

PLANNING & HOUSING OVERVIEW & SCRUTINY PANEL

WEDNESDAY, 12 JULY 2017

PRESENT: Councillors Richard Kellaway (Chairman), Michael Airey, Gerry Clark, David Hilton, Sayonara Luxton (sub for Councillor Malcolm Alexander), Leo Walters and Malcolm Beer

Also in attendance: Councillor Simon Dudley, Councillor Maureen Hunt, Councillor Derek Wilson (Lead Member for Planning), John Brind (Whitbread Group Plc), Ralph Facey (Radian), Darryl Flay (Essential Living), Orla Gallagher (Housing Solutions), Mark Gaskarth (Royal Berkshire Fire & Rescue Service), Raymond Gonzalez (Essential Living), Bruce Kerr (Housing Solutions), Ben Lancaster (Housing Solutions), and Lindsay Todd (Radian).

Officers: Tanya Leftwich, Louisa Dean, Jenifer Jackson, Kevin McDaniel and Alison Alexander.

ELECTION OF CHAIRMAN AND VICE-CHAIRMAN

Councillor Leo Walters proposed himself for the position of Chairman which Councillor Malcolm Beer seconded. Councillor Leo Walters received three votes in favour of this proposal from himself, Councillors Malcolm Beer and Michael Airey.

Councillor Richard Kellaway (proposed by Councillor Gerry Clark and seconded by Councillor David Hilton – received four votes from himself, Councillors David Hilton, Gerry Clark and Sayonara Luxton) and Councillor Malcolm Alexander (proposed by Councillor Richard Kellaway and seconded by Councillor Sayonara Luxton – received a unanimous vote) were elected Chairman and Vice-Chairman respectively, for the ensuing municipal year.

RESOLVED: That Councillor Richard Kellaway be elected Chairman and Councillor Malcolm Alexander be elected Vice-Chairman, for the ensuing municipal year.

APOLOGIES FOR ABSENCE

Apologies for absence were received from Councillors Malcolm Alexander. Councillor Sayonara Luxton had agreed to be a substitute on the Panel.

Apologies were also received from Councillor Christine Bateson (Lead Member for Neighbourhood Planning and Ascot & The Sunnings).

The Chairman explained that the meeting was being recorded and that the audio would be uploaded to the RBWM website.

DECLARATIONS OF INTEREST

Councillor Michael Airey declared an interest in Item 5 (Risk Mitigation – Housing, Schools and Hotels) as he sat on the Board of Directors Shared Service – Building Control Services.

Councillor Derek Wilson declared an interest in Item 5 (Risk Mitigation – Housing, Schools and Hotels) as he sat on the Board of Directors Shared Service – Building Control Services.

The Leader, Councillor Simon Dudley, declared an interest in Item 5 (Risk Mitigation – Housing, Schools and Hotels) as he was the Director of the Homes and Communities Agency (founder of Essential Living).

MINUTES

RESOLVED: That the Part I minutes of the meeting held on the 16 May 2017 were agreed as a correct record subject to the following change.

Councillor Malcolm Beer stated that with regard to the 'Response to the Housing White Paper: Fixing our broken Housing Market' item at the last meeting his comments had not been fully minuted and as such the following was added:

"In response to the Government consultation that had already been sent before coming through the Overview & Scrutiny Panel Councillor Beer stated that 'we're chasing a horse and it's already bolted'.

Councillor Beer criticised the Council's reply to the Government paper 'Fixing our broken housing market' after the Panel was recommended to endorse it.

Councillor Beer stated that he felt it was outrageous and whilst he knew the Council was short staffed this should have been considered before not after it had gone out."

RISK MITIGATION - HOUSING, SCHOOLS AND HOTELS

Everyone around the table introduced themselves.

The Chairman explained that it had been a learning process about how the system worked as so much misinformation had been given since the Grenfell Tower Fire tragedy.

The Property Service Lead, Rob Large, informed everyone present that he had produced some background slides to help show that the Royal Borough has sought assurances from and invited external speakers to attend this meeting. It was noted that a tall building was one that was over 18 metres high and could be as little as 5 floors tall. It was explained that there was ongoing dialogue with the Royal Berkshire Fire and Rescue Service.

The Panel was informed that the regulation function of Building Control meant that it could either be delivered by the Local Authority or by private authorised inspectors so anyone developing a project could choose between the two options.

It was noted that the Local Authority Building Control Team did not hold data on buildings dealt with by private authorised inspectors or have a list of buildings in the Royal Borough that were over 18 metres tall.

Mark Gaskarth, Area Manager for the Royal Berkshire Fire and Rescue Service was invited to address the Panel. The Panel were given a copy of the updated Royal Berkshire Fire and Rescue Service report which highlighted the work undertaken to date following the Grenfell Tower Fire on the 14 June 2017. It was noted that the role of the Fire Service was to give advice to both the public and organisations so they were aware of key guidance. It was noted that the Royal Berkshire Fire and Rescue Service had undertaken over 4000 home safety checks since the tragedy in June.

Mark Gaskarth went onto explain that the Fire Service enforced the fire safety order which enabled them to prohibit use of buildings and ensure fire safety was in place. It was noted that the Fire Service were statutory consultees for any building regulations being put in place. It was explained that the Fire Service also had to plan for fires in the Royal Borough. The Panel was informed that an incident room (Operational Support Room) had been set-up and

that the Fire Service was in daily communication with the West Midlands in order to be able to give consistent and regular advice.

In response to questions Mark Gaskarth explained that legislation had changed in the late 1990's to fit in with the Health & Safety legislation which meant that the Fire Service no longer issued fire certificates link 'in the olden days'. It was noted that the onus was now on the people who own and occupy buildings. Mark Gaskarth added that the Fire Service has a specially trained team on building regulations that could advise on that subject. It was noted that with regard to a best practice document not one piece of guidance fits all but there were numerous guidance documents available for different types of buildings and that fire risk assessments needed to be carried out in order to gain suitable advice. Mark Gaskarth informed the Panel that the Royal Berkshire Fire and Rescue Service had a high reach vehicle available for us which reached 30 metres in height; however this vehicle would not be tall enough for some of the buildings in London. It was noted that seven residential high rise buildings had been identified with the Royal Borough which were:

- Berkshire House, Queen Street, Maidenhead
- Providence House, St Cloud Way, Maidenhead.
- Grasmere, Sawyers Close, Windsor.
- Broadleys, Sawyers Close, Windsor.
- Winwood, Sawyers Close, Windsor.
- Hale, Sawyers Close, Windsor.
- Woodhurst South, Ray Mead Road, Maidenhead.

Mark Gaskarth explained that of these seven buildings Providence House stood out it had had a small fire which was thought to have been started deliberately. It was noted that the Fire Service in conjunction with Housing Solutions were ensuring the building was safe.

It was noted that the Fire Service were aware of twenty-four cladding samples sent for analysis by responsible persons for buildings in Berkshire, however none were from buildings in the Royal Borough area. This does not include the Premier Inn as the sample from that building was separate to the Government-led initiative.

Mark Gaskarth explained to the Panel that when building regulations were changed it was up to Building Control specialists to sign off the changes and a fire risk assessment would also be needed in order for the safety needs to be updated. The Property Service Lead agreed to check the process as he believed there was a difference between a building changing and regulations being changed.

The Director of Children's Services, Kevin McDaniel, gave a verbal update to the Panel regarding the DfE return from Children's Services. It was noted that the DfE had asked all LA's to undertake reviews of buildings over 18 metres. The Director of Children's Services explained that the Royal Borough did not have any schools over 18 metres other than one residential school, Holyport College, who's Trust had since responded. The Panel was assured that materials used in schools had also been looked at and it had been found that no cladding had been used on schools in the Royal Borough.

The Director of Children's Services informed the Panel that all schools in the Royal Borough had been reminded of their obligations for practised evacuations and had fire risk assessments. It was noted that the Council had asked private schools within the Royal Borough to be part of this process.

The Chief Executive of Housing Solutions, Orla Gallagher, accompanied by Bruce Kerr (Director of Asset Management) & Ben Lancaster (Compliance Manager), explained to the Panel that Housing solutions had over 3,000 tenants in Maidenhead which made a total of just over 7,000 residents in the Royal Borough. It was noted that Housing Solutions did not own any properties over four stories high although three properties had been looked into which were:

- Evenlode, Maidenhead – Housing Solutions had received enquiries from concerned residents in this property.

- Providence House, Maidenhead – which is a privately owned scheme with management responsibilities split between the RBWM, Sainsbury's and SDLBigwood. It was noted that Housing Solutions were working with the Fire Service in order to be robust and proactive in preventing fires. The Chairman requested that the Panel be kept informed regarding the cladding test results once received from SDLBigwood.
- Alpine Close, Maidenhead – which is timber clad and due to be tested for fire resistance.

The Executive Director (Communities Directorate), Andy Jeffs, informed the Panel that since the fire at Providence House the Council had introduced a two man security patrol to ensure the building is no longer at risk. Councillor Beer explained to the Panel that in the 1990's he had been involved in cladding schemes in London (heavy duty aluminium and heavy duty fibreglass on the walls) and questioned whether a concierge facility (for authorised access) was used in the Royal Borough. Orla Gallagher responded by explaining that whilst Housing Solutions did not have a concierge service in place they did have maintenance teams in place.

The Chief Executive of Radian, Lindsay Todd, accompanied by Ralph Facey (Director of Housing and Customer Services) explained to the Panel that in the Royal Borough, Radian did not have any tower blocks but had 136 residential blocks of dwellings of which 12 blocks were medium rise (over 5 storeys). It was noted that in Radian's response to the Department for Communities and Local Government's request for information of blocks over 18 metres in height, four 8 storey blocks at Sawyers Close in Windsor (each containing 48 flats) were evaluated. It was noted that these blocks did not contain the Aluminium Composite Material (ACM) cladding that was subject to the DCLG requirement for testing by the Building Research Establishment. The Panel was informed that the cladding used was a rendered finish on a mesh backing with mineral wool insulation (an insulation that had good fire resistant properties). It was noted that this work was completed as part of an improvement package by RBWM, prior to the Council's stock transfer of homes to Windsor and District Housing Association Limited (a member of Radian Group).

Ralph Facey explained that the tenancy agreement outlined the Health & Safety requirements to tenants in addition to Housing Solutions running fire, safety campaigns, operating sterile communal areas and holding monthly inspections to remove unclaimed items. It was noted that following the Grenfell tragedy Housing Solutions had knocked door to door to help raise awareness.

Lindsay Todd informed the Panel that Air B&B was prohibited from Radian buildings.

Councillor Beer questioned whether fires could transfer between properties via the balconies as they had PVC windows. Lindsay Todd suggested that Councillor Beer watched this space!

The Chief Executive of Essential Living, Darryl Flay, accompanied by Raymond Gonzalez-Rios (Head of Programme Management) explained to the Panel that he had been involved in high rise for about thirty years and had an engineering background whilst Raymond built these buildings every day. Darryl Flay assured the Panel that Berkshire House, which was probably the tallest building in the Royal Borough, far exceeded minimum requirements set out in building regulations. It was noted that Essential Living did not use the same insulation as that used in the Grenfell Tower block and that the insulation they used did meet fire regulations. The Panel was informed that Essential Living used a mineral fibre and fire breaks around all windows and doors along with a 3mm porcelain ceramic tile on the outside of their buildings hung off a non-flammable frame. The Panel were shown an example of the ceramic tile used. It was noted that Essential Living also installed full sprinkler systems in their properties as standard, fire exit routes in all liveable spaces and smoke extractor systems in corridors.

Raymond Gonzalez-Rios explained that Essential Living had a 'stay put' policy if a fire was to break out. It was noted that the fire alarm system was an intelligent system that could differentiate between a false alarm and a real fire. The Panel was informed that if a fire was

to break out the sprinklers would only work in the area of the fire and with only a certain amount of water which in turn helped reduce water damage to the property.

Whitbread's Director of Safety & Security, John Brind, for Premier Inn Hotels provided the Panel with a copy of his report which had just been made available for circulation. It was noted that the Maidenhead Premier Inn, which had a Vitrabond Aluminium rainscreen exterior cladding, had opened in November 2015 and was leased. The Panel was informed that as such it had been the developer who had been responsible for its construction and for obtaining approval under the Building Regulations. It was noted that as a result of the review Whitbread were actively investigating two areas:

- The extent to which the affected hotel remained safe to operate.
- Whether or not the building complied with building regulations.

The Panel was informed that an independent expert fire consultancy, CS Todd & Associates Ltd, had been appointed and found that overall suitable controls were in place to minimise the hazard from fire, suitable fire protection measures were in place to enable people to escape safely and the standard of fire safety management in the premises was good.

The Panel noted that there were always two team members on site at all times, there was a 7-10 minute evacuation rate and there were no cooking facilities in the rooms – only a TV, kettle and hairdryer were available.

It was noted that the Whitbread Group on behalf of the Premier Inn were also doing tests of their own on an 8ft wall. It was noted that there would probably need to be three combinations of the wall/product to test.

The Leader, Councillor Simon Dudley, thanked all the external speakers for attending the meeting. It was noted that the Council were planning to share the findings of the tests they had submitted, which they hoped would be available in a matter of weeks, with the companies present as they felt it to be relevant to everyone.

The Chairman thanked the external speakers for attending, which the Panel echoed, and stated that he hoped it helped provide comfort to all residents in the Royal Borough. It was noted that there would be some follow-up work to this and that the two way dialogue should be a comfort to everyone.

Councillor David Hilton added that he was pleasantly surprised at the work that had been done to audit premises in the Royal Borough.

The Chairman commended the Leader and Chief Executive for bringing the external speakers before the Panel, which the Panel echoed.

HURLEY AND WALTHAMS NEIGHBOURHOOD PLAN - DECISION STATEMENT

The Head of Planning, Jenifer Jackson, informed the Panel that this report sought approval from Cabinet for the Hurley and the Waltham's Neighbourhood Plan to proceed to referendum at the earliest practicable opportunity. It was noted that the Neighbourhood Plan had been formally examined by an independent examiner, and a number of changes had been recommended by the examiner to ensure that the plan met the basic conditions. The Head of Planning explained that as there were several parishes in the plan area it would require more polling stations, the cost of the referendum could be claimed back from the government.

Members were informed that after the Draft Neighbourhood Plan had been submitted to the Royal Borough a formal process of consultation was undertaken by planning officers and the results were forwarded to the independent examiner for their consultation during the examination process. It was noted that the consultation process had met the legal requirements. The Head of Planning explained that members of the Planning Team had met with the Neighbourhood Plan Working Group, of which Councillor Maureen Hunt is Chairman, and they and members of the Planning Team were both content.

In the ensuing discussion the following points were noted:

- That there was no minimum number of people able to vote.
- That the turnout in Ascot had been around 20% which was considered significant.
- That there was only one divergence that would be resolved when the BLP goes through examination so was not considered an issue at present.
- That it was hoped that the Neighbourhood Plan would be approved in early September.
- That the Council could not impose the current NPPF position.
- That they could be used as planning policy at a planning enquiry.
- Councillor Malcolm Beer asked whether the Old Windsor Parish Council had submitted comments. The Head of Planning confirmed they had not. Councillor Malcolm Beer stated that he would look into this.

The Planning & Housing Overview & Scrutiny Panel unanimously agreed to recommend that Cabinet:

- i) Confirms that the plan meets the Basic Conditions tests and does not require a SA/SEA; and**
- ii) Accepts the proposed changes to the Neighbourhood Plan set out in Appendix B, and**
 - a. Gives delegated authority to the Head of Planning to issue a decision statement; and**
 - b. agrees to put the modified Neighbourhood Plan to referendum. The date of the referendum to be set in accordance with the legal requirements; and**
- iii) Delegates authority to the Executive Director, in consultation with the Principal Member for Neighbourhood Planning, to make minor, non material, amendments to the Neighbourhood Plan prior to the referendum being announced; and**
- iv) Provides advance funding, if required, for the referendum which will then be claimed back from Government.**

It was agreed that the Head of Planning would provide the Panel with a written response as to what happens to the consultation database details once they had been used for the specific purpose intended.

Councillor David Hilton, on behalf of the Panel, stated that the policy on car parking was beneficial observing that other Neighbourhood Plans did not contain this level of detail; for other areas the Council's Parking Standards needed revision. Councillor Malcolm Beer stated that there was only a maximum not a minimum that could be specified for parking standard requirements which caused parking to be a problem in the Royal Borough. The Chairman stated that with regard to employment side of things he felt not enough went into employment opportunities. Councillor Michael Airey questioned how simpler communication would be provided to inform the voter about what could be achieved – Councillor Maureen Hunt explained that a number of articles went into various parish / church magazines, on various parish websites and in the Maidenhead Advertiser.

The Panel hoped the Planning Team was happy with the outcome and wished the referendum every success.

The Panel congratulated Councillor Maureen Hunt on her hard work and dedication regarding the work she and the Steering Group had put into the document.

DATES OF FUTURE MEETINGS

Members noted the following future meeting dates (7pm start):

- Tuesday 15 August 2017.
- Thursday 19 October 2017.
- Thursday 7 December 2017.
- Thursday 1 February 2018.
- Wednesday 18 April 2018.

The meeting, which began at 7.00 pm, finished at 9.00 pm

CHAIRMAN.....

DATE.....