

**AT A MEETING OF THE BOROUGH COUNCIL held in the Council Chamber -
Town Hall on Wednesday, 10th August, 2016**

PRESENT: The Mayor (Councillor Sayonara Luxton), The Deputy Mayor (Councillor John Lenton)

Councillors Michael Airey, Natasha Airey, Malcolm Alexander, Christine Bateson, Malcolm Beer, Clive Bullock, David Burbage, Gerry Clark, John Collins, Carwyn Cox, Judith Diment, Simon Dudley, Dr Lilly Evans, Jesse Grey, Geoff Hill, David Hilton, Charles Hollingsworth, Maureen Hunt, Mohammed Ilyas, Lynne Jones, Richard Kellaway, Paul Lion, Philip Love, Asghar Majeed, Ross McWilliams, Marion Mills, Gary Muir, Eileen Quick, Jack Rankin, Samantha Rayner, Wesley Richards, MJ Saunders, Hari Sharma, Derek Sharp, Julian Sharpe, Shamsul Shelim, Adam Smith, John Story, Claire Stretton, Lisa Targowska, Leo Walters, Simon Werner, Derek Wilson, Edward Wilson and Lynda Yong

Officers:, Alison Alexander, David Almond, Chris Andersen, Simon Fletcher, Russell O'Keefe, David Scott, Rob Stubbs and Karen Shepherd.

73. APOLOGIES FOR ABSENCE

Apologies for absence were received from Councillors Bicknell, Bhatti, Bowden, Brimacombe, Carroll, Coppinger, D Evans, Gilmore, Pryer and C Rayner

74. COUNCIL MINUTES

RESOLVED UNANIMOUSLY: That the Part I minutes of the meeting held on 21 June 2016 be approved, subject to the following amendments:

- i) p.10 to read '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.'
- ii) p.9 to read 'He was aware other areas of the borough had suffered in the 2014 floods, this was why Councillor Dudley was working with neighbouring local authorities on the Lower Thames scheme'

75. DECLARATIONS OF INTEREST

Councillor S. Rayner declared a Disclosable Pecuniary Interest in the item 'Community Infrastructure Levy – Adoption of the Charging Schedule and Associated Documents'. She left the room for the duration of the discussion and voting on the item.

Councillor D. Wilson declared an interest in the item 'Maidenhead Regeneration Update' as a member of the Partnership for the Rejuvenation of Maidenhead and the Maidenhead Town Partnership Board.

Councillor Stretton declared an interest in the item 'Maidenhead Regeneration Update' as a member of the Partnership for the Rejuvenation of Maidenhead.

Councillor Werner declared an interest in the item 'Maidenhead Regeneration Update' as a member of the Maidenhead Town Partnership Board.

Councillor Love declared an interest in the item 'Maidenhead Regeneration Update' as a member of the Maidenhead Town Partnership Board.

Councillor Kellaway declared an interest in the item 'Maidenhead Regeneration Update' as a member of the Partnership for the Rejuvenation of Maidenhead and the Maidenhead Town Partnership Board.

Councillor Hill declared a Disclosable Pecuniary Interest in the item 'Maidenhead Regeneration Update' as he owned property in the town centre. He left the room for the duration of the discussion and voting on the item.

Councillor Hunt declared a Disclosable Pecuniary Interest in the item 'Maidenhead Regeneration Update' as she owned property in the town centre. She left the room for the duration of the discussion and voting on the item.

76. COMMUNITY INFRASTRUCTURE LEVY (CIL) - ADOPTION OF THE CHARGING SCHEDULE AND ASSOCIATED DOCUMENTS

Members considered adoption of the Community Infrastructure Levy (CIL) and associated documents with implementation of the Levy from 1 September 2016.

The Lead Member for Planning, Councillor D. Wilson, explained that the charging schedule had been examined in March 2016. The Inspector had also examined the Tandridge schedule, which had been challenged. The Court of Appeal had dismissed the challenge making it clear that an up to date Local Plan was not required to implement CIL. The council had undertaken an Infrastructure Development Plan to support examination; as a result the inspector had supported the schedule with one minor change, as detailed in paragraph 2.7 of the report, to remove reference to 'offices' development type. The Lead Member thanked the Special Projects Officer and Borough Planning Manager for their hard work in producing the CIL regime and during the examination. He highlighted that the regulation 123 list stated the main priority areas and that S106 could be included for mitigation. An instalment policy was available if CIL charging went beyond £50,000.

Councillor Hilton commented that he was delighted to second the motion as nearly all development added burden to the council's infrastructure. Unfortunately since April 2015 the council ceased to be able to collect S106. He was pleased that Cabinet had not accepted the perceived wisdom that a Local Plan was needed before CIL could be implemented. The introduction of CIL would bring new challenges, for example in prioritising and governance. In areas with a Neighbourhood Plan, the parish council would receive 25% of CIL, which was much more than any parish council had had to manage in the past. It would be important for the council to work with parishes to deliver projects.

Councillor Werner commented that he was delighted that CIL was happening. He had been worried since it was first announced that S106 was going that the council needed to get going on CIL. He congratulated the Lead Member and officers for getting it in place. He understood that CIL would not apply in Maidenhead town centre; he questioned why this was the case when developments brought in children requiring school places. He also commented that he was fascinated by the Inspector's amendment, given that offices brought in traffic to the town centre and increased the

need for parking. He was supportive of the motion but asked whether this aspect could be challenged.

Councillor Dudley highlighted that the council had been told it would be impossible to implement CIL without a local plan in place. However the determination of officers and Lead Members not to accept that answer had led to a fantastic result. He thanked all involved.

Councillor Burbage commented that he supported Councillor Werner's comments about the impact on the town centre but highlighted that the schedule was due to be reviewed when the local plan was adopted anyway.

Councillor Saunders commented that since the Area Action Plan was written it had been made clear that the quality of design and materials and the impact on the environment must be optimised. In all planning consents this had been a key feature. To deliver this level of quality meant that development and construction costs would be higher, resulting in a lower return for developers. He cautioned that adding CIL may compromise the quality achieved in future developments.

Councillor Grey highlighted that the instalment policy and discretionary relief would aid developers.

Councillor D. Wilson confirmed that the council had been able to continue to collect some S106 payments since April 2015; an annual report recently went to the Planning and Housing Overview and Scrutiny Panel. It was the council's intention to review CIL when the Borough Local Plan was in place.

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

RESOLVED UNANIMOUSLY: That Full Council:

- i. Agree the modification recommended by the Inspector and delete the charge for large offices and set a zero rate (Appendix A)**
- ii. Approve the adoption of The Royal Borough of Windsor & Maidenhead's CIL Charging Schedule (Appendix B)**
- iii. Approve the CIL Charging Schedule to take effect from 1 September 2016**
- iv. Approve the adoption of the Regulation 123 List (Appendix C)**
- v. Approve the Instalments Policy (Appendix D)**
- vi. Approve the Exceptions Policy (Appendix E)**
- vii. Agree an implementation date of 1 September 2016**
- viii. Delegate authority to the Monitoring Officer to amend the Constitution of the Royal Borough of Maidenhead to the make provisions for officers to have delegated powers to take enforcement action under the Community Infrastructure Levy Regulations (2010) as amended.**

77. MAIDENHEAD REGENERATION UPDATE

Members received an update on the work to regenerate Maidenhead, making it a town for everyone.

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Councillor Rankin explained that whilst the report did not require any decision, the aim was to articulate the overall vision for Maidenhead and what, how and when the desired objectives would be achieved. With the council's commitment to the Green Belt and the need to deliver 13,528 dwellings over the period of the new Local Plan, it was essential that high quality, high density development in urban areas was achieved. With the borough's land holdings and the arrival of Crossrail in 2019, the council had the unique opportunity to regenerate the town, build the needed homes, rejuvenate the town centre, build great schools and provide great public places and iconic buildings that would be instantly recognisable as Maidenhead in the future.

Members noted the achievements so far:

- The Stafferton Way Link Road was completed in December 2015
- Stage 1 of the Waterways project was complete, with stages 2a and 2b scheduled for completion by Spring 2017, bringing water to the town centre to reflect Maidenhead's riverside setting
- Chapel Arches Phase 1 and 2 would be complete in the autumn of 2016
- Refurbishment of the Nicholson's centre was underway, with H&M arriving earlier in the year.
- Maersk and Blackberry had been successfully attracted into the town
- A range of public realm improvements in the town centre including paving, subways and lighting.

Councillor Rankin explained that in the emerging Local Plan and the following Affordable Housing Supplementary Planning Document the borough would define the infrastructure, schools, health, community uses needed to support housing growth and the strategy to ensure affordable housing provision. To achieve this and more the council expected to be directly investing around £138.5m alongside private sector investment:

- £70m in schools
- £30m in sport and leisure
- £30m in improving infrastructure including new car parking and improved roads
- £3m in cultural and community facilities
- 35.5m in the Waterways project

Members noted further details of what the investment would deliver, as detailed in paragraph 2.13 of the report. It was estimated that total investment within the Maidenhead town centre and golf club site was likely to significantly exceed £1bn.

Members noted that a competitive process was underway to select a development partner for the various opportunity areas. The council would maintain a stake in the development to ensure significant control over delivery of the vision for the town. A number of assets would be converted to income producing assets to fund services across the borough. To aid transparency all assets would be held in the borough's trading company. There would be further opportunities for detailed review of proposals through the overview and scrutiny and planning processes.

Councillor Burbage commented that the timetable was ambitious; he wished all well in getting to completion. He had every confidence the programme would be delivered.

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Councillor Kellaway commented that when the Area Action Plan (AAP) was published in 2011 the local press was very negative, yet it was clear that much was now happening all over the town. He paid huge credit to Richard davenport of the waterways project. The Thames Valley LEP had also helped with funding. The Town Centre Manager also put in a lot of work to bring events to the town.

Councillor Walters commented that regeneration in the 1960s and 1970s had ruined the town. The council needed to ensure that quality and ambience were paramount.

Councillor Ilyas asked on which sites had consultation been carried out, which required consultation, and what was the likely timetable.

Councillor Werner commented that the problem was that the public had seen so many plans for the town centre; it was delivery that was important. He congratulated the Waterways team who had done a splendid job. It was even more important that the impact of offices were taken into consideration through the plan, given no CIL would be paid. Car parks would be key but they were not mentioned. The key would be getting transport routes into the town right. He would welcome an update on the Landing project.

Councillor D. Wilson commented that Maidenhead was a fantastic place, strategically located for Heathrow, the motorway and Crossrail and therefore councillors should talk up the investment opportunities. Maersk and Blackberry had already decided to relocate to the town from London. Increased workers in the town would use the facilities of the town centre during the day and in the evening and weekends. Increased footfall was positive for the town.

Councillor Dudley commented that 80% of new housing would be built in and around the town as part of the Local Plan; it was important to focus on building a town for everyone. It would also be important to give people the opportunity of owning their own home. The council would use its property assets for the benefit of the town. The council would ensure the Landing scheme would come to fruition.

Councillor Saunders commented that the compelling vision for Maidenhead presented in the paper offered a clear signal for a change in pace for the rejuvenation of Maidenhead. The AAP offered a powerful framework for the vision and through various Member hands, including Councillors Burbage, Kellaway, Love and himself for a spell, and now Councillors Rankin and D. Evans, the vision was now maturing into reality. Three significant development areas had been added to those in the AAP: St Clouds Way, Reform Road and the Golf Club and had extended the site south of Stafferton Way. Aspirations for some 750 new homes now stood at near 4,000. Some £1.5 billion pounds of development was a very big deal and it was great to see it coming to fruition. There were huge challenges ahead, which was why the council was seeking to partner with the best in the development industry to deliver.

Councillor Saunders commented that the property cycle defied some of the brightest minds in the City; what worked was confidence and clarity in the concepts and quality for delivery and the passion of the people to drive the delivery. The land and property assets of the Borough owned by residents would generate significant benefits for residents, not only financially but also in the quality, pride and confidence in Maidenhead re-emerging as the Jewel of the Thames. As Cabinet Member for

Finance, he was clear the council had a huge opportunity to share the development opportunities available in Maidenhead and he assured Members that it would.

Councillor Sharma commented that he recalled some two years ago that Councillor Werner had commented that the Waterways project was just wasting time. The project had now materialised; Chapel Arches too. He asked the Lead Member to explain how an entertainment facility would be possible in Maidenhead.

Councillor Werner stated that Councillor Sharma's comments were incorrect; he had never said that the Waterways project was a waste of time and would not happen. He requested that Councillor Sharma apologise for the accusation or withdraw the comments.

Councillor Bateson commented that the Waterways project would make Maidenhead different from any other town. Councillor E. Wilson commented that the paper was fantastic for the entire borough. A strong, prosperous Maidenhead would benefit the whole borough. He looked forward to a similar paper on Windsor and the surrounding areas. The proposals would unlock the value in Maidenhead, not simply for the sake of it, but to enable the council to build schools and communities.

Councillor Rankin confirmed that West Street and York Road had both been consulted upon. All sites, whether strategic or planning, would be consulted upon in full. He would write to Councillor Ilyas with full details. In relation to car parks, he highlighted that a report on the proposed strategy would be brought to Cabinet in the autumn. There had been a staggering level of interest in the Joint Venture launched in July 2016. He understood that with the scale and complexity of the proposals there would be concerns, but he assured Members that the project was in a good place going forward. Detailed proposals, for example on the golf club site, would come forward in time.

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

RESOLVED UNANIMOUSLY: That Council:

- i. Notes the development work underway to regenerate Maidenhead to make it a town for everyone.**

(Councillors Hill and Hunt left the room for the duration of the discussion and voting on the item)

Councillor Hill returned to the meeting at 8.25pm

78. MEMBERS' CODE OF CONDUCT REVIEW

Members considered a review of the Members' Code of Conduct (Part 7A of the RBWM Constitution) by the Constitution Sub Committee, with a recommendation for no change to the code, and some minor changes to one of the related procedures.

The Principal Member for HR and Legal, Councillor Targowska, commented that she was sure that councillors had the seven Nolan principals in mind when they conducted council business, however it was important to have a complaints process in place. She explained that five key changes were proposed:

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- Responsibility for conducting investigations would move from the Managing Director to the Monitoring Officer, in line with other local authorities.
- Greater rigour around anonymous complaints, for example submission of sufficient documentary evidence to enable a full investigation
- All complaints to be submitted on a standard form
- Formal criteria to assist the Monitoring Officer when deciding if a complaint should be further investigated
- Consistent timescales and communication of outcomes to all parties

Councillor Grey commented that he fully endorsed the proposed changes; the council prided itself on transparency. Residents quite rightly deserved a clear process with detailed timescales, but it was also important that the system was fair to councillors. He felt the proposals presented a sufficient and straightforward checklist to protect councillors from malicious, potentially career-threatening complaints.

Councillor Werner welcomed the review. He suggested that the code should include a clause about bullying being unacceptable to officers and members of the public.

Councillor Hilton commented that it was sensible for the Monitoring Officer to deal with complaints, to protect the relationship between Members and the Managing Director. He also welcomed the clear timescales and transparency proposed and compared this to the lengthy process under the old Standards Board regime.

Councillor Dudley commented that he had been the subject to politically motivated complaints that were covered in the press, yet his later exoneration had not been subsequently covered. There was a need to stop complaints that were simply intended to besmirch good character as this could deter people from being involved in local government.

Councillor Jones welcomed the review and endorsed the changes proposed which would provide a more robust and transparent process for all parties.

Councillor Targowska commented that she was happy to work with officers and the Constitution Sub Committee to see if a clause about bullying could be included. It was proposed by Councillor Targowska, seconded by Councillor Story and:

RESOLVED UNANIMOUSLY: That Council:

- i. Confirms that the current Code of Conduct is fit for purpose with the exception of Appendix 4.**
- ii. Approves the revision of Appendix 4 of the Code of Conduct; transferring responsibility for dealing with breaches of the code to the Monitoring Officer in line with the majority of other similar codes of conduct,**
- iii. Approves that the revised Appendix 4 (Arrangements for dealing with breaches of the Code of Conduct) is adopted.**

79. PANEL MEMBERSHIPS

Members considered an increase in the membership of the Visitor Management Forum from 5 Members to 6 Members. The political balance would be: 5 Conservative, 1 The Group of Three.

Members considered an increase in the membership of the Employment Panel from 7 Members to 8 Members. The political balance would be: 7 Conservative, 1 The Group of Three.

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

RESOLVED UNANIMOUSLY: That:

i) The increase in membership of the Visitor Management Forum to 6 Members be approved and the terms of reference in the Constitution be amended appropriately.

ii) The increase in membership of the Employment Panel to 8 Members be approved and the terms of reference in the Constitution be amended appropriately

80. URGENT DECISION - PURCHASE OF THRIFT WOOD FARM, COX GREEN

Members considered the urgent decision, taken with the necessary approval of the Chair of the relevant Overview & Scrutiny Panel, to add to the 2016/17 Capital Programme £813,500 to finance the purchase of Thriftwood Farm, Ockwells Road, Cox Green, Maidenhead.

Councillor Rankin explained that the opportunity to purchase the land had arisen at short notice; he therefore apologised to Members for the short notice and lack of consultation. It was important to ensure a balance between development in the town and the need for public open space, therefore such opportunities needed to be taken.

Councillor Werner welcomed the purchase of the land which would build on recreational land already in Cox Green. He asked the Leader of the Council to confirm that no housing would ever be built on the site and suggested a covenant be placed on the land. Councillor Werner suggested that a local biodiversity group in Maidenhead would welcome being involved in the masterplan for the site.

Councillor Dudley commented that this had been an inspired decision given the deficit of public open space. He could not bind any current Leader, but he assured Councillor Werner that whilst he was Leader of the council there would be no housing on the site.

Councillor McWilliams commented that Cox Green was blessed with an enormous amount of open green space including Ockwells Park. Residents were passionate defenders of the Green Belt. He was very proud that Cox Green had been so strident in its defence. He welcomed the purchase of the land which contributed to the existing open space in the ward. Cox Green councillors would meet with officers and other stakeholders to discuss ideas for the land.

Councillor Stretton commented that with the shortfall there was still some way to go. She highlighted that access to the site was down a narrow entrance; plans would need to ensure they did not cause difficulties to the road network in Cox Green. Councillor Bateson commented that she was very pleased as she remembered in 2007 that

developers were interested in the land and the council had successfully fought to include it in the Green Belt.

Councillor Rankin agreed to look into the idea of a covenant on the land. The next step would be for full consultation on uses for the site, including access issues.

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

RESOLVED UNANIMOUSLY: That Council acknowledges and notes that the urgent decision has been taken and that £813,500 has been added to the 2016-17 Capital Programme

81. LOCAL GOVERNMENT ACT 1972 - EXCLUSION OF THE PUBLIC

RESOLVED UNANIMOUSLY: That under Section 100(A)(4) of the Local Government Act 1972, the public be excluded from the remainder of the meeting whilst discussion takes place on items 10-11 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.