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NOTICE OF MEETING

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CABINET PRIORITISATION SUB COMMITTEE

will meet on

WEDNESDAY, 17TH MAY, 2017

At 9.00 am

in the

COUNCIL CHAMBER - TOWN HALL, MAIDENHEAD,

TO: MEMBERS OF CABINET PRIORITISATION SUB COMMITTEE

COUNCILLORS SIMON DUDLEY (CHAIRMAN)
PHILLIP BICKNELL (VICE-CHAIRMAN)
DAVID COPPINGER
CARWYN COX

PRINCIPAL MEMBERS ALSO ATTENDING: COUNCILLORS LISA TARGOWSKA

Karen Shepherd - Democratic Services Manager - Issued: Tuesday, 9 May 2017

Members of the Press and Public are welcome to attend Part I of this meeting. The agenda is available on the Council's web site at www.rbwm.gov.uk or contact the Panel Administrator **Karen Shepherd** 01628 796529

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AGENDA

PART I

<u>ITEM</u>	<u>SUBJECT</u>	<u>PAGE NO</u>
1.	<u>APOLOGIES FOR ABSENCE</u> To receive any apologies for absence	
2.	<u>DECLARATIONS OF INTEREST</u> To receive any declarations of interest	5 - 6
3.	<u>MINUTES</u> To consider the Part I minutes of the meeting held on 18 January 2017	7 - 10
4.	<u>REPORT FROM CULTURE AND COMMUNITIES OVERVIEW AND SCRUTINY PANEL - THE BROCKET</u> To consider the recommendations of the Overview and Scrutiny Panel	To Follow
5.	<u>LOCAL GOVERNMENT ACT 1972 - EXCLUSION OF THE PUBLIC</u> 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 items 6-7 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"	

PRIVATE MEETING

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| 6. | <p><u>MINUTES</u></p> <p>To consider the Part II minutes of the meeting held on 18 January 2017</p> <p><i>(Not for publication by virtue of Paragraph 1, 2 of Part 1 of Schedule 12A of the Local Government Act 1972)</i></p> | 11 - 14 |
| 7. | <p><u>AVIATION: DEPARTMENT FOR TRANSPORT CONSULTATIONS - AVIATION NATIONAL POLICY STATEMENT & UK AIRSPACE POLICY</u></p> <p>To consider the above report</p> <p><i>(Not for publication by virtue of Paragraph 5 of Part 1 of Schedule 12A of the Local Government Act 1972)</i></p> | To Follow |

MEMBERS' GUIDE TO DECLARING INTERESTS IN MEETINGS

Disclosure at Meetings

If a Member has not disclosed an interest in their Register of Interests, they **must make** the declaration of interest at the beginning of the meeting, or as soon as they are aware that they have a DPI or Prejudicial Interest. If a Member has already disclosed the interest in their Register of Interests they 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' means a discussion by the members of meeting. In order to avoid any accusations of taking part in the discussion or vote, Members should move to the public area or leave the room once they have made any representations. If the interest declared has not been entered on to a Members' Register of Interests, they must notify the Monitoring Officer in writing within the next 28 days following the meeting.

Disclosable Pecuniary Interests (DPIs) (relating to the Member or their partner) 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 licence 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.

Any Member who is unsure if their interest falls within any of the above legal definitions should seek advice from the Monitoring Officer in advance of the meeting.

A Member with a DPI should state in the meeting: ***'I declare a Disclosable Pecuniary Interest in item x because xxx. As soon as we come to that item, I will leave the room/ move to the public area for the entire duration of the discussion and not take part in the vote.'***

Or, if making representations on the item: 'I declare a Disclosable Pecuniary Interest in item x because xxx. As soon as we come to that item, I will make representations, then I will leave the room/ move to the public area for the entire duration of the discussion and not take part in the vote.'

Prejudicial Interests

Any interest which a reasonable, fair minded and informed member of the public would reasonably believe is so significant that it harms or impairs the Member's ability to judge the public interest in the item, i.e. a Member's decision making is influenced by their interest so that they are not able to impartially consider relevant issues.

A Member with a Prejudicial interest should state in the meeting: ***'I declare a Prejudicial Interest in item x because xxx. As soon as we come to that item, I will leave the room/ move to the public area for the entire duration of the discussion and not take part in the vote.'***

Or, if making representations in the item: 'I declare a Prejudicial Interest in item x because xxx. As soon as we come to that item, I will make representations, then I will leave the room/ move to the public area for the entire duration of the discussion and not take part in the vote.'

Personal interests

Any other connection or association which a member of the public may reasonably think may influence a Member when making a decision on council matters.

Members with a Personal Interest should state at the meeting: ***'I wish to declare a Personal Interest in item x because xxx'. As this is a Personal Interest only, I will take part in the discussion and vote on the matter.***

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Agenda Item 3

CABINET PRIORITISATION SUB COMMITTEE

WEDNESDAY, 18 JANUARY 2017

PRESENT: Councillors Simon Dudley (Chairman), Phillip Bicknell (Vice-Chairman), David Coppinger and Derek Wilson

Also in attendance: Councillors Carwyn Cox and David Evans

Officers: Russell O'Keefe, Wendy Binmore, Matthew Tucker, Victoria Goldberg and Arron Hitchen

APOLOGIES FOR ABSENCE

None received

DECLARATIONS OF INTEREST

None received.

MINUTES

RESOLVED UNANIMOUSLY: That the minutes of the meeting held on 13 October 2016 be approved.

ST UNAUTHORISED TRAVELLER DEVELOPMENT AT SHURLOCK ROAD, WALTHAM LAWRENCE

Members considered the unauthorised Traveller development at Shurlock Road, Waltham St Lawrence.

The Chairman of the Planning & Housing Overview & Scrutiny Panel had agreed to the report being added to the agenda as it had not previously been listed on the Forward Plan.

The Mayor had agreed to a waiver of the call-in process as any delay likely to be caused by the call-in process would seriously prejudice the Council's or the public's interests.

Councillor Cox confirmed he was not sitting on the Panel as he was in attendance in his capacity as Ward Councillor. He confirmed that Cllr Derek Wilson was attending as his substitute.

Members agreed to move part of the discussion into Part II following the Legal Officer's advice after he had received representations from the occupants of the unauthorised Traveller development's solicitor.

Cllr D. Wilson gave Members of the sub Committee a brief history of the site at Shurlock Road and stated that the unauthorised Travellers site had been present since December 2009. Following various legal challenges, the occupiers had tried to obtain permission to stay on the site. Temporary permission was granted for Mrs Eastwood to remain on site with planning applications for five other plots dismissed at

appeal. Cllr D. Wilson explained that as the site had been occupied since 2009, the Council had given appropriate time for the travellers to move from the site and that if the Sub committee decided to take appropriate action, then they would be given 48 hours notice that the Borough would be evicting them.

Victoria Goldberg, Team Manager – Enforcement confirmed that approximately £160k had been spent so far trying to remove the Travellers from the site. The Chairman stated that once the Travellers had been moved, the costs would be in the region of £280k. Cllr d. Wilson confirmed that after the site was vacated, the site would need clearing and the contract was to restore the site back to grass land. The restoration was included in the costs.

The Legal Officer stated he had received late representations in the last hour on behalf of the occupants; he handed copies of the representations to the Sub Committee and highlighted the main key points.

The Team Manager for Enforcement confirmed that the 20 school children at the site would continue to be educated by the Borough if they remained within the Borough's boundary. Some of the children were home schooled, but for the ones that were not, as long as the families remained within the Borough, the Council would be liable for their home to school transport costs if Admissions were unable to find them suitable spaces at schools local to where they were residing. Arron Hitchen, Senior Enforcement Officer directed Members to page 45, points five and six where the information was confirmed. The Chairman stated that he would prefer the Royal Borough to pay the costs of travel to school so that the children had continuity of education, as long as they remained within the Borough. Cllr D. Wilson suggested adding the paying of home to school transport costs to the recommendations.

The Legal Officer read out correspondence from the representative of the Travellers and flagged up that local authorities had historically failed to carry out their legal obligations towards Travellers. The correspondence went on to list supportive points for the occupants, including points which the occupants considered the Council had to take into account when deciding whether to proceed with direct action. These points included Article 8 of the European Convention of Human Rights, genuine consideration of pitch provision, the Equality Act 2010, identified need for pitches, and the fact that the Council has not provided additional pitches in the area. The Legal Officer advised Members to treat the best interests of the children on site as a primary consideration, by identifying what those best interests require and assessing whether the strength of any other consideration, or the cumulative effect of other considerations, outweigh the child's best interests. The Legal Officer advised the Sub Committee to keep the best interests of the children in the forefront of their minds when taking any decision in relation to the site.

The Legal Officer confirmed that the Travellers' representative had submitted that 28 days notice to vacate was reasonable. The Senior Enforcement Officer stated that the Travellers would have had knowledge of the Cabinet Prioritisation Sub Committee meeting taking place as the Enforcement Team wrote to them requesting any information or representations they felt should be submitted to the Council prior to the meeting. He added that in 2013, the Council agreed to take direct action and that the Council was doing so again at this meeting. The Travellers had received a lot of notice to provide additional information prior to the decision being made. The Legal Officer said he had set out in correspondence that on the previous occasion in 2013, twenty-eight days notice was reasonable and he felt the same applied now. Cllr Coppinger

felt they should be given 14 days notice to allow enough time to move in an orderly fashion which would help the children with the transition.

The Team Manager for Enforcement explained that the offer made by the Travellers was a material consideration. The Legal Officer stated the offer could be discussed in Part I and confirmed the offer was that the occupiers offered to move off the land after the Court of Appeal decision and then would take a further 28 days to move. He confirmed that direct action could be taken prior to the Court of Appeal decision but that the occupants' solicitor had said in his submissions that such action would be premature pending the court action. The Chairman stated that the concern with the offer was the legal position which was costing the tax payer £160k. One potential course of action was to decide to take direct action with a 14 day notice period. If the Council was satisfied that the Travellers offer was genuine, the Council would not take any further action providing they waived further action at their disposal. The Borough could take direct action without waiting for the Appeal decision.

Cllr Cox stated he had concerns with the offer as there was no way of ensuring their undertaking was legally binding and this would be subject to some serious negotiations with officers and the occupants. Material considerations had to be reviewed in detail so that would need to be discussed in Part II with the decision made in Part I.

The Sub Committee agreed that the decision whether or not to take direct action be recorded in Part I.

RESOLVED UNANIMOUSLY:

That Cabinet Prioritisation Sub-Committee notes the report and:

- i) The Council takes action under Section 178 of the Town and Country Planning Act 1990 to carry out all steps required by the Enforcement Notice to clear the site and resolve the breach of planning control with a notice period of 14 days.**
- ii) The Council continues to engage the services of Shergroup Enforcement.**
- ii) All key operational decision making be delegated to the Head of Planning, in consultation with the Lead Member for Planning and the Council's Monitoring Officer in association with any legal advice from Select Business Services: Legal Solutions during the site clearance, to take such action to ensure the termination of the unauthorised development at Shurlock Road including, but not limited to, specific tasks as so described in the report.**
- iii) That Members reject the offer from the occupants to clear the site 28 days following the Court of Appeal Ruling.**
- iiii) That a working group comprising the Lead Member for Adult Services and Health (including Sustainability), the Lead Member for Planning along with the Head of Planning be set up in order to monitor the situation of the Travellers**

The Mayor had agreed to a waiver of the call-in process as any delay likely to be caused by the call-in process would seriously prejudice the Council's or the public's interests.

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 item 6 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

The meeting, which began at 1.30 pm, finished at 4.01 pm

CHAIRMAN.....

DATE.....

Agenda Item 6

By virtue of paragraph(s) 1, 2 of Part 1 of Schedule 12A of the Local Government Act 1972.

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