

**AT A MEETING OF THE BOROUGH COUNCIL held in the Council Chamber -  
Town Hall on Thursday, 19th July, 2018**

**PRESENT: Councillors Lion (Mayor), C Rayner (Deputy Mayor), M. Airey, N. Airey, Alexander, Bateson, Beer, Bhatti, Bicknell, Bowden, Brimacombe, Bullock, Carroll, Clark, Coppinger, Cox, Da Costa, Diment, Dudley, D. Evans, L. Evans, Gilmore, Grey, Hill, Hilton, Hollingsworth, Hunt, Ilyas, Jones, Kellaway, Lenton, Love, Majeed, McWilliams, Mills, Muir, Pryer, Quick, Rankin, S. Rayner, Saunders, Sharma, Sharpe, Shelim, Smith, Story, Walters, Werner, D. Wilson, E. Wilson and Yong**

Officers: Mary Severin, Barbara Richardson, Andy Jeffs, Russell O'Keefe and Alison Alexander

19. APOLOGIES FOR ABSENCE

Apologies for Absence were received from Councillors Burbage, Luxton, Sharp, Stretton and Targowska.

20. ORDER OF BUSINESS

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

21. COUNCIL MINUTES

**RESOLVED UNANIMOUSLY: That the minutes of the meeting held on 26 June 2018 be approved.**

22. DECLARATIONS OF INTEREST

Councillor Brimacombe declared a Disclosable Pecuniary Interest in the item 'Maidenhead Golf Course – Development Partner Procurement' as he owned property and ran a business close to the site. He made representations, then withdrew from the debate and vote on the item.

Councillor Diment declared a Disclosable Pecuniary Interest in the item 'Maidenhead Golf Course – Development Partner Procurement' as she was a member of the Golf Club. She withdrew from the debate and vote on the item.

23. MAYOR'S COMMUNICATIONS

The Mayor had submitted in writing details of engagements that the Mayor and Deputy Mayor had undertaken since the last meeting, which were noted by Council.

24. PUBLIC QUESTIONS

- a) Carole Da Costa of Clewer North ward asked the following question of Councillor Grey, Lead Member for Environmental Services:**

What was the total cost, including assessments, officer time and, the clean-up and repair or remediation of dealing with the unauthorised encampments on Whiteley in August 2017 and recently at Dedworth Manor?

Councillor Grey responded that the allocation of cost to specific responses such as this was not logged to this level of detail, however it was estimated that the cost for dealing with both encampments referred to was in the region of £5,000.

By way of a supplementary question Mrs Da Costa asked how and when would Whiteleys and Dedworth Manor be made secure to prevent further illegal and unauthorised encampments, and at what cost?

Councillor Grey responded that this would normally be dealt with by service budgets when an incident occurred, however a capital budget of £80,000 had been put aside to identify areas that might need reinforcing; the council would look at the areas referred to, to see if they needed shoring up.

**b) Andrew Hill of Boyn Hill ward asked the following question of Councillor Natasha Airey, Lead Member for Children's Services:**

Last year Desborough and Newlands wrote to RBWM proposing relocation to a joint campus on Golf Club land. However, paragraph 2.36 of the Newlands June Cabinet paper states that co-siting would be "difficult to achieve" alongside 2000 dense dwellings, and considers Newlands could move on its own. Is RBWM therefore saying that Desborough College is unlikely to co-site there?

Councillor N. Airey responded that at the moment nothing was off the table but configurations would be challenging for the site to ensure it was viable. Discussions were still ongoing.

By way of a supplementary question Mr Hill commented that the report only talked about two options: the temporary move to the golf course followed by a complete rebuild or perhaps a permanent move to the golf course. Paragraph 2.38 talked about the school effectively moving to the edge of town, disadvantaging parents who currently lived near Newlands. Some of the parents suggested a third option could be considered. Would it be possible for Newlands and Desborough to open a joint campus site for the sixth form only closer to the town centre, potentially on the old Claires Court site for example in the way some grammar schools had opened satellite sites?

Councillor N. Airey responded that the borough was open to options although she was not sure what Newlands' and Desborough's views would be of such a proposal. If Mr Hill would like to send her further details she would discuss with the education team.

**c) Andrew Hill of Boyn Hill ward asked the following question of Councillor McWilliams, Principal Member for Housing:**

The Council's BLP states 434 additional new affordable homes are needed in the Borough every single year. However RBWM's 2017/18 Annual Report states that the Council had a target for a mere 20 affordable homes (4.6%) , delivering 32 (7.4%). Why is RBWM setting itself a miserable target that is less than 5% of the known affordable housing need?

Councillor McWilliams responded that the target was a technical target informed by information on potential completions within the year with developers and registered providers. The council's ambitions were of course for much higher delivery of affordable housing. The target was based on what was deliverable; there was no point setting a target that was not achievable. The local need was known and the council was working towards that with the various schemes.

To do this the Council was working with developers and registered providers to enable the delivery of affordable housing and was also progressing development on a number of sites in its ownership which would see the delivery of significant numbers of affordable homes.

On specifics, he was pleased to say that in 2018/19 the target for completion is 105 units, so still off what the SHMAA suggested but represented a 600% increase on the 2016/17 delivery and a 425% increase on the 2017/18 target. Officers managed to negotiate a 60% increase on our original target from last year and he had every confidence they would continue to seek to increase this as the year progressed.

On a slightly different note, albeit connected, since the approval of an Empty Homes Strategy in May 2017 over 150 long term empty homes had been brought back into use, 30 of which had been brought back into use as affordable housing, which was included in the figures mentioned.

The council was absolutely committed to delivering affordable housing and would work with developers, housing associations and joint venture partners to do so; the council was well aware of the need for affordable housing in the area.

By way of a supplementary question Mr Hill commented that as the target was 434 a year, this would be 2000 since the 2013 start date. He asked was the Lead Member therefore suggesting that 1900 homes were missing and would not be achieved?

Councillor McWilliams responded that the SHMAA revealed what the demand was locally and this had to be balanced with what was realistically able to be delivered. The target was a technical one based on discussions with developers and housing associations. There was always a trade-off between demand and what was deliverable. The council was 100% committed to ensuring the availability of affordable housing increased. If the increases in recent years continued the council would be getting close to the number. The council was moving from the position of delivering very few affordable houses to delivering a lot.

**d) Brian Millin of Bray ward asked the following question of Councillor Coppinger, Lead Member for Planning:**

I am a member of the Care Services Board for BEN, a charity based in Sunningdale who submitted an application in December 2016 for replacements of aging stock currently rented at social rents a total of 32 units. Frustrated by delays BEN has withdrawn the application and diverted some of the funds to other projects not in RBWM.

Is it acceptable for RBWM to lose such valuable investment in housing stock due to this long delay in determining this application?

Councillor Coppinger responded that he knew the site well. The planning statement that accompanied the application stated that the existing buildings proposed to be demolished consisted of 32 bed sits and 12 one bed flats. The new building proposed 32 care apartments.

Objections were raised to the application from officers primarily because the proposed development was deemed to be clearly contrary to Green Belt policy. The loss of 12 existing care spaces also weighed against the development. The proposed development also failed to adequately address how surface water would be managed, failed to protect important trees and follow best practice guidance with regard to protected species, namely bats. There were also objections raised by local residents.

The application was deliberately left undetermined in order to allow the applicant the opportunity to explore whether they could submit further justification or evidence that could outweigh the strong policy objections given the location of the site in the Green Belt. The applicant chose to withdraw the application. At no time has the time taken to deal with the application caused RBWM to lose an investment in housing stock given that the scheme was unacceptable. In fact approving it would have caused a loss of housing stock/care space.

By way of a supplementary question Mr Millin asked if the Lead Member was aware of another application by BEN made in 2017 for a community health centre was still not determined. Continued delays for both applications had led to additional costs for the charity. Was it acceptable for applicants wishing to invest in social projects to be frustrated by such delays?

Councillor Coppinger responded that, given the technical nature of the response he would reply in writing.

25. PETITIONS

No petitions were received.

26. MEMBERS' QUESTIONS

**a) Councillor Da Costa asked the following question of Councillor Grey, Lead Member for Environmental Services:**

Following the distress and damage caused to residents and Council property when travellers illegally accessed Dedworth Manor, can you tell me how many vulnerable sites exist across the Borough?

Councillor Grey responded this was a difficult question to answer. Firstly, there was no strict definition for a vulnerable site. Unauthorised encampments could occur, in theory, on any piece of land. Open spaces, village greens, and private land could all become vulnerable if violated.

The council was aware of those sites that the Royal Borough owned and the council was constantly looking at those places that could be improved with bollards, ditches and walls.

By way of a supplementary question, Councillor Da Costa asked what measures could be taken to secure sites, including pre-emptive legal measures, when would the sites be secured to reduce heartbreak for residents and costs for the council?

Councillor Grey responded that £80,000 had been allocated to undertake measures such as bollards, ditches and walls. The council would also encourage landowners to secure their own properties and liaise with parish councils to ensure they were aware.

**b) Councillor Da Costa asked the following question of Councillor Coppinger, Lead Member for Planning and Health:**

Given the criticism by the Borough Local Plan Inspector of the Council's continued failure to produce a "Gypsy and Traveller Accommodation Local Plan", can the Lead Member tell me when such a plan will be produced, as such provision should help alleviate pressures on residents and the costs of dealing with illegal camps in the Borough?

Councillor Coppinger responded that he did not think that Councillor Da Costa was paying attention at the hearing. The Inspector did not criticise the Council with regard to the work being done on its plan for Travellers. Councillor Da Costa was confusing the legitimate right of travellers to have a permanent home and the needs of travellers seeking short term accommodation, which was the case in Dedworth, Holyport and Bray.

As part of the first stage of the examination officers were able to update the Inspector on progress with this work. A Gypsy Traveller Accommodation assessment had been published and was available on the council website; it set out the need for 26 pitches for traveller accommodation in the borough for the plan period to 2033. There was also a need to plan for 14 permanent plots for Travelling Showpeople. Most importantly, the council would also consider with its neighbouring authorities an interim sites which could be enforced by the police. There were strict rules about deposits and rents that had to be paid.

The Local Development Scheme had been updated with the timetable for progressing the Traveller Local Plan. Most importantly a Traveller call for sites was initiated by officers on 13 July 2018; this was similar to the call for sites for other uses but specifically to meet the needs of gypsies and travellers. He encouraged Members to make residents aware of the call for sites process and ask them to consider making any land they held available.

By way of a supplementary question, Councillor Da Costa asked for a target date when sufficient sites would be available to meet the needs already assessed.

Councillor Coppinger responded that he did not know but as soon as possible.

**d) Councillor Bhatti asked the following question of Councillor Grey, Lead Member for Environmental Services:**

Please can the Lead Member let me know what more can be done to prevent unauthorised encampments like the one that occurred in Whiteleys and on Dedworth Manor/Sawyers Close?

Councillor Grey responded that preventing unauthorised encampments could be very difficult but the key issue was to secure sites so that access to them was prevented and made as difficult as possible for people to access the sites.

With 'open' land, village greens the very nature of the land made it difficult to put measures in. The installation of bollards, walls or ditches had to be assessed before being implemented. They had to fit in with the streetscene and be suitable. Therefore the council would encourage people to secure their own land, as the council was doing on its own.

Councillor Bhatti confirmed he did not have a supplementary question.

**e) Councillor Bhatti asked the following question of Councillor Grey, Lead Member for Environmental Services:**

Will the council publish guidance on how the Borough deals with unauthorised traveller encampments to explain the processes involved?

Councillor Grey responded that the council had an established a procedure for responding to unauthorised encampments, working jointly with Thames Valley Police. The aim was for joint working to cover all angles for both the police and the local authority. He would ensure the information was published on the website and liaise with parish councils to ensure they got the message also.

Councillor Bhatti confirmed he did not have a supplementary question.

**f) Councillor E Wilson asked the following question of Councillor Grey, Lead Member for Environmental Services:**

Following the recent unauthorised encampment in Dedworth how will the Lead Member ensure that residents in the Royal Borough are kept up to date on illegal traveller encampments?

Councillor Grey responded that it is not always possible to provide ongoing public updates immediately because normally the violations occurred on a Friday night. The moment it was reported officers were on the case. Within 24 hours paperwork was issued. If this was ignored, it could take up to 7-10 days for the police to act to get them moved. He would ensure the communications team used social media and the website to get the message out.

By way of a supplementary question, Councillor E. Wilson commented that a lot of the angst and despair amongst residents was when they did not have the facts to hand and into the vacuum came gossip and rumour. He welcomed the use of social media however he asked whether Thames Valley Police could have a communication protocol to tell residents what was going on and when it would happen?

Councillor Grey responded that the work was already ongoing but he would emphasise it with Thames Valley Police.

**27. APPOINTMENT OF INDEPENDENT PERSON**

Members considered the appointment of an Independent Person to the Royal Borough, following the death of the former independent Person Gary Flather.

Councillor Dudley placed on record his thanks to Mr Flather for all his service to the council as an Independent Person.

Members noted the CV of Mr David Comben, the proposed candidate.

It was proposed by Councillor Targowska, seconded by Councillor Bicknell, and:

**RESOLVED UNANIMOUSLY: That Council notes the report and agrees that:**

**i) David Comben be appointed as an Independent Person under s28(7) of the Localism Act 2011, increasing the number of the Council's Independent Persons to two, including Mr. Peter Hills.**

**ii) That an allowance of £1,000 per annum be paid for this position.**

28. ANNUAL PERFORMANCE REPORT

Members considered an overview of the council's performance for 2017/18.

Councillor Dudley highlighted that the report included 25 Key Performance Indicators (KPIs) set around the council's six strategic priorities, with a further 68 indicators below. All were reported quarterly to relevant Overview and Scrutiny Panels. Of the 25 KPIs, 17 were meeting or exceeding the target, 6 were just short and two were off target. Benchmarking against other local authorities showed a number of the KPIs were challenging, stretch targets. This was the first year the council had provided an annual report in this format, which looked to present information to residents in an easily digestible manner. The report would be delivered to every household along with the current edition of *Around the Royal Borough*. Previously a courier company had been used for delivery however there had been concerns that some areas were not being reached. It had proved more reliable and cheaper to post via Royal Mail (£6,000 compared to £9,000).

Councillor Jones commented that many councils produced such a report; it was good to keep residents informed. For future reports, she suggested that the RAG ratings should be reviewed and actual numbers provided where only percentages were currently given, to provide context.

Councillor E. Wilson commented it was important to tell residents what the council was doing with their money. He would like to see copies available in libraries. He felt the council was very bad at telling people what it had done, for example the Old Court in Windsor had been rumoured to be closing, which had been fake news as it was now thriving.

Councillor Smith suggested, as he had already done so at a recent Audit and Performance Review Panel, that the report should include the source of funds. Given the costs quoted per councillor in relation to elections, he was keen to see how these may reduce in future with the reduction in the number of councillors. He highlighted a typographical error on page 17.

Councillor S. Rayner highlighted that the percentage of residents reporting satisfaction with the borough's parks and open spaces was 85.2%. She was pleased to report that the percentage of calls answered within 60 seconds had now risen to 73.8% following some changes in the organisation of the team.

Councillor Beer commented that he did not understand why the document had not been incorporated in *Around the Royal Borough*. There was nothing included in relation to Heathrow in the last edition yet the council was spending money to defend its position. He asked how much the Annual Report had cost over an additional six pages in *Around the Royal Borough*? A lot of people would see it as a waste of money as they just wanted the job to be done rather than shouted about.

Councillor Bateson commented that as residents were council taxpayers they would like to see something that told them what the council was doing.

Councillor Bicknell commented that the information provided helped residents to hold the council to account. He highlighted a number of key projects including 4660 potholes being filled, completion of phase one of the Waterways project, and capital projects expedited for the Royal Wedding. The Borough Local Plan was now in for inspection which was the result of a great job by the Lead Member and officers.

Councillor Dudley stated that the suggestions by Councillor Jones were very constructive. He would ask for the RAG rating tolerances to be looked at and for numerical values to be included rather than just percentages. He also agreed that the source of funds should be detailed. He confirmed that the printing cost was £18,000. The council spent £2m on councillors and elections therefore residents would be interested to understand how the council was performing annually.

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

**RESOLVED UNANIMOUSLY: That Council notes the report and:**

- i) Notes the progress towards meeting the council's strategic objectives.**
- ii) Endorses the Annual Report 2017/18, appendix A.**

29. HIGHWAYS INVESTMENT

Members considered an increase to the capital programme for 2018/19 to deliver a supplementary road resurfacing programme.

Councillor Bicknell explained that the report came recommended by Cabinet. The borough had approximately 650 kilometres of road network, which was valued at £1.2bn. Therefore maintenance was always a good investment for the future. The graphs on page 39 showed the huge reductions in the percentage of roads needing to be considered for maintenance.

The council was positioned at eight place overall in the list of over 113 councils around the country that used a standard bench mark method of scoring the condition of highways. That was again a position of excellence that this council had risen to over the last 10 years. This was the result of close partnership working with contractors and officers and for that he thanked them on behalf of the residents.

Paragraph 2.3 of the report detailed the methods which were used to get to an indicative, prioritised highways programme. Councillor Bicknell explained that SCRIM and SCANNER surveys were both trade brands for surveying for skid resistance and profiling of the surface of the roads and footpaths, which were owned by WDM Ltd of Bristol, whom the council contracted for the data. He highlighted Appendix A which



included about 16 of the current wards in the borough. The biggest scheme for £259,000 was for Old Windsor, along with the other new schemes of work in the area amounting to £317,000..

The Find and Fix fund of £200,000 was new to the council as the contract with Volker highways currently included a fix time of up to 3 months for fixing non urgent items. Now the council could deal with such unsightly or aesthetic issues, particularly in high profile areas, within 10 days.

Councillor Jones welcomed the investment in the borough's roads. She had previously raised the problems with the A308 gyratory, which had deteriorated recently. She therefore welcomed the repairs before winter. She requested clarification on the costs of borrowing over the life of the loan period.

Councillor Coppinger thanked the Lead Member on behalf of the residents of Bray for the work undertaken in the ward.

Councillor Da Costa commented that he was disappointed that the report had not been considered by the Highways, Transport and Environment Overview and Scrutiny Panel, however he welcomed the money being spent on assets especially as a number of roads and pavements had been in an appalling state for a number of years. The 2015 Highways Asset Management Report stated that to improve roads the figure of £3.3m would have to be spent each year to bring the roads up to standard. He asked how much had been planned to be spend on resurfacing alone in 2018/19 and when would the suggestion of £3.3m per year be taken?

Councillor Saunders commented as the report could be scrutinised at Full Council by all Members there was no need for it to go to an Overview and Scrutiny Panel. He explained that all capital projects had attributed to them an interest charge whether or not borrowing occurred. In terms of whether this was required, the information could be found in the monthly financial update to Cabinet. The only significant borrowing at the present time was that undertaken by the previous administration.

Councillor McWilliams welcomed the resurfacing of three key roads in his ward of Cox Green, which had originally been in the reserve list. He was delighted they had been brought forward.

Councillor Sharma commented that the last meeting of the Highways, Transport and Environment Overview and Scrutiny Panel had been held on 21 June 2018. Councillor Da Costa had submitted his apologies for the meeting so had missed his opportunity to scrutinise the report. Councillor Sharma commented that he drove between 8-10 hours everyday; the borough was probably the best council for resurfacing. He liked the find and fix approach which was an innovative idea.

Councillor Hilton commented that the residents of Ascot would be delighted with the investment in roads in the area, specifically Winkfield Road which had a poor surface. Heavy transport used the road therefore resurfacing would lessen the noise nuisance for the properties that were situated close to the road. He highlighted that across the borough only 5% of principal roads required maintenance, compared to 17% ten years previously.

Councillor Grey commented that the residents of Datchet would be very grateful for the investment in the ward.

Councillor Jones commented that she did not feel she had received an answer to her question how much was it going to cost out of the revenue budget to pay for the loan required. She wanted to know how long the borrowing would be for and if it was not required, from where would the capital receipt come?

Councillor Saunders responded that there were attributable interest charges to all capital budgets. The actual interest charge was based on the rolling cash flow which was reported monthly to Cabinet. There was no linkage to any particular capital project. The current interest charges related only to the borrowing taken out by the previous administration.

Councillor Dudley highlighted the graphs that showed a lack of investment under the previous administration and a fundamental change with the current one.

Councillor E. Wilson commented that he was delighted a further four roads in Dedworth were included in the programme of works. He referred to St Mungo who featured on the Glasgow coat of arms, in relation to the Find and Fix programme.

Councillor Beer stated that he was pleased to see a large amount of money being spent in Old Windsor. The entire A308 gyratory was cracked and therefore the works dramatically needed to be done. The A308 was the busiest road in the borough.

Councillor Hollingsworth commented that the schemes were wonderful. He had used the old reporting system which he had found to be simple but had had some difficulties with the new system. He therefore requested it be simplified.

Councillor Sharma commented that the Highway, Transport and Environment Overview and Scrutiny Panel held on 21 June 2018 had not considered the report and he therefore apologised to Councillor Da Costa for his earlier comments.

Councillor Bicknell commented that the reporting process had been simplified and was well-used by residents. The council should be proud that it ranked eight out of 113 councils however there was still work to do, which was the reason for the proposal to spend £1.7m and remove the reserve list for the following year.

Councillor Jones highlighted that the issue of the A308 gyratory had been raised 18 months previously but had been put back because other works had been happening.

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

**RESOLVED UNANIMOUSLY: That Council**

**i. Approves an increase to the capital programme 2018/19 by £1,700,000 to deliver the supplementary road resurfacing programme set out in Appendix A and the pilot 'Find and Fix' approach.**

**ii. Delegates authority to the Deputy Director Strategy and Commissioning, in consultation with the Lead Member for Highways & Transport, to agree minor amendments to the approved schemes (within approved budgets) and implement substitute schemes should this become necessary.**

30. VICUS WAY CAR PARK

Members considered approval for the construction of a new car park at Vicus Way, Maidenhead, creating 513 permanent car parking spaces for the use by local businesses, residents and commuters.

Councillor D. Evans explained that the proposal would have an important part to play in the wider regeneration of Maidenhead. The car park would be very convenient for commuters and season ticket holders. It was anticipated that work would start on site by the end of the year to enable the council to move forward with the next phase, the demolition of the Broadway car park and replacement with a new structure providing over 1200 spaces. At the end of the regeneration period in excess of 1000 additional spaces would be provided across the town. At no time during the regeneration would the number of spaces be below the current number, to ensure the town kept working. The proposal would also reduce the need for a number of temporary car parking spaces, which were a cost to the council with no return.

Councillor Dudley commented that the council was truly creating an asset, which could be sold in the future if desired. In relation to the question about borrowing levels earlier in the meeting, he highlighted that this was such an asset that could be disposed of to ensure a capital receipt.

Councillor Hill congratulated Councillor D. Evans as the proposal was very welcome and was overdue. He believed this to be the right investment at the right time.

Councillor Brimacombe thanked the Lead Member for sending the paper to the Overview and Scrutiny Panel and answering a number of technical questions. About five or six years ago Stafferton way had been a derelict, sad area. There was now a supermarket, flats, a storage business and a throughway. A large capital asset was the best thing the council could do with the last piece of land.

Councillor Werner commented that it was a tremendous decision and he was glad the administration had listened to the advice to take Crossrail seriously and provide further commuter parking. It was a potential asset therefore borrowing to save was sensible; the asset could also generate income which he hoped would be considered in future.

Councillor E. Wilson commented that the people of Maidenhead were seeing action from the council. The report was excellent in content and detail.

It was proposed by Councillor D Evans, seconded by Councillor Dudley, and:

**RESOLVED UNANIMOUSLY: That Council notes the report and approves:**

- i) **The development of a permanent multi storey car park at Vicus Way.**
- ii) **Approves an additional capital budget of £3,687,249.**

31. ADDITIONAL BUDGET FOR BRAYWICK LEISURE CENTRE

Members considered approval for an additional capital allocation of £2,630,000 to cover the removal of 5,650m<sup>3</sup> waste material found during the secondary groundwork investigations and the cost of archaeological work

Under Part 2 c6.2 of the constitution, the Mayor had agreed to add the urgent item to consider approval of an immediate resource investment to progress the necessary works within the timetable.

Councillor S. Rayner explained that during the archaeological excavations that were required as a planning condition, an Iron Age ditch had been found. It was proposed that signs be erected in the car park area of the leisure centre to identify the location. Fragments of Saxon pottery had also been discovered. These were currently being preserved and carbon dated and would be displayed in the borough museum.

Unfortunately part of the survey had also revealed asbestos which had not been discovered as part of the initial ground investigations that had included 60 boreholes. It was critical the asbestos was removed in a controlled and safe manner. Contingency funding of 14% had been included in the budget however this now sat at £0.5m which was required for the building stages of the project.

Councillor Hill stated that he was a supporter of the leisure centre, however he questioned how such a large amount of asbestos, on a site known to contain landfill, had not been identified previously. He was concerned that the initial survey of 60 boreholes did not reveal the asbestos and asked if the surveyor should pay the additional costs?

Councillor Majeed asked whether, before spending the £2.6m, were there plans to undertake more boreholes to determine if there was any other hazardous materials present? He also asked whether a planning application would be required for the controlled removal as there had been for Badnell's Pit?

Councillor Smith commented that there were different risks associated with different types of asbestos; white asbestos was a lower risk. HSE rules needed to be applied but the council should also ensure it did not overspend.

Councillor DaCosta asked for the value of the contingency if the report was approved.

Councillor Saunders commented that this was an extremely common situation. His company had dealt with a large site near Liverpool Street Station that had uncovered 750 bodies; the archaeological excavations had delayed the project by three years. It would be important to determine if the survey had been performed as intended and whether the surveyor was obliged to cover any costs. When the original budget had been set, the contingency had been set at two times the normal level because of a number of uncertainties. Contamination of the site had been found on the eastern side which records had demonstrated was a likely area for hazardous deposits. The area to the west had been expected to contain regular refuse material however because of uncertainties a full survey had been commissioned. There was an unambiguous obligation to put in place a programme to deal with the issue; he expected Councillor S. Rayner and officers to seek redress where possible.

Councillor Werner stated that he was deeply disappointed given previous errors and overspends in relation to Stafferton Way and the Waterways. He had been assured such a situation would not happen again. Councillor Saunders had given an impassioned speech that enough contingency had been included. Residents who had lived in the town for years knew the area had been a tip. He was deeply disappointed

that, despite warnings, more boreholes were not completed. He asked for reassurance that sufficient contingency was now included.

Councillor Saunders commented that the basis of establishing construction risk management was that unusual circumstances could arise. If further issues arose with the project, they would be dealt with.

Councillor Dudley commented that Councillor Werner was consistent; he had said the Waterways project would not happen.

Councillor Werner responded that this was untrue and asked Councillor Dudley to withdraw the comment.

Councillor Dudley commented that Councillor Werner had also voted against the Borough Local Plan and planning applications for the regeneration of Maidenhead; he would rather run Maidenhead down for his own political reasons than rejoice in the opportunities. The requirement for additional funding was an unfortunate situation, however if he had been told from the start the project would have cost £3m for asbestos removal he would have approved a larger budget. The costs would be covered by the residual development land value at St Clouds Way.

Councillor Jones requested evidence be provided to back up Councillor Dudley's statements in relation to Councillor Werner.

Councillor Dudley confirmed the contractual documents with the surveyor would be looked at in detail and enforced on behalf of residents if there had been a breach. Councillor Saunders reiterated that the situation was unfortunate and was an exceptional circumstance. If further issues arose they would be dealt with. Therefore at this stage he did not expect further requirements than the residual contingency, but this was in the absence of further exceptional circumstances.

Councillor S. Rayner highlighted the need to undertake due diligence given the discovery of asbestos. The consultants had confirmed that the remaining £0.5m was sufficient for the remaining building phase. A planning application was not required for the controlled removal of asbestos from the site.

It was proposed by Councillor S. Rayner, seconded by Councillor Dudley, and:

**RESOLVED UNANIMOUSLY: That Council notes the report and:**

- i) Approves additional capital allocation of £2,630,000 to the Braywick Leisure Centre budget to fund the removal of waste material and archaeological investigations.**

**(A named vote was taken at the request of the Mayor however all Members present voted for the motion).**

**32. MEMBERS' QUESTIONS**

- c) Councillor Brimacombe asked the following question of Councillor S Rayner, Lead Member for Culture and Communities:**

Maidenhead Library, St Ives Road, enjoyed the excellent and popular, privately run Narrative café until RBWM raised the rent so high as to price this enterprise out of the market, with no sign as yet of a competitor taking over. Is this representative of commercial decisions by RBWM and is the loss of this community facility now regretted by RBWM?

Councillor S Rayner responded that there appeared to be some misunderstanding around why the Narrative had closed. The Licence Fee was not increased this year; the RPI inflationary charge was waived.

With support from Property and Shared Legal Services, a licence to occupy was agreed by the council and the occupiers for a 'Coffee Cart' for the period 20 April 2015 - 19 April 2016, for an area 3x3m within the foyer entrance.

The 'Coffee Cart' shared the location with other library business such as charity cards, exhibitions, Festival of Learning and Family Festival of Learning, and arts and crafts activities. On 8 Feb 2016 the request for exclusive use of the foyer was expressed by the occupier. Research of the local rental market suggested a figure between £25,000 and £30,000, inclusive of utilities and cleaning.

Following negotiations, a new licence to occupy was drawn up in 2016, incorporating the increase in space. The annual fee agreed was lower than the amount suggested by the local rental market research because the council recognised the importance of the community cafe. The agreed increase took place in 2016/17, with a further increase of £3,000 for 2017/18, followed by an annual RPI % increase until 29 March 2019, when a full tender process would be undertaken.

In early 2018 a request was received to reduce the amount paid to the council. The council agreed to waive the standard RPI inflationary increase that was due to be applied from 1 April 2018. The council received no reply from the occupier. Then on 27 February 2018 notice was served to terminate the licence to occupy and the café closed in May 2018. The Narrative Café was enjoyed by those who used it, both residents and staff, and options to seek alternative coffee vendors continued to be explored

Councillor Brimacombe confirmed he did not have a supplementary question.

**g) Councillor Jones asked the following question of Councillor Coppinger, Lead Member for Planning:**

Could the Lead Member give us an update on the Borough Local Plan and the next steps?

Councillor Coppinger responded that, as all were aware the first stage of hearings were very different to a normal form of hearings as the Inspector was only trying to understand things she did not understand at this stage. The council was currently expecting a letter from the Inspector setting out her interim findings, the work the council needed to do and dates of the next hearings, expected to be held in the autumn. The letter would be added to the web once received. The council was now in the hands of the Inspector as she led the process.

Councillor Jones thanked Councillor Coppinger for the update as residents were asking.

Councillor Coppinger responded that as soon as he could give residents news he would do so.

**h) Councillor Jones asked the following question of Councillor Dudley, Leader of Council:**

Could the Leader detail the recommendations from the Peer Review that have been implemented to date and the recommendations that will be implemented during this municipal year?

Councillor Dudley responded that as Council would be aware, the Peer Review's eight recommendations were further broken down in to 29 specific deliverables. He was pleased to confirm that initial work had been completed in all 29 areas with some areas by definition requiring work to be ongoing.

Areas where the work was fully completed include:

- Quarterly meetings with Parish Councils and holding a Parish Conference three times per year.
- The Borough Local Plan was in examination.
- A specialist agency had been commissioned in partnership with three major developers to develop a brand and story to explain the regeneration journey to residents, businesses and potential investors and support investment activity.
- A map had been produced for integrated health and social care in the Royal Borough.
- The medium term financial plan formed part of the Council Plan.

Other areas that would conclude in this municipal year included:

- A residents' survey commissioned for September 2018
- A review of how the Council engaged with businesses which would result in recommendations being brought forward.
- Scrutiny Training for elected Members.

Overall all work would be completed in this municipal year with the deliverable of amendments to the constitution which were agreed by Council in June 2018 taking effect from May 2019. In addition he was pleased to confirm that at Council in September he would be bringing forward the already-agreed element of Code of Conduct for implementation this year. This followed a finding against Councillor Da Costa; any further complaint would therefore be dealt with under the amended process.

Councillor Jones commented that she felt the last element of Councillor Dudley's response was not related to her initial question. Members should be asked to keep to the question raised in their response. However, she welcomed the Code of Conduct being implemented earlier. She herself had already raised the potential for this with Democratic Services. Councillor Jones confirmed she had no supplementary question.

33. MOTIONS ON NOTICE

No Motions on Notice had been received.

34. 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 14-16 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.