

**AT A MEETING OF THE BOROUGH COUNCIL held in the Council Chamber -  
Town Hall on Tuesday, 21st June, 2016**

PRESENT: The Mayor (Councillor Sayonara Luxton), Councillors Natasha Airey, Malcolm Alexander, Christine Bateson, Malcolm Beer, Hashim Bhatti, Phillip Bicknell, Clive Bullock, David Burbage, Stuart Carroll, Gerry Clark, John Collins, Carwyn Cox, Judith Diment, Simon Dudley, Dr Lilly Evans, David Evans, Jesse Grey, Geoff Hill, Charles Hollingsworth, Maureen Hunt, Mohammed Ilyas, Lynne Jones, Richard Kellaway, Paul Lion, Philip Love, Marion Mills, Gary Muir, Nicola Pryer, Eileen Quick, Jack Rankin, Samantha Rayner, Wesley Richards, MJ Saunders, Hari Sharma, Derek Sharp, Shamsul Shelim, Adam Smith, John Story, Lisa Targowska, Simon Werner, Derek Wilson Edward Wilson and Lynda Yong.

Officers: Russell O'Keefe, Alison Alexander, Simon Fletcher, David Scott, Richard Bunn and Karen Shepherd.

58. ONE MINUTE SILENCE

A one minute silence was observed in memory of Jo Cox, MP.

59. ORDER OF BUSINESS

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

60. APOLOGIES FOR ABSENCE

Apologies for absence were received from Councillors M. Airey, Bowden, Coppinger, Gilmore, Hilton, Lenton, Majeed, McWilliams, C Rayner, Stretton and Walters

61. COUNCIL MINUTES

**RESOLVED UNANIMOUSLY: That the minutes of the meetings held on 26 April and 24 May 2016 be approved.**

62. DECLARATIONS OF INTEREST

Councillors Burbage, Dudley, and D. Wilson declared interests in the item 'Community Governance Review Bray Parish – Approval of Proposals' as Bray Parish Councillors.

Councillor Mrs Airey declared an interest in the item 'Community Governance Review Bray Parish – Approval of Proposals' as her husband was a Bray Parish Councillor.

Councillor Sharp declared a Disclosable Pecuniary Interest in the item 'Community Governance Review Bray Parish – Approval of Proposals' as he lived in the Fisheries and had signed the petition. He left the meeting for the duration of the debate and voting on the item.

Councillors Cox, Diment, Dudley, Hill, S. Rayner and Smith declared interests in the item 'Motion on Notice' as they owned a property in an area that was liable to flood.

63. MAYOR'S COMMUNICATIONS

The Mayor submitted in writing details of engagements that she and the Deputy Mayor had undertaken since the last meeting, which were noted by the Council. The Mayor highlighted the Queen's 90<sup>th</sup> Birthday celebrations and her delight at being able to present the Queen with a present from the borough.

64. PUBLIC QUESTIONS

None received

65. PETITIONS

None received

66. PANEL MEMBERSHIP - VACANCIES

Members noted the following vacancies, which had arisen as a result of the resignation of Councillor Majeed from the Panels in question:

Licensing Panel – full Member

Grants Panel – full Member

Maidenhead Development Control Panel – substitute

Members were encourage to contact Democratic Services if they wished to put themselves forward to fill any of the vacancies.

67. COMMUNITY GOVERNANCE REVIEW BRAY PARISH - APPROVAL OF PROPOSALS

Members considered approval of the draft proposals arising from the first stage of the consultation process of the Community Governance Review for Bray Parish and the area known as the Fisheries, following the Council's agreement to the Terms of Reference in December 2015, and the completion of the first phase of consultation.

The Returning Officer explained that the report recommended, in accordance with the Community Governance Review process, that the Council recommended the addition of the specific area known as The Fisheries to the Parish of Bray, to reflect the positive feedback and the absence of any adverse feedback from the first phase consultation.

If after the second period of consultation on the proposal, and the proposals continued to be supported, the Council would need to approve amending the parish area and bring these changes into effect for the next Parish elections in May 2019.

An additional recommendation was circulated to delegate authority to the Returning Officer to proceed with a Reorganisation Order if responses to the second stage continued to be favourable. If any adverse responses were received, a report would be presented to Council.

Councillor D. Wilson commented that he knew residents of the Fisheries would welcome the proposal. If the Fisheries was included, it would likely result in an additional Bray Parish Councillor. The area would remain in the Oldfield ward for the purposes of borough elections. Councillor Burbage commented that Fisheries residents had wanted to be part of Bray parish for some time, in fact they already felt a

part of the area. Councillor Dudley stated that the Fisheries comprised 112 properties and 223 electors. It was very important to ensure the work was undertaken to achieve the aims of the petition.

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

**RESOLVED UNANIMOUSLY: That Council agrees**

- i. to proceed to the second phase of consultation under the Community Governance Review procedures for Bray Parish in accordance with the Local Government and Public Involvement in Health Act 2007.**
- ii. the proposal to include the specific area of the Fisheries be added to the current Parish of Bray, as set out in Appendix 1.**
- iii. to conduct the second phase of consultation to confirm the inclusion of the area of The Fisheries into Bray Parish, with a view to a Reorganisation Order being made to bring the changes into effect for May 2019 at the next Parish elections.**
- iv. to delegate to the Returning Officer, in consultation with the Strategic Director of Corporate and Community Services, authority to proceed to publish a Reorganisation Order to enable the area known as the Fisheries to be added to the Parish of Bray, in accordance with the published proposals if the response to the second stage Consultation remains favourable and no adverse responses are received.**

68. MEMBERS' QUESTIONS

- a) Question submitted by Councillor E Wilson (asked by Councillor N. Airey in the absence of Councillor E. Wilson) to Councillor Dudley, Leader of the Council.**

Will the Lead Member for Housing consider housing options for service personnel based in Windsor when they leave our armed forces?

Councillor Dudley responded that he was delighted to receive the question ahead of Armed Forces Day on 24 June 2016. He confirmed that the service personnel based in Windsor would be supported to access a full range of housing options to meet their needs, ranging from affordable housing; private rented accommodation and shared ownership options. This would be achieved by the Housing Options team working alongside the Army welfare service to provide advice and practical assistance such as interest free loans to ensure that service personnel could have a well planned transition into suitable accommodation. The council was working to secure more affordable housing options across the Royal Borough through the Borough Local Plan, which were approved by Cabinet in April 2016. Specifically in this area, officers would be working closely with Haig Housing, who were the housing provider for ex service personnel, to bring forward potential sites for development in the borough.

Councillor N. Airey confirmed that there was no supplementary question.

**b) Question submitted by Councillor E Wilson (asked by Councillor N. Airey in the absence of Councillor E. Wilson) to Councillor S Rayner Lead Member for Culture and Communities**

Will the council take steps to provide community facilities for former service personnel following the closure of ex-servicemen's clubs in Eton and Windsor?

Councillor S Rayner responded that the ex-serviceman's club closed because of low attendance and financial difficulties. The borough had signed the Armed Forces Covenant in May 2014. The council was currently looking to extend the facilities at Broome Farm in conjunction with the Royal British Legion and the Army. The council was due to meet with the Royal British Legion the following month to discuss options.

Councillor N. Airey confirmed that there was no supplementary question.

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

Some householders, paving contractors, concrete and tarmac suppliers involved in paving gardens unaware of or ignoring the legal requirements not to lay impervious surfacing are contributing to flooding. Please could this be publicised and removal and penalties be considered.

Councillor D Wilson responded that specific rules applied for householders wanting to pave over their front gardens. Planning permission was not needed if a new or replacement driveway of any size used permeable or porous surfacing which allowed water to drain through, such as gravel, permeable concrete block paving or porous asphalt, or if the rainwater was directed to a lawn or border to drain naturally.

If the surface to be covered was more than five square metres, planning permission would be needed for laying traditional, impermeable driveways that did not provide for the water to run to a permeable area.

The planning service was currently reviewing the content of its webpages on the Council website and could publicise this, although information was readily available on the Government's Planning Portal. The Environment Agency had also produced guidance which was on-line and specifically addressed paving front gardens.

In terms of enforcement, this would rely on residents bringing the matter to the council's attention by contacting planning enforcement. The Council has recently adopted a Local Enforcement Plan and this type of breach would be considered low priority; this did not mean that the council would not investigate it but that more priority would be given to breaches causing serious harm.

By way of a supplementary, Councillor Beer commented that the question had been prompted after he had seen a lorry on the A308 pouring concrete onto a front garden. Some contractors seemed to be using a cement bed rather than course

sand. He asked if the LGA could be asked to seek a national by-law and licensing policy on the issue in light of the increased incidents of local flooding.

Councillor D Wilson responded that if Councillor Beer gave him details of the particular property he had referred to he would ask planning enforcement to investigate. The council was covered by planning legislation which was constantly changing, therefore he did not wish to progress the issue through the LGA as planning legislation was the more up to date regulation.

69. MOTIONS ON NOTICE

Councillor Smith introduced his motion. He had proposed the motion to encourage the Environment Agency to keep maps up to date. Three primary parties were affected. The first party was residents seeking insurance. A scheme had been in place since April to correct market failure however this would only be in place for 20 years. The second party was planning authorities. Incorrect and vague maps created uncertain results if different decisions were taken at Development Control Panels and on appeal. This led to delay and expense for all concerned. The third party was planning officers who had to deal with the situation. Simplification would help the processing of applications.

Councillor Cox stated that he supported the motion. It was correct to say the maps were deeply unreliable, considering the effectiveness of the Jubilee River for the Maidenhead area. He was aware other areas of the borough had suffered in the 2014 floods, this was why Councillor Dudley was working with neighbouring authorities on the Lower Thames Scheme. Those residents who benefitted from the Jubilee River still had problems getting flood insurance. Premiums should reflect the reduced risk but they did not as the maps were not up to date.

Councillor Hill commented that he had moved to Chandlers Quay in 2000 when the flood relief scheme had been built but was not in operation. Since then there had been floods in other areas of the borough but in Chandlers Quay no more than 2 inches of water had come in. His own insurance had reduced because of the flood relief scheme. He made a plea to the environment agency to redraw the maps and change the criteria.

Councillor Dudley commented that the issue was costing residents a lot of money in terms of insurance. It also caused difficulties in relation to the building of extensions and new homes. The EA commented on planning applications, but with an out of date view. This was the reason the council was working hard on the River Thames scheme, to protect residents in areas such as Wraysbury and Datchet. He hoped that officers would put together a letter to go to both the relevant Minister and the Head of the EA setting out the contents of the motion and outlining the issues residents faced and the work the council was doing in relation to the River Thames scheme.

Councillor Saunders commented then he had been Lead Member for Planning a meeting had been held with the EA to understand why the maps had not been altered in light of the effectiveness of the Jubilee River. The explanation given had been that although it was true that the quantum of water flooding into east Maidenhead would in all probability have been substantially reduced because of the Jubilee River, it would still extend into many areas, but at a lower depth. Councillor Saunders stated that this explanation for the lack of changes to the maps would only be logical if there were a cliff in east Maidenhead, which there was not.

Councillor E. Wilson arrived at 8.15pm.

Councillor Quick commented that she had been given the explanation by the EA that as the flood relief channel was man-made, it could therefore fail. The new Oldfield school planning application had been affected by the flood maps as the EA concluded the site was in Flood Zone 3 when the council knew the area was well-protected.

Councillor D. Wilson commented that the EA had invested £110 million in the Jubilee River; if it had confidence in the scheme it should be able to redraw the maps. He had been told the EA did not have the resources to undertake a review of the maps. Revised maps could free up land for future development.

Councillor Beer commented that the original maps had been drawn in a short three month period at the request of the government. The maps had always been vague and incorrect in a number of places. All communities along the river were affected by the maps, even if they had never flooded, for example in parts of Old Windsor. It was a long standing government policy that man-made defences could fail, and the insurance industry went along with it. A halfway approach was needed. The EA measured risk in 50 year and 100 year periods; the insurance industry used the level of 75 year floods, making it difficult to compare.

Councillor Smith had been very encouraged by the debate, which had benefited from local knowledge.

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

**RESOLVED UNANIMOUSLY: That this Council:**

- i) Notes with concern how unreliable flood mapping can impede planning and cause mispricing of insurance, and:**
- ii) Calls on the Environment Agency to revise its flood maps in Maidenhead to take account of evidence accumulated since the 'Jubilee River' flood relief scheme was commissioned in 1999, including the heavy local flooding in January and February 2014.**

70. LOWBROOK SCHOOL ADDITIONAL CLASSROOM (URGENT DECISION)

Members considered the urgent decision, taken with the necessary approval of the Mayor in the absence of a Chairman of the Corporate Services Overview and Scrutiny Panel, to add a £1.6m capital budget to the capital programme to build an extension to Lowbrook School.

Councillor N. Airey highlighted that Lowbrook had been rated Outstanding by Ofsted; the proposal would allow a good school to expand to take a further 30 pupils. The decision had been made in response to urgent negotiations with the school due to a large number of children not getting into the school, which they had listed as their first preference. The school had taken in 30 children, two of whom were looked after children, the rest were allocated a place based on a sibling already being in attendance at the school. This meant that three children with a sibling already in the school and 27 children living in the catchment area did not get a place at the school.

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The school was an academy, but the borough retained responsibility for school places. The proposal would increase the choice for parents. The cost of £13,300 per place was lower than primary school average of £13,700 published by the Education Funding Agency (EFA).

Councillor Dudley highlighted the council's manifesto commitment to give more choice. The Headteacher and his team at Lowbrook had done a fantastic job to achieve Outstanding status. On National Offer Day Councillor Dudley had been concerned at the tight situation for primary places, with less than 30 spare places across Maidenhead. School expansion was difficult, particularly in Green Belt areas. The opportunity to expand an outstanding school should be taken.

Councillor Bullock spoke on behalf of the Ward Councillors for Cox Green who fully supported the proposal. The only concern associated with the proposal was the likely increase in traffic in the area, which was already an issue. There were two other schools in the vicinity; he suggested phased intakes could help the situation.

Councillor D. Evans stated he was fully supportive of the proposal. The council had responded to demands from parents; officers should be credited for moving so quickly.

Councillor Werner welcomed the report; it was vital that parents were offered as much choice as possible. He was however disappointed that this had not happened a year earlier. He had heard from parents the previous year who could not get a place even though they lived close by. He hoped that information on birth rates would be used in future to ensure more parents were not disappointed. Councillor Jones stated that she fully supported the proposal; it had been very concerning that catchment area children had not got a place. She would like more information on the figure of £13,700 as published by the EFA. She suggested a table showing the average cost of each expansion programme would be useful.

Councillor E. Wilson highlighted that the average cost of the proposal was way above the average cost and that spent at Holyport college. It was therefore a great deal for taxpayers. The council was finding that academies were coming up with meaty costs as a result of the distributed model. Currently there were a couple of dozen admission authorities; eventually there would be 67. The council would need to plan because if it did not schools would be popping up asking for funding for expansion projects, which were large and un-costed. The Children's Services Overview and Scrutiny Panel had found numerous instances of the borough spending money it did not have to spend at Academies, for example skiing trips and bike shed repairs. A proposal for a £230,000 astro-turf at Dedworth was also non-statutory.

Councillor Bicknell commended that Head of Schools and Education Services who had done an excellent job to achieve the average cost of £13,300.

Councillor Airey explained that the council was trying as far as possible to give parents their first place choice. She commented that the traffic issues raised by Councillor Bullock would be taken into account. A academy was able to set its own admission criteria; Lowbrook had chosen to put sibling connection above catchment area. In relation to Councillor E. Wilson's comments, the council had repaired the bike shed as it had originally put the structure in. The council had a statutory responsibility for school places whether or not a school was an academy. The council had no way of knowing a parent's first choice until the normal admissions round. Ofsted ratings could

change year on year. It was therefore difficult to predict where demand would be highest. It had been known this was a bulge year and all children had received a school place. It was not possible to expand all schools because then there would be empty places across the borough.

Councillor Saunders highlighted that as a result of the admissions process, the council had immediately prompted a response from the council including negotiations with the school and creation of a coherent plan. He had admiration and respect for the clear and seamless coordination between the Lead Member and key officers to achieve what residents wanted. The council's focus on delivering more for less gave the council flexibility to deliver on such priority issues of resident need.

It was proposed by Councillor N. Airey, seconded by Councillor Saunders, and:

**RESOLVED UNANIMOUSLY: That Council notes the inclusion of a £1.6m capital budget in the 2016-17 capital programme for the construction of an extension to Lowbrook School along with temporary works for September 2016.**

71. 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 item 12 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.**