesses would include forcing some to close. Maidenhead could become a ghost town on Sundays. The council could not guarantee that the charges would not be detrimental; it was gambling with the town centre. If the petition was rejected residents would be acutely aware they would have to pay for parking but Councillors who voted for the charges would continue to enjoy free parking.

Councillor Rayner, as Lead Member for Highways and Transport, commented that parking had always been charged for at the Magnet Leisure Centre on a Sunday. He was always able find a free on-street space on a Sunday in the town. He thanked Marc Jones of the Maidenhead and District Chamber of Commerce for presenting the petition of nearly 3,000 signatures to Council. Councillor Rayner commented that this level of support demonstrated significant interest and he was very pleased to invite Council to consider the petition and the report to resolve a way forward, The new Sunday charges were not introduced on the planned date of 4 April 2016 to enable wider engagement and consultation. The new system in the Nicholson Centre gave change, which had been a repeated request by the Chamber of Commerce, along with the ability to pay by credit card and Advantage Card and pay on exit. Since the introduction of these facilities, footfall had increased.

Councillor Rayner recommended to Council that the introduction of new Sunday charges in Maidenhead be deferred until at least 2017/18. If these proposals were revisited at an appropriate time in the future they would be subject to proper consultation, including the Maidenhead Chamber of Commerce. Councillor Rayner commented that if the charges were not implemented money would have to come out of a budget elsewhere; therefore the council had a tough decision. The council did meet with the Chamber of Commerce to discuss the budget proposals before they were agreed. The new charges were advertised in February 2016. However, he recognised that the council had not got the consultation right and would do so now.

Councillor Dudley thanked the Lead Petitioner, the Maidenhead Advertiser and all the retailers. The administration was pro-business, yet it had not consulted properly. It was clear that there was enormous strength of feeling on the issue amongst retailers and residents. On the other side of the argument was fairness. Parking was charged for in Windsor on a Sunday. At the same time millions of pounds was being spent on the regeneration of Maidenhead. He agreed that another year should be allowed whilst the regeneration programme moved forward; when there were more retailers in the town centre, it would not need extra support.

Councillor Love commented that introduction of charges at this time would have a detrimental effect. The town would experience a lot of disruption in the next few years, although this was part of a much-needed programme. It would be important to keep residents and visitors on side during the works. The Maidenhead Town Partnership Board was committed to making Maidenhead the best it could be and to work with the council on initiatives to improve the town. It was a mistake that the Partnership Board had not been consulted. A recent vintage fair event on the high street had attracted 24% more visitors than on the same Sunday the previous year. The marketing for the event included promotion of free parking. Further events were planned for the summer, which would help footfall. The vacancy rate was double that of Windsor and the footfall rate was lower. Windsor was also a tourist destination bringing in £459m to the economy. The regeneration programme would include an estimated £1bn in investment over the next 15 years. The Waterways project would create a waterside culture for shopping and eating at the heart of the town. Parking charges were not appropriate at this time.

Councillor Kellaway commented that he had raised the issue at the budget meeting and was glad to see it was under review. There were critical differences between Windsor and Maidenhead. The Town Partnership was trying to get people to see Maidenhead as a destination with events and activities. It was just too soon for charges to be introduced.

Councillor Werner was disappointed that the deferral suggested was for just one year; he felt the deferral should be into the foreseeable future. Each town was different and could not therefore be treated equally. The towns should work together; he did not think that the residents of Windsor would begrudge free parking in Maidenhead as the retail offer was not as good.

Councillor Rankin commented that this was one borough, but with many communities. For the borough to work properly it was important to respect each other, each of the communities, and be fair and equitable to all residents. He highlighted that in the budget that proposed the parking charges, at the same time the council had continued

the borough's strong agenda of investment in regeneration and development. All understood that as one community, part of the give and take and the equitability of one borough meant that the special case of Sunday parking in Maidenhead should be ended. There were seven car parks in his ward and other than the small library car park all charged on a Sunday. In five of the car parks the charges were the same on Sunday as other days of the week. At River Street the cost for 2.5 hours would cost £8, at Victoria Street £4, and at York House £3. If the special treatment for Maidenhead continued, he questioned whether this would be equitable for Windsor and Sunningdale?

Councillor Jones commented that she had raised concerns at the budget council meeting about charges being increased across the borough. For example for those working in the shops in Windsor the cost of four hour parking had risen by 20%. She supported the motion and suggested that if the footfall in Maidenhead had not increased in a year's time parking should continue to be free on a Sunday.

Councillor Bathurst commented that residents in the south of the borough were also feeding in concerns about parking charges. The Windsor and Ascot Chamber of Commerce should also be consulted.

Councillor Brimacombe highlighted that the proposal was to defer for one year then review the situation. He was pleased the consultation would widen to include Ascot.

Councillor Beer commented that town centres were at a tremendous disadvantage to out of town shopping centres and needed some privileges. Maidenhead needed to be supported through a time of change. A Freedom of Information request two years previously showed that parking income was £6.7m yielding a profit of £3.55m. Should the council be scraping the barrel to get money from people shopping and undertaking recreational activities on a Sunday? He thought not.

Councillor E. Wilson commented that the key issue was fairness and parity. The Lead Petitioner had asked to be given some more time; he saw some favour with this request. However he suggested that factual data was needed on the potential affect of any charge, to enable a decision to be made in future. It was unfair to ask those who already paid to continue to subsidies indefinitely.

Councillor Grey commented that not implementing the charges would mean the council would lose money and this would need to be found over time. He questioned why Maidenhead should have special treatment as all other major centres charged. More facts about footfall were needed.

Councillor Saunders expressed sympathy about the lack of consultation and the issue of fairness. In relation to the complex multi-use and multi-site regeneration development, the council needed to make very careful judgements in terms of funding to ensure high impact contributions, whilst also expecting the private sector to be the dominant driver. The £100,000 associated with this item may have the potential for a significant adverse impact. Free parking on a Sunday would be likely to rank high on a list of those investments offering a high rate of return. When the issue was looked at again in a year it would be important to address the issue of ensuring the investment as an overall package achieved the best return for residents.

Councillor Bicknell as Lead Member with responsibility for Windsor, commented that this was a difficult decision, whether taken now or in a year's time. The key issue was not the number of visitors but the dwell time spent in the town; this was a problem in Windsor. He highlighted that at Christmas Maidenhead got free parking for a number of weekends.

Councillor Dudley commented that the transitional grant funding the council was due to receive would mean there would be no cost to other areas if the motion were approved.

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

RESOLVED: That the introduction of new Sunday charges in Maidenhead be deferred until at least 2017/18. If these proposals are revisited at an appropriate time in the future they will be subject to proper consultation, including the Maidenhead Chamber of Commerce.

(37 councillors voted in favour of the motion – Councillors Christine Bateson, George Bathurst, Malcolm Beer, Hashim Bhatti, Paul Brimacombe, Clive Bullock, Stuart Carroll, Gerald Clark, David Coppinger, Carwyn Cox, Judith Diment, David Evans, Dr Lilly Evans, Marius Gilmore, Geoffrey Hill, Maureen Hunt, Mohammed Ilyas, Lynne Jones, Richard Kellaway, John Lenton, Paul Lion, Philip Love, Sayonara Luxton, Asghar Majeed, Ross McWilliams, Marion Mills, Colin Rayner, MJ Saunders, Hari Sharma, Derek Sharp, John Story, Claire Stretton, Lisa Targowska, Leo Walters, Simon Werner, Derek Wilson and Lynda Yong. 12 Councillors voted against the motion - Councillors Malcolm Alexander, Phillip Bicknell, John Bowden, John Collins, Jesse Grey, Gary Muir, Nicola Pryer, Jack Rankin, Samantha Rayner, Wesley Richards, Shamsul Shelim and E Wilson. 3 Councillors abstained - Councillors David Burbage, Simon Dudley and Eileen Quick.)

45. PUBLIC QUESTIONS

None received

46. PETITIONS

No petitions were presented.

47. RECOMMENDATION FOR A NEW PUBLIC SPACE PROTECTION ORDER (PSPO) TYPE

Members considered a recommendation from Cabinet that the borough would, if necessary, be able to implement PSPOs covering the anti-social behaviour (ASB) associated with barbecues being lit in public spaces. In recent years this had been a specific problem at Baths island. The new PSPO would give Community Wardens powers to deal with the problem, rather than having to rely on goodwill.

Councillor Rankin commented that fire damage was often a problem at Baths Island, which was in his ward. Councillor Beer stated his support for the proposal as he had witnessed groups of people overnight fishing on the towpath, cooking the fish and eating them, leaving a mess. He requested the Thames Path be included in the PSPO. Councillor Bathurst commented that he would be happy for the issue to be considered at the Policy Committee. Councillor Cox explained that the proposal would

extended the council's framework for PSPOs; specific areas to be covered would be considered by a PSPO Panel.

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

RESOLVED UNANIMOUSLY: That Council:

- i. Approves the extension of the existing Public Space Protection Order (PSPO) framework to enable where appropriate the implementation of PSPOs covering anti-social behaviour (ASB) associated with barbecues being lit in public spaces.**

48. STAFFERTON WAY LINK ROAD BUDGET

Council considered approval of the addition of a £680k capital budget to the 2015-16 Operations and Customer Services capital programme as part of the financial mitigations for the Stafferton Way project, subject to approval by Cabinet on 28 April 2016.

Councillor Dudley commented that the new link road had transformed Maidenhead and taken traffic away from the town centre. Inevitably once works began new issues had arisen, for example dealing with the statutory utilities had been more difficult than anticipated. Given the magnitude of the project, once it had started it was important to get it right despite the increase in costs. The project had come in £1.25m over budget. However significant underspends (£445,000) in the Operations and Customer Services directorate in 2015/16 had been identified to mitigate some of the overspend. There was also a projected underspend of £125,000 on the LED Lighting project. Therefore an addition of £680,000 was required to fully fund the project.

Councillor Rayner explained that he had become Lead Member with responsibility for the project in May 2015. The consultant had made 150 design changes due to utilities and unforeseen issues. The road also had been built to accept the Waterways project, which had required design changes. The new road had transformed that part of Maidenhead. Councillor Rayner stated that he did not authorise any extra expenditure. He would be recommending to colleagues that neither Peter Brett Associates nor Balfour Beatty be used for future projects.

Councillor Werner commented that he was disappointed at the overspend and also the lack of detail in the report. He had not had sight of the review referred to in paragraph 2.7. If there had not been problems with the link road project, the underspend in Operations could have been used to undertake other projects such as a road safety scheme in his ward. He would not be able to support the motion due to the lack of information.

Councillor Brimacombe highlighted the need for a review to identify lessons for project management in future. Infrastructure echoed down the years therefore it was important to get it right for future generations.

Councillor Burbage commented that he had previously offered to meet Members of the Opposition to discuss the review findings. Detailed information was available in the Cabinet report for the meeting on 28 April 2016.

Councillor Jones commented that there was little detail about the revised estimates contributing to the £445,000 underspend in Operations. She asked whether there was any impact on other capital projects. She also asked where the funding for the £680,000 shortfall would come from and whether this would affect reserves or future capital projects. Councillor Burbage commented that the information was available in the report to which he had previously referred. The Mayor suggested that Councillor Jones should come back if she was unable to find the information she desired.

Councillor D. Wilson commented that the project was long overdue; it had been talked about by Berkshire County Council as far back as 1967. Councillor Kellaway commented that the Corporate O&S Panel had fully debated the issue the previous week; Councillor Werner had been in attendance at the meeting.

Councillor Beer welcomed the opportunity to meet with the Leader and go through the details. He had been involved in such projects throughout his life as a Quantity Surveyor. Contingency sums were always included to deal with unforeseen issues and cost forecasts were issued on a monthly basis. He could not understand why these sort of processes were not in place in the borough for large scale projects. Members needed details of who authorised the additional costs.

Councillor Dudley encouraged Councillor Werner to come forward with a proposal for a road safety scheme for Pinkneys Green.

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

RESOLVED: That Council approves the addition of £680k to the 2015/16 Operations and Customer Services capital programme subject to Cabinet approval of the financial mitigations report on 28 April 2016

(49 councillors voted in favour of the motion – Councillors Malcolm Alexander, Christine Bateson, George Bathurst, Hashim Bhatti, Phillip Bicknell, John Bowden, Paul Brimacombe, Clive Bullock, David Burbage, Stuart Carroll, Gerald Clark, John Collins, David Coppinger, Carwyn Cox, Judith Diment, Simon Dudley, David Evans, Dr Lilly Evans, Marius Gilmore, Jesse Grey Geoffrey Hill, Maureen Hunt, Mohammed Ilyas, Richard Kellaway, John Lenton, Paul Lion, Philip Love, Sayonara Luxton, Asghar Majeed, Ross McWilliams, Marion Mills, Gary Muir, Nicola Pryer, Jack Rankin, Colin Rayner, Samantha Rayner, Wesley Richards, MJ Saunders, Hari Sharma, Derek Sharp, Shamsul Shelim, John Story, Claire Stretton, Lisa Targowska, Leo Walters, Derek Wilson, Ed Wilson and Lynda Yong. 3 Councillors abstained - Councillors Malcolm Beer, Lynne Jones and Simon Werner)

Councillors C. Rayner and S. Rayner left the meeting at 9.02pm

49. CHANGES TO THE CONSTITUTION

Council considered a number of amendments to the Council Constitution in relation to the following areas:

- i. The framework within which planning enforcement matters can be progressed.
Part 6 D3 - Area and Joint Development Control Panels

- ii. The arrangements for the appointments of Strategic Directors and Deputy Chief Officers of Services Part 8 B– Other Rules of Procedure
- iii. The Chairmanship and Quorum Part 6 D10 – Local Pension Board

Councillor Burbage advised Members that the proposal to add paragraph 9 on page 33 of the agenda was being withdrawn. All other recommendations remained.

Councillor D. Wilson, as Lead Member for Planning, explained that the proposals in relation to enforcement that would see more issues coming through to Development Control Panels. were proposed to improve transparency. The Borough Planning Manager, in consultation with the Lead Member, would be able to deal with urgent matters if necessary. Member training would take place during May 2016 to allow for implementation on 1 June 2016.

Councillor Werner stated that he supported the changes relating to enforcement, particularly as issues were often not black and white. He hoped the system would be reviewed after a year or two. He asked whether ongoing cases could be referred to a Panel.

Councillor Lenton, as Chairman of the Berkshire Pension Fund Panel, explained that the government had required the creation of a Pension Board in 2015. For the Berkshire Fund, the Board comprised an Independent Chairman, three employer representatives and three scheme representatives. After a year's operation it had been decided that there was no need for an Independent Chairman. The proposals would therefore amend the terms of reference.

Councillor Jones highlighted that a typographical error on page 32 (7c) which should read:

- 'Notice of dismissal to the Head of Paid Service, the Monitoring Officer, the Chief Finance Officer, Director or Deputy Chief Officer must not be given by the dismissor (subject to H6 above) until.....'

Councillor Beer commented that in his view the Pension Board was superfluous and therefore the cost of an Independent Chairman was unnecessary. He was supportive of the enforcement proposals in terms of openness and transparency, however he felt the report should have been considered by the Planning and Housing Overview and Scrutiny Panel. He suggested a two stage process would be suitable with an outline decision and then a detailed report at a later time. It would be important to ensure sufficient Members received training, including substitutes.

Members noted that the Planning Enforcement Toolkit at page 22 of the report provided details of how the proposals would be implemented.

Councillor Burbage commented that the Lead Member and officers would ensure that Panels would have all the information they needed to make a decision. If Councillor Beer wanted the issue to be discussed at Overview and Scrutiny, he could request this to the Chairman.

Councillor D. Wilson commented that ongoing enforcement cases were currently being dealt with and therefore there was no need to refer them to a Panel.

It was proposed by Councillor Burbage and seconded by Councillor D. Wilson and:

RESOLVED UNANIMOUSLY: That Council:

- i. Approves that all notices related to the enforcement of planning control are authorised by the Area Development Control Panels, except in urgent circumstance where they would be issued by the Borough Planning Manager and reported to the Area Development Panel at the earliest available opportunity.**
- ii. Approves that the Constitution be amended as per Appendix A.**
- iii. Approves the Local Enforcement Policy as set out in Appendix B.**
- iv. Approves that the Constitution be amended as per set out in Appendix C, apart from the addition of paragraph 9 which had been withdrawn.**
- v. Approves that the Constitution be amended as set out in Appendix D.**

50. MEMBERS' QUESTIONS

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

How is the Council seeking to ensure it can be proactive in protecting residents from noise, odour, pests and other nuisance or public health risks which it can foresee as likely from proposed development or activities, including agricultural operations?

Councillor Cox responded that the Environmental Protection Officers worked very closely with colleagues in Development Control and provided pre-application advice where requested for proposed developments that may have an impact as described in the question. Officers also routinely reviewed planning application lists to identify any proposed development that may have such detrimental impacts and provide expert advice and, where necessary, recommend planning conditions to regulate operations and protect residents accordingly.

Unfortunately, current environmental regulatory frameworks offered limited pro-active scope to deal with such impacts where a site already benefitted from planning permission for agricultural use and where the scale of operation was intensified. For example, environmental permitting schemes had very high thresholds before they applied. Poultry farming operations of up to 40,000 birds and pig farming operations of up to 2,000 production pigs could be undertaken without the need for an environmental permit.

He would of course liaise with the Lead Member for Planning to ensure officers remained vigilant in respect of this matter and that the council sought to lobby appropriate Government departments to request the appropriate regulatory frameworks be reviewed

By way of a supplementary question, Councillor Saunders asked how far would the council pursue the necessary changes to planning and environmental rules and regulations to avoid these foreseeable risks being dismissed as irrelevant until after residents had suffered their avoidable consequences?

Councillor Cox confirmed that he had written to the Secretaries of State for Environment, Food and Rural Affairs and Communities and Local Government to ask them to review the current regulatory and development control frameworks and that the associated thresholds be reviewed and amended in order to provide local authorities pro-active capability to protect their residents and communities from the

issues identified that cause huge anxiety and potential impact if realised. He was awaiting a response.

b) Question submitted by Councillor Saunders to Councillor Coppinger, Lead Member for Adult Services and Health

How is RBWM supporting the concerns of our rural community pharmacies that the Department of Health review may have unintended adverse consequences on the sustainability of locally accessible and GP support services?

Councillor Coppinger responded that pharmacies were the focus of much attention at the moment. They were a vital part of the provision of Health Services within both the borough and across the whole country. With the pressure on the NHS and specifically GP surgeries, pharmacies were being asked to undertake more services traditionally provided by GPs. Through the Public Health team the council also commissioned services. Pharmacists were trained to a similar level to GPs and this expansion of their services was likely to continue. There was also mention of staff being present in surgeries. At the same time as this was happening the Department of Health was carrying out a review of the services provided to seek greater efficiencies.

One of the functions of the Health and Wellbeing Board was to approve a Pharmacy Needs Assessment to ensure the right number of pharmacies, which the borough had according to population. The council welcomed the extension of the role of pharmacies however it shared the concern of residents and pharmacists that in the search for efficiencies smaller rural pharmacies might no longer be sustainable and residents, especially the elderly, would suffer.

The council would submit a response to the consultation in which it would stress the need for community pharmacy services to be provided throughout the Royal Borough and especially within isolated communities.

By way of a supplementary question, Councillor Saunders asked how he could be assured the issue would have the appropriate profile in democratic forums of the council so that residents concerns could have an impact on the outcome of the ambiguous consultation.

Councillor Coppinger responded that the start was at Full Council. The item was also on the agenda for the Health and Wellbeing Board so it would be discussed with the NHS and CCGs.

c) Question submitted by Councillor Beer to Councillor D Wilson, Lead Member for Planning

It has become evident that the DCLG's public consultation entitled 'Technical consultation on implementation of planning changes' includes proposals to speed up the process which may reduce the ability of the public to influence and Councils to fully control planning applications. Why has this not been considered by the Planning and Housing Overview and Scrutiny Panel?

Councillor D. Wilson referred to an email from Councillor Beer on 14 April 2016 where he had raised the same issue. A meeting of the Planning and Housing Overview and Scrutiny Panel was held on 18 April 2016; the deadline for the consultation was 15

April 2016. He apologised that the item had not been put before the Overview and Scrutiny Panel. He had responded via email to Councillor Beer the following day that RBWM would submit a response and he would circulate a copy to all Members. A response had been submitted; Councillor Hilton had also sent a separate response.

By way of a supplementary question, Councillor Beer highlighted that the consultation included proposals for scrapping outline applications. Instead there would be permissions in principal followed by technical details. This would make the system more complicated. The consultation also proposed the involvement of consultants in determining applications even if they had prior involvement. He asked whether the Lead Member was content that staff pressures were not properly meeting the council's due to defend the interests of residents with eleventh hour responses to such important matters.

Councillor D. Wilson responded that every local planning authorities were in a similar position as a result of the relaxation of permitted development rights increasing workloads considerably. Consultations came out on a regular basis. Officers tried to keep a close eye on these although not all came from the DCLG.

d) Question submitted by Councillor Bhatti to Councillor Cox, Lead Member for Environmental Services

Will the Lead Member please confirm that he will engage with the local community and in particular with any concerned residents in Clewer North when implementing the Prevent strategy?

Councillor Cox responded that the council was currently undertaking a full risk assessment in relation to Prevent and the legal obligation that the council had in this regard. Officers would as part of the assessment be speaking to key community representatives and stakeholders to help inform the overall Prevent strategy.

Of course, any resident who had any concerns or queries in respect of Prevent could contact their local ward member who would be able to arrange for the appropriate council officer to look into the matter for them or provide advice and guidance as necessary

Councillor Bhatti confirmed he did not have a supplementary question.

e) Question submitted by Councillor Bhatti to Councillor Burbage, Leader of the Council

In my ward, there are many young people who over the holiday periods don't have much to do because of the lack of leisure and entertainment facilities. Would the leader consider the possibility of a multiplex centre in Windsor or a Designer Outlet if the opportunity ever arose?

Councillor Burbage responded that he would.

Councillor Bhatti confirmed he did not have a supplementary question.

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

Will the Lead Member thank all members of the public who took part in the recent Clean for the Queen campaign and say how his officers will be encouraging residents to take part in similar events in the future?

Councillor Cox responded that the community participation in the Clean for the Queen events was fantastic and he thanked, on behalf of the Royal Borough of Windsor & Maidenhead, everyone who took part. He was sure Her Majesty would be very proud to see this Great British community spirit in action. Officers would look to continue working with residents on community initiatives and projects. The Community Wardens were very active in this regard and it was something that he and senior officers were committed to going forward.

By way of a supplementary question, Councillor E. Wilson asked if the Lead Member could tell Council about any projects or initiatives he had in mind?

Councillor Cox responded that he was currently looking to implement a specific programme throughout the borough communities focussing on dog fouling within parks and open spaces. Community wardens and officers would be looking to work with community representatives in this regard. He would also be looking to increase the sign up of Community Recycling Champions and continued support for the adopt a street campaign and community clean up initiatives.

51. MOTIONS ON NOTICE

a) By Councillor Richards:

Councillor Richards introduced his motion. He stated that he believed in limited government, the right to privacy and freedom of worship. He had also brought the motion as a Christian and a lay church leader on behalf of Christian groups who would be affected locally. His church represented 600 people of diverse backgrounds. The government proposal was an unprecedented attack on religious freedom and a worrying increase in government power. Never before had government authorities entered churches to assess their teaching of the bible. Councillor Richards felt this was a step towards a fascist or Soviet model where government officials sat in on church services, which was contrary even to the Magna Carta. The proposal was contrary to the meaning of equality. Extremist and intolerant measures should not be the reaction to extremism and intolerance. The church should remain separate from state interference. He questioned what incidents there had been of British Christians being radicalised by churches? The focus had moved from equality of opportunity for all to equality of concern. The Christian church was at the forefront of Big Society; it was in danger of being replaced by 'Big Brother Society'.

Councillor Richards acknowledged that there were challenges in the modern world but they would not be overcome by drawing one group into the problems of another. It was constantly said that terrorists were not people of faith and therefore this was not really a religious problem at all. He had been accused of being anti other faiths, however some of his closest friends were of other faiths or none at all. The last motion he brought to Council was to support refugees, who would likely have been of another faith. He did not presume to know how the proposals would affect other faiths. Churches were already regulated as they were registered as charities and, where

necessary, had safeguarding policies. Church schools were already inspected by Ofsted.

Councillor Bathurst stated that as a fellow Christian he was obligated to support the motion. It was a difficult argument to make because Christianity was in the modern day a minority pursuit. It may not have been the case that everybody's pursuit or beliefs were being attacked but if the state was allowed to expand without check everybody would suffer sooner or later. Councillor Bathurst felt that the government's proposals were a classic piece of bureaucratic creep. To a legislator, all the world's problems could be solved by writing more laws. Despite the lack of obvious success of OFSTED in improving school standards, people were now expected to believe that Ofsted was best-qualified to tell non-schools how to run themselves.

For reasons of political correctness, the government was extending inspections to all establishments without mentioning any in particular. The problem was that, once implemented, the very reasonable balance and good judgement that ministers expected would be lost once contact was made with reality.

In some ways, the arguments against the proposals from the government were similar to the objections that many people had to the Prevent programme. It was too broad-brush, smeared or implicated entire faiths and diluted efforts away from where the real problems were. These were arguments for not applying inspections to any religion. There was a particular reason, however, why the Christian church should be given special protection. In theory, the government's approach was very even-handed, treating all religions the same. In practice it was a very different matter. Councillor Bathurst referred to the Birmingham case where concerns over radicalisation were not reported or acted upon. He hoped that people of all faiths and of none would join him in voting for the motion.

Councillor Rankin stated that the state defining a set of vague and subjective values and then monitoring adherence to them seemed to him to be draconian. He seconded the motion.

Councillor McWilliams commented that the issue had nothing to do with the local authority; it had already been extensively debated in Parliament. The Government was not proposing to regulate institutions teaching children for a short period every week, such as Sunday schools or the Scouts. The proposal would also not apply to one-off residential activities, such as a week-long summer camp. It was looking specifically at places where children received intensive education out of schools, where they could be spending more than six to eight hours a week.

The proposals were all about making sure that where there were concerns raised by parents and others about issues of extremism, child cruelty or inappropriate teaching in unregulated settings, government could take action to protect children and empower parents. As the Prime Minister had made clear in his party conference speech in 2015, such concerns had been raised, including around extremism in some Madrassas.

The Government had no intention of seeking to regulate religion or to interfere in parents' right to teach children about their faith and heritage. Protecting religious liberty was a fundamental principle. For example, Sunday schools would not be under any requirement to teach non-Christian values. The Government was working closely with the Church of England and other faith communities to ensure that the system was targeted, proportionate and focussed on those settings which were failing to safeguard

and promote the welfare of children. Those discussions had been productive, and Ministers had made clear the focus was on establishments that were preaching hatred or putting children at risk.

It was not extremist to oppose same-sex marriage, and the Government's counter-extremism work was emphatically not intended to cover legitimate debate on such issues. All schools were now expected to actively promote British values, which were defined in 2011 as democracy, the rule of law, individual liberty, and mutual respect and tolerance of those with different faiths and beliefs. Teaching respect for other people, even if you did not agree with them or their way of life, was a fundamental part of preparation for life in Britain, and a principle all schools should be able to support. No teacher would be expected or required to promote lifestyles that they did not agree with. Equally, it would be unlawful for any teacher to discriminate, harass or victimise someone in contravention of the law. The conduct of inspectors was the responsibility of Ofsted. If a school was concerned about either an inspector's conduct, or that an inspection was not being carried out in accordance with Ofsted's guidance, it should follow the formal process for raising this.

Councillor Sharma stated that he found it difficult to support the motion. The proposals were being made to crack down on minority schools where children's heads were being filled with passion and their hearts filled with hatred. There was a variety of religions in the borough and it would not be right to exclude one piece from the jigsaw.

Councillor Ilyas commented that nobody would disagree that British values should be taught to young people. In fact, British values were common in the universal values of humanity which stressed the need for respect of core values of all people. As a teacher himself, it was his responsibility on a daily basis to inculcate such values in young people. As far as he was aware, Ofsted proposed to inspect all religious premises, not only church premises.

The Mayor and many former Mayors present had witnessed first hand the excellent community links that had been established in the Royal Borough between people of many different cultures, faiths and backgrounds. The Royal Borough was blessed with a diverse community having excellent community cohesion between the many faith and non-faith groups. The Windsor and Maidenhead Community Forum (WAMCF), which had been running in the Royal Borough for more than 30 years, did a great deal to promote dialogue and community relations between all members of the community, those of faith and those with no faith. Its work had been recognised by the Queen when she awarded an MBE to the Chairman and a founder member of WAMCF .

Councillor Ilyas believed that the wording of the motion as it stood, focussed on one religious community and excluded those of other faiths and those who had none in the Royal Borough. In principle the motion was asking Ofsted to review its policy, and therefore he believed that the policy should be reviewed for all premises of all religious communities. He was concerned that should the motion be tabled as it was then the message elected representatives would be communicating was that the council favoured one particular religious community more than others, which would be discriminatory. Councillor Ilyas proposed that the words 'church premises' be substituted with the words 'all religious premises' in order to be inclusive of all faiths and not just one.

Councillor Werner commented that Sir Michael Wilshaw had commented in a radio interview that where young people attended any religious setting, the premises would have to be registered and inspected. Originally Ofsted said inspections of pre-school premises would not involve a full inspection, but then they had downgraded them on minor issues such as lunch being held in group situations or not. A light touch from Ofsted often turned into interfering in all aspects. Sunday Schools were run by volunteers.. His wife ran a session for young people; not many attended but they benefitted from the session. He was concerned that such small settings could be closed down when the bureaucracy of Ofsted became involved. He stated that he would be happy to second the amendment to the motion.

Councillor Saunders commented that on reading the consultation proposals he had concluded that they were very sensible. The proposals sought to apply regulation focussed on those who could not help themselves, were vulnerable or could not speak for themselves. He highlighted that the consultation related to 'any out-of-school education setting providing young people with more than 6 to 8 hrs each week'. It was intended to enable risk based inspections only in response to specific concerns raised by children, parents and the community or sampling particular settings by type or location. It was focussed on the physical safety of children, including safe premises and no corporal punishment; safeguarding children from adults barred from working with children; and protecting children from vocal or active opposition under well-defined, clearly-acknowledged British values including the ability for individuals to pursue their own religious beliefs. This was exactly what schools did and what the council would hope the parental community would also do. He questioned why any school in whatever setting would be exempt from a perfectly rational set of principles. No new powers were recommended; the only new power the consultation asked about was what penalty should apply if relevant education settings did not register.

Councillor Richards accepted the proposed amendment by Councillor Ilyas, therefore Members continued to debate the following motion:

'This Council expresses concern that Ofsted will be given new powers to inspect all religious premises to assess whether teaching in an out-of-school setting complies with British values and urges a review of this policy.'

Councillor E. Wilson commented that the consultation was not about churches but about children. He felt that the issue did affect the borough because all Members had a responsibility to ensure all children were safe and receiving the right education. The council could not turn a blind eye. It was important to ensure whatever teachings were given were not against British values.

Councillor Brimacombe commented that this was a national issue that was contentious, a religious issue that was personal and a security issue that was complex. The council was not a second chamber to the legislature and could not second guess something that was dynamic. He would not be able to support the motion.

At this point in the meeting, and in accordance with Rule of Procedure Part 4A 23.1 of the Council's Constitution, the Mayor called for a vote in relation to whether or not the meeting should continue, as the time had exceeded 10.00pm.

RESOLVED UNANIMOUSLY: That the meeting continue past 10.00pm.

Councillor Dudley highlighted the need to keep children safe. He supported the teaching of British values but had reservations over the reach of the state.

Councillor D. Evans commented that the issue directly involved the local authority as local authorities were asked to respond to the consultation. He felt the issue should have been discussed by a Task and Finish Group to produce a measured response. There was no need for Ofsted to go into all institutions. The consultation was about particular problems in particular parts of the country therefore he was uneasy at the blanket approach. He was not convinced that there was a need for the full panoply of an Ofsted regulatory system. Sir Michael Wilshaw had stated that the whole system was intended to allow intervention when a whistleblower came forward. A regulatory system was not needed to allow this to happen. Councillor D. Evans stated that he would abstain.

Councillor Kellaway stated that free speech and freedoms required constant vigilance. The British had a unique genius for red tape, interference and inspection systems.

Councillor Clark commented that there genuine concerns over safety in the country, teaching in certain areas and the ability to shape minds in a misdirection. It was important not to differentiate sectors of the community. The consultation was clearly aiming to protect children. He would support the principle of the right to inspect to ensure tolerance was being promoted.

Following a named vote, the motion (as amended) was denied.

(9 councillors voted in favour of the motion – George Bathurst, Mohammed Ilyas, Richard Kellaway, Eileen Quick, Jack Rankin, Wesley Richards, Hari Sharma, Leo Walters, Simon Werner. 20 Councillors voted against the motion - Councillors Malcolm Alexander, Christine Bateson, John Bowden, Paul Brimacombe, Stuart Carroll, Gerald Clark, John Collins, David Coppinger, Carwyn Cox, Judith Diment, Jesse Grey, Geoffrey Hill, Ross McWilliams, Gary Muir, Nicola Pryer, MJ Saunders, Claire Stretton, Lisa Targowska, E Wilson and Lynda Yong. 21 Councillors abstained – Councillors Malcolm Beer, Hashim Bhatti, Phillip Bicknell, Clive Bullock, David Burbage, Simon Dudley, David Evans, Dr Lilly Evans, Marius Gilmore, Maureen Hunt, Lynne Jones, John Lenton, Paul Lion, Philip Love, Sayonara Luxton, Asghar Majeed, Marion Mills, Derek Sharp, Shamsul Shelim, John Story and Derek Wilson)