

Public Document Pack

Democratic Services Manager: Karen Shepherd

Direct line: (01628) 796529

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 **Council Chamber - Guildhall** on **Tuesday, 26 April 2016 at 7.30 pm** for the purpose of transacting the business specified in the Agenda set out hereunder.

Dated this Monday, 18 April 2016



Managing Director

| |
|--|
| Reverend Swift will say prayers for the meeting. |
|--|

A G E N D A

PART I

1. APOLOGIES FOR ABSENCE

To receive any apologies for absence

2. COUNCIL MINUTES

To receive the Part I minutes of the meeting of the Council held on 23 February 2016 (Page 7)

3. DECLARATIONS OF INTEREST

To receive declarations of interests in respect of any item to be considered at this meeting (Page 33)

4. MAYOR'S COMMUNICATIONS

To receive such communications as the Mayor may desire to place before the Council (Page 35)

5. 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 (*Report to follow*)

The petition reads 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 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. PUBLIC QUESTIONS

No public questions were received.

7. 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)

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

To consider the above report (Page 37)

9. STAFFERTON WAY LINK ROAD BUDGET

To consider the above report (Page 47)

10. CHANGES TO THE CONSTITUTION

To consider the above report (*Report to follow*)

11. 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?

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?

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 & Housing Overview and Scrutiny Panel?

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?

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?

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?

12. MOTIONS ON NOTICE

a) By Councillor Richards:

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

13. LOCAL GOVERNMENT ACT 1972 - EXCLUSION OF PUBLIC

To consider passing the following resolution:-

"That under Section 100(A)(4) of the Local Government Act 1972, the public be excluded from the remainder of the meeting whilst discussion takes place on item 13 on the grounds that it involves the likely disclosure of exempt information as defined in Paragraphs 1-7 of part I of Schedule 12A of the Act"

PRIVATE MEETING

14. **COUNCIL MINUTES**

To receive the Part II minutes of the meeting of the Council held on 23 February 2016 (Page 53)

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.)

AT A MEETING OF THE BOROUGH COUNCIL held in the Desborough Suite - Town Hall on Tuesday, 23rd February, 2016

PRESENT: The Mayor (Councillor Eileen Quick), The Deputy Mayor (Councillor Sayonara Luxton)

Councillors Michael Airey, Natasha Airey, David Hilton, Edward Wilson, Lynda Yong, Maureen Hunt, Malcolm Beer, Hashim Bhatti, John Bowden, Paul Brimacombe, Clive Bullock, Gerry Clark, David Coppinger, Carwyn Cox, David Evans, Geoff Hill, Mohammed Ilyas, Richard Kellaway, John Lenton, Marion Mills, Gary Muir, Phillip Bicknell, Jack Rankin, Colin Rayner, Samantha Rayner, Wesley Richards, MJ Saunders, Hari Sharma, Malcolm Alexander, Christine Bateson, David Burbage, John Collins, Simon Dudley, Dr Lilly Evans, Jesse Grey, Charles Hollingsworth, Lynne Jones, Ross McWilliams, Shamsul Shelim, Adam Smith, John Story, Claire Stretton, Lisa Targowska, Simon Werner and Derek Wilson

Officers: Russell O'Keefe, Jessica Hosmer-Wright, Andrew Brooker, Chris Hilton, Alison Alexander, Simon Fletcher, David Scott, Anna Trott, Richard Bunn, Andy Jeffs and Simon Rowberry

23. APOLOGIES FOR ABSENCE

Apologies for absence were received from Councillors George Bathurst, Stuart Carroll, Marius Gilmore, Paul Lion, Philip Love, Asghar Majeed, Nicola Pryer, Derek Sharp and Leo Walters.

24. COUNCIL MINUTES

RESOLVED UNANIMOUSLY: That the minutes of the meeting held on 15 December 2015 be approved, subject to the following amendments:

- p.20 to read: 'Councillor Werner stated that he was disappointed with the motion and would not be able to support it. There was a need for *housing* to give people the opportunity to get on the housing ladder....'
- p.22 to read: 'Mr Hill, by way of a supplementary question, referred to the Peter Clarke report (*'Report into allegations concerning Birmingham schools arising from the 'Trojan Horse' letter, July 2014*), in particular *Recommendation 12:*

"Recommendation 12: Unless there are genuinely exceptional circumstances, there should be a presumption that an individual will only be a governor at a maximum of two schools at any one time. All local authorities and multi-academy trusts should review their current governor arrangements, and where they identify an individual holding multiple positions they should consider the appropriate steps to ensure that a wider range of people are able to hold governor positions and that no single individual has undue influence over a number of schools."

Mr Hill stated that the report had been accepted in Parliament by the Secretary of State for Education. He also highlighted that the duty imposed was placed upon councils themselves and not merely Academies.

- **p.22 to read:** ‘Mr Hill, by way of a supplementary question, commented that looking at the *company’s* website he would not know that was what the company did; *the site represented Two5Nine as a sort of ‘management consultancy’ company.* He commented that Councillor Burbage’s declaration *as to whether or not the activities of Two5Nine were conducted for profit* differed from that by Councillors Dudley and Bicknell.

Councillor Burbage responded that he *was unsure which declaration was the most accurate and he would ensure that the correct declarations were added to the website. If the website was not clear in explaining the role of Two5Nine he would ask officers to add more detail.*

25. DECLARATIONS OF INTEREST

Councillors Colin and Samantha Rayner declared Disclosable Pecuniary Interests in the item ‘Petition for Debate – Poundfield’ as they knew the owners of the site. They left the room for the duration of the discussion and voting on the item.

Councillors Colin and Samantha Rayner declared Disclosable Pecuniary Interests in the Member Question A as they were both trustees of a trust that owned land that could be compulsory purchased by Heathrow. They left the room for the duration of the discussion and voting on the item.

Councillor Alexander declared Disclosable Pecuniary Interest in the item ‘Maidenhead Golf Cub’ as a member of his family was a member of the golf club. He left the room for the duration of the discussion and voting on the item.

Councillor Kellaway declared an interest in the item ‘Maidenhead Golf Cub’ as he had been a member in his year as Mayor and he was also a member of the temple Golf club.

Councillor Rayner declared an interest in the item ‘Maidenhead Golf Cub’ as he had been a member in his year as Mayor.

Councillor Sharma declared an interest in the item ‘Budget 2016/17’ as he worked for a bus company.

Councillor Dudley declared an interest in the item ‘Public Questions’ as he was a founder and chair of Governors of Holport College. His wife was a founder and governor. His youngest child would also likely to attend the school from September 2016.

Councillor Bicknell declared an interest in the item ‘Public Questions’ as his son was Director of Sport at Holyport College.

Councillor Smith declared an interest in the item ‘Public Questions’ as his wife worked in administration at Holyport College.

Councillor Brimacombe declared Disclosable Pecuniary Interest in the item ‘Maidenhead Golf Club’ as he owned two properties with 300m of the golf club and one adjacent to the site. He left the room for the duration of the discussion and voting on the item.

26. 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. She commented that there were lots of wonderful people in the borough doing great work and she thanked them all.

27. PETITION FOR DEBATE

A petition containing over 1000 signatories was submitted to the Council on 17 January 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 designate the Poundfield area in Cookham, including land adjacent to the Nursery School, as a Local Green Space in the new Local Plan'

The Interim Planning Policy Manager introduced the petition. He highlighted that the petition creator had stated that Poundfield was a crucial green space which was part of the fundamental character of Cookham and the request was directed to safeguarding Cookham's essential character. The Borough Local Plan was the only avenue for designation as there was no Neighbourhood Plan in Cookham.

Mr David Ashwanden, Lead Petitioner, thanked the borough on behalf of the Cookham Society. The petition and report recommendation were both about preserving Poundfield, a 15 acre site in the Cookham Conservation area. Poundfield was 'quintessential Cookham' and was cherished by both residents and visitors. A key section in the Cookham Village Design statement was that Cookham was defined by its green spaces; Poundfield was a central green space. The online petition had been supplemented by a hard copy petition; at times people were queuing to sign. Poundfield ticked all the boxes: it was the right size and in the right place. Visitors to the Stanley Spencer gallery would often then go to Poundfield to look at the views the painter had created. There had been multiple attempts to develop the site; resistance by the village was clear.

Mr Dick Scarfe referred Members to the March 1995 edition of the Cookham Society newsletter which had stated 'the Local Plan is vitally important for Poundfield. Five attempts over the years had failed. The developer survives to fight another day, the village can only lose once'. The edition also referred to church bells ringing in celebration when local people had won the day against the developer. Mr Scarfe then referred to photographs from the Maidenhead Advertiser in 1989 that showed 600 protestors had marched around the perimeter of the site, united in opposition to the controversial plan for development. He hoped councillors would unanimously support the recommendation in the report.

Councillor Saunders referred to email correspondence earlier that day where he had suggested that:

- an endorsement of the proposed designation of Poundfield as Local Green Space in the emerging Borough Local Plan does not prejudice or predetermine the undertaking, outcome or interpretation of future

consultations or the subsequent examination or adoption of that emerging Plan;

- the determination of future planning applications relating to Poundfield may reference and give weight to such an endorsement to the extent supported by the contents and stage reached of that emerging Plan.

Councillor Saunders commented that he believed the Council had heard a clear and compelling argument for why the area should be so designated. It was important to follow the sound management principle for either urban or rural land that people have to live there and be able to enjoy a sense of space, comfortable in their own environment not just behind their own front door. To do this there must be local green spaces. Poundfield had a chequered history with decades of various groups seeking to protect it from development. The Secretary of State in 1991 rejected development on the site and the borough later sought to confirm this by adding the site to the green belt. This technical decision was stopped on appeal by the principle landowner. However the Lord Justice stated that: 'The appellants can have small cause only to rejoice. Other rigorous planning controls would still apply to the land and there would be little expectation of any planning permissions. The Cookham Society and others interested need not be too concerned, it will I suspect be many more years before Stanley Spencer's view becomes available only in the art gallery.'

Councillor Kellaway welcomed the initiative to put the site into the Local Plan however he took a less romantic view. The site was unfortunately not an open space therefore residents could not get the full benefit. Sadly Stanley Spencer's view was no longer there as the trees had grown up. The pony field next to the site was in a state of disrepair. The fence was currently decorated with protest posters, many in relation to the chicken farm. It would be wonderful if the site could be opened up. He supported the recommendation.

Councillor Clark commented that the inclusion of open space was deemed as important in the Village Design Statement. The strength of feeling was clear from the number of signatories. This would be given great weight but due process would have to be followed and further consultation would be necessary.

The Lead Member for Planning explained that the council was currently in the process of producing a Borough Local Plan, although there were several hurdles still to go including further consultation. Poundfield could be included as an open space but further consultation would be required. He requested all residents that had supported the petition to write in during consultation so their feedback could be recorded and used as evidence in the examination.

Councillor Werner commented that the proposal had cross-party support. Cookham residents had been fighting to protect Poundfield as long as he could remember. He had little doubt they would be fully engaged with the consultation.

RESOLVED UNANIMOUSLY: That Council endorses the proposed designation of Poundfield as Local Green Space in the emerging Borough Local Plan.

Councillor Mrs Yong arrived at 7.30pm.

A petition containing over 1000 signatories was submitted to the Council on 24 January 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 provide immediate funding to enable work to commence at the earliest opportunity, within this financial year, on the agreed road safety proposal for Wraysbury Railway Station Bridge, Station Road'

The Strategic Director of Operations and Customer Services thanked the petitioners for their hard work and efforts in securing more than 1000 signatures. Additionally, support had been secured from both Wraysbury Parish Council and Horton Parish Council.

He explained that Wraysbury Station railway bridge was controlled by traffic signals but did not benefit from an accessible footpath which potentially created road safety risks, particularly for pedestrians. Royal Borough officers had undertaken a feasibility study and created an outline design solution which repositioned the traffic signals on both sides of the bridge and incorporated a new footway. This outline scheme would support the general principles of improving road safety and encouraging walking.

In summary, he welcomed the petition to improve pedestrian facilities from residents in Wraysbury and, subject to support from Council, would be very happy for officers to further develop the outline scheme, review costs and prepare a timetable for delivery which would be presented to Cabinet and shared with residents, Members, Horton Parish Council and Wraysbury Parish Council.

Council was addressed by Graham Cribbin and Henry Perez, Lead Petitioners. Mr Cribbin explained that he and Mr Perez had started the Wraysbury Speed Watch group to enable residents to inform and converse on any speeding issues they or their families had experienced. Over the past year the group had grown to 250 members, with many mentioning Wraysbury Station bridge as one of the key concerns. The group was aware of one fatality on the bridge and also one life-changing injury.

A site visit had been held in January 2016 with South West Trains, National Rail, the borough, Ward Councillor John Lenton and Parish Council Chairman Margaret Lenton. The group had walked across the bridge and reached the top when two buses had met; all had had to lean back onto the collapsed fence to avoid being hit. The lack of pathway meant those using wheelchairs or pushchairs had no access to the station or village shops. Everything that the group had spoken to the railway about had been undertaken. Further site meetings had taken place and a feasibility study and safety plan had been developed that would cost £85,000. The online and hard copy petition had attracted 2250 signatures, 70-80% of which were local residents.

Mr Perez explained that safety concerns relating to bridge access had been experienced by residents for over 20 years. In its current state the bridge was unsafe and not fit for purpose for pedestrian traffic. The population of Wraysbury and the number of station users had increased in recent years to an estimated 112,000 in 2014. Large numbers of residents worked from home and were visited by clients using the station. Two large leisure facilities in the area had increased both visitors and passengers. Safety issues arose for both pedestrians and drivers. At present there was a footpath either side but it stopped at the foot of the bridge. The bridge

contravened the Highway Code for pedestrians and fell short of good practice guidelines for those with disabilities. Mr Perez had addressed the recent Highways, Transport and Environment Overview and Scrutiny Panel, which had recommended to Council that funding be found for the works. The Cabinet had provided warm words of support if the quoted figures were correct.

Councillor Rayner first spoke as a Ward Councillor. He had grown up in the area and the bridge had always been known as dangerous. The number of passengers using the station in 2004 was 36,000. This had increased to 112,000 in 2015. He thoroughly recommended the report. Wraysbury residents had made their feelings loud and clear. Councillor Lenton made a minor correction to page 12 of the report as the Council had yet to accept the proposal. A solution had been put forward. The plan had been presented to and accepted by the two parish councils. The bridge was on the boundary between the two parishes. The report recommended approval but with a 20% contribution by the parish. The parish councils had not had any opportunity to discuss this but it was likely to be beyond their means.

Councillor Bhatti arrived at 7.45pm.

Councillor Dudley suggested removing the reference to the parish councils funding 20% of the scheme; instead the focus should be on developer contributions. The cost of bespoke schemes could escalate therefore a proper costing for the work was needed but if the final cost was anywhere near that quoted the scheme would proceed when it was brought to Cabinet for consideration. Councillor Dudley referred to further funding for Wraysbury in relation to the primary school.

Councillor Beer supported the recommendation; he had lived in Wraysbury earlier in his life. The bridge was known as dangerous because the road approached at an angle. Ground works may be necessary to increase the width of the road. He was pleased to hear that the parishes would not be expected to contribute to the cost of the scheme.

The Lead Member for Highways and Transport responded that no groundworks would be needed; if they were the cost would exceed £85,000.

RESOLVED UNANIMOUSLY: That

- i) The council welcomes the petition from Wraysbury and Horton residents, and recognises the need for safe pedestrian access to Wraysbury Station.**
- ii) This council requests the Lead Member for Highways and Transport to report back to Cabinet with a fully costed proposal for the implementation of a footpath at Wraysbury Station.**

29. PUBLIC QUESTIONS

Kate Sheehan of Cox Green asked the following question of Councillor D. Wilson:

I applaud Councillors Bicknell's comments at the last full Council meeting held in December 2015, stating 'every child should be able to walk to school safely'. As this is RBWM's policy, why was planning consent given to Holyport College without a safe pedestrian and cycle route being part of the planning approval conditions'

Councillor D. Wilson responded that he had checked the record of the meeting on 15 December 2015 and Cllr Bicknell had stated that 'every child should be able to get to school safely'. He continued to explain that the site now used by Holyport College was previously occupied by Holyport Manor school, an education establishment; permission was granted under application 13/00287 for the redevelopment of the site to provide a new secondary school. The planning officer's report to Panel on 28 May 2013, which he had chaired, clearly set out the highway considerations on which the application was assessed but also that the application was made on the basis of no pupil or staff member walking or cycling to school. A draft travel plan was submitted with a transport assessment supporting the application and a condition of the permission was a requirement to have a full Travel Plan for the future. This condition was discharged in consultation with highway colleagues.

Ms Sheehan, by way of a supplementary question, asked for confirmation that Holyport College be put on a list of all schools requiring safe routes and not prioritised?

Councillor D. Wilson responded that the council would consider safe routes for all schools; all would be looked at during the process. It was an evolving process.

Kate Sheehan of Cox Green asked the following question of Councillor D. Wilson:

The original Holyport College travel plan stated that you would offer FREE transport to all pupils attending the school and at your consultation meeting in Holyport prior to build you stated to me that no pavement was needed because free transport would be available. Why are you now supporting a walking/cycling route rather than Holyport College providing free transport as promised?

Councillor D. Wilson responded that he was perplexed as he had not offered free transport and he had not attended a consultation meeting. As per the previous answer all schools in the borough would be provided with safe routes.

Ms Sheehan stated that she had submitted the question to Cllr Dudley rather than Councillor D. Wilson.

Councillor Dudley explained that originally there was free transport for pupils as part of the Travel Plan; those rights had been grandfathered for pupils still at that school who joined in 2014/15. Those attending from 15/16 onwards would have to pay for transport. Parents and friends of pupils were keen that pupils could walk or cycle to school and had resented a petition to tis effect. The school has set aside over £80,000 in s106 funding and the council had agreed to look into such a scheme.

Ms Sheehan, by way of a supplementary question, commented that Councillor Dudley had stated that funding of £83,000 for the scheme would be paid by Holyport College as part of a legacy agreement. However, the agreement said the funding was for the Ascot Road and Forest Green Road junction rather than general improvements. She asked him to explain the discrepancy and who confirm would pay for the junction improvements if needed at a later date?

Councillor Dudley responded that the legal agreement between the borough and the school referred to funds to be used on schemes agreed by both parties. The scheme would be considered by Cabinet when a proposal was brought forward.

Councillor Werner suggested that Ms Sheehan should receive an apology for the tone of voice used by Councillor Dudley. The Mayor commented that it was not always easy to answer a question that a councillor was not prepared for and Councillor Dudley had done very well to respond; therefore an apology was not necessary.

30. PETITIONS

The following petition was presented by Councillor Rankin:

'We the undersigned ask the council of the Royal Borough of Windsor and Maidenhead to urgently review the traffic calming measures on Frances Road in consultation with the residents to ensure that effective controls are in place to reduce traffic speeds and the potentially damaging impact of heavy vehicles on house, caused by vibrations as they pass over the existing arrangements.'

Councillor Rankin addressed the meeting to summarise the content of the petition. He explained that he and his fellow ward councillors had been presented a petition by the residents of Frances Road. The petition requested a review of traffic calming measures and consultation with residents and ward councillors. On the road traffic travelled too fast for an urban area and traffic calming measures had been put in place. Due to poor positioning of speed bumps this was causing vibrations within homes on the road.

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

31. 2016/17 PROGRAMME OF MEETINGS

Members considered approval of the programme of meetings for the Council, Cabinet and the various Panels, Forums etc for the 2016/17 Municipal Year. Councillor Burbage explained that a revised version was before Members following necessary changes as a result of the EU referendum on 23 June 2016.

Councillor Dudley proposed that an extraordinary meeting of the Council be arranged to enable Members to debate the EU referendum. This would not be a whipped vote.

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

RESOLVED UNANIMOUSLY: That:

- i) The Programme of Meetings for the 2016/17 Municipal Year, (revised version circulated to Members at the meeting) be approved.**
- ii) An extraordinary meeting of the Full Council be held to debate the EU Referendum; date to be confirmed.**

32. APPROVAL OF THE UPDATED PAY POLICY STATEMENT FOR 2016/17

Members considered approval of an updated Pay Policy Statement for 2016/17 as required by the Localism Act 2011.

Councillor Beer commented that the document referred to the lowest paid and highest paid employees, but there was no information on intermediate grades. He also suggested that as quite a lot of staff worked in Windsor, a deal for discounted rail

travel be negotiated similar to that already in place with Great Western for Maidenhead employees.

Councillor Burbage commented that the Pay Policy statement was only required to detail the highest and lowest paid employees, it was not intended to describe the entire pay structure. The information would be made available to Councillor Beer if he wished. He would look into the issue of discounted rail travel. Councillor Rayner commented that an approach had already been made and, unfortunately, rejected.

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

RESOLVED UNANIMOUSLY: That Full Council approve the Pay Policy Statement 2016/17 and publishes it on its website by 31 March 2016.

33. BUDGET 2016/17

Members considered the Council budget for 2016/17.

The Lead Member for Finance thanked all officers for their hard work and diligence that made the budget possible. He thanked all Members, in particular those newly elected in May 2015, as the budget was a joint effort. He highlighted that Andrew Brooker, the Head of Finance, was leaving at the end of March 2016. Mr Brooker had been with the borough for almost 20 years and was a fantastic officer.

The Lead Member explained that the budget was based on three pillars:

- Low taxation. The borough had the lowest council tax outside of London and believed deeply that residents were taxed on the money they earned and should not be taxed again.
- Protection of the most vulnerable. Investments were being made in adult social care and children's services.
- Investing for the future. The council was investing to make the borough a better place to live. The council was working to build the tax base to enable this to happen.

The budget was set against a challenging settlement from central government. In 2015/16 the grant was £28.7m; this would reduce by 45% to £15.1m by 2019/20. Yet again council tax was being frozen at a Band D level of £906.95. In real terms this was a reduction of 0.8% as RPI was 0.8% in September 2015. In nominal terms this represented a reduction of 12.6% over seven years or 31.4% in real terms. The council was taking the opportunity to introduce the 2% Adult Social Care precept. To achieve the freeze, savings of £5.7m had been identified with a further £14.6m in the Medium Term Financial Plan (MTFP) to 2019/20. This has been achieved through efficiencies rather than cuts to frontline services.

The capital programme totalled £25m, of which £15m was corporately funded. Expansion of secondary schools would use £2.5m, which formed part of an overall programme for school expansion totalling £20m.

To achieve its objectives the council had to build its tax base. The assumption was for the equivalent of 1000 band D properties to be built every year in the borough. The council had invested £680,000 from the development fund in the Borough Local Plan process.

The government settlement had been so severe that the treasury had reconsidered and had subsequently provided £500m of transition grant funding. The borough would receive £1.3m for each of 2016/17 and 2018/19. This funding would be passed to the development fund.

The Opposition Spokesperson, Councillor Mrs Jones offered her thanks to the officers for their hard work to produce budget and to Andrew Brooker, the finance team and the Directors for their time. She explained that, as in previous years the Opposition did not consider providing an alternative budget to be a proper use of the council's limited resources given the large majority the current administration held.

She had stood at the Council meeting in 2015 and asked for a freeze on council tax because of service pressures, but as always there were speeches full of self congratulation and the council tax reduction of 2.1% was voted through. This year the administration was proposing an increase, not a freeze, of 2% on the amount a resident paid to the council to provide services. If her recommendation had been accepted then the council would have been in the same place but it would not have had to renege on the manifesto promise to limit council tax rises at or below the rate of inflation.

Councillor Mrs Jones highlighted that last year (and in 2014) she had raised concerns that the budget was not viable in future years, that central funding would continue to reduce and that costs relating to adult social care, children's services and waste management would continue to rise. This was even detailed on page 218 of the 15/16 budget paper within a graph from The Independent Commission on Local Government Finance. Councillor Walters said he felt it was ludicrous that anyone should vote against the proposed budget or abstain. Councillor Bicknell said the problems she had highlighted were 'ill-conceived' and that 'a balanced budget had been produced this year and next year would be no different'. Councillor Evans said her speech was 'full of doom and gloom' and that every year the council had delivered.

This year it didn't; the only way the books were balanced was by raiding the council's reserves. Adult social care had overspent the original budget by £2.1m so far. Last year the administration had estimated that costs (service pressures) for 16/17 would rise by £1.4m; the figure in the paper had increased to £5.2m. The Medium Term Plan now also highlighted that to balance the budget, even with a 2% increase in council tax each year, the council would have to make additional savings of £57m over the next 4 years, a huge jump from last year's forecasted 18m.

There was a move towards outsourcing or services run by other councils/companies. The council must ensure that all elected members could still have the oversight and

influence on service that was expected by their residents and not relinquish this responsibility in the search for reducing cost.

Councillor Mrs Jones was of the view that administration was blinkered to the risks by the glory of being able to boast of a sixth year of reductions, and was now trying to gloss over the huge pressure put on officers to achieve unattainable savings targets. Anyone could stand up and give a list of achievements but unless it was also acknowledged where it had gone wrong then it could never be a transparent council.

Councillor Mrs Jones highlighted that there had been:

- A full year unbudgeted cost of £2.8m in adult social care
- £300,000 unbudgeted costs to cover the production of the Borough Local Plan (initially scheduled for April 2015 but still not completed, with huge financial implications regarding the inability to collect any Community Infrastructure Levy contributions at the present time)
- £1.5m of redundancy costs since 2012 that were not included in the budget but again came from reserves.
- Staff costs saved by delaying filling vacancies, adding to pressure on remaining officers and service levels.

The planning department has been under-resourced for several years. Last year Councillor Hilton applauded the fact that the number of planning applications had risen, saying it had shown confidence from developers. It was a shame that the department had not got the resources to cope with that demand and extra costs had been incurred by the need to outsource the registration of applications to address the backlog. Councillor Mrs Jones stated that last year she had highlighted that extra resources, such as consultants, would be needed to mitigate the risks of the Borough Local Plan not being in place. No extra funding was detailed and £300,000 was later funded from reserves.

The administration had a manifesto commitment to increase the number of community wardens from 18 to 36. Councillor Mrs Jones commented that there had not been an increase yet and again there was no funding detailed in the current budget year to move this forwards. She questioned where the funding would come from?

If Members supported the recommendations included in the budget then a resident that moved into the borough when the administration had taken control of the council would have seen a reduction in council tax for a Band D property of £68.89 per year or £1.32 per week. If that resident wished to renew their season parking pass for Home Park, Windsor in the next year it would cost them an extra £75 per year; Romney Lock would mean an extra £100 per year. This could be considered a stealth tax, and certainly not a fair tax as, according to officers, the residents' Advantage Card did not apply when purchasing season tickets. These residents would be between £6 and £30 worse off next year, but it would bring £300,000 into the council's coffers. At Cabinet she had been told that the season ticket rise was only £2 per week. In the words of Councillor Brimacombe at the budget meeting last year 'It is a dangerous and arrogant path that leads councils to assume that any increase is a good thing and any reduction is not'.

In her second year of responding to the budget Councillor Saunders commented that the reason the Conservatives increased council tax in their first two years was

because they had to contend with 'a £1m black hole of fatuous savings and increases in parking charges on residents'. Councillor Mrs Jones commented that history was repeating itself. This budget had had to write back into accounts 'fatuous savings' that enabled council tax cuts in recent years, for instance a £300,000 black hole from the unrealised savings regarding combining roles into a generic Community Officer.

On a personal note, Councillor Mrs Jones commented that she had been highlighting the increased pressures on adult social care so of course she supported the increase in council tax to ensure that the council provided its statutory services. She noted that the Medium Term Plan included raising council tax by 2% for the next four years. She had concerns over the lack of detail as to how the council would fund resources going forward without depleting reserves. The Administration was looking to sell assets, but that could only be done once and any future council would not have the luxury to subsidise council tax .

Given that the council was now in receipt of an extra £1.2m from the transitional grant she requested a commitment to:

- reconsider the increase in parking charges
- put detail into the funding of community wardens
- ensure that funding was in place so that the planning department had adequate resources to deliver a prompt service to the residents and also to deliver the Borough Local Plan

This would justify her support for the recommendations in the paper; if that commitment could not be made then she would have no choice but to abstain.

Councillor Sharma explained the philosophy and vision of the council. He was a great believer in the economic theory of Adam Smith contained in 'An Inquiry into the Nature and Causes of the Wealth of Nations' (1776). When people were given the freedom to be the best they could be, the result was both poor and rich had a better economic situation. The poor won in a free trade economy; it was not the role of government to make all richer. The distribution of wealth could work effectively with the absence of government interference. It was a good thing that people were living longer but this placed additional demands on adult social care. To cover this the council had opted to introduce the 2% precept. Freezing of core council tax showed consistency in policy. The council was able to deliver innovative solutions to deal with the new financial realities of the world.

Councillor Coppinger explained that the council intended to raise £1.19m for adult social care by taking advantage of the 2% ring fenced precept. The council was also increasing the total amount spent by £4.3m. The borough population over age 65 had increased by 8% since 2011, the borough population over 85 years of age had increased by 17% over the same period. 30% of those age over 65 lived alone and therefore had to turn to a third party support. A Supreme Court ruling in 2015 had increased cost pressures by making councils responsible for the assessment of individuals in residential care homes. The council could have increased charges and fees and reduced services, but it had not. The homecare cost remained at £16 per hour. The council was actually investing in better services, for example outcome based commissioning.

The council was working with Clinical Commissioning Groups (CCGs) to provide better services for older residents through a combined budget of £2.5bn. The borough put residents first. He did not feel that £18 extra per year for a Band D property to fund services for vulnerable residents was too much to ask.

Councillor D. Wilson commented that councils across the country were having to cut services and raise council tax. This council was able to freeze council tax and still provide services to residents. He highlighted £3m funding for the Waterways project and additional funding for the Broadway Opportunity area. When companies were relocating to Maidenhead from the City of London, this was a huge plus for the town. Councillor D. Wilson explained that s106 was still being collected. The council's CIL proposals would be considered at examination on 3 March 2106. The Borough Local Plan was in progress for a submission by the end of September 2016. The council was using external consultants to deal with planning applications because of the increase in volume as more people wanted to live in the borough.

Councillor Bicknell highlighted the council's commitment to the education of young people, in particular:

- An additional £300,000 for home to school transport to deal with growth and those pupils needing to attend special schools outside the borough.
- £.5m to start the expansion programme for secondary schools.
- £300,000 for buildings at Wraysbury school including replacement of the heating system.
- £200,000 for a feasibility study for a satellite grammar school.
- £100,000 for a new Schools Participatory Budget programme.

The Department for Education had increased the Direct Schools Grant in line with the growth in the number of children in borough schools. A further £250,000 had been secured for pupils with special educational needs.

Councillor McWilliams highlighted the investment of £500,000 for Cox Green School. The national government position was the need to bring down the national debt. Local authorities needed to play their part; this council was by implementing savings. The grant had been cut by 45% but the reallocation of business rates was also being considered. By improving the local economy it was hoped the council would be able to keep more funding. The budget was a remarkable performance in light of the settlement, in particular the 31% reduction in real terms. This had put millions back into the local economy. The council had controlled finance by identifying savings such as the £475,000 in energy savings. Investments in the local economy included £3m for the Waterways project, £2.9m for the Broadway area, £2.5m for expansion of schools and £1.9m for adult social care.

Councillor Kellaway thanked Andrew Brooker for his support during the three years he had been Lead Member for Finance. Rigorous discipline had allowed six years of council tax reductions. Parking charges would be increased this year; he urged residents to use their Advantage Card wherever they could. In his capacity as a member of the Maidenhead Town Partnership Board he requested an eye be kept on charges in Maidenhead on a Sunday whilst the retail offer was still fragile.

Councillor Werner highlighted the self-congratulatory nature of budget meetings and commented he would join in this year. He highlighted that Councillor Mrs Jones had in

2015 predicted an adult social care overspend of £2m, which had come out at £2.1m. He hoped therefore that the Lead Member would involve Councillor Mrs Jones in budget discussions. He praised Councillor Coppinger for admitting the council had got it wrong in last year's budget and welcomed the realisation that adult social care needed to be financed. In overview, Councillor Werner commented that the council seemed to be running out of revenue funding and be moving to selling assets, for example the land at Deerswood. He had also heard at Corporate Services Overview and Scrutiny Panel that Maidenhead Golf club may be up for sale. The council owned land at Reform Road and he therefore presumed a plan would be developed for the site. Selling of assets was not by nature bad but could only be done once. S106 had previously been a source of funding. He had heard a rumour that a lot of development in Maidenhead town centre would not have CIL paid on it, which was a serious concern as the infrastructure was not in place to support new homes. Council tax was being increased by 2%. He often named budgets and suggested this one would be called the 'morning after' budget.

Councillor D. Evans highlighted that the burden of taxation was being moved from central government onto the local taxpayer. Virtually every council was collecting the 2% precept which would raise £370m nationally. He compared this to the £350m that the UK paid to the EU Commission each week, which was then spent with out any democratic accountability. The EU auditor had said that £15m of this was either misspent or fraudulently spent. The referendum was an opportunity to regain control of our money.

Councillor Burbage commented that this was a great budget by a great local authority. In many previous years claims had been made about the unsustainability of council tax and these had proved to be completely false. In relation to the sale of assets, if an asset was taken for a capital sum that was the end of the matter, however the council was using its assets to generate revenue and therefore support lowering the council tax burden for residents. Faced with the challenges of a lower grant, rising costs and rising demands for services the council was the only Berkshire authority and one of few in the country to be able to freeze core council tax at a level the lowest outside London. Councillor Burbage referred to statutory Instrument 118 of 2016 which detailed the precept. It was therefore not part of core council tax although he recognised it was a charge to the tax payer. He highlighted that in 2008/09 the borough council tax was £200 lower than that of Reading. Since then the borough had reduced its charge by £100 whereas Reading had increased its by £200. There was therefore now a difference of £500.

Councillor Burbage commented that it had been a pleasure to chair the Fire Authority working party last year. With the support of Councillors Bicknell, Lenton and Mrs Bateson, the precept for the authority was only to increase by 1%. This was likely to be the lowest increase across combined fire authorities in the country. He highlighted that under the previous Liberal Democrat administration council tax had risen by 24.3% whereas it had fallen by 31% in real terms under the Conservatives.

Councillor Mrs Airey stated that, on behalf of the children and young people of the Borough she was very pleased to support the Lead Member's budget this year. She specifically wanted to thank the Lead Member for always taking account of the needs of the less vocal residents, children and young people, who were not able to vote.

Over the last few years the administration had constantly reinforced its commitment to supporting children and young people and vulnerable families, for example:

COUNCIL - 23.02.16

- In 2013/14 an additional £330,000 (Safeguarding placements £200,000; Troubled Families £130,000)
- In 2014/15 an additional £500,000 (Safeguarding placements £340,000; Social Workers £160,000)
- In 2015/16 an additional £384,000 to reduce social work caseloads
- In 2016/17 an additional £240,000 for safeguarding placements

Over the last four years, over £2m of additional resources had been diverted to working with children, young people, families and the most vulnerable. This additional resource had meant that the council could employ additional social workers, ensuring case loads were at an appropriate level so staff had the time to work intensively with families. The council had invested in its fostering system, ensuring foster parents were rewarded appropriately for the work they undertook on the council's collective behalf, and ensured that additional resources were available to fund high cost placements for very vulnerable young adolescents.

The increases were set against savings, which in the main had been delivered through efficiencies such as management realignment, contract renegotiation and joining together of service areas to deliver more holistic support services to families, such as children's centres and parenting workers. Alongside these changes Children's Services was continuing to improve operational practice, which would support further efficiencies in the future. For instance the change in practice through the establishment of the MASH. The MASH was now live with all parties co-located in the Town Hall. In other parts of the country where MASHs had been running for longer, they had proven to impact more quickly on lives. There was national evidence to confirm the earlier you impacted on lives, turning lives around, the less cost there was to the state. The support for the MASH would affect in the future the level of demand, hence reducing costs, but more importantly it would enable some of the most vulnerable residents to flourish.

Councillor Mrs Airey had recently attended the Youth Annual Achievement Awards evening run by youth services. Hundreds of young people and their families attended to collect their award to recognise their achievement. She had also been impressed with the level of volunteering that was taking place by adult residents in supporting young people. Investment in the youth service provided huge value for money as this secured the support of 59 volunteers, who supported a diverse range of young people. She confirmed that the resource being invested in Children's Service in 2016/17 would ensure the council continued to deliver to residents a range of services and also maintain its safeguarding services.

Councillor Rankin highlighted a number of important commitments to Windsor in the capital programme, in particular enhancements at Alexandra Gardens. These included a new bandstand and £100,000 to enhance the entrance to the park and the riverside area. High quality public realm projects in Charles Street, Peascod Place, Bachelors Acre and Chariots Place were also in place. The council had committed to support the

Theatre Royal. Funding was also in the budget to ensure frontline services at York House.

Councillor Rayner highlighted projects in his portfolio area:

- £150,000 for flood prevention
- £285,000 for the lower Thames Flood Relief Strategy
- £1.6m resurfacing programme
- £500,000 for Maidenhead Station Interchange
- £550,000 for Jesus Hospital Bridge
- £30,000 for the A4 cycle route
- £250,000 for Windsor Primary School.

He explained that 63 of 64 schemes in the council's road resurfacing scheme were complete. The budget was £1.6m and £1.5m had been spent. The balance of funding was to be spent on pre-patching works in advance of the 2016/17 programme. Approximately 130 resident parking schemes had been delivered within approved budget. A number of traffic management schemes had been delivered within budget. A new roundabout at Cookham Road / Ray Mill Road West had been delivered within budget, with a saving of £6,000. The overall Highways & Transport revenue budget was projected to deliver savings against a budget of £150,000 within 2015/16.

In relation to parking charges, he explained that they were reviewed every year but usually only increased every other year. There had been no increase in season ticket costs since 2010. Tickets could be bought on a quarterly or monthly basis so there was no need for all the money up front. The increase was equal to a cup of coffee a week in McDonalds. In comparison to other Berkshire authorities, the borough still had the lowest season ticket price. Residents could use Advantage Cards for a discount on the first three hours of parking in council car parks. If this were applied to season tickets which were valid all day, the discount would have to be excluded for all tariffs.

Councillor Cox highlighted the investment of £3.7m next year and the year after to replace street lights with LED lamps. The council had looked at re-procurement contracts including for waste disposal. Waste was being transferred to an energy for waste plant rather than costly landfill. This had resulted in a cost saving in conjunction with a maintained weekly bin collection and improved recycling rates. Cabinet on 25 February 2016 would consider continuing with the night-time economy pilot in Windsor, which had been a success. The manifesto commitment to increase the number of community wardens would then follow. It would be wrong to put a figure in

the budget at this stage when it had not yet been worked out how this could best be delivered.

Councillor Lenton thanked Andrew Brooker, Head of Finance, particularly in relation to the administration of the Berkshire Pension Fund. He thanked the Lead Member on behalf of the people of Wraysbury for the staff facilities at the primary school, proposals for Wraysbury Bridge and dredging of the vital flood relief channels. He also highlighted the council's commitment to the River Thames programme.

Councillor Grey thanked the Lead Member on behalf of Datchet. He commented on the improved cycle route, a bus service to Windsor, rehousing of a number of residents who had fallen on hard times, with excellent back up from adult social care. All major roads had been resurfaced or improved. Riverside investment included benches, lighting, a restored fountain, fencing and planting.

Councillor Mrs Bateson commented that each of the ten neighbourhood Plans were given £20,000 to develop their plan to the point of resident consultation. In Ascot and the Sunnings the council had invested into refurbishment of Victory Field, a new roundabout at the Berystede crossroads and improvements in Sunningdale High Street. Councillor Mrs Bateson commented that these were tough times for local authorities, however all had to share the burden to get the country back to stability. The council had made savings through efficiencies, smarter working and listening to residents. Where other councils were making cuts, the borough had been prudent and was still able to open new buildings such as schools and libraries.

Councillor Saunders stated that the budget added to the success of the administration. Despite the efforts of the opposition achievements had been made in the absence of any major concerns. The deployment of a ringfenced budget was actually a Liberal Democrat approach, for example the pupil premium.

Councillor Ed Wilson commented that the pupil premium was one of the most important figures in the budget as it helped schools bridge the gap in attainment. A condition of the funding was that schools were required to tell the council how they were using the funding and how effective it was. Unfortunately not all schools provided this level of reporting. He suggested a conference of schools be convened to discuss how the money was spent, reported and recorded. The Children's Overview and Scrutiny Panel regularly called on schools to come forward and tell the Panel what they were doing with the money. In relation to Dedworth, Councillor Ed Wilson highlighted the new park and AstroTurf. He called the budget a 'builder's budget'.

Councillor Beer stated that the opposition was very constructive and highlighted the work in conjunction with colleagues on Overview and Scrutiny Panels. He commented that in the first two years of the administration council tax had risen, but all the focus was on the following six years. He agreed with the comments of Councillor Rayner in relation to funding for the Lower Thames Scheme. Councils were being asked to provide funding to deal with discharge from higher up the Thames in the Cotswolds, therefore he felt this should be a national charge. The planning department was under staffed and was not able to cope with the number of applications coming in. The Local Plan was getting on for a being a year out of date as it had not been adequately

resourced. The council was therefore losing out on CIL. Nothing had been done about potential housing problems related to the extra runway at Heathrow. In relation to the Stafferton Way contract, it had been said this was complete yet works were still ongoing. There were claims in the background that costs were above contract price. The project was not on time or budget.

Councillor Rayner commented that the Stafferton way Link Road had been 30 years in the planning, and was now delivered. Some changes had been needed during construction due to requests from residents. This included making the bridge wider for the Waterways project, extra lighting and improved sound barriers. The project may therefore be slightly over budget but a road had been built that councils for decades had not achieved.

The Lead Member for Finance commented that he liked campaigning because residents could see the product of the council's hard work. He had moved to the borough 25 years ago, bought a house and brought up his family. The council's aim was to give others the opportunity to do the same, including the facilitating of the building of homes. The council had spent more money to protect the most vulnerable last year and would continue to do the same. He proposed an additional recommendation to award Willows Mobile Home Park an additional grant of £8125 to improve disabled facilities at the social club. He highlighted the cumulative savings for the council tax payer over the last seven years as detailed on page 246 of the report. The council was expanding popular schools and opening new schools so that every child could have the opportunity to achieve their maximum potential. The local government settlement had caused huge distress in some councils. Some had had to go cap in hand or state they would have to close services. The borough was instead able to put the transition funding into the Development Fund.

Councillor Mrs Jones reiterated the issues she required a commitment on, to determine how she would vote on the budget. The Lead Member responded that it was for Mrs Jones to make her mind up how to vote.

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

RESOLVED: That:

- i. That the detailed recommendations contained in Appendix A, which includes a Council Tax at band D of £906.95, be approved.**
- ii. That an Adult Social Care Levy of £1.191m be included in the Council's budget proposals, this levy being equivalent to £18.14 at band D.**
- iii. That Fees and Charges as contained in Appendix B be approved.**
- iv. That the Capital Programme shown in Appendices C and D be adopted by the Council for the year commencing April 2016.**

- v. That responsibility is delegated to the Cabinet Prioritisation Sub Committee to identify specific scheme budgets for the Highway Maintenance programmes as soon as project specifications have been completed.
- vi. That authority is delegated to the Head of Finance in consultation with the Lead Members for Finance and for Adult Services and Health to add up to a further £325k to the budget for Disabled Facilities Grant once demand for those grants has been established and to add a £325k increase in Disabled Facilities Grant to the Better Care Fund (see paragraph 3.40).
- vii. That the prudential Borrowing limits set out in Appendix L are approved.
- viii. That Council is asked to note the Business Rate tax base calculation detailed in Appendix P (to follow) and its use in the calculation of the Council Tax Requirement in Appendix A.
- ix. That the Head of Finance in consultation with Lead Members for Finance and Education, is authorised to amend the Total Schools Budget, to reflect actual Dedicated Schools Grant levels.
- x. That the Head of Finance in consultation with Lead Members for Finance and Education, the Managing Director and Strategic Director for Adult, Children and Health Services and the School Forum is authorised to approve subsequent allocation of the Schools Budget in accordance with the 2016/17 funding formula and the Schools Finance and Early Years Regulations 2015.
- xi. That responsibility to include the precept from the Berkshire Fire and Rescue Authority in the overall Council Tax charges is delegated to the Lead Member for Finance and Head of Finance as soon as the precept is announced.
- xii. That the revision to the Council's Minimum Revenue Policy set out in paragraph 3.43 be approved.
- xiii. That Willows Mobile Home Park be awarded an additional grant of £8125 to improve disabled facilities at the social club.

(44 Councillors voted in favour of the motion: Michael Airey, Natasha Airey, Malcolm Alexander, Christine Bateson, Hashim Bhatti, Phillip Bicknell, John Bowden, Paul Brimacombe, Clive Bullock, David Burbage, Gerald Clark, John Collins, David Coppinger, Carwyn Cox, Simon Dudley, David Evans, Lilly Evans, Jesse Grey, Geoffrey Hill, David Hilton, Charles Hollingsworth, Maureen Hunt, Mohammed Ilyas, Richard Kellaway, John Lenton, Sayonara Luxton, Ross McWilliams, Marion Mills, Gary Muir, Eileen Quick, Jack Rankin, Colin Rayner, Samantha Rayner, Wesley Richards, MJ Saunders, Hari Sharma, Shamsul Shelim, Adam Smith, John

Story, Claire Stretton, Lisa Targowska, Derek Wilson, Ed Wilson and Lynda Yong. 1 Councillor, Malcolm Beer, voted against of the motion. Two Councillors, Lynne Jones and Simon Werner, abstained.)

34. MEMBERS' QUESTIONS

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

An Airports Commission Report stated a Heathrow Third Runway would generate 112,400 jobs needing 70,400 new houses, 5,000 in RBWM. Please explain the appalling failures to inform residents about the enormous problems this would create above the 12,000 homes we are already struggling to accommodate, and why no objection has been made to the Commission or Parliament?

Councillor D. Wilson responded that Councillor Beer had long requested this in standing up for the borough in relation to Heathrow. The council had been at the front of campaigning. As a leading member of 2M, the council had made a strong and co-ordinated challenge to the third runway at every step. This had intensified since the deeply flawed report had been published. Following this a detailed technical critique had been sent to all MPs, expressing the report's weaknesses. Ministers had been lobbied through joint correspondence and submitted to committee. The council was determined to do all it could to prevent expansion.

Councillor Beer, by way of a supplementary, commented that there was concern that the bodies mentioned had been challenged on air quality and noise but not on infrastructure. He would like to see a joint submission against runway three on the grounds of the stress on the housing structure. He asked if the Lead Member would agree?

Councillor D. Wilson responded that he would like to look at the information Councillor Beer had before moving forward. The council would continue to lobby the government. He had had conversations with the other Berkshire authorities in the reference group.

Councillors C Rayner and S Rayner left the room for the duration of the discussion on this question

Question submitted by Councillor Rayner to Councillor Cox, Lead Member for Environmental Services

What progress is the Royal Borough Council making in installing dust, pollution and noise monitoring devices in the area of a Waste Transfer Station in Hythe End Wraysbury?

Councillor Cox responded that Royal Borough officers were actively investigating noise and dust complaints associated with the operation of a concrete crusher on the site in question. Officers were undertaking visits to the area of the site to assess noise levels. Using noise recording equipment in this location could be difficult due to the high ambient noise levels and other noise sources in the location, for example it would be very difficult to determine that recorded noise, without the officer being present to hear it at the time, was attributable to the activity in question. The Environment

Agency was investigating noise complaints from activity on the site generally that was covered by the Environmental Permit.

Council officers were also investigating dust complaints when they undertook their visits. The Environment Agency notified residents in their newsletter of 26 November 2015 that they had installed a dust monitoring unit near to the site. This was a six month study so would conclude in May 2016.

Councillor Rayner, by way of a supplementary, asked for updates on actions over the last 12 months in writing that he could send to residents.

Councillor Cox agreed to provide this.

Question submitted by Councillor Rayner to Councillor D. Wilson, Lead Member for Planning

If the RBWM was to receive incontrovertible evidence that the original Certificate of Lawful Use for Hythe End Farm was applied for unlawfully, what steps would the council take?

Councillor D. Wilson responded that he was aware of the concerns from local residents regarding the site and understood that the planning enforcement team had been involved alongside other colleagues in environmental protection and highways. A Certificate of Lawfulness was issued in 1998 for the storage and processing of materials; the certificate was based on evidence submitted by the applicant to support the fact that the use had been continuing for a 10 year period before the application was submitted.

S193(7) Town and Country Planning Act 1990 permitted a local planning authority to revoke a certificate granted under s191 or 192 where:

- (a) a statement was made or document used which was false in a material particular;
- or
- (b) any material information was withheld.

No compensation was payable in the event of revocation and the site may be subject to enforcement action.

It would be necessary for the Council to consider if a false statement had been made in light of any information provided. It would therefore be necessary to review the old file to which the certificate related as well as the evidence submitted to the Council relating to the site. To comply with s193(7)(a) the LPA must identify precisely the statements said to be false when revoking the certificate. There was no provision to appeal to the Secretary of State the LPA's decision to revoke but the decision may be judicially reviewed. The decision could therefore be contested in the High Court on the grounds that the LPA has acted unreasonably in making the decision to revoke the certificate. Any court action must commence within three months from the date of the decision. Court costs may be incurred and depending on the outcome of any case the Council may be liable to pay the other side's costs.

Councillor Rayner, by way of a supplementary, requested this be put in writing to that he could pass it to residents

Councillor D. Wilson responded that this could be provided.

Question submitted by Councillor Lenton to Councillor Coppinger, Lead Member for Adult Services & Health

Following Berkshire East PCT's failure to implement the provision of a replacement surgery in Wraysbury, promised in 2006, and the PCT's subsequent withdrawal of support for the minor ailments scheme, would the Lead Member please confirm that the Council will vigorously oppose any proposed down grading of the Pharmacy service in Wraysbury to the residents of Horton and Wraysbury.

Councillor Coppinger responded that pharmacies were an essential part of the provision of health services to residents. Over the last few years their role had increased complementing the work of General Practitioners and the Public Health team. The pharmacy at Wraysbury was commissioned by the Borough to provide 3 essential services to residents in addition of course to services commissioned by the NHS. He was aware that a review of the services provided by pharmacies was being undertaken with the objective of greater integration of health providers. There was a consultation currently in progress, which would inform the final proposal. At the moment there were no proposals to close any pharmacy although he realised that the review had caused considerable anxiety. He reassured residents of both Wraysbury and anywhere else within the Borough that should a pharmacy come under threat the council would vigorously oppose it using all powers and influence that it had. He had met with the owners of the pharmacy and agreed to share information so that he could be in the best possible situation.

Councillor Lenton, by way of a supplementary, asked if the Lead Member was aware that the pharmacy in Wraysbury provided a delivery of prescriptions to infirm residents. If the pharmacy were closed residents would have to travel up to 5 miles away to a pharmacy in Datchet.

Councillor Coppinger responded that he was aware and would take this into account if he needed to present a case to protect the pharmacy.

Question submitted by Councillor D Evans to Councillor D Wilson, Lead Member for Planning

Could the Lead Member inform me as to how many residential dwellings (houses, flats, and apartments) were completed in the Royal Borough in 2012, 2013, 2014 and 2015?

Councillor D. Wilson responded with the following figures:

- 2011/12 – 177 residential units
- 2012/13 – 193 residential units
- 2013/14 – 360 residential units
- 2014/15 – 514 residential units

Councillor D. Evans confirmed that he did not have a supplementary question.

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

Will the Lead Member join the Dedworth Spring Day on Saturday 5th March?

Councillor Cox responded that he was more than happy to accept and would be attending the event in March.

Councillor E. Wilson, by way of a supplementary, asked the Lead Member to take away any learnings from the day to replicate at events year on year.

Councillor Cox responded that he would be happy to do so.

Question submitted by Councillor Rankin to Councillor Rayner, Lead Member for Highways and Transport

The residents of Frances Road have collected a petition expressing concerns about traffic speeds and vibration to houses in Frances Road and have requested the introduction of effective traffic calming. Can the Lead Member please give a commitment that the petition will be fully considered and traffic calming options be prepared for consideration by the Residents' and Ward Members?

Councillor Rayner responded that he would be pleased to deliver a better parking system for residents in Frances Road. He had asked officers to examine the concerns about vibrations. Frances Road was due to be resurfaced in the new financial year. He pledged to work with Ward councillors and residents to come up with options.

Councillor Rankin confirmed that he did not have a supplementary question

Question submitted by Councillor Grey to Councillor Ms Stretton, Principal Member for Culture and Communities

Will the Lead Member investigate the state of the Royal Plaques on Victoria Bridge and Albert Bridge which are in need of some attention, as many residents and visitors pass these on the bridges?

Councillor Stretton responded that she had already identified on the Victoria Bridge that there were coat of arm plaques and some construction information plaques. On the Albert bridge there were plaques on the pier on either side. Therefore there may be 6 or 8 plaques which would need to be phased in a certain order. She had agreed with the Mayor for her to arrange an opportunity for relevant officers to meet with Ward and Lead Members and potential partners to discuss the need to refurbish the bridge plaques. Once a clear understanding of the extent of the renovation required was obtained, appropriate sources of funding for the works would be explored along with a suitable timeline.

Councillor Grey confirmed that he did not have a supplementary question.

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.

36. MOTIONS ON NOTICE

By Councillor D. Wilson

Councillor D. Wilson introduced his motion. He explained that the council was concerned at the proposal by Post Office Ltd. to either close or put out to franchise the service in Maidenhead High Street. The issue was beyond politics and he urged all to sign up to the petition on the council's website. With other smaller branches closing the main Post Office was needed, particularly in light of demographic changes.

Councillor Ilyas stated that the closure or franchising out would have a substantial effect on the community. The Post Office had recently completed a consultation in Furze Platt to move the post office to another location and reduce services. The communication about this consultation referred residents to use the main Post office in Maidenhead if services were reduced.

Councillor Hill commented that one third of small businesses used the Post Office every week. A study in Essex assessed the impact of a Post Office closure, which resulted in small businesses losing 25% of turnover. He requested the opposition direct people to the petition on the council's website. He also asked the press to publicise the link to the petition.

Councillor Brimacombe commented that the council had been told the post office in Maidenhead was uneconomic yet there had been no transparency in their calculations.

Councillor Werner stated that all were in agreement that it would be ridiculous to close the Post Office in Maidenhead or move it to another location. There was very high internet usage in the borough but not all elderly residents were able or willing to use it therefore the Post Office was a vital service. He had heard a rumour that the Post Office were deliberately trying to cause queues on the branch to stop people wanting to go there. The Post Office was located at the quiet end of the High Street and its closure would be drastic on the businesses there. Councillor Werner was happy to recommend people to go to the council's e-petition. He was aware there was already one of over 2000 signatures in the Post Office itself. He suggested all be encouraged to sign each other's petitions.

It was proposed by Councillor D. Wilson, seconded by Councillor Werner and:

RESOLVED UNANIMOUSLY: That this Council expresses concern at the loss of services that are currently to the local community, which will be a loss, and will press the Post Office to rethink their decision.

By Councillor Smith:

Councillor Smith introduced his motion. He explained that in 2002 councils had been prohibited from using 30mph repeaters and roundels. This general prohibition had come about as a result of case law as it was difficult to gain convictions if some roads had the signs and others did not. Nationally the problem of speeding in 30mph areas had declined however the DfT stated that 45% of drivers still speeded. In his ward there were long straight roads in semi-rural areas that were a particular problem.

Councillor E Wilson endorsed the comments of Councillor Smith. He commented that people often said they were not aware of the speed limit in roads they used everyday. It was absurd that the council could not put up signs.

Councillor M. Airey supported the motion, referring to a problem road in his ward (Tinkers Lane) that suffered from speeding day and night.

Councillor Werner commented that the DfT had said drivers should be aware of the limit based on the distance between lights on a road, however they were often not on both sides.

It was proposed by Councillor Smith, seconded by Councillor E. Wilson and:

RESOLVED UNANIMOUSLY: That this Council writes to the Minister of State, asking him to scrap this regulation, clarify the law, and delegate to local authorities like Royal Borough of Windsor and Maidenhead the power to put up 30mph repeaters and roundels where they are needed.

Councillors C Rayner and S Rayner left the meeting at this point.

37. LOCAL GOVERNMENT ACT 1972 - EXCLUSION OF PUBLIC

RESOLVED UNANIMOUSLY: That under Section 100(A)(4) of the Local Government Act 1972, the public be excluded from the remainder of the meeting whilst discussion takes place on items 15-16 on the grounds that they involve the likely disclosure of exempt information as defined in Paragraphs 1-7 of part I of Schedule 12A of the Act.

This page is intentionally left blank

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.

This page is intentionally left blank

MAYOR'S COMMUNICATIONS

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

Meetings

- Twinning Committee meetings and AGM
- Spoore Merry Rixman Foundation
- Pooles and Rings Charity
- Alzheimers Dementia Support AGM
- Royal Albert Institute Trust
- Military housing meeting
- Prince Philip Trust Fund
- Windsor Talking Newspaper AGM

Schools/Clubs/Community

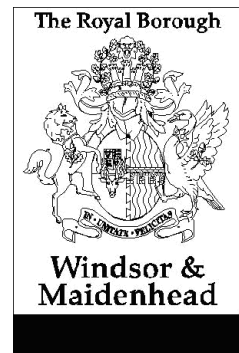
- Hosted several mayoral receptions and viewing of civic insignia for 1st Maidenhead Brownies; Maidenhead Chamber of Commerce
- Chairman South Bucks Annual Reception
- Girlguides Thinking Day and centenary celebrations of the senior section
- 20th birthday celebrations Shopmobility/People to Places
- Rotary Club of Windsor St George dinner
- Memorial service for former councillor Karin Lohr
- Presented prizes at the Young Enterprise Trade Fair, Windsor
- Magistrates Mock Trial Competition
- Hungerford Star Annual Dinner
- Windsor and Maidenhead Community Forum event at Maidenhead Mosque
- 5th birthday celebrations and opening of Sydney Camm exhibition, Windsor Museum
- Opened the Rotary District 1090 conference
- Commonwealth Flagraising and WWI single commemorative act
- Reception to launch the Malcolm Arnold project, Eton College
- Get Berkshire Active “ School Games Winter Festival, Bisham Abbey
- Attended the open rehearsal for East Berks Jazz Orchestra, Berkshire Maestros
- Drew the raffle for Sport Relief, Sainsburys Local, King Street, Maidenhead
- Queen’s Award for Voluntary Service – attended the reception for all Berkshire nominees
- Old Maidonians’ Annual Dinner
- Opened Redwood Estate Agents, Old Windsor
- Maidenhead Thames Rotary Bunny Fun Run
- Visited the Museum archive store, Tinkers Lane, Windsor
- Presented certificates at the Strive Graduation Business Start Up
- Several Citizenship Ceremonies
- High Sheriff’s Awards
- Braywick Heath Nursery 19th birthday tea party
- Started the Maidenhead Easter Ten
- Good Friday Open Air Act of Witness, Windsor

- Television interviews for the 90th birthday of Her Majesty the Queen
- Photocall for the Prince Philip Trust Fund and recipient of the largest grant
- Opened dog grooming business
- Attended the Swearing in of the new High Sheriff
- Welcomed Mayors and representatives of the Royal Borough's twin towns to the mayoral/twinning weekend and programme of activities
- Hosted Mayor's Annual Charity Ball – in aid of Thames Hospice
- 150th anniversary celebrations at Royal Windsor Racecourse
- Windsor Lions Club Prostate Cancer Awareness event
- Ascot Cluster School Council visit to Guildhall and Museum
- Maidenhead Women's Group for European Friendship – mayoral presentation
- Thames Valley Expo
- Richmond Foundation Volunteer Graduation Ceremony
- Dinner with Admiral Sir James Perowne at Windsor Castle
- Sikh festival of Vaisakhi, Maidenhead Gurdwara
- Windsor and Eton District Scouts St George's Day Parade and Service
- Official opening by Her Majesty the Queen of the bandstand in Alexandra Gardens, Windsor
- Three Counties Against Extremism event at Dorney Lake
- Accompanied Her Majesty the Queen on her walkabout in Windsor on the occasion of her 90th birthday
- Hosted lunch for residents celebrating their 90th birthday
- Royal Gun Salute on the Long Walk marking the birthday of Her Majesty the Queen
- Beacon Lighting in Windsor
- St George's Day Charity Ball, Charters School, Ascot
- Rotary Club of Windsor St George Annual Dinner
- National Scout Service and Parade
- Rotary Club of Maidenhead spring tea party for the elderly
- Presented prizes to the winning school children of the poster competition, Cox Green, Maidenhead
- Private View of the Easter Rising exhibition, Berkshire Record Office

Concerts/Shows

- Maidenhead Drama Guild Baskerville Sherlock Holmes mystery
- Windsor and Maidenhead Symphony Orchestra concert
- Windsor Spring Festival concert
- Wraysbury Primary School production
- Windsor Spring Festival: First Schools lunchtime concert
- Riverside Players "Family Planning"
- Windsor and Eton Choral Society concert
- Presented the prizes at the Final of the Maidenhead Drama Festival
- Gala Show at the Theatre Royal in aid of "Mane Chance Sanctuary"
- Windsor Sports College "Road to Rio" gym and dance show

Report for: ACTION



| | |
|--|---|
| Contains Confidential or Exempt Information | NO - Part I |
| Title | Recommendation for a new Public Space Protection Orders (PSPO) type |
| Responsible Officer(s) | Simon Fletcher – Director of Operations & Customer Services Craig Miller - Community Protection & Enforcement Service Lead |
| Contact officer, job title and phone number | Craig Miller, Head of Community Protection and Enforcement 01628 689535 |
| Member reporting | Cllr Carwyn Cox – Lead Member for Environmental Services |
| For Consideration By | Council |
| Date to be Considered | 26 April 2016 |
| Implementation Date if Not Called In | 31 May 2016 |
| Affected Wards | All |

REPORT SUMMARY

1. The paper proposes that following ratification by Cabinet, Council proposes that the borough should if necessary be able to implement PSPOs covering the anti-social behaviour (ASB) associated with barbecues being lit in public spaces.

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. A reduction in barbecue-related anti-social behaviour in the locations where relevant PSPOs are implemented. | Immediately from the inception of an appropriate PSPO. |

1. DETAILS OF RECOMMENDATIONS

RECOMMENDATION: 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.**

2. REASON FOR RECOMMENDATION(S) AND OPTIONS CONSIDERED

- 2.1 Certain types of anti-social behaviour are more prevalent in some areas than others. Public Space Protection Orders (PSPOs) provide the tool by which such ASB can be tackled. A paper to July 2015 Cabinet considered the introduction of PSPOs in detail and whilst it dealt primarily with the replacement of the previous Designated Public Space Orders within the Borough, it indicated that PSPOs would in future be used to tackle other types of ASB occurring in public places. This was subsequently approved by the September 2015 Council.
- 2.2 The item being put forward for consideration in this paper is anti-social behaviour (ASB) that can arise from barbecues being lit in public spaces (smoke annoyance and safety concerns from hot coals and fire). The council has over the past few years received contact and complaints from residents and ward councillors in respect of barbecues that have been lit on Bath's Island, Windsor during weekend and bank holiday periods. An initial review of e-mails and complaints made to the council's Environmental Protection team alone highlights six formal complaints made about barbecues on Baths Island between the end of May 2014 and the end of April 2015. One of these details a patrol that identified 15 barbecues lit on the island with another complaint detailing significant numbers of users on the Island many with barbecues.
- 2.3 As a result, Community Wardens have been tasked to patrol this location for the past three years during peak periods to prevent people lighting barbecues (on average 2 -5 per day). On average this has required 8 hours Community Warden overtime per weekend. This results in an additional cost to the council of circa £6,000 and resources being diverted away from other parts of the Borough to deal with these issues.
- 2.4 The council currently has little or no enforcement power to tackle this issue effectively and relies on good will and interpersonal skills when issues occur. The ability to issue a Fixed Penalty Notice for a breach of a PSPO would act as a strong deterrent. This would also provide an actual sanction for any instance where all other informal efforts and attempts to rectify an issue have been exhausted.
- 2.5 It is likely that this ability will also help improve some of the wider issues associated with the use of barbecues in public spaces e.g. littering and damage to grass from disposable barbecues etc. Leisure services officers have received complaints and experienced issues of this nature in open spaces within the Borough. Appendix 1 shows images of Baths Island, Windsor and the extent of littering and waste left on the Island following good weather periods when barbecues have been lit.

- 2.6 It is important to note that should Council be minded to approve the extension of the scope of PSPOs, this does not mean an order is in existence. The determination and implementation of an actual PSPO is undertaken by a PSPO panel with local ward member representation. This would be done on the basis of a referral to a panel supported by an appropriate evidence base for the issue and location(s) in hand.

| Option | Comments |
|---|--|
| 1. Council proposes, following Cabinets endorsement of the strategy, that it should if necessary be able to implement PSPOs covering the anti-social behaviour (ASB) associated with barbecues in public spaces. This is the recommended option | Full Council is the body that authorises the type of PSPOs that can be implemented across the Borough. The council's constitution delegates authority to determine individual PSPOs through PSPO Panels that include local ward member representation as appropriate for the location under consideration. |
| 2. To utilise other ASB tools such as ASB Contracts and Community Protection Notices rather than PSPOs. This is not recommended | Most of the other ASB tools relate specifically to individuals rather than a specified area. These tools should where appropriate be used in conjunction with a PSPO when addressing ASB within a specified area. |
| 3. Do nothing. This is not recommended. | The borough would be failing to utilise the tools provided by the ASB Crime and Policing Act (2014) and in doing so would be failing to realise the opportunities to reduce these behaviours. |

3. KEY IMPLICATIONS

| Defined Outcomes | Unmet | Met | Exceeded | Significantly Exceeded | Date they should be delivered by |
|--|---------------|----------|----------|------------------------|----------------------------------|
| PSPO Scope is extended to include ASB associated with barbecues lit in public spaces by: | Post 26/04/16 | 26/04/16 | n/a | n/a | 26/04/16 |

4. FINANCIAL DETAILS

Financial impact on the budget

| | 2016/17 | 2017/18 | 2018/19 |
|-----------|------------------|------------------|------------------|
| | Revenue £'000 | Revenue £'000 | Revenue £'000 |
| Addition | £1 | £0 | £0 |
| Reduction | £0 | £0 | £0 |

| | 2016/17 | 2017/18 | 2018/19 |
|-----------|------------------|------------------|------------------|
| | Capital £'000 | Capital £'000 | Capital £'000 |
| Addition | £0 | £2 | £1 |
| Reduction | £0 | £0 | £0 |

The main financial implications are the revenue cost of printing of two-part Fixed Penalty Notice (FPN) stationery and the capital cost of signage.

5. LEGAL IMPLICATIONS

5.1 The Royal Borough is empowered under s.59 of the Anti-Social Behaviour, Crime and Policing Act 2014 to make PSPOs where activities carried on in a public place:

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

“Public place” is defined by s74 (1) as “any place to which the public or any section of the public has access....”

Further, under s59, it has to consider the restrictions, and the duration of the Order proposed.

Also, before an Order is made, then under s71, it must have had regard to the Rights of Freedom of Expression and of Assembly under the Human rights Act 1998, before making the Order. European Human Rights considerations are covered below:

Article 10 – Freedom of expression

Everyone has the right to freedom of expression. This right shall include freedom to hold opinions and to receive and impart information and ideas without interference by public authority and regardless of frontiers. This article shall not prevent States from requiring the licensing of broadcasting, television or cinema enterprises.

The exercise of these freedoms, since it carries with it duties and responsibilities, may be subject to such formalities, conditions, restrictions or penalties as are

prescribed by law and are necessary in a democratic society, in the interests of national security, territorial integrity or public safety, for the prevention of disorder or crime, for the protection of health or morals, for the protection of the reputation or rights of others, for preventing the disclosure of information received in confidence, or for maintaining the authority and impartiality of the judiciary.

Article 11 – Freedom of assembly and association

Everyone has the right to freedom of peaceful assembly and to freedom of association with others, including the right to form and to join trade unions for the protection of his interests.

No restrictions shall be placed on the exercise of these rights other than such as are prescribed by law and are necessary in a democratic society in the interests of national security or public safety, for the prevention of disorder or crime, for the protection of health or morals or for the protection of the rights and freedoms of others. This article shall not prevent the imposition of lawful restrictions on the exercise of these rights by members of the armed forces, of the police or of the administration of the State.

The Passing of the ASB Act 2014 by Parliament allows RBWM to make a PSPO that could restrict the above Rights, where that is compatible with those Rights.

Finally, (under s72(3)) before an Order is made it must also have carried out the “necessary consultation” with the Police, Community Representatives and the owners and occupiers of the affected land (the latter only where “reasonably practicable”) and have carried out “necessary publicity”, which means publishing the text of the proposed Order.

Section 66 of the Anti-Social Behaviour, Crime and Policing Act allows that an interested person, i.e. “an individual who lives in the restricted area or who regularly works in or visits that area”, may challenge the validity of a PSPO by application to the High Court where:

A local authority did not have power to make the order; or
That a requirement under the legislation was not complied with

Additionally, Regulation 2 of the Anti-social Behaviour, Crime and Policing Act 2014 (Publication of Public Spaces Protection Orders) Regulations 2014 requires that the Royal Borough must take certain steps to publicise PSPOs.

The legislation stipulates that PSPOs must be subject to regular review. New orders should ideally be reviewed after a year, and thereafter PSPOs must be reviewed triennially.

Once made the Royal Borough can extend (s60) vary or discharge (s61) an Order. An Order can be extended where there are reasonable grounds that doing so is necessary to prevent an occurrence or recurrence of the activities identified in the Order or an increase in the frequency or seriousness of those activities. An Order can only be varied to include a wider area and/ or impose more extensive prohibitions or requirements only if the original statutory criteria under s59 are met.

6. VALUE FOR MONEY

- 6.1 PSPOs have the potential to reduce long-term ASB costs in terms of resourcing e.g. police and council officer time, allowing these resources to be deployed elsewhere.

7. SUSTAINABILITY IMPACT APPRAISAL

- 7.1 None.

8. RISK MANAGEMENT

| Risks | Uncontrolled Risk | Controls | Controlled Risk |
|---|---|---|-----------------|
| Legal challenge to the validity of the PSPO process | Reputation damage to the Council, potential court costs | <ul style="list-style-type: none">• Public consultation on PSPOs• Ad hoc PSPO panel to decide on local PSPOs• Cabinet to decide on strategic PSPOs• Initial review of individual PSPOs after one year• Triennial reviews of all PSPOs | Low |

9. LINKS TO STRATEGIC OBJECTIVES

9.1 *Residents First*

- Improve the Environment, Economy and Transport
- Work for safer and stronger communities

Delivering Together

- Enhanced Customer Services
- Strengthen Partnerships

10. EQUALITIES, HUMAN RIGHTS AND COMMUNITY COHESION

- 10.1 Each PSPO application would be assessed on its own merits incorporating equality, human rights and community impacts.

11. STAFFING/WORKFORCE AND ACCOMMODATION IMPLICATIONS

- 11.1 ASB associated with Barbecues will be the responsibility of Community Wardens and potentially Environmental Protection Officers. Appropriate signage will be erected in an agreed location and those lighting barbecues will be issued with a fixed penalty notice.

12. PROPERTY AND ASSETS

- 12.1 None

13. ANY OTHER IMPLICATIONS

13.1 The fees associated with Fixed Penalty Notices and Community Protection Notices will be the subject of a separate paper to full Council. There are different charging ranges for FPNs depending on the type of offence they are issued for. The most common range is £50 to £80 with £75 being the default penalty level. This default position is the current recommendation for FPNs associated with PSPOs but will however be informed by appropriate benchmarking.

14. CONSULTATION

14.1 The recommendations within this paper have been considered by Cabinet at its meeting of 31 March 2016 and the council's Crime & Disorder Overview and Scrutiny Panel at its meeting of 22 March 2016, endorsed these for recommendation to and consideration by full Council.

15. TIMETABLE FOR IMPLEMENTATION

| Date | Details |
|---------------|--|
| 26 April 2016 | Council approves proposals for widening the scope of Public Space Protection Orders allowing the potential for consulting on new PSPOs to commence by the end of May 2016. |

16. APPENDICES

16.1 Appendix 1 – Images of Bath's Island, Windsor

17. BACKGROUND INFORMATION

Public Space Protection Orders are established in sections 59 to 75 of the Anti-Social Behaviour, Crime and Policing Act 2014. This can be viewed at: <http://www.legislation.gov.uk/ukpga/2014/12/contents/enacted>

Regulations regarding the publication of PSPOs are covered by the Anti-Social Behaviour, Crime and Policing Act 2014 (Publication of Public Spaces Protection Orders) Regulations 2014. This can be viewed at: <http://www.legislation.gov.uk/uksi/2014/2591/contents/made>

Guidance on the legislation is available via the Home Office publication "**Anti-social Behaviour, Crime and Policing Act 2014: Reform of anti-social behaviour powers Statutory guidance for frontline professionals**". PSPOs are covered in pages 46 to 52: https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/352562/SB_Guidance_v8_July2014_final_2_.pdf

18. CONSULTATION (MANDATORY)

| Name of consultee | Post held and Department | Date sent | Date received | See comments in paragraph: |
|-------------------|--|-----------|---------------|----------------------------|
| Internal | | | | |
| Cllr Burbage | Leader of the Council | 13/04/16 | | |
| Cllr Cox | Lead Member Environmental Services | 12/04/16 | 13/04/16 | |
| Simon Fletcher | Director of Operations & Customer Services | 12/04/16 | 12/04/16 | |
| Michaela Rizou | Cabinet Policy Assistant | 12/04/16 | 12/04/16 | |
| Craig Miller | Head of Community Protection & Enforcement | 31/03/16 | 12/04/16 | |
| Neil Allen | Shared Legal Services | 12/04/16 | | |
| Mark Lampard | Finance Partner | 12/04/16 | 13/04/16 | |

REPORT HISTORY

| Decision type: | Urgency item? |
|------------------|---------------|
| Non-key decision | No |

| Full name of report author | Job title | Full contact no: |
|----------------------------|--------------------------|------------------|
| Brian Martin | Community Safety Manager | 01628 796337 |

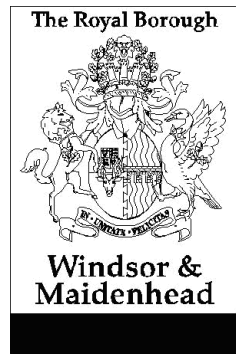
Appendix 1 – Images of Bath’s Island, Windsor

The images show the extent of waste and litter cleared following peak use periods on Baths Island, Windsor. Fire/barbecue damage to the grass is also evident in the first image.



This page is intentionally left blank

Report for: ACTION



| | |
|--|---|
| Contains Confidential or Exempt Information | No |
| Title | Stafferton Way Link Road Budget |
| Responsible Officer(s) | Russell O'Keefe, Strategic Director of Corporate and Community Services |
| Contact officer, job title and phone number | Richard Bunn, Interim Head of Finance |
| Member reporting | Cllr Dudley, Lead Member for Finance |
| For Consideration By | Council |
| Date to be Considered | 26 April 2016 |
| Implementation Date if Not Called In | Immediately |
| Affected Wards | Oldfield and Bray |

REPORT SUMMARY

1. This report provides Council with a brief summary of the Stafferton Way Link Road project and recommends that Council approves the addition of a £680k capital budget to the 2015-16 Operations and Customer Services capital programme as part of the financial mitigations for this project, subject to their approval by Cabinet on 28 April 2016.
2. Cabinet received a report on 31 March 2016 and resolved to:
 - (i) *Recognise the positive impact the new link road will have on residents of the Royal Borough*
 - (ii) *Agree the 2016-17 Operations and Customer Services capital programme be reviewed immediately and redistributions, reductions or postponements be put in place by the Lead Member for Finance and officers and recommended to April Cabinet as financial mitigations for up to the whole Stafferton Way Link Road overspend to ensure the whole scheme is fully funded*
 - (iii) *Approve a settlement figure with Balfour Beatty of £5.43m and approve agreed outstanding payment of £1.059m*
 - (iv) *The decisions be minuted in Part I*
3. The review of the Operations and Customer Services capital programme mentioned above has now taken place and findings will be reported to Cabinet on 28 April 2016.

| 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 |
| None – internal process | N/A |

1. DETAILS OF RECOMMENDATIONS

RECOMMENDATION: 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.

2. REASON FOR RECOMMENDATION(S) AND OPTIONS CONSIDERED

- 2.1. Stafferton Way link road was commissioned to complete the circular route around the town by linking the A308 and the A4 in Maidenhead and create an alternative route for through traffic, removing congestion at the railway station and through the town centre.
- 2.2. The link is intended to help to realise the benefits of the Maidenhead Town Centre Area Action Plan and act as a catalyst for the regeneration of the Stafferton Way and other Opportunity Areas, as well as addressing the severance to the station for residents and businesses located to the east of the town centre.
- 2.3. The detailed scheme comprised an eastwards extension of Stafferton Way including:
 - the erection of a new bridge over Moor Cut with associated works to the towpath and river;
 - formation of new junction between Stafferton Way, Forlease Road and Green Lane;
 - formation of a new roundabout junction between Stafferton Way, Oldfield Road (B3028) and Bray Road; and
 - associated landscaping
- 2.4. The scheme is now complete and was opened on 23 December 2015 and has fully delivered the required elements.
- 2.5. Cabinet considered a report on 31 March 2016 which identified a net overspend of £1.25m.
- 2.6. Cabinet resolved to '*...Agree the 2016-17 Operations and Customer Services capital programme be reviewed immediately and redistributions, reductions or postponements be put in place by the Lead Member for Finance and officers and recommended to April Cabinet as financial mitigations for up to the whole Stafferton Way Link Road overspend to ensure the whole scheme is fully funded...*'
- 2.7. A review has been carried out of the cost overruns and the Operations and Customer Services capital programme by the Lead Member for Finance; Strategic Director of Operations and Customer Service; Interim Head of Finance and the Head of Highways & Transport.

The following mitigations were identified and are recommended to Cabinet on 28 April 2016:

- A saving of £445k on the approved Operations and Customer Service 2015-16 capital programme is used to fund this project.
- To recommend that Council, on 26 April 2016, approves a budget increase to the approved Operations and Customer Services capital programme 2015-16 by £680k.
- To reallocate savings of £125k, achieved within the approved budget for the LED street lighting procurement to this project.

2.8. This report recommends that Council approves the additional budget under powers contained within the Finance Rules of the Constitution. The approval is recommended subject to the financial mitigations being approved by Cabinet on 28 April 2016.

OPTIONS CONSIDERED

| Options | Comments |
|---|--|
| <p>Agree the mitigations which have been identified following consultation with the Lead Member for Finance; Strategic Director of Operations and Customer Service; Interim Head of Finance and Head of Highways & Transport.</p> <p>Approve the budget increase of £680k to the Operations and Customer Services capital programme 2015/16.</p> <p>This is the recommended option</p> | <p>Ensures that the increased costs are mitigated seeking to minimise the impact, and undue delays, in delivering other capital projects and services to residents, business and visitors.</p> <p>Responds to the Cabinet resolution of 31st March 2016</p> |
| <p>Consider and agree an alternative package of mitigations</p> | <p>The recommendations of this report reflect the outcomes of a thorough and robust review of potential mitigations.</p> <p>Alternatives are available but are not recommended</p> |

3. KEY IMPLICATIONS

3.1. The key outcomes of this paper are set out below:

| Defined Outcomes | Unmet | Met | Exceeded | Significantly Exceeded | Date they should be delivered by |
|---|---------|-----------------|----------|------------------------|----------------------------------|
| Level of mitigation required for Stafferton Way Link Road | >£1.35m | £1.15m - £1.35m | <£1.15m | n/a | 30 th July 2016 |

4. FINANCIAL DETAILS

Financial impact on the budget

4.1. The cost overrun of £1.25m is to funded as follows:

| | 2015/16 | 2016/17 | 2017/18 |
|---|------------------|------------------|------------------|
| | Capital £'000 | Capital £'000 | Capital £'000 |
| Recommended Addition to the Stafferton Way Link Rd budget | 680 | | |
| Underspend on Operations and Customer Service capital budgets | 445 | | |
| Reduction to the LED street lighting budget | | 125 | |

5. LEGAL IMPLICATIONS

5.1. There are no direct legal implications arising from the recommendations of this report.

6. VALUE FOR MONEY

6.1. It is important that major capital schemes are well managed, with robust governance structures, and that schemes are fully budgeted.

7. SUSTAINABILITY IMPACT APPRAISAL

7.1. N/A

8. RISK MANAGEMENT

| Risks | Uncontrolled Risk | Controls | Controlled Risk |
|---|-------------------|---|-----------------|
| Mitigations are insufficient to fully fund this project | HIGH | A thorough and robust review of costs have been conducted and considered by Cabinet to increase certainty of the level of mitigation required | LOW |

9. LINKS TO STRATEGIC OBJECTIVES

9.1. N/A

10. EQUALITIES, HUMAN RIGHTS AND COMMUNITY COHESION

10.1. N/A

11. STAFFING/WORKFORCE AND ACCOMMODATION IMPLICATIONS

11.1. N/A

12. PROPERTY AND ASSETS

12.1. N/A

13. ANY OTHER IMPLICATIONS

13.1. N/A

14. CONSULTATION

14.1. Consultation has taken place with;

- Highways, Transport & Environment Overview & Scrutiny Panel
- Strategic Leadership of the Council.

15. TIMETABLE FOR IMPLEMENTATION

| Date | Details |
|---------------|--------------------------------|
| 26 April 2016 | Report presented to Council |
| 28 April 2016 | Report presented to Cabinet |
| 31 July 2016 | Budget mitigations implemented |

16. APPENDICES

16.1. None

17. BACKGROUND INFORMATION

- Cabinet report: Stafferton Way Link Road – (31 March 2016) – Part II
- Cabinet report: Stafferton Way Link Road – (28 April 2016)

18. CONSULTATION (MANDATORY)

| Name of consultee | Post held and Department | Date sent | Date received | See comments in paragraph: |
|-------------------|--|-----------|---------------|----------------------------|
| Internal | | | | |
| Cllr Burbage | Leader of the Council | 18/04/16 | 18/4/16 | |
| Cllr Simon Dudley | Deputy Leader of the Council | 18/04/16 | 18/04/16 | |
| Cllr Colin Rayner | Lead Member for Highways and Transport | 18/04/16 | | |
| Simon Fletcher | Strategic Director of Operations and Customer Service | 13/04/16 | | |
| Russell O'Keefe | Strategic Director of Corporate and Community Services | 13/04/16 | | |

REPORT HISTORY

| | |
|-----------------------|----------------------|
| Decision type: | Urgency item? |
| Key Decision | No |

| | | |
|----------------------------|-------------------------|------------------|
| Full name of report author | Job title | Full contact no: |
| Richard Bunn | Interim Head of Finance | 01628 796510 |

By virtue of paragraph(s) 3 of Part 1 of Schedule 12A of the Local Government Act 1972.

Document is Restricted

This page is intentionally left blank