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Service Lead Democratic Services: Karen Shepherd: (01628) 796529

TO: EVERY MEMBER OF THE COUNCIL FOR THE ROYAL BOROUGH OF WINDSOR & MAIDENHEAD

YOU ARE HEREBY SUMMONED TO ATTEND the Meeting of the Council of the Royal Borough of Windsor & Maidenhead to be held in the **Council Chamber - Town Hall** on **Tuesday, 25 September 2018 at 7.30 pm** for the purpose of transacting the business specified in the Agenda set out hereunder.

Dated this Monday, 17 September 2018



Managing Director

Rev Stileman will say prayers for the meeting.
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A G E N D A

PART I

1. APOLOGIES FOR ABSENCE

To receive any apologies for absence

2. COUNCIL MINUTES

To receive the Part I minutes of the meeting of the Council held on 19 July 2018.
(Pages 9 - 24)

3. DECLARATIONS OF INTEREST

To receive any declarations of interest
(Pages 25 - 26)

4. MAYOR'S COMMUNICATIONS

To receive such communications as the Mayor may desire to place before the Council (Pages 27 - 28)

5. PUBLIC QUESTIONS

a) Mark Hollands of Cox Green ward, will ask the following question of Councillor Dudley, Leader of the Council:

In light of last month's tragic double road death in Sunninghill, will the Council write again to the Lord Chancellor seeking a response to their 2-month+ old letter, and urging the Chancellor to publicly commit to an urgent timetable for action; in particular, will the Lord Chancellor commit to action before Thomas Burney, the killer of Bryony Hollands, is released from prison in August next year?

(A Member responding to a question shall be allowed up to five minutes to reply to the initial question and up to two minutes to reply to a supplementary question. The questioner shall be allowed up to 1 minute to put the supplementary question)

6. PETITIONS

To receive any petitions presented by Members on behalf of registered electors for the Borough under Rule C.10.

(Any Member submitting a petition has up to 2 minutes to summarise its contents)

7. PANEL MEMBERSHIPS

RECOMMENDATION: That:

- i) Councillor N. Airey be appointed as Chairman of the School Improvement Forum for the remainder of the municipal year.**

8. MEMBERS' ALLOWANCES SCHEME - PROPOSED AMENDMENTS

To consider the above report
(Pages 29 - 42)

9. CONSTITUTIONAL AMENDMENTS

To consider the above report
(Pages 43 - 92)

10. CONSTITUTIONAL AMENDMENTS - PLANNING

To consider the above report
(Pages 93 - 110)

11. AN INCLUSIVE BOROUGH

To consider the above report
(Pages 111 - 122)

12. ETON AND ETON WICK NEIGHBOURHOOD PLAN - FORMAL MAKING OF THE PLAN

To consider the above report
(Pages 123 - 130)

13. BROADWAY CAR PARK

To consider the above report
(Pages 131 - 166)

14. RBWM PROPERTY COMPANY - INVESTMENTS REPORTS

To consider the above report
(Pages 167 - 174)

15. MEMBERS' QUESTIONS

a) Councillor C Rayner will ask the following question of Councillor S Rayner, Lead Member for Culture and Communities:

The graveyard of St Michael's Church, Horton, is reaching capacity, causing issues for residents. Horton Parish Council and St Michael's Church Parish Council believe three acres of land adjacent to the existing graveyard would be suitable for an extension. The landowner has agreed in principle to sell at market value. Would the council purchase the land for the municipal graveyard?

b) Councillor C Rayner will ask the following question of Councillor Grey, Lead Member for Environmental Services:

With reduced police presence in Horton village, like most of villages we have had problems with anti-social behaviour and increased levels of crime. On behalf of the Parish Council, I would like to ask the Lead Member to consider installing CCTV in the centre of Horton village to monitor the village hall and parish council playing fields.

c) Councillor Hilton will ask the following question of Councillor Bicknell, Lead Member for Highways and Transport:

The Times reported that councils have spent more than £43 million in five years to settle legal claims brought by cyclists and motorists injured on Britain's deteriorating roads. Although, under the pothole challenge, we have fixed most reported potholes within 24 hours there have probably been some successful claims. Please advise how many there have been and the financial consequences?

d) Councillor Brimacombe will ask the following question of Councillor McWilliams, Principal Member for Housing:

Councillor McWilliams gave a written reply to Council in April that he would conduct wide and meaningful consultations before publishing a Housing Strategy, a Homelessness Strategy and an updated Allocations Policy in the Autumn. As Autumn has arrived, can he now give specific details on those consultations he has conducted and the intended publication dates for those documents?

e) Councillor Brimacombe will ask the following question of Councillor S Rayner, Lead Member for Culture and Communities:

The RBWM website advises that there is a 3-5 year waiting list for any Allotment within Maidenhead. Considering the known benefits of Allotments for topical subjects such as a healthy diet, exercise and social interaction; why has this Administration done so very little in recent years to improve the availability of Allotments in order to reduce the waiting list?

f) Councillor Hill will ask the following question of Councillor Dudley, Leader of the Council / Maidenhead Regeneration and Maidenhead:

As RBWM is now responsible for delivery of the Maidenhead Waterways project and you have taken over the portfolio for Maidenhead Regeneration please detail exactly how you intend to resolve the appalling situation whereby the Maidenhead Waterways Project requires significant further funding to make it fully navigable by a wide variety of craft by lowering the channel under Chapel Arches.

g) Councillor Da Costa will ask the following question of Councillor Grey, Lead Member for Environmental Services:

I would like to thank officers for all their hard work and their quick response to the threat of another encampment at Whiteleys on 17th August 2018. What progress has been made to implement a long term solution to protect the green and so residents and local businesses?

h) Councillor Da Costa will ask the following question of Councillor Grey, Lead Member for Environmental Services:

There are concerns of asbestos exposure following the demolition of a building in a residential area in Windsor. Could you explain the process to ensure that residents are not put at risk, what responsibilities the Council have towards those who may have been put at risk and, what is the Council doing to inform residents of what to do?

(The Member responding has up to 5 minutes to address Council. The Member asking the question has up to 1 minute to submit a supplementary question. The Member responding then has a further 2 minutes to respond.)

16. MOTIONS ON NOTICE

a) By Councillor Brimacombe:

In response to mounting financial pressures within local government generally and disclosed budgetary pressure of £1.4 million within RBWM in particular, officers are being required to restructure and rationalise management of the organisation. In June 2018 Council received a constitutional changes report that anticipated a reduction in the number of Councillors receiving Special Responsibility Allowances from May 2019.

This Council:

- i) Believes that Councillors should lead and set an example to officers, they should not adhere to “Do as I say, not as I do” behaviour

- ii) Notes that in June 2011 the Cabinet had a total of only 8 Members including four who still serve today, with no remunerated deputies.
- iii) Requests the council's Independent Remuneration Panel consider reducing the number of Special Responsibility Allowances by deleting all paid Principal Member and Deputy Lead Member posts with immediate effect, signalling to officers and residents that the Executive will take its share of the rationalisation and not leave it to others to bear alone.

17. LOCAL GOVERNMENT ACT 1972 - EXCLUSION OF PUBLIC

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 18-22 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

18. MINUTES

To receive the Part II minutes of the meeting of the Council held on 19 July 2018.
(Pages 175 - 180)

19. BROADWAY CAR PARK (APPENDIX)

To note the Part II appendix to the earlier Part I report.
(Pages 181 - 182)

20. RBWM PROPERTY COMPANY - INVESTMENTS REPORTS (APPENDICES)

To note the Part II appendices to the earlier Part I report
(Pages 183 - 224)

21. URGENT DECISION - PURCHASE OF FARM LAND OFF LOWER COOKHAM ROAD

To consider the above report
(Pages 225 - 256)

22. SALE OF FREEHOLD INTEREST IN STATESMAN HOUSE, STAFFERTON WAY, MAIDENHEAD

To consider the above report
(Pages 257 - 264)

COUNCIL MOTIONS – PROCEDURE

- Motion proposed (mover of Motion to speak on Motion)
- Motion seconded (Secunder has right to reserve their speech until **later** in the debate)
- Begin debate

Should An Amendment Be Proposed: (only one amendment may be moved and discussed at any one time)

NB – Any proposed amendment to a Motion to be passed to the Mayor for consideration before it is proposed and seconded.

- Amendment to Motion proposed
- Amendment must be seconded BEFORE any debate can take place on it
(At this point, the mover and seconder of original Motion can indicate their acceptance of the amendment if they are happy with it)
- Amendment debated (if required)
- Vote taken on Amendment
- If Agreed, the amended Motion becomes the substantive Motion and is then debated (any further amendments follow same procedure as above).
- If Amendment not agreed, original Motion is debated (any other amendments follow same procedure as above).

- The mover of the Motion has a right to reply at the end of the debate on the Motion, immediately before it is put to the vote.
- At conclusion of debate on Motion, the Mayor shall call for a vote. Unless the vote is unanimous, a named vote will be undertaken, the results of which will be announced in the meeting, and recorded in the Minutes of the meeting.

(All speeches maximum of 5 minutes, except for the Budget Meeting where the Member proposing the adoption of the budget and the Opposition Spokesperson shall each be allowed to speak for 10 minutes to respectively propose the budget and respond to it. The Member proposing the budget may speak for a further 5 minutes when exercising his/her right of reply.)

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**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 5,650m³ 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.

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 the discussion or vote at a meeting.** The speaking time allocated for Members to make representations is at the discretion of the Chairman of the meeting. In order to avoid any accusations of taking part in the discussion or vote, after speaking, Members should move away from the panel table to a public area or, if they wish, leave the room. 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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MAYOR'S COMMUNICATIONS

Since the last Council meeting the Deputy Mayor and I have carried out the engagements detailed below.

Meetings

- Met with the Commanding Officer of the Household Cavalry
- Windsor Old People's Welfare Association AGM
- Met with the Chief Executive of Berkshire Community Foundation
- Met Diana Roberts, Berkshire Area Fundraising Manager for Macmillan Cancer Support
- International Partners Towns Committee "Twinning"
- Charles Davis Trust
- WAMCF AGM
- Maidenhead Talking Newspaper AGM

Schools/Clubs/Community

- Relay for Life, Ascot
- Visited the En Plein Air event at Windsor Castle and presented prizes
- The launch of SANDS Baby Memorial Tree, Ray Mill Island, Maidenhead
- Participated in a recording for #MovingCan Campaign
- Launched "The Beach" at Norden Farm Centre for the Arts
- Visited Look Ahead, Wellesley House, Windsor
- Pulled the first pint at the Slough, Windsor and Maidenhead CAMRA Beer and Cider Festival
- Royal British Legion Maidenhead Branch Summer BBQ
- Visited the SWAMI Windsor Community Street Showcase
- Attended the King George's Day lunch and racing at Ascot Racecourse
- Attended the launch of the War Horse Purple Poppy at the England v USA polo match
- Church service and blessing of the silent soldier at All Saints Church, Maidenhead
- Welcomed the Ancient and Honourable Guild of Town Criers to Windsor for their national championships
- Attended a couple of citizenship ceremonies
- Hosted Afternoon Tea for winners of an auction prize at fundraising event for St Marks Methodist Church 2020 vision project
- Opened the Careers Fair in the Desborough Suite
- Attended Maidenhead Regatta
- Visited the Thames Punting Championships
- Visited the Windsor and Royal Borough Museum for tour and to meet the staff and volunteers
- Judged the WAM Volunteer Awards
- Attended the VIP launch of the refurbished Loch Fyne Restaurant
- Visited twin town of Goslar Germany for an itinerary of events including the Goslar Music Festival
- Presented the Arts Sports Bursary awards
- Visited Hurley Regatta and presented prizes

- Photocall at the War Horse, Ascot to launch Purple Poppy Day
- Visited Timbertown on Maidenhead Moor
- Visited and presented prizes at Littlewick Show
- Opened the sensory garden in Dedworth
- Visited the Old Windsor Handicraft, Produce and Horticultural Show
- Visited the fundraising fete in Datchet for neuroblastoma (children's cancer charity)
- Led the flagraising for Merchant Navy Day
- Joined the Watermen's Company for the Doggett's Coat and Badge Wager from St Katherine's Dock, London
- Toured the Windsor Lions cross country horseride course, Windsor Great Park
- Presented prizes at the WAMCF cricket tournament
- Opened the Older People's Advisory Forum
- Hosted Family Action Young Carers film event
- Attended the launch of Strawberry Grove, Maidenhead
- Welcomed participants to Windsor for World Clean Up Day
- Attended the Battle of Britain civic service
- Opening of "Margaret's Bridge", The Green Way/Oldfield School, Maidenhead
- Attended the centenary celebrations at Daniels store, Windsor in the presence of HRH Countess of Wessex
- Presented prizes at the Windsor Slough Chrysanthemum Fuchsia and Pelargonium Society Chrysanthemum, Dahlia and Vegetable Show, Gardeners Hall, Windsor
- Visited the Bray Keleher Water Treatment Works
- Windsor Fringe launch reception
- Maidenhead and Windsor Business Awards
- Hosted Coffee Morning in aid of Macmillan Cancer Support at the Town Hall, Maidenhead
- Unveiled a plaque in memory of Betty Marlow at Horton Village Hall
- Attended the funeral of former Mayoress, Mrs Margot Walters
- Attended the funeral of former Mayor, John Tryon

Concerts/Show

- Maidenhead Festival concert
- Montgomery Holloway Music Trust Students Summer Concert
- Visited Wrayfest (community music festival) in Wraybury
- Windsor Festival Concert

Report Title:	Members' Allowances Scheme – Proposed Amendments
Contains Confidential or Exempt Information?	No - Part I
Member reporting:	Councillor Dudley, Leader of the Council
Meeting and Date:	Full Council – 25 September 2018
Responsible Officer(s):	Elaine Browne, Interim Head of Law and Governance; Alison Alexander, Managing Director
Wards affected:	All

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REPORT SUMMARY

The Independent Remuneration Panel considers amendments to the Members' Allowances Scheme. This report sets out the Panel's recommendations, and if approved, the Constitution would be amended to include the new provisions for family-friendly leave.

1. DETAILS OF RECOMMENDATION(S)

RECOMMENDATION: That Full Council notes the report and considers proposals detailed in Appendix A by the Independent Remuneration Panel (IRP):

- i) The Basic Allowance should continue to be paid during any period of maternity, adoption or paternity leave, noting that any period of absence from qualifying meetings greater than six months would require special dispensation by Full Council.
- ii) For maternity and adoption leave, the Member to continue to receive SRA payments on the following basis:
 - Six weeks at 90% of actual SRA level
 - Twelve weeks at 50% of actual SRA level
- iii) For paternity leave, the Member to continue to receive SRA payments in full for a period of two weeks.
- iv) The principle of one SRA only per Member be retained.
- v) No qualifying period to apply for entitlement to receive either the Basic Allowance or SRA payments during a period of maternity, adoption or paternity leave.
- vi) If a Member chose to resign in the three month period following a return from maternity or adoption leave, they would be required to pay back the 12 weeks at 50% allowance.

- vii) If the individual ceased to be a Member in the three months following a return from maternity or adoption leave because they stood, but were not selected as a candidate by their party, or stood as a candidate in a local election but did not win their seat, they would not be required to repay the 12 weeks at 50% allowance.
- viii) Shared parental leave should only apply if both parents/legal guardians are Royal Borough councillors; the Basic allowance would continue to be paid whichever Member took the parental leave.
- ix) Shared parental leave does not apply to Special Responsibility Allowances unless, at the time of the child's birth or placement with a family, both Members receive a Special Responsibility Allowance of the same value. In this scenario the Members could chose to share the parental leave related to their SRAs.
- x) The definition of 'immediate family' in the Dependant's Carers' section of the scheme be clarified to include: spouse/partner, parent/legal guardian, sibling and grandparent (including 'step-' and 'half-' designations where relevant).
- xi) Changes to the scheme be made with immediate effect.
- xii) Given that costs as a result of maternity, adoption or paternity leave will be incurred on an ad hoc basis, delegated authority be given to the Head of Finance to add necessary funding to the Member Allowances budget as and when required to cover costs incurred.

2. REASON(S) FOR RECOMMENDATION(S) AND OPTIONS CONSIDERED

- 2.1 Local authorities are required to appoint an Independent Remuneration Panel (IRP) to advise Council on the terms and conditions of their Scheme of Members' Allowances. No changes can be made to the allowances scheme without Council paying regards to the recommendations of the IRP. The only exception is in relation to annual inflation adjustments and then only for up to four years without an IRP report.
- 2.2 The IRP has recommended a number of amendments to the Members' Scheme of Allowances, the reasons for which are detailed in the IRP report (Appendix A).

Options

Table 1: Options arising from this report

Option	Comments
Approve the recommendations of the IRP Recommended option	Members are required to pay regard to the recommendations of the IRP
Amend the recommendations	Members can endorse the recommendations in part or amend them as appropriate

Option	Comments
Do nothing	Members can decide not to accept any of the recommendations.

3. KEY IMPLICATIONS

3.1 N/A

4. FINANCIAL DETAILS / VALUE FOR MONEY

4.1 If the one SRA rule is maintained, as recommended by the IRP, the budget implications are limited to the additional payment of maternity or adoption leave for a fixed period of time. Example costs are shown in Table 2 below:

Table 2: Potential costs

Position	Allowance for full year	Maternity or adoption payments - 6 weeks at 90% plus 12 weeks at 50%
Cabinet/Principal Members	£12,215	£2,678
Deputy Lead Members	£2,443	£536
Chairman Development Management Panel	£6,107	£1,339
Chairman Overview & Scrutiny Panels	£6,107	£1,339

4.2 Given that costs as a result of maternity, adoption or paternity leave will be incurred on an ad hoc basis, the report recommends that delegated authority be given to the Head of Finance to add necessary funding to the Member Allowances budget as and when required to cover costs incurred.

5. LEGAL IMPLICATIONS

5.1 The Local Authorities (Members' Allowances) (England) Regulations 2003 require the council to:

(b) publish in one or more newspapers circulating in its area, a notice which –

- (i) states that it has received recommendations from an independent remuneration panel in respect of its scheme;
- (ii) describes the main features of that panel's recommendations and specifies the recommended amounts of each allowance mentioned in the report in respect of that authority

6. RISK MANAGEMENT

6.1 Table 3 details the impact of risk and mitigation.

Table 3: Impact of risk and mitigation

Risks	Uncontrolled risk	Controls	Controlled risk
Reputational risk if changes are made to the Members' Allowance Scheme without having paid regards to the recommendations of the IRP	MEDIUM	Council pays regards to recommendations of the IRP	LOW

7. POTENTIAL IMPACTS

- 7.1 Updating the scheme to clarify the duties for which Members can claim allowances will improve the efficiency of administering the process and reflects the council's transparency agenda.

8. CONSULTATION

- 8.1 As part of their deliberations, the IRP considered feedback and comments from Members, submitted by the Leader of the Council on behalf of the Conservative Group, and the Leader of the Opposition on behalf of the Not the Administration.

9. TIMETABLE FOR IMPLEMENTATION

- 9.1 The full implementation stages are set out in table 3.

Table 3: Implementation timetable

Date	Details
25/9/18	Full Council considers IRP recommendations
1/10/18	Members' Allowance Scheme in the constitution updated to reflect decisions of Full Council

10. APPENDICES

- 10.1 This report is supported by one appendix:
- Appendix A - The Ninth report of the Independent Remuneration Panel

11. BACKGROUND DOCUMENTS

- 11.1 This report is supported by one background document:
- The Local Authorities (Members Allowances) (England) Regulations 2003.

12. CONSULTATION (MANDATORY)

Name of consultee	Post held	Date sent	Date returned
Cllr Dudley	Leader of the Council	23/8/18	23/8/18
Cllr Targowska	Principal Member HR, Legal and IT	23/8/18	6/9/18
Alison Alexander	Managing Director	23/8/18	23/8/18
Rob Stubbs	Section 151 Officer	13/8/18	21/8/18
Elaine Browne	Interim Head of Law and Governance	13/8/18	23/8/18
Nikki Craig	Head of HR and Corporate Projects	13/8/18	17/8/18
Louisa Dean	Communications	23/8/18	12/9/18

REPORT HISTORY

Decision type: N/A	Urgency item? No	To Follow item? No
Report Author: Karen Shepherd, Service Lead – Information Governance and Democratic Services		

**A Review of
Members' Allowances
for the
Royal Borough of
Windsor & Maidenhead**

The Ninth Report

by the

**Independent Remuneration
Panel**

**Air Vice-Marshal Andrew Vallance
(Chairman)
Chris Stevens
Karnail Pannu**

July 2018

Introduction: The Regulatory Context

1. This report is a synopsis of the deliberations and recommendations made by the statutory Independent Remuneration Panel (IRP / the Panel) appointed by the Royal Borough of Windsor & Maidenhead to advise the Council on its Members' Allowances scheme.
2. The Panel was convened under *The Local Authorities (Members' Allowances) (England) Regulations 2003 (SI 1021)* (the 2003 Regulations) to make recommendations to the Council on a number of amendments to the scheme of Members' Allowances. These regulations, arising out of the relevant provisions in the *Local Government Act 2000*, require all local authorities to maintain an IRP to review and provide advice on the councils' Members' Allowance Scheme. All councils are required to convene their Independent Remuneration Panel and seek its advice before they make any changes or amendments to their Members' Allowances Scheme and they must 'pay regard' to the Panel's recommendations before setting a new or amended Members' Allowances Scheme. This is in the context whereby Full Council retains powers of determination regarding Members' allowances, both the levels and scope of remuneration and other allowances/reimbursements.

Terms of Reference

3. The Panel was convened on 25 July 2018 to consider:
 - Payment of Basic and Special Responsibility Allowances during periods of maternity, adoption or paternity leave
 - The definition of 'immediate family' in relation to Dependant's Carers' Allowance

The Panel

4. The Panel comprised:
 - Air Vice-Marshal Andrew Vallance CB OBE MPhil FRAeS
 - Served in the RAF for 38 years, and from December 2004 to February 2017 was Secretary of the UK's Defence Press and Broadcasting Advisory Committee (now known as the Defence and Security Media Advisory Committee). He is the Chairman of the Services' Sound and Vision Corporation and is actively involved in his local church of St Michael and All Angels, Sunninghill, in addition to several local charitable bodies.
 - Chris Stevens
 - Was born in Sunningdale, schooled at Windsor Grammar and has lived in Windsor for the past 36 years. He worked at The Sun for 30 years where he was Assistant Editor, and is now Senior Sub-Editor at the Daily Mail. Married with two daughters,

he is a keen supporter of the Alexander Devine Children's Hospice Service.

- Karnail Pannu
 - Chairperson of Windsor and Maidenhead Community Forum, President of the local Sikh temple and a governor of Newlands Girls' School. He has served as member of Housing Solutions, the Royal Borough's Standards Board as independent member for 18 years, a governor of East Berks College and Berkshire College of Agriculture for 8 years each. He taught for 37 years in Buckinghamshire.
- 5. The Panel was supported by Karen Shepherd, Service Lead – Information Governance and Democratic Services at the Royal Borough of Windsor & Maidenhead.
- 6. The Panel was addressed by Nikki Craig, Head of HR and Corporate Projects, and Elaine Browne, Interim Head of Law and Governance at the Royal Borough of Windsor and Maidenhead. The written report presented to the Panel included comments, questions and feedback from Members, submitted by the Leader on behalf of the Conservative Group, and by the Opposition Group Leader on behalf of Not the Administration.

Background

- 7. In July 2017 the Local Government Commission, with support from the Fawcett Society, published a report entitled '[Does local government work for women?](#)', looking at the representation of women in elected roles and identifying ways in which representation could be improved. One area that was identified was the provision for elected Members to take maternity and other types of family friendly leave.
- 8. The Panel noted that, at present, around 20% of elected Members at the Royal Borough were female. With council elections scheduled for 2019, consideration needed to be given to action that the council could take to encourage diversity amongst future candidates. The only current family friendly provision for elected Members in the Royal Borough was the Dependants' Carers' Allowance for childcare or care for dependants on social/medical grounds to enable members to perform an 'Approved Duty'.
- 9. The Panel noted that a review of the available elected Member family friendly provision policies adopted by other council's had identified in all cases that:
 - Leave was given to elected Members on the same basis as employees
 - Payment of the elected Members' Basic Allowance continued for the period of absence

10. However, the arrangement for the payment of the Special Responsibility Allowances varied across local authorities and included it being :
- Not paid
 - Paid in line with employee entitlements
 - Paid for the whole leave period
11. The Panel noted the current leave and pay entitlements for paid family friendly leave for employees of the Royal Borough (Table 1):

Table 1: RBWM Employee family friendly leave and pay provisions

Type of leave	Duration entitlement	Pay entitlement	Qualifying criteria
Maternity/adoption	Up to 52 weeks.	39 weeks statutory maternity pay only.	Less than 26 weeks continuous local government service.
Maternity/adoption	Up to 52 weeks.	<ul style="list-style-type: none"> • Six weeks at 90% of actual pay • 12 weeks at half pay plus statutory maternity pay • 21 weeks at statutory maternity pay only. • Must return for minimum of three months to qualify for half pay. 	More than 26 weeks continuous local government service.
Paternity	Two weeks.	Full pay.	40 weeks continuous service at expected week.

Findings and Recommendations

12. The Panel, whilst noting that Elected Members were not employees, were of the opinion that the entitlement for employees was the most suitable comparator available and therefore took this into account in their deliberations.

Basic Allowance during periods of maternity, adoption and paternity leave

13. The Panel considered the payment of the Basic Allowance during periods of maternity, adoption and paternity leave.
14. The Panel were of the opinion that the Basic Allowance should continue to be paid during any period of maternity, adoption or paternity leave, given

the Member in question would continue to undertake Ward-related work on behalf of their constituents.

15. The Panel noted that any period of absence from qualifying meetings greater than six months required special dispensation by Full Council.
16. **RECOMMENDATION 1: The Panel recommends that the Basic Allowance should continue to be paid during any period of maternity, adoption or paternity leave, noting that any period of absence from qualifying meetings greater than six months would require special dispensation by Full Council.**

Special Responsibility Allowances during periods of maternity, adoption and paternity leave

17. The Panel considered the payment of Special Responsibility Allowances during periods of maternity, adoption and paternity leave.
18. The Panel were of the opinion that, as the most suitable comparator, the entitlements for employees should be reflected in the scheme for Members, therefore payments should be made as detailed in Table 2:

Table 2: Member SRA payments for maternity, adoption and paternity leave

Type of leave	SRA entitlement
Maternity/adoption	<ul style="list-style-type: none"> • Six weeks at 90% of actual SRA level • Twelve weeks at 50% of actual SRA level
Paternity	<ul style="list-style-type: none"> • Two weeks at 100% of actual SRA level

19. **RECOMMENDATION 2: The Panel recommends that:**
- i) **For maternity and adoption leave, the Member to continue to receive SRA payments on the following basis:**
- **Six weeks at 90% of actual SRA level**
 - **Twelve weeks at 50% of actual SRA level**
- ii) **For paternity leave, the Member to continue to receive SRA payments in full for a period of two weeks**
20. The Panel noted that if a Member receiving a SRA took maternity, adoption or paternity leave for a sufficient period of time to require another Member to undertake the role, a replacement could be appointed as follows:
- Member of Cabinet – replacement appointed by the Leader
 - Chairman of O&S Panel – replacement appointed by the relevant O&S Panel
 - Chairman of other Committee, Panel or Forum – replacement appointed by Full Council

The Panel noted that for short periods of time, the Chairmanship of a Panel, Committee or Forum could be undertaken by the Vice Chairman, without any impact on SRAs.

21. The Panel took into consideration that the current Members' allowance scheme included the principle that an elected Member could only receive payment of one SRA, even if they were undertaking more than one role that attracted such an allowance; in this instance they received the highest SRA only.
22. The Panel considered whether an exception should be made to allow the Member appointed to cover the role temporarily vacated by the Member on maternity, adoption or paternity leave, to receive more than one SRA for this period (if they already held an SRA position). The Panel took into consideration that in relation to maternity or paternity leave this would be for a fixed period only. The Panel noted example additional costs to the Members' budget if the one SRA rule were to be dis-applied for this element of the Members' Allowance Scheme (Table 3):

Table 3: Example costs if the one SRA rule were dis-applied

Position	SRA for full year	6 weeks at 90% plus 12 weeks at 50%
Leader of the Council	£24,428	£5355
Cabinet/Principal Members	£12,215	£2,678
Deputy Lead Members	£2,443	£536
Chairman Development Management Panel	£6,107	£1,339
Chairman Overview & Scrutiny Panels	£6,107	£1,339

23. The Panel recalled its discussion during the full review of the Members' Allowance Scheme undertaken in 2015, subsequent discussions in 2017 during an interim review, and the conclusion that the principle of any Member being eligible to receive only one SRA should remain.
24. The Panel noted that approximately 80% of councils applied the one SRA only rule. However, it was purely an internal rule and the 2003 Regulations did not prohibit the number of SRAs a Member may be paid.
25. The Panel noted there were a number of reasons why the rule was normally adopted, including: transparency, to avoid the anomalous situation where a councillor could receive more in allowance payments than the Leader, or to prevent the concentration of SRAs in the hands of a small group of Members.
26. The Panel expressed significant concern that allowing the principle to be disregarded for this element of the scheme could attract negative publicity, would set a precedent, and could encourage further requests for multiple SRA payments, thereby undermining a fundamental principle of the scheme.
27. **RECOMMENDATION 3: The Panel recommends that the principle of one SRA only per Member be retained.**

Qualifying periods

28. The Panel noted that employees were required to have a minimum of 26 weeks continuous local government service before being eligible for any entitlement (other than statutory maternity/adoption pay) and a minimum of 40 weeks continuous service at expected week before being eligible for paternity pay.
29. The Panel considered whether a qualifying period of service should apply for Members. The Panel concluded that as the aim was to increase diversity, no qualifying period should apply.
30. The Panel noted that employees receiving maternity pay were required to return to work for a minimum of three months to qualify for the period of 50% entitlement. The Panel considered whether a similar rule should apply to Members.
31. The Panel concluded that if a Member chose to resign in the three month period following a return from maternity or adoption leave, they should be required to pay back the 50% allowance, thereby mirroring the rules for employees. If the individual ceased to be a Member in the three months following a return from maternity leave because they stood, but were not selected as a candidate by their party, or stood as a candidate in a local election but did not win their seat, they would not be required to repay the 50% allowance.

32. RECOMMENDATION 4: The Panel recommends that:

- i) **No qualifying period to apply for entitlement to receive either the Basic Allowance or SRA payments during a period of maternity, adoption or paternity leave.**
- ii) **If a Member chose to resign in the three month period following a return from maternity or adoption leave, they would be required to pay back the 12 weeks at 50% allowance.**
- iii) **If the individual ceased to be a Member in the three months following a return from maternity or adoption leave because they stood, but were not selected as a candidate by their party, or stood as a candidate in a local election but did not win their seat, they would not be required to repay the 12 weeks at 50% allowance.**

Shared Parental Leave

33. The Panel considered whether shared parental leave should be covered by the Members' Allowance Scheme. It was noted that shared parental leave allowed employees to share up to to 50 weeks of leave and up to 37 weeks of pay in the first year after a child was born or placed with a family, subject to various eligibility criteria.
34. The Panel noted that as Members were not employees, it would not be possible to share leave between a Member of a local authority and an employee of a private company, or between Members of differing local authorities. The only scenario in which shared parental leave could apply

- would be if both parents/legal guardians were Members of the Royal Borough.
35. The Panel therefore concluded that shared parental leave should be available if both parents/legal guardians were Royal Borough councillors. In this scenario, both Members would continue to receive the Basic Allowance no matter which took parental leave.
36. In relation to SRAs however, unless both Members received an SRA of the same amount, only the Member in receipt of the SRA would be eligible for continued SRA payments (at the reduced levels detailed above in Recommendation 2) if they took leave.
37. **RECOMMENDATION 5: The Panel recommends that:**
- i) **Shared parental leave should only apply if both parents/legal guardians are Royal Borough councillors; the Basic allowance would continue to be paid whichever Member took the parental leave.**
 - ii) **Shared parental leave does not apply to Special Responsibility Allowances unless, at the time of the child's birth or placement with a family, both Members receive a Special Responsibility Allowance of the same value. In this scenario the Members could chose to share the parental leave related to their SRAs.**

Definition of 'immediate family' in relation to the Dependants' Carer's Allowance

38. The Panel considered a request to clarify the definition of 'immediate family' contained in the scheme in relation to the Dependants' Carers' Allowance (specific extract below):

Councillors wishing to claim the allowance will need to complete a Dependants' Carers' Allowance claim form and sign a declaration that states:

- *the carer provided a babysitting/carer service to the Member in order that the Member could attend the meetings listed in the claim.*
 - *the carer is 16 years of age or over and not an immediate member of the claimant's family or person residing with the Councillor who has provided the care.*
39. The Panel noted that there was no equivalent entitlement for employees to claim back costs of childcare / carer services to enable them to undertake their role. The only entitlement related to time off to deal with a specific emergency situation in relation to the care of a child or other dependent.
40. The Panel noted a specific request had been made that a grandparent would not be considered 'immediate family' under the scheme and could therefore receive payment for childcare or carer services that could then be claimed back by the Member
41. The Panel were of the view that the council could be criticised for payments to family members such as grandparents as it could be perceived that a councillor was 'employing' the family member, albeit for

- the provision of childcare / dependant's care only.
42. The Panel were therefore of the opinion that 'immediate family' in the context of the scheme should include spouse/partner, parent/legal guardian, sibling and grandparent (including step- and half- designations where relevant). Payments to such individuals could therefore not be claimed back by Members
43. **RECOMMENDATION 5: The Panel recommends that the definition of 'immediate family' in the Dependant's Carers' section of the scheme be clarified to include: spouse/partner, parent/legal guardian, sibling and grandparent (including 'step-' and 'half-' designations where relevant).**

Implementation

44. The Panel were of the opinion that any changes to the scheme should be made with immediate effect following consideration by Full Council on 25 September 2018, to support the recruitment of candidates for local elections scheduled for May 2019.
45. **RECOMMENDATION 6: The Panel recommends that, following consideration of the IRP's recommendations by Full Council on 25 September 2018, any changes to the scheme be made with immediate effect.**

Report Title:	Constitutional Amendments
Contains Confidential or Exempt Information?	NO - Part I
Member reporting:	Councillor Dudley – Leader of the Council
Meeting and Date:	Council 25 September 2018
Responsible Officer(s):	Alison Alexander, Managing Director Mary Severin, Monitoring Officer
Wards affected:	All

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REPORT SUMMARY

1. At the Council meeting on 26 June 2018 it was resolved to adopt a new Constitution including changes to the Member Code of Conduct and Complaints process, and a new Employment and Members Standards Panel to oversee Member Code of Conduct complaints. Approval was also made at the same meeting to adopt a Partnership Protocol and Members' Social Media Protocol. The Council resolved that these changes were to come into effect in May 2019 following the local elections.
2. The proposal in this report is to bring this forward so that they come into effect on the date of this meeting, 24 September 2018, instead of May 2019. There are no other changes proposed for the rest of the Constitutional changes agreed on 26 June 2018 which will still come into force in May 2019. There are no key financial implications for the Council associated with the changed date. It should be noted that only the date implementation of these documents is being changed, and not the documents themselves.
3. The current proposal will effectively rescind that part of the decision made on 26 June 2018 to adopt the changes for Code of Conduct complaints, the Social Media Protocol and the Partnerships Protocol in May 2019. As this decision was made less than six months ago, there is a rule, at Chapter C16.1 of the Constitution that the notice of this motion cannot be moved unless it is signed by fifteen Members. Fifteen Members have signed the notice of Motion:
Councillors Dudley, Bicknell, Coppinger, N Airey, Saunders, S Rayner, Rankin, D Evans, Carroll, Grey, Bateson, Targowska, Hilton, McWilliams and Story.

1. DETAILS OF RECOMMENDATION(S)

RECOMMENDATION: That Full Council notes the report and approves the date of 24 September 2018 for bringing into effect changes to:

- i. Member's Code of Conduct and Complaints process, including the new Employment and Members Standards Panel, see Appendix 1 and 2.
- ii. Adoption of the Members' Social Media Protocol, see Appendix 3.
- iii. Adoption of the Partnership Protocol, see Appendix 4.

iv. Delegate to the Monitoring Officer (in consultation with the Principal Member for HR, Legal and IT) to make minor editorial and consequential changes to other parts of the existing Constitution to ensure consistency with the new changes.

2. REASON FOR RECOMMENDATION AND OPTIONS CONSIDERED

- 2.1 The Council decided in June 2018 that there should be Member input into Code of Conduct decisions, rather than for the Monitoring Officer to make decisions. There has also been an increase in use of Social Media and the Council decided to adopt a Social Media Protocol to give Members better access to agreed guidance. Finally, bringing forward adoption of the Partnership Protocol will enable better information on current partnerships via a dedicated web page again at a time of increased political activity.
- 2.2 The Council’s reasons for adopting the relevant parts of the Constitution remain valid. However, it is clear that the Council would benefit in bringing forward some changes in the Constitution early to assist the Council, Members and officers. It is not necessary to wait until May 2019 and the Council would see an immediate benefit to adopting the agreed procedures and protocols.
- 2.3 The report recommends delegating authority to make minor editorial and consequential changes to other parts of the Constitution so the early adoption of parts of the Constitution remain consistent with the current version. The changes will simply reflect that already approved by Council on 26 June 2018

Options

Table 1: Options arising from this report

Option	Comments
Approve the changes Recommended option	The approval of bringing the date forward for these changes to the Constitution will promote better guidance for Social Media, better information for Partnerships and facilitate a more formalised Code of Conduct decision making process at a time of increased political activity
Modify the changes proposed and approve modified changes	Members may wish to propose alternative dates for bringing in these changes.
Do not approve the changed date and keep the current arrangement for bringing in the changes in May 2019	Members will have less certainty for Code of Conduct decision making. Information for guidance on Social Media, and Partnerships will be more limited at a time of high political activity

3. KEY IMPLICATIONS

Table 2: Key Implications

Outcome	Unmet	Met	Exceeded	Significantly Exceeded	Date of delivery
Consider the proposal and where agreed, bring forward changes to the Constitution as described from May 2019 to 24 September 2018	Do not amend the date for adoption of the changes to the Constitution	Amend the date of the changes to the Constitution	n/a	n/a	24 th September 2018

4. FINANCIAL DETAILS / VALUE FOR MONEY

4.1 There are no financial implications.

5. LEGAL IMPLICATIONS

5.1 There are no legal implications

6. RISK MANAGEMENT

6.1 There are no relevant risks.

7. POTENTIAL IMPACTS

7.1 There are no potential impacts with regard to the change of date for implementation of the approved changes made on 26 June 2018.

8. CONSULTATION

8.1 Extensive consultation on the substance of the changes took place during April and May 2018 including a cross-party Member working group and multiple all-Member briefings; as this proposal is only changing the date of implementation of some of those changes, it is considered that no further consultation is necessary.

9. TIMETABLE FOR IMPLEMENTATION

9.1 Implementation date: Immediately.

10. APPENDICES

10.1 This report is supported by four appendices:

- Appendix 1: Terms of Reference for Employment and Members Standards Panel (Part 6, B2 in the Constitution)
- Appendix 2: Members Code of Conduct (Part 7 of the Constitution)
- Appendix 3: Members' Social Media Protocol (Part 7, I of the Constitution)
- Appendix 4: Partnership Protocol (Part 7, J of the Constitution)

11. BACKGROUND DOCUMENTS

12. CONSULTATION (MANDATORY)

Name of consultee	Post held	Date sent	Date returned
Cllr. Dudley	Leader of the Council	30/8/18	30/08/18
Cllr Targowska	Principal Member for HR, Legal and IT and Chair of the Constitution Sub Committee	03/09/18	06/09/18
Alison Alexander	Managing Director	30/8/18	30/08/18
Rob Stubbs	Section 151 Officer	03/09/18	04/09/18
Elaine Browne	Head of Law and Governance	03/09/18	04/09/18
Nikki Craig	Head of HR and Corporate Projects	03/09/18	05/09/18
Louisa Dean	Communications	03/09/18	
Russell O'Keefe	Executive Director	03/09/18	
Andy Jeffs	Executive Director	03/09/18	04/09/18
Kevin McDaniel	Director of Children's Services	03/09/18	14/9/18
Hilary Hall	Deputy Director of Commissioning and Strategy	03/09/18	04/09/18

REPORT HISTORY

Decision type:	Urgency item?	To Follow item?
Non-key decision	No	No
Report Author: Mary Severin, Monitoring Officer tel: 07827311666		

Appendix 1 of Agenda

**PART 6 - TERMS OF REFERENCE OF ALL
OTHER COMMITTEES, PANELS AND
OTHER BODIES OF THE COUNCIL**

**TERMS OF REFERENCE FOR FORUMS, PANELS
AND COMMITTEES**

Contents

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B) REGULATORY

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B2 Employment and Member Standards Panel

B2.1 Purpose

In relation to the officers or employees of the Council:

- (i) To approve any payment of discretionary monies to an employee or group of employees (including pension costs) (other than that contractually due under a contract of employment or stated under any employment policy) where such payment is in excess of £25,000 (whether singularly or collectively).
- (ii) To consider representations on employment relation matters from recognised Trade Unions.
- (iii) To approve new or significant changes to employment policies for staff.
- (iv) To approve significant revisions to staffing, in the case of five or more employees where the total costs (including redundancy and pension costs), is more than £25,000, or where there are changes to the number and functions of the Council's directorates or any other significant changes of a similar magnitude, (subject where appropriate to consultation with the Trade Unions and other similar organisations involved).
- (v) To determine arrangements for the appointment and conditions of service of the Managing Director (who is appointed, on recommendation, by Council) and the Directors and Heads of Service in accordance with Part 8B.
- (vi) To monitor the cost effectiveness of Human Resources management across the Council's services.
- (vii) To determine the Council's Pay and Benefits Policy and annual pay awards under the Council's local schemes.
- (viii) To establish and monitor Corporate Health and Safety policies for the Council.
- (ix) To establish and monitor Equal Opportunities policies for the Council.
- (x) To establish and monitor the Council's training and staff development policies.
- (xi) To consider employment implications arising from i-x for alternative employment arrangements (including Local Authority Trading Company or Community Interest Company) to deliver services (including pensions) delegated from Council or Cabinet.

In relation to the members of the Council:

- (xiii) To promote and maintain high standards of conduct by Members, co-opted Members, including church and parent governor representatives;
- (xiv) to assist Members, co-opted members, including church and parent governor representatives, to observe the Members' Code of Conduct;
- (xv) To recommend to the Council on the adoption or revision of its Members' Code of Conduct;
- (xvi) To monitor the operation of the Members' Code of Conduct, the Officers' Code of Conduct and the Council's Whistleblowing policy and any other appropriate codes of conduct and procedures;
- (xvii) advising, training or arranging to train Members, co-opted members and church and parent governor representatives on matters relating to the Members' Code of Conduct;
- (xviii) To present an annual report to Council on Member Standards by the Chairman of the Employment and Members Standards Panel.

B2.2 Membership

8 Members

B2.3 Quorum

3 Members

B2.4 Frequency

6 per annum

B3 Employment Appeals Subcommittee

B3.1 Purpose

To determine officer Disciplinary and Grievance Appeals in accordance with the Council's HR procedures

B3.2 Membership

3 selected from the existing Members (including substitutes) of the Employment and Members Standards Panel

B3.3 Quorum

3 Members

B3.4 Frequency

As required

B4 Member Standards Subcommittee

B4.1 Purpose

To determine breaches of the Members Code of Conduct in accordance with the procedure in Part 7A

B4.2 Membership

5 selected from the existing Members (including substitutes) of the Employment and Members Standards Panel

B4.3 Quorum

3 Members

B4.4 Frequency

As required

Appendix 2 of Agenda

PART 7 – THE CODES, PROTOCOLS AND ADVICE

A – MEMBERS’ CODE OF CONDUCT

Royal Borough of Windsor & Maidenhead Code of Conduct

Conduct expected of members and co-opted members of the authority when acting in that capacity

You, as a member of the Royal Borough of Windsor and Maidenhead shall have regard to the following principles: selflessness, integrity, objectivity, accountability, openness, honesty and leadership.

When acting in your capacity as a Member or co-opted Member:

- i) You must act solely in the public interest and should never improperly confer an advantage or disadvantage on any person or act to gain financial or other material benefits for yourself, your family, a friend or close associate.
- ii) You must not place yourself under a financial or other obligation to outside individuals or organisations that might seek to influence you in the performance of your official duties.
- iii) When carrying out your public duties you must make all choices, such as making public appointments, awarding contracts or recommending individuals for rewards or benefits, on merit.
- iv) You are accountable for your decisions to the public and you must co-operate fully with whatever scrutiny is appropriate to your office.
- v) You must be as open as possible about your decisions and actions and the decisions and actions of your authority and should be prepared to give reasons for those decisions and actions.
- vi) You must declare any private interests, both pecuniary and non-pecuniary, that relate to your public duties and must take steps to resolve any conflicts arising in a way that protects the public interest, including registering and declaring interests in a manner conforming with the procedures set out in the Appendices below.
- vii) You must, when using or authorising the use by others of the resources of your authority, ensure that such resources are not used improperly for political purposes (including party political purposes) and you must have regard to any applicable Local Authority Code of Publicity made under the Local Government Act 1986.
- viii) You must promote and support high standards of conduct when serving in your public post, in particular as characterised by the above requirements, by leadership and example.
- ix) You must not act in a way which a reasonable person would regard as bullying, or in any way which is intimidating to others.

- x) Councillors must not behave in such a way that a reasonable person would regard as disrespectful to others. You should encourage and foster respect in others.

- xi) Councillors must not knowingly disclose information which they believe, or ought reasonably be aware, is confidential or where disclosure is prohibited by law, unless they have the consent of the person authorised to give it, or they are required by law to do so.

This Code of Conduct is supplemented by the provisions of Appendix 1 to 7

Appendix 1

Registering and Declaring pecuniary and personal interests (s.30 Localism Act 2011)

You must, within 28 days of taking office as a Member or co-opted Member, notify your authority's monitoring officer of any disclosable pecuniary interest ('DPIs') as defined by regulations made by the Secretary of State, where the pecuniary interest is yours, your spouse's or civil partner's, or is the pecuniary interest of somebody with whom you are living with as a husband or wife, or as if you were civil partners. The definition of DPIs is in Appendix 6.

In addition, you must, within 28 days of taking office as a Member or co-opted Member, notify your authority's Monitoring Officer of any Personal Interest as defined in Appendix 6.

If any DPI or Personal Interest has not been entered onto the authority's Register of Interests, then the Member must disclose the interest to any meeting of the authority at which they are present, where they have an interest in any matter being considered and where the matter is not a Sensitive Interest as defined in Appendix 6.

Following disclosure of any interest not on the authority's Register of Interest or the subject of a pending notification, you must notify the Monitoring Officer of the interest within 28 days beginning with the date of disclosure in order that it may be placed on the Register of Interests.

You must, within 28 days of receipt, notify the Monitoring Officer, in writing, of any gift, benefit or hospitality, with a value in excess of £25, which will then be entered on the public register of gifts and hospitality.

A copy of the register will be available for public inspection and will be published on the authority's website.

Appendix 2

Disclosure of interests and participation in meetings. (s.31 Localism Act 2011)

Disclosure at Meetings

You are required to disclose interests at meetings when you are aware that you have either:

- (a) A DPI or a Personal Interest which is relevant to the matter being considered; or
- (b) A Personal Interest or a DPI which is not on your Register of Interests;

You are not required to (but can do so if you wish) disclose any other type of interest that you may have. If in doubt, it is always better to disclose an interest than not do so as the Council places a high value upon its public reputation for integrity.

Participation for Decision Makers at Meetings

If you attend a meeting as a decision maker and have:

- (a) DPI which is relevant to the matter under discussion; or
- (b) a Prejudicial Interest;

then you must not participate in any debate of the matter and/or participate in any vote at the meeting, unless you have obtained a Dispensation.

Please see Appendix 6 for guidance on these terms. Appendix 3 states how you can obtain a Dispensation.

If you have a DPI or Prejudicial Interest (and do not have a Dispensation) as described then you must:

- (a) Declare the interest at the start of the meeting when the Chairman asks if there are any interests to declare; and
- (b) Before the item is to be discussed, you may make representations before there is debate on the matter but, when finished, you must move to the public area or leave the room and take no further part in the discussion or vote.

You cannot avoid disclosure of a DPI or Prejudicial Interest merely by withdrawing during that part of the meeting when the matter you have a DPI or Prejudicial Interest, is to be discussed. In respect to a DPI, failure to comply is a Criminal Offence.

If you remain in the room, you must not sit with the other members of the meeting and must move to the public area. You must not speak after making your representations. It is also important that you do not express your views in a non-verbal way, for example by using body language or expressing emotion.

Appendix 3

How to obtain a Dispensation

If you seek a Dispensation, you must make a written request to the Relevant Officer of the Council.

The Council may grant a dispensation under this section only if, after having had regard to all relevant circumstances, the authority—

- (a) considers that without the dispensation the number of persons from participating in any particular business would be so great a proportion of the body transacting the business as to impede the transaction of the business,
- (b) considers that without the dispensation the representation of different political groups on the body transacting any particular business would be so upset as to alter the likely outcome of any vote relating to the business,
- (c) considers that granting the dispensation is in the interests of persons living in the Royal Borough of Windsor and Maidenhead.
- (d) if it is an authority to which Part 1A of the Local Government Act 2000 applies and is operating executive arrangements, considers that without the dispensation each Member of the authority's executive would be prohibited from participating in any particular business to be transacted by the authority's executive, or
- (e) considers that it is otherwise appropriate to grant a dispensation.

A dispensation under this section must specify the period for which it has effect, and the period specified may not exceed four years.

The Relevant Officer is the Managing Director or in substitute the officer clerking the meeting.

Appendix 4

Arrangements for dealing with breaches of the Code of Conduct

Complaints in respect of this Code are made to the Monitoring Officer.

1. Receipt and Acknowledgment of the Complaint

When a complainant makes a complaint they will receive:

- An acknowledgment within 3 working days.
- An initial response within 10 working days setting out how the Council will consider the complaint and the likely timescale for resolution.
- The complainant will be told that full details of their complaint will be given to the Councillor concerned ('the Subject Member').
- Anonymous complaints will not be considered unless accompanied by documentary or photographic evidence, evidencing an exceptionally serious or significant matter. If the Subject Member is a Parish or Town Councillor, the clerk will be informed of the complaint on a confidential basis, where it is a Parish or Town Council matter.

2. Response of the Subject Member

The Subject Member will be informed of the complaint within 3 working days of the complaint being received. The Subject Member will be asked to supply written comments within 15 working days from the complaint being received.

3. Initial Assessment of the complaint by the Monitoring Officer

The purpose of the initial assessment by the Monitoring Officer, in consultation with an Independent Person where appropriate, is to determine whether the complaint should be accepted for further consideration or rejected. In determining whether a complaint should proceed the Monitoring Officer may apply the following criteria:

- Sufficiency of information – Is there sufficient information or evidence provided with the allegation? If it appears that substantiating evidence may be available, but has not been provided, the Monitoring Officer may ask for additional evidence, but the onus is on the complainant to ensure that all relevant information is provided.
- Seriousness of the complaint – is the complaint trivial, vexatious, malicious, politically motivated, or 'tit for tat'? Would the resources/cost involved in investigating and determining the complaint be disproportionate to the allegation if proven?
- Duplication – Is the complaint substantially similar to a previous allegation or subject of an investigation by another relevant authority?
- Length of time – Did the events or behaviour to which the complaint relates take place more than six months prior to receipt of the complaint. Does the time lapse mean that those involved are unlikely to remember matters clearly, or does the lapse of time mean that there would be little benefit in taking action
- Public Interest – Is the public interest served in referring the complaint further. Has the Subject Member offered an apology or other remedial action?

The Complainant and the Subject Member will normally be informed by the Monitoring Officer of the initial assessment decision within 20 working days of it being made. Should it

be determined by the Monitoring Officer, in consultation with an Independent Person where appropriate, that the complaint should not proceed, then the complaint shall be dismissed. There is no right of appeal for the Complainant to the Council.

4. Initial Decision of the Monitoring Officer

Should it be determined, having regard to the criteria referred to in section 3 above, that the complaint be accepted for further consideration, the Monitoring Officer shall, subject to consultation with an Independent Person, have delegated authority to decide to take one of the following actions:

- Take no action if there is clear evidence that there has been no breach of the Code of Conduct. Nothing further will be required from the Subject Member and the matter will be closed.
- Where there has been a clear breach of the Code of Conduct, move to section 5.2 below.
- Where there has possibly been a breach of the Code of Conduct, to require a formal investigation and a written investigation report by an Investigating Officer. An indicative timescale for the process should be given to the Complainant and the Subject Member. At least a monthly update report will be provided to all parties in an ongoing investigation. The investigation report shall conclude whether there has been a breach of the Code of Conduct and give clear reasons for that conclusion. Copies of the investigation report will be provided in confidence to the Independent Person, and the Subject Member.

5. Finding on Investigation

5.1 No Breach of Code of Conduct

Where an investigation finds no evidence that the Subject Member has failed to comply with the Code of Conduct, the Monitoring Officer, in consultation with an Independent Person and the Chairman of the Employment and Members Standards Panel, shall make a decision to take no further action. The Subject Member and the complainant will both be informed. The Parish or Town Clerk, if appropriate, will be informed that there is no breach, but no further information will be supplied. There will be no appeal.

5.2 Breach of Code of Conduct

Where there is evidence that the Subject Member has failed to comply with the Code of Conduct, the Monitoring Officer, in consultation with an Independent Person and the Chairman of the Employment and Members Standards Panel, shall make a decision to:

- a) resolve the matter informally by asking the Subject Member to (i) take part in mediation with the complainant in order to settle the complaint, provided both the Subject Member and the Complainant are willing to do so, and/or (ii) make a written apology to the Complainant which is acceptable to the Monitoring Officer and Chairman of the Employment and Members Standards Panel, and/or (iii) attend training and/or (iv) correct an entry in a register or correct a declaration made;

OR

- b) refer the Investigating Officer's report to a Members Standards Subcommittee. The Members Standards Subcommittee will conduct a local hearing following the procedure Appendix 5 of this Part, and make a decision in accordance with paragraph 2.2 of Appendix

The Member's Standards Subcommittee will usually hear a complaint within two calendar months of the date that the Monitoring Officer has referred the matter to the Subcommittee.

The Subject Member and Complainant will be informed of the decision.

6. Sanction

If the Monitoring Officer or the Member's Standards Subcommittee has decided that there has been a breach of the Code of Conduct, the Monitoring Officer shall within 15 working days from the date of decision refer the matter to the Subject Member's Group Leader or his or her deputy, or Chairman or his or her Deputy if a parish or Town Councillor, with a recommendation for sanction e.g. removal from a panel or submitting a formal apology.

The Subject Member's Group Leader, or Chairman if a parish or Town Councillor will have a further 15 working days to respond to the recommendation, and to prepare a statement to be placed on the council website.

If the allegation appears to involve criminal activity, the Monitoring Officer will refer the matter to the police at any stage in this process they believe appropriate.

7. Support, Appeals and Transparency

7.1 Support to Subject Members during an Investigation

The Council will support Subject Members during the complaint investigation process as follows:

a. Independent Person: Subject Members can seek support from one of the Independent Persons (not the Independent person who is consulted by the Monitoring Officer) with regard the complaint.

b. Legal Support: The Council will provide reasonable financial support to allow Subject Members to seek any reasonable legal advice to defend (i) proceedings for criminal acts alleged as part of your role as Councillor, or (ii) any allegation of a breach of the Code of Conduct. Subject Members will be required to sign an agreement with regard to legal support before engaging any legal support.

Any criminal acts must occur in the course of the Subject Member's duties as a Councillor. They must notify the Council's insurance manager before seeking legal advice. The advice and legal costs must be appropriate to the complaint. Subject Members will be required to immediately repay back all monies to the Council if they are convicted of a criminal offence or have failed to comply with the Code of Conduct.

7.2 Appeals

There is no right to appeal under the Code of Conduct and the decision of the Monitoring Officer or the Member's Standards Subcommittee will be final. However, Subject Members may make a statement about the complaint and the findings. This statement shall be published on the Council's website for the period stated in Transparency section below.

If the Subject Member, is unhappy with this decision, he or she may write to the Local Government Ombudsman to complain. They will also help complainants who are unhappy

with the decision, provided they are not themselves Councillors. The Local Government Ombudsman acts as an independent 'referee' in disputes between individuals and their local councils. The Ombudsman is appointed by Government to investigate complaints against local authorities.

7.3 Transparency

The decision of the Monitoring Officer or Members Standards Subcommittee will be sent to the Subject Member and the Complainant. The decision will be published on the Council's website once period (of up to 30 days) in section 6 of this Appendix has expired. The decision will be publicised for the following period:

- (a) No Breach of Code – 3 months
- (b) Breach of Code – 24 months (or such shorter period if the Subject Member is no longer a Member of the Council).

Unless the Monitoring Officer determines otherwise, the decision notice, the Group Leader/Chairman's statement and the Subject Member's statement only will be published on the website.

Appendix 5

1 Procedure for Members Standards Subcommittee

1.1 Appointment, Composition and Terms of Reference of the Members Standards Subcommittee

The Monitoring Officer is required to convene a Members Standards Subcommittee from the membership of the Employment and Members Standards Panel as necessary. The Members Standards Subcommittee will therefore not have a fixed membership.

The Members Standards Subcommittee shall comprise of three voting members of the Employment and Members Standards Panel. If the complaint relates to a Town or Parish Councillor then a co-opted Town or Parish Councillor may also be an additional member of the Members Standards Subcommittee, but will not have voting rights.

An Independent Person may be asked to attend any Members Standards Subcommittee and give advice to it in respect of the complaint as required by S28(7) of the Localism Act 2011.

1.2 Pre Hearing Process

The date of the hearing will be arranged by the Monitoring Officer in consultation with the members of the Members Standards Panel and the Subject Member.

Once the date for the Members Standards Subcommittee has been arranged the Subject Member will be notified and asked if they:

- a) wish to attend the hearing;
- b) wish to be accompanied or represented at the hearing by any other person;
- c) wish to submit any written evidence or documentation to be considered by the Subcommittee. This must be sent no later than 3 working days prior to the hearing and will be passed to the complainant and the Investigating Officer for any comment. Additional evidence or documentation not submitted by this deadline may not be accepted by the Subcommittee;
- d) wish to call relevant witnesses to give evidence at the hearing. The Chairman of the Members Standards Subcommittee appointed at the meeting will have the final decision on how many witnesses may reasonably be needed.

The Members Standards Subcommittee and the Subject Member, and the Independent Person will each receive a report from the Monitoring Officer which will include a copy of the Investigating Officer's final report, on a strictly confidential basis.

The Members Standards Subcommittee will be held in private and this will be confirmed at the hearing. The Complainant will not attend unless the Chairman of the Members Standards Subcommittee agrees, or the Subject Member requests that they attend for the purposes of answering questions on the evidence provided.

1.3 Procedure for the Members Standards Subcommittee

The procedure for the Members Standards Subcommittee will be as follows:

- a) The Chairman will confirm the names and status of those attending. If the Subject Member is not present at the start of the hearing, and they had indicated their intention to attend, the Chairman shall ask the Monitoring Officer whether the Subject Member has provided any reasons why he or she would not be present. From the response the Members Standards Subcommittee will decide whether to make a determination in the absence of the Subject Member or adjourn the hearing to another date.
- b) If an Investigating Officer was used then the Investigating Officer, or in his/her absence the Monitoring Officer, shall present the Investigating Officer's report having particular regard to any points of difference identified by the Subject Member and why the Investigating Officer had concluded, on the basis of their findings of fact, that the Subject Member had failed to comply with the Code of Conduct. The Investigating Officer or Monitoring Officer may call witnesses as necessary in order to substantiate his/her findings.
- c) The Subject Member will then be given the opportunity to ask the Investigating Officer, or any of the witnesses, questions relating to the report or matters that have arisen during the witness statements.
- d) Members of the Members Standards Panel, the Independent Person and the Monitoring Officer will then have the opportunity of asking the Investigating Officer, or any of the witnesses, questions relating to the report or matters that have arisen in the witness statements.
- e) The Subject Member will then be invited to respond to the Investigating Officer's report and provide evidence, either by calling witnesses or by making representations to the Members Standards Subcommittee as to why they consider that they did not fail to comply with the Code of Conduct.
- f) The Investigating Officer will then be given the opportunity to ask the Subject Member and any witnesses, questions relating to the representations made to the Members Standards Panel.
- g) Members of the Members Standards Subcommittee, the Independent Person and the Monitoring Officer will then have the opportunity to ask the Subject Member, and any witnesses, questions relating to the representations made to the Members Standards Subcommittee.
- h) The Investigating Officer will then be given the opportunity to sum up.
- i) The Subject Member will then be given the opportunity to sum up
- j) The Independent Person will then be invited to comment and outline their view in respect of the complaint.

- k) The Chairman will check with the other members of the Members Standards Subcommittee whether they are satisfied that they have sufficient evidence to come to a considered conclusion on the matter. If it is decided that additional evidence is required before a determination can be made then the hearing will be adjourned and the Investigating Officer or Monitoring Officer will be asked either to seek and provide such additional evidence and/or undertake further investigation on any point specified by the Member Standards Subcommittee.
- l) If the Members Standards Subcommittee is satisfied that that they do have sufficient evidence to make a decision this will conclude the evidence gathering part of the hearing. The Investigating Officer, the Subject Member, the Independent Person and any witnesses that might be present will be asked to leave at this point, but the Democratic Services Officer and Monitoring Officer to the Subcommittee will remain.
- m) The Members Standards Subcommittee will then determine the complaint on the balance of probabilities. If the Members Standards Subcommittee determine that there has been a failure to follow the Code they shall seek advice from the Monitoring Officer as to what action they believe should be taken against the Subject Member.

2 Findings of the Members Standards Subcommittee

2.1 No Finding of a Failure to follow the Code of Conduct

If the Members Standards Subcommittee determine that the Subject Member has not failed to follow the Code of Conduct then the complaint will be dismissed.

The decision notice stating the Members Standards Panel's findings, in relation to a non-failure to follow the Code of Conduct, will be provided to the Subject Member, the Investigating Officer, the Monitoring Officer, the Complainant and the Independent Person.

2.2 Finding of Failure to follow the Code of Conduct

If the Members Standards Subcommittee determines that the Subject Member has failed to follow the Code of Conduct then it can decide to take any or more of the following actions:

- a) Formally censure the Subject Member in writing for their failure to follow the Code of Conduct;
- b) Recommend to the Subject Member's Group Leader (or in the case of ungrouped Members, recommend to Council or any subcommittee(s) of Council that the Subject Member be removed from any or all subcommittee(s) of the Council;
- c) Recommend to the Leader of Council that the Subject Member be removed from the Cabinet, or removed from particular portfolio responsibilities;

- d) Instruct the Monitoring Officer (or recommend that the relevant Town/Parish Council, as appropriate) to arrange training for the Subject Member;
- e) Remove (or recommend to the relevant Town/Parish Council that the Subject Member be removed) from all outside appointments to which he/she has been appointed or nominated by the authority (or by the Town/Parish Council);
- f) Withdraw (or recommend to the relevant Town/Parish Council that it withdraws) facilities provided to the Subject Member by the Council, such as a computer, website and/or e-mail and internet access;
- g) Exclude (or recommend that the relevant Town/Parish Council exclude) the Subject Member from the Council's offices or other premises, with the exception of meeting rooms as necessary for attending Council or Panel meetings; or
- h) Report its findings to the Crown Prosecution Service in respect of a Subject Member that has been found to have committed an offence under s30 and/or s31 Localism Act 2011.

2.3 Publication of the Decision on Finding a Breach of the Code of Conduct

Within 3 working days, the Monitoring Officer shall prepare a formal decision notice in consultation with the Chairman of the Members Standards Subcommittee. A copy of the decision notice will be sent to the Complainant, the Subject Member (and, if applicable, the relevant Town/Parish Council) and the Independent Person for their information.

The Subject Member has no right of appeal to the Council against a decision of the Monitoring Officer or the Members Standards Subcommittee.

Appendix 6

Definitions used in the Code of Conduct

Criminal Offence

(s.34 Localism Act 2011)

It is a criminal offence if you fail, without reasonable excuse, to comply with the requirements under s30 or s31 Localism Act 2011 to register or declare DPIs, or take part in council business at meetings or when acting alone.

If you breach the above, the Magistrates Court may, upon conviction, impose a fine of up to level 5 (currently £5,000.00), and an order disqualifying the person from being a Member of a relevant authority for up to five years.

The Council would consider that taking legal advice from the Monitoring Officer or their nominee (even if such advice was not upheld) would amount to 'reasonable excuse' for the purposes of s34(1) of the Act.

Disclosable Pecuniary Interest (DPIs)

Interests defined by regulations made under s30(3) of the Localism Act 2011 and described in the table below.

('M' means you and 'relevant person' means you and your partner). "Partner" means a spouse or civil partner of M, or a person with whom M is living as husband and wife or a person with whom M is living as if they were civil partners

Subject	Prescribed description
Employment, office, trade, profession or vacation	Any employment, office, trade, profession or vocation carried on for profit or gain.
Sponsorship	Any payment or provision of any other financial benefit (other than from the relevant authority) made or provided within the relevant period in respect of any expenses incurred by M in carrying out duties as a member, or towards the election expenses of M. This includes any payment or financial benefit from a trade union within the meaning of the Trade Union and Labour Relations (Consolidation) Act 1992.
Contracts	Any contract which is made between the relevant person (or a body in which the relevant person has a beneficial interest) and the relevant authority— a) under which goods or services are to be provided or works are to be executed; and b) which has not been fully discharged.
Land	Any beneficial interest in land which is within the area of the relevant authority.
Licences	Any licence (alone or jointly with others) to occupy land in

	the area of the relevant authority for a month or longer.
Corporate tenancies	Any tenancy where (to M's knowledge)— a) the landlord is the relevant authority; and b) the tenant is a body in which the relevant person has a beneficial interest.
Securities	Any beneficial interest in securities of a body where— a) that body (to M's knowledge) has a place 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) if the share capital of that body is of more than one class, the total nominal value of the shares of any one class in which the relevant person has a beneficial interest exceeds one hundredth of the total issued share capital of that class.

These descriptions on Disclosable Pecuniary Interests above are subject to the following definitions;

The Act	means the Localism Act 2011
Body in which the relevant person has a beneficial interest	means a firm in which the relevant person is a partner or a body corporate of which the relevant person is a director, or in the securities of which the relevant person has a beneficial interest;
Director	includes a member of the committee of management of an industrial and provident society;
Land	excludes an easement, servitude, interest or right in or over land which does not carry with it a right for the relevant person (alone or jointly with another) to occupy the land or to receive income;
M	means a member of a relevant authority;
Member	includes a co-opted member;
Relevant authority	means the authority of which M is a member;
Relevant period	means the period of 12 months ending with the day on which M gives a notification for the purposes of section 30(1) or section 31(7), as the case may be, of the Act;
Relevant person	means M or any other person referred to in section 30(3)(b) of the Act;
Securities	means shares, debentures, debenture stock, loan stock, bonds, units of a collective investment scheme within the meaning of the Financial Services and Markets Act 2000 and other securities of any description, other than money deposited with a building society.

Independent Person

The Independent Person is the person engaged by the Council who:

- must be consulted by the Managing Director before making a decision on an allegation that the Managing Director has decided should be formally investigated.
- may be consulted by the Managing Director in respect of a complaint at any other stage.
- may provide views to a Member or co-opted Member if that Member's behaviour is the subject of an allegation.
- may assist in granting dispensations to members and co-opted members from requirements relating to interests set out in the Code of Conduct.
- will exercise all of the above functions in respect of Parish Councils and members of those Parish Councils within the Council.

Personal Interests

A Personal Interest is :

- i) any body of which you are in a position of general control or management and to which you are elected appointed or nominated by the Council;
- ii) any body
 - exercising functions of a public nature; or
 - in receipt of any grant from the Council; or
 - directed to charitable purposes; or
 - one of whose principal purposes includes the influence of public opinion or policy (including any political party or trade union),

of which the you are a member or have a close association or of which you are in a position of general control, influence or management.
- iii) Membership of any private club, society or association operating within the Borough Council's area, where you hold a position of general control or management
- iv) any other connection or association which a member of the public may reasonably think may influence you when you make a decision on Council matters and acting as a Councillor. e.g.. the decision relates to a close family member or friend and could have a substantial benefit to them.

You are not required to record any Personal Interest in point (iv) above on your Register of Interests (but may do so if you wish).

Predetermination

Predetermination means that you have a closed mind and do not make a decision impartially and solely on the basis of the relevant facts. You have not predetermined a matter just because you have expressed a particular opinion previously or hold a view prior to any meeting. It is proper for Councillors to play an active part in local discussions and the expression of a view on a particular matter or campaigning on a particular platform

should not prevent you from participating in council business relating to such an issue. If you have an open mind, are willing to listen and are open to consider all the facts and arguments presented to you before making your decision, then you will not have predetermined a matter.

Predetermination should not be confused with Predisposition (see below)

Predisposition

Any decision maker may have an initial view or opinion on a matter arising from personal experiences and preference. Simply holding an initial view or tendency in favour of a particular cause or matter does not preclude you from decision making. This is natural bearing in mind that Councillors are often elected based upon their stated views and opinions. Having a strong view on a matter will amount to only legitimate predisposition.

Prejudicial Interest

This is Personal Interest which a reasonable fair minded and informed member of the public would reasonably believe is so significant that it influences your judgement of the public interest. That is, your decision is influenced by your Personal Interest such that you are not able to impartially consider only relevant issues (you are biased). This would include where you have Predetermined a matter.

You must ask yourself whether a member of the public – if he or she knew all the relevant facts – would think that your Personal Interest was so significant that it would be likely to prejudice your judgement. In other words, the interest must be perceived as likely to harm or impair your ability to judge the public interest.

The mere existence of local knowledge, or connections within the local community, will not normally be sufficient to meet the test. There must be some factor that might positively harm your ability to judge the public interest objectively. The nature of the matter is also important, including whether a large number of people are equally affected by it or whether you or a smaller group are particularly affected.

Sensitive Interest

A Sensitive Interest occurs where you and the Monitoring Officer consider that disclosure of the details of a DPI or a Personal Interest could lead to you, or a person connected with you, being subject to violence or intimidation. If the interest is entered on the register, copies of the register that are made available for inspection and any published version of the register will exclude details of the interest, but may state that you have a DPI or a Personal Interest and that the details are withheld under Section 32(2).

Appendix 7 – guidance on behaviours

What is ‘bullying’ and ‘intimidation’?

Bullying has been described by ACAS as ‘offensive, intimidating, malicious, or insulting behaviour, an abuse or misuse of power through means that undermine, humiliate, denigrate or injure the recipient’. A victim’s obvious vulnerability will be taken into account when assessing whether bullying has occurred.

Bullying conduct can involve behaving in an abusive or threatening way, or making allegations about people in public, in the company of their colleagues, through the press or in blogs. It may happen once or be part of a pattern of behaviour, although minor isolated incidents are unlikely to be considered bullying. It is also unlikely that a Member will be found guilty of bullying when both parties have contributed to a breakdown in relations.

Bullying should be contrasted with the legitimate challenges which a Member can make in challenging policy or scrutinising performance. Contributing to debates in Council meetings about policy and asking officers to explain the rationale for their professional opinions are to be encouraged. All Members should feel free to challenge fellow councillors and professional officers as to why their views are held. However, Members need to be careful about criticism which becomes offensive in nature which will cross the line of what a reasonable person would find acceptable.

Criticism of officers

The Council is under a legal obligation to ensure that officers work in a safe environment and the same rules about their interaction with the public apply equally to their work with Members. Anyone should feel free to express disagreement with officers, so long as it is done in an appropriate way. Officers should make decisions which are unbiased, and attempts to coerce them or persuade them to act in a particular way to a point where to do so would prejudice their professional integrity would not be acceptable.

This guidance is based on Standards for England Guidance, now archived after it was abolished by the Localism Act 2011, as well as guidance issued by ACAS

Confidential Information

The Code of Conduct says: Councillors must not knowingly disclose information which they believe, or ought reasonably be aware, is confidential or where disclosure is prohibited by law, or they have the consent of the person authorised to give it, or they are required by law to do so.

The following is based on Standards for England Guidance, now archived after it was abolished by the Localism Act 2011. This guidance was key in dealing with complaints about councillor’s behaviour by Standards for England from 2007 to 2012. We believe therefore that it is reasonable to use the same guidance when assessing similar complaints against Members under the current Code of Conduct.

It is important to remember that such behaviour will only be caught by the Code of Conduct if a Member is acting or holding out as acting as a Member of the Council, and not in his or her private capacity.

At the outset, it should be made clear that Councillors must not cause the Council to breach Data Protection legislation by releasing any personal information which is held by the Council, but comes to the knowledge of the Councillor. Such disclosure could cause the Council to be subject to severe fines.

What is 'confidential information'?

Information is a broad term. It includes facts, advice and opinions. It also covers written materials, including CDs, DVDs and other all electronic media.

Information is confidential:

- if it is about something serious and not trivial
- if the nature of the information is sensitive or personal, for example it is a business secret
- if it is information that you would expect people would want to be private
- if it was divulged in a way which implied it should be kept confidential
- if disclosing the information would be detrimental to the person who wishes to keep it confidential
- if it is a Council related document which states that it is confidential
- if it was information which a Councillor has been told is confidential

When can confidential information be disclosed?

You are able to disclose confidential information when:

- the person authorised to give it has given you the consent to disclose it
- you are required by law to do so
- the disclosure is made to a third party in order to obtain professional advice.
- If you are concerned that information should be disclosed in the public interest, you must first raise your concerns through the appropriate channels set out in the Council's Whistleblowing policy, or raise the matter with the Monitoring Officer.

Respect - what a reasonable person would regard as disrespectful to others.

Everyone in normal life is very aware of what 'respect' looks like; however, in a culture of positive argument in politics and legal matters, the lines can get blurred between interacting with others to make a point, and yet remaining respectful of other's views. Ideas and policies may be robustly criticised, but individuals should not be subject to unreasonable or excessive personal attack. This particularly applies to dealing with the public and officers. Chairs of meetings are expected to apply the rules of debate and procedure rules or standing orders to prevent abusive or disorderly conduct.

In politics, rival groupings are common, either in formal political parties or more informal alliances. It is expected that each will campaign for their ideas, and they may also seek to discredit the policies and actions of their opponents. Criticism of ideas and opinion is part of democratic debate, and does not in itself amount to bullying or failing to treat someone with respect. In an arena of political discussion, such as in Council meetings, a finding of a breach for disrespect would be exceptional.

This rule does not apply to what could be reasonably referred to as minor incidents, such as putting the phone down on someone, or failing to reply to correspondence.

Appendix 3 of Agenda

PART 7 – THE CODES, PROTOCOLS AND ADVICE

I - Members' Social Media Protocol

MEMBER'S SOCIAL MEDIA PROTOCOL

Purpose of this protocol:

Social media is an increasingly important means of communication for individuals and businesses. The Council welcomes Members' increasing use of social media and aims to facilitate it by providing guidance regarding what is and is not acceptable. This protocol is intended to be read alongside the Code of Conduct for Members. As members might expect, **the fundamental principle is that the same standards of behaviour and conduct apply online as are required offline.**

What is social media?

'Social media' is the term to describe websites and online tools which allow people to interact with each other by creating their own content, for example blogs, videos or short messages such as including tweets.

On social media sites, users may share information, discuss opinions and/or create interest groups or pages: all means of building online communities and networks which encourage participation and engagement.

For the purposes of this policy Social Media also includes other forms of electronic communications such as email and 'direct/instant messaging'.

It is not a requirement that members must have a Facebook or Twitter account or use other forms of social media to contact their constituents. However if you are already using or planning to use social media in connection with your work as a Councillor, or are already using such media in your private capacity, these guidelines will be relevant.

Social Media can be used:

- To support councillors in performing their community leadership role
- To keep in touch with local views and opinions
- For political campaigning
- For campaigning on local issues

Types of Social Media:

- Blogging and microblogging on online journals. Twitter is an example of microblogging, where entries are limited to 280 characters
- Online Forums involve people with similar interests sharing information and opinions. Social networking sites facilitate connections between those who already know each other, often in a social context, but are increasingly used by businesses to promote their products or services- Facebook is an example

- Video and photo publishing involve sharing videos and photographs worldwide – Youtube and Flickr are examples.
- Email & messaging electronic communication usually from an individual to one or more recipients.

Be mindful that:

- The use of social media does not impose any legal or ethical burdens additional to those which govern all of your behaviour as a councillor.
- However while any form of communication is capable of being misunderstood, the rapidity and immediacy of social media exchanges can lend itself to problems.
- “Misfiring”, or being misunderstood, particularly where comments are perceived as being more controversial than intended, may lead to rapid and wide broadcasting of the seemingly controversial comment.
- Although social media lends itself to a conversational tone, posting comments is still publishing in the sense of creating a written record. Most pitfalls will be avoided if your online content is accurate, informative, balanced and objective.
- While councillors are free to communicate politically in appropriate contexts, you should be careful not to say anything that you wouldn't be comfortable justifying at a public meeting.
- Be clear when you are communicating as a Councillor as opposed to a statement made in your personal capacity. You may wish to make it clear in your profile if it is a personal account however, any statement about Council business or policy will be considered as being in your capacity as a Councillor.

Legal issues:

- **Libel** – If you publish an untrue statement about a person which is damaging to their reputation, they may take a libel action against you. The same thing may happen if, for example, someone else publishes something libellous on your website, you know about it and don't take swift action to remove it. A successful libel claim could result in the award of damages against you.
- **Copyright** – Placing images or text on your site from a copyrighted source (for example extracts from publications or photos), without obtaining permission, is likely to breach copyright laws. Therefore don't publish anything you are unsure about, or obtain prior permission. Again, a successful claim for breach of copyright would be likely to lead to an award of damages against you.

- **Data Protection** – Do not publish the personal data of individuals unless you have their express permission.
- **Bias and Predetermination** –_if you are involved in making planning, licensing or other quasi-judicial decisions, do not say anything through social media (or indeed anywhere) that suggests you have completely and irrevocably made your mind up on an issue that is due to be formally decided upon. While your likely view on a particular application may be well known, you need to be able to show that you attended the committee or hearing prepared to take on board and weigh all the evidence and arguments, and were genuinely persuadable to a different view. If you weren't, the decision may be later challenged as invalid. If a person has suffered some sort of detriment as a result of such an invalid decision, they may have a claim against the council for damages.
- **Harassment** - it is a criminal offence to repeatedly pursue a campaign against someone where this is likely to cause alarm, nuisance or distress.
- **Elections and Voting** – it is a criminal offence to publish any information relating to the way in which voters have voted at the election where that statement is (or might reasonably be taken to be) based on information given by voters after they have voted – s66A Representation of the People Act 1983.

Social Media and the Code of Conduct for Members:

- Aspects of the Code of Conduct for Members will apply to your online activity in the same way as they do to any other written or verbal communication you may engage in. The key to whether your online activity is subject to the Code is whether you are, or even just appear to be, acting in your capacity as a councillor rather than as a private individual.
- Councillors can have “blurred identities”. This can happen where you have a social media account where you comment both as a councillor and as an individual. Although you may be clear in your mind that you are acting in a private capacity it may be less clear to others. This can also mean that your views can be taken as being those of your organisation or party (rather than you personally) when this may not be the case.
- One way of avoiding blurring the lines between your personal and councillor life, and avoiding some of the potential problems related to the Code of Conduct, may be to consider keeping your online accounts as a councillor separate from those where you communicate in a personal capacity. This isn't a legal requirement but remains a decision for each member and some Members may find the convenience of having one account outweighs the advantages of separate accounts. The Monitoring

Officer or the Council's Communications Team can help you with more specific advice if needed.

You must promote and support high standards of conduct - do not use social media to make personal attacks or indulge in rude, disrespectful or offensive comments even if you are receiving such yourself. You should also be mindful not to publish anything that could reasonably be perceived as bringing yourself as a councillor, or the council in general, into disrepute, and in particular not to disclose any confidential information. While it is important that the Council conduct its business with openness, it is essential that councillors and employees are clear about what is confidential and ensure that relevant items remain confidential.

- **You must comply with equality laws** – do not publish anything that might be seen as racist, sexist, disableist, ageist, homophobic or antifaith.
- **You must not bully or intimidate anyone** – do not say anything, particularly if it is part of a series of similar comments about a person or on a theme that might be construed as bullying or intimidation, whether the comments relate to a council employee, a fellow-councillor or anyone else.
- **You must not use anonymous accounts** – the public expects its elected representatives to be candid and not hide behind anonymous or proxy accounts. Where you engage with public as a Councillor or on matters of importance effecting the Council or the Borough, then the public and the Council expects you to declare both your identity and your position as a Councillor.

Staying out of Trouble - Some Do's and Don'ts

Some Do's

- set appropriate privacy settings for your blog or networking site – especially if you have a private, non-political blog
- keep an eye out for defamatory or obscene posts from others on your blog or page and remove them as soon as possible to avoid the perception that you condone such views
- be aware that the higher your profile as an elected member, the more likely it is you will be seen as acting in your official capacity when you blog or network
- consider keeping your personal and elected member profile on social networking sites separate as a means of maintaining

appropriate professional boundaries and clarity when you are commenting in a personal or councillor capacity.

- ensure you use council facilities appropriately; if you use a council provided blog site or social networking area, any posts you make will be viewed as made in your official capacity
- be aware that you will be seen as acting in your official capacity if you publish information that you could only have accessed by being an elected member
- be mindful of the potential for misunderstanding and miscommunication.
- feel able to make political points, but be careful about being too specific or personal if referring to individuals. An attack on individuals may be seen as disrespectful, whereas general comments about another party or genuine comments on policy are less likely to be viewed as disrespect.

Some Don'ts

- Blog in haste, particularly in circumstances where your judgement might be impaired; for example if you are tired or have consumed alcohol
- make unguarded statements which could lead to potential liability, or fail to take care when reporting or copying the comments of others
- post comments that you would not be prepared to make on paper or face to face
- use council facilities for personal or political blogs
- request or accept a Royal Borough of Windsor & Maidenhead Council employee or contractor providing services to the council as a "friend" on a social networking site where this suggests close personal association. For the avoidance of doubt, this does not apply to sites which are intended as a neutral, professional connections registry (such as LinkedIn.)
- use social media in any way to attack, insult, abuse, defame or otherwise make offensive or discriminatory comments about council staff, service users, their family or friends, colleagues, other professionals, other organisations, or the council
- publish confidential or exempt information that you may have learned or had access to as part of your role as an elected member. This includes personal information about service users, their families or friends or others e.g. contractors and council staff.
- Council related information: don't represent your personal views, or those of any political party or interest group you belong to, as being those of the council, on any social medium

- browse, download, upload or distribute any material that could be considered inappropriate, offensive, defamatory, illegal or discriminatory

Use of social media and mobile devices at meetings:

- Use mobile devices sparingly, discreetly and with common sense at meetings, for any matter that is not part of the agenda, being mindful of the impression you may be giving to others of proceedings.
- There may be occasions when texting or emailing between Councillors during meetings on matters relevant to the debate at hand may be valuable on the same basis as circulating paper notes to other Councillors. Mobile devices also enable Councillors to manage their busy lives when time is at a premium. However frequent use of these devices during meetings may give the public the impression that the councillor is not paying full attention to an item that is being discussed in a debate on a decision that is to be made.

Examples of the acceptable use of devices:

- reading and annotating meeting papers and background information relevant to that meeting;
- communicating with others at the meeting on matters relevant to the debate at hand; and
- sending and receiving urgent communications to/from home relating to domestic circumstances (e.g. childcare arrangements)

Avoid the following:

- using social media during quasi-judicial meetings or during the consideration of confidential or exempt items of business at meetings; and
- frequently checking emails and messages that are not related to the meeting; and
- extended periods of use which may suggest that insufficient attention is being paid to the meeting.

The Council wishes to encourage Members to use social media where doing so may assist you in performing your function. This guidance is intended to help Members avoid the legal and reputational risks inherent in this mode of communication. The Monitoring Officer and the Communications Team are happy to help Members by providing additional advice and guidance as appropriate. Training is also available to individual Members or Groups on the use of social media.

Appendix 4 of Agenda

PART 7 – THE CODES, PROTOCOLS AND ADVICE

J - Partnership Protocol

PRINCIPLES OF PARTNERSHIP WORKING

1.1 Introduction

Partnership working is playing an increasingly important role in the future of service delivery for the public sector. Partnerships can bring significant benefits, providing flexibility, innovation and additional financial and human capital resources to enhance service delivery to the community. However, partnerships also bring risks. Working across organisational boundaries potentially brings complexity and ambiguity that can generate confusion and weaken accountability. Residents need assurances that public money is spent wisely in partnerships and it should be confident that their quality of life will improve as a result of this form of working.

If planned and developed properly, partnership working can bring the following significant benefits to the delivery of services:

- a) **Greater impact** – Increased benefits for residents and businesses; greater critical mass – ability to reach and deliver beyond capabilities of any one partner.
- b) **More resources** - Able to attract funding where policy requires partnership bids and evidence of partner ability to deliver joint projects (not available to single organisations); strengthened negotiating power.
- c) **New and better ways of working** - Innovation: new / more effective ways of doing things; new perspectives and challenging views within the partnership; improved intelligence about needs and opportunities.
- d) **Spread risk** - Complementary strengths, resources, perspectives; greater flexibility within a team.
- e) **Reduce risk** - Pool resources; share costs of common functions.

This protocol establishes minimum standards of governance and management which the council will follow in order to ensure that its partnerships are well run and delivering the expected benefits. It outlines key requirements for initiating, approving, setting up, operating, reviewing and exiting partnership arrangements

SECTION 1 – DEFINITION OF A PARTNERSHIP

The word partnership is used with increasing frequency across all sectors. It can mean different things to different groups.

For the purposes of this protocol, a partnership is defined as:

- An arrangement involving the Council and one or more other organisations, from any sector, **who share the responsibility for agreeing and then delivering a set of actions and outcomes** that improve the economic and/or social and/or environmental well-being of people living in, working in, or visiting the borough.

This includes partnerships where the partners:

- a) Are otherwise independent bodies.
- b) Agree to cooperate to achieve a common goal including situations where one partner receives income from the other partner.
- c) May create a new organisational structure or process to achieve their goals, separate from their own organisations.

- d) Plan and implement a jointly agreed programme, often with joint staff or resources.
- e) May pool risks and rewards.
- f) May have objects of achieving profit, in addition to delivering to the council's corporate priorities.

SECTION 2 - PARTNERSHIP PROTOCOL

2.1 Introduction

This protocol sets out the principles by which partnerships should be governed. The council engages in a wide variety of partnerships and these may vary in size, service area, membership and function. These principles of good partnership governance are scalable to apply to all partnerships.

This protocol aims to ensure that, in partnership working:

- a) The council is clear about the purpose of its partnerships and the expected outcomes for the people of the borough.
- b) The council's own agreed priorities and objectives are being met.
- c) There is clarity about accountability and responsibility for outcomes.
- d) Partnership activity and outcomes are monitored, reviewed and evaluated to make best use of resources.
- e) Risks for the council, and for the partnership, are assessed and agreed.
- f) Each partnership remains committed to its agreed purpose during its lifespan and has in place an effective exit strategy.

2.2 Applicability of the protocol

This protocol is not applicable to:

- a) Groups where the council pays a third party to deliver one or more services on its behalf, unless the council also has control over strategic direction and significant decision making of the third party in relation to delivery of the services.
- b) Informal groups set up to discuss and consider specific topics (consultation groups).
- c) Appointments and / or financial commitments to outside bodies where the council has no strategic or policy function.
- d) Private Finance Initiatives (PFI).

2.3 Rationale for entering into partnerships

The number of partnerships in which the council is involved has grown over the years in order to secure efficiencies and more recently, as a result of its move to a 'commissioning council' operating model where significant services and functions are delivered by partners on behalf of the Council.

The council has chosen to form or join partnerships for a number of reasons, including:

- a) To deliver coordinated packages of services to residents.
- b) To tackle cross-cutting issues.
- c) To respond to an identified strategic or operational issue which is too large, or multifaceted, to achieve in isolation.
- d) To reduce the impact of 'silo-working'.
- e) To maximise limited funds and / or to bid for, or gain access to, resources.
- f) To fulfil a statutory requirement.

2.4 Potential risks to the council of partnership working

The council recognises the common weaknesses of some public sector partnerships and in its partnership working, works to avoid:

- a) Failure of the partners to understand the extent of their involvement in partnerships, or their implications, including their financial and legal liabilities.
- b) The partnership operating in isolation, duplicating effort and activity.
- c) Weak alignment between the partnership and the council's plans and governance.
- d) A lack of monitoring or evaluation of the effectiveness and impact of partnerships and a focus on activity, rather than outcomes.
- e) A lack of monitoring or evaluation of the contribution of partner organisations, including limited opportunities or willingness to challenge the performance of partners or give feedback on their performance.
- f) Underdeveloped arrangements for scrutiny of partnerships through council processes.
- g) Insufficient thought given to planning an exit strategy, including management of any continuing financial liabilities and the ownership and disposal of any assets.
- h) A lack of formal systems for recording conflicts of interest or for assessing the risks of funding proposals.

2.5 Entering into a partnership

Before entering into any partnership, the council will give consideration to its ability to contribute effectively to the partnership. The council will be mindful of the resource implications of entering into any partnership, particularly for staff, financial and operational assets, and existing commitments. The council will ensure that the objectives of the partnership are in line with its corporate priorities, and be clear how the partnership will assist in their delivery. The council should not enter into any partnership, which requires an unbudgeted financial commitment, without seeking appropriate approval first.

Appendix 1 sets out the principal matters that the council should consider when entering into a partnership.

2.6 Putting arrangements in place

Any partnership that the council enters into must be clear on its purpose and the expected outcomes. The council will ensure that all partnerships have in place robust performance management arrangements.

When entering into partnership arrangements, the council will ensure the following arrangements are in place:

- The partnership has an officer accountable for monitoring its performance.
- Performance reporting takes place in agreed time frames and to an agreed body and/or partners.
- The partnership has a sound evidence base to inform its objectives, planning and target setting in a formal business case.
- Objectives and outcomes to be delivered are formally reviewed and evaluated annually through an agreed process.
- All partners are clear on the outcomes being delivered by the partnership and the links to their own business or corporate priorities.
- Each partner ensures that their actions are embedded into organisational plans to ensure delivery and accountability.
- Agreed action plans are reviewed and refreshed annually by all partners.
- Action plans are supported by a risk register which is reviewed in agreed time frames and maintained by partners.

- Partners share information to enable effective performance monitoring and option appraisal.
- Data sharing complies with data quality and transparency requirements to ensure accountability.
- Information is provided in formats that meet partner requirements.
- There are mechanisms in place for performance management between all partners, including Cabinet and Overview & Scrutiny oversight.
- There are clear channels and processes in place to ensure accountability.
- Arrangements are in place to tackle issues of non and/or poor performance.
- All partners can evaluate at any time the added value of being a member of the partnership and the performance and outcomes being achieved by it. Performance can be challenged through agreed processes.

2.7 The governance framework

Sound governance is key to effective partnership working and requires agreement between partners about purpose, membership and accountability of the partnership. All partnerships must have a governance framework, setting out the roles and responsibilities of the partner organisations and the decision making processes.

When determining the governance framework for a partnership, the parties should consider:

- a) Membership, including status of different members.
- b) Aims and objectives, including the purpose of the partnership, its added value and success measures.
- c) Strategy and activities.
- d) Timescales including how long the partnership is expected to last.
- e) Powers and legal status.
- f) Roles and responsibilities.
- g) Funding, taxation and financial accountability.
- h) Management and operation, including performance management arrangements.
- i) Meetings, including notice and frequency, quorum rules, chairing arrangements, voting arrangements and representation of other members;
- j) Decision-making processes (scope and timescales).
- k) Staffing and property assets needed.
- l) Conflict avoidance / dispute resolution.
- m) Information sharing protocols.
- n) Amendments to the partnership's rules.
- o) Exit strategy / arrangements for dissolution.

Examples of documentation and protocols that could form the governance framework include:

- a. Articles of Association (in relation to a company).
- b. Contracts for services between the council and third party – the contractual obligations – or Commissioning Agreement.
- c. Partnership Agreement.
- d. Shareholders' Agreement.
- e. Reporting processes and procedures, including links to council reporting.
- f. Directors or Trustees terms of reference or service contracts.
- g. Use of council officers or members on boards.
- h. Oversight by the council's Overview and Scrutiny function.
- i. Utilising a Council Shareholder's Reference board with or without decision making powers as a first point of reporting or accountability by the Partnership.

j. Agreed operating protocols and procedures.

The purpose of the governance framework is not to recreate the same controls and processes as the council but to ensure that the public purse and services are delivered with sufficient oversight to ensure that principles of sound decision making, transparency and accountability are maintained.

2.8 Decision making

Partnerships need clear lines of accountability and transparent decision-making processes, particularly for decisions that commit and/or allocate partnership resources.

A partnership's work can be impeded if decisions have to be separately ratified by the partners in advance and if the partner's decision making processes or timetables do not fit well together. Therefore, it is important that agents representing the partner organisations have the necessary authority to take decisions on its behalf and that those decisions can be scrutinised and challenged effectively.

Partnerships should also plan their work carefully so that they know well in advance when decisions with significant policy or financial implications will need to be made. It is important that all partners have sufficient time to evaluate the implications of major prospective decisions and to consider their own legal and financial advice.

It is vital for the partnership to agree and record how decisions are made.

The governance framework should address:

- a) How the partnership makes decisions, e.g. simple majority vote, casting vote by Chairman etc.
- b) The quorum (minimum number of voting members required to be present at any meeting for the decisions taken at the meeting to be considered as legitimate decisions of the body) for decisions made by the partnership.
- c) How decisions are communicated to people not present.
- d) How required actions are put into operation.

It is also recommended that the partnership establish the procedures and processes that govern its meetings. These should be kept to a minimum to avoid bureaucracy but be sufficient for clarity and effective operation.

2.9 Performance management

The council will ensure that agreed partnership involvement, activity and outcomes are part of the council's performance management systems, and thereby the effectiveness of specific partnerships are monitored and reviewed as part of its performance management framework.

2.10 Communications strategy

Each individual partnership should adopt a communications strategy specific to the work of the partnership and in agreement with partners. Where appropriate, one organisation should be identified as the lead agency for partnership communications. The lead agency will be responsible for ensuring liaison with the communications functions within other partner organisations.

2.11 Information sharing

The council's data protection and freedom of information policies will generally apply where council business is concerned. The council will secure an information sharing protocol within a partnership and between partnership organisations. The council will also have regard to any existing data sharing statements that may have been agreed.

2.12 Standards of conduct

Partnerships should agree high standards of conduct that govern the way in which they work.

2.13 Interests and conflict

Members of the partnership should have regard to the highest standards of behaviour and transparency in the conduct of public business and, in particular, will need to consider any personal or prejudicial interest they may have either as an officer or member of the council. Where appointed in a position with a fiduciary duty (such as an officer of a company or trustee), any council officer or member will need to consider any duties they have that may conflict with that associated with the council.

2.14 Exit and termination

The governance framework should include provisions for both the planned and unplanned end of the partnership, regardless of the intended length of the partnership, including minimum notice periods. This may also include provisions for termination on grounds such as legislative changes, overspends or a breach of regulations where a minimum notice period may not be necessary.

2.15 Consultation arrangements

A partnership may wish to undertake consultation, for example, on an issue or to help identify priorities. The council will endeavour to ensure that any consultation programmes and publicity exercises for the council, its partnerships and its partners are co-ordinated as effectively as possible.

2.16 Role of councillors and officers

The council will be represented on any agreed partnership by specified councillors or officers. Each partnership on which the Council is represented will be allocated a sponsoring officer (usually a Head of Service) who, although they may personally not be the representative on the partnership, will be responsible for ensuring the delivery of this protocol in respect of the relevant partnership.

Any specified officers or councillors attending approved partnerships (as representatives rather than holding a duty such as directorship) will represent only the council and no other organisation. They shall abide by the council's Codes of Conduct at all times.

2.17 Scrutiny

The scrutiny arrangement for a partnership should be clear and referenced in the governance framework.

Role of the council's Overview and Scrutiny in partnerships

Scrutiny of other organisations external to the council is also a key element of Overview and Scrutiny's work. In relation to the council's partnerships, this means:

- Involving local people and community organisations in scrutiny activity of partners.
- Developing a dialogue with service providers and other stakeholders outside the council who interact with the partners.
- Taking up issues of concern to local people in respect to the partnership.

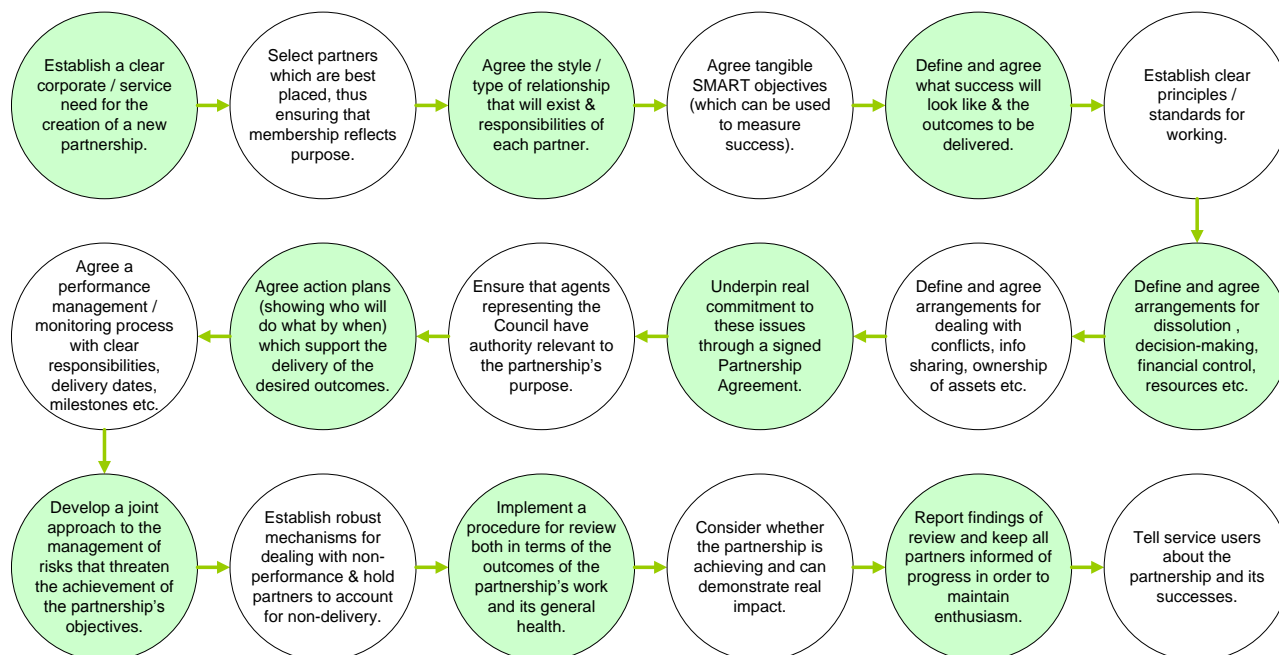
- Reviewing whether goals are being achieved by partners.
- Examining what can be done to solve problems and enhance performance and achievement.

Appendix 1

Points to consider for setting up successful partnerships

Developing a successful partnership working relationship requires good planning, see diagram 1 for a partnership implementation flowchart.

Diagram 1: Partnership development flowchart



Points to consider

1. Legal power

The council should determine whether it has legal power to enter into the partnership arrangement and ensure there is no law or other provision that prevents the council from entering into the partnership arrangement.

2. Form of partnership

The Council should decide the legal status of the partnership. Specific advice should be taken to determine most appropriate form of partnership which include:

- **Informal arrangements** – which may be appropriate for matters such as specific initiatives with limited financial impact, knowledge sharing or temporary arrangements to cover an immediate problem.
- **Contractual arrangements** – with one party providing goods or services under contract to another authority or to residents either on a cost recovery or for profit basis.
- **Delegation of functions** – a delegation of functions (based on statutory powers rather than contract) to another authority.
- **Corporate/Joint Venture** – where two or more authorities (or a third party) establish a corporate vehicle (usually a company) as the vehicle for providing services back to themselves and/or to trade with a view to generating additional income.
- **Joint committee** – this model usually involves one authority hosting the service with the other collaborating partners contributing to costs incurred.

- **Local Authority Trading Company (LatCo)** – a company set up and wholly owned by the Council for the purpose of providing services back to the Council, undertaking a particular project and for the purpose of trading and generating an income for the Council.
- **Community Interest Company** – a not for profit company set up and either wholly owned by the Council or owned with other parties with the primary object of a social purpose or providing a benefit to the communities they serve.

3. Outcome indicators and measures of success

These are measures based on the actual outcomes the partnership is aiming to deliver i.e. they define what success will look like and can be used to determine the partnership's effectiveness and impact in achieving its strategic objectives. Outcome indicators or clear measures of success should be defined for each strategic objective.

4. Running the partnership

As a minimum, this should define arrangements for:

- General principles of conduct.
- Partners' roles / duties / responsibilities.
- Resource commitment for each partner.
- The ownership of assets.
- Decision making procedures.
- How the partnership will monitor and evaluate its activities.
- Meetings; notice and frequency of meetings; quorum rules; chairing arrangements; voting arrangements; and representation of other members.
- Information sharing principles / protocols.
- Organisational structure and reporting mechanism (how often, who reporting to and what reporting on).
- Performance management arrangements.
- How complaints will be handled.
- Member involvement (roles and responsibilities, democratic accountability, declaration of interests etc).

5. Financial matters

Where applicable, the governance framework should document:

- Partnership capital.
- Income and expenditure.
- Profits and liabilities apportionments.
- Grants and other sources of funding.
- Banking and financial arrangements.
- Accounting arrangements.
- Provisions for tax payments and VAT.

6. Other considerations

The governance framework should define:

- Arrangements for dealing with the media and other stakeholders.
- The circumstances necessary for the suspension, exclusion and removal of a partner.
- Arrangements for resolving conflicts and/or disputes.
- Procedures for whistle blowing / fraud etc.
- Right of access for appropriate audit bodies (Council's Business Assurance).

7. Dissolution

The Partner Agreement should define:

- Termination provisions.
- Exit strategy (including surpluses and mediation).
- Final reporting arrangements.
- Arrangements for informing funders and all stakeholders/service users at dissolution.

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Report Title:	Recommended changes to the constitution with regards Planning matters based on the findings of the PHOSP Task and Finish group.
Contains Confidential or Exempt Information?	No
Member reporting:	Cllr Richard Kellaway – Chairman of Task and Finish Group
Meeting and Date:	Council - 25 September 2018
Responsible Group	Planning & Housing Overview & Scrutiny Task and Finish Group
Wards affected:	All

REPORT SUMMARY

The Task and Finish group has conducted an in-depth look at the Planning Service and the practical working of the Constitution in relation to planning matters and has come to a number of recommendations.

These recommendations are set out below. It is recommended that the sections of the constitution referring to planning matters are changed in order to adopt a more efficient set of arrangements with regards planning matters. These constitutional changes have been drafted and form Appendix 1 and Appendix 2 of this report.

1 DETAILS OF RECOMMENDATIONS

MAIN RECOMMENDATION:

That Council acknowledge and endorses the findings of the PHOSP Task and Finish group and:

- i) Approves the amendment of the Council's constitution with the attached interim planning constitutional arrangement (Appendix 2) with immediate effect until 2nd May 2019.**
- ii) Approves the amendment of the constitution with the attached permanent planning constitutional arrangement (Appendix 1) with effect from 3rd May 2019.**

2 BACKGROUND

- 2.1 The Task and Finish group was created to review planning matters and matters relating to the Constitution Review process. The Task and Finish Group met on a number of occasions throughout spring and summer 2018 and then met to discuss the group's conclusions. The group has come to a number of recommendations and these are detailed below.
- 2.2 The Council's Constitution sets out which planning applications must be determined by Development Management Panels and which may be determined under delegated authority by the Head of Planning. The constitution also sets out the number of panels, which items go to which panel and a number of operational matters.

- 2.3 The recommendations of the T& F group have been noted by Cabinet. Cllr Simon Dudley, The Leader of the Council and Cllr David Coppinger Lead Member for Planning have noted the recommendations. Both have requested that their full support for the recommendations of the group and the adoption of the changes to the constitution relating to planning matters be noted in this report.
- 2.4 The final recommendations will also have been considered at PHOSP on Thursday 20th September 2018. Any comments will be reported in the Council update.

3 REASON(S) FOR RECOMMENDATION(S) AND OPTIONS CONSIDERED

- 3.1 The reasons for each recommendation are set out in the main recommendations section of this report.
- 3.2 Options:

Table 1: Options arising from this report

Option	Comments
<p>Approve and adopt the interim and permanent constitutional recommendations of the PHOSP T&F Group with regards planning.</p> <p>This is the recommended option</p>	<p>This option is informed by the work of the Task and Finish Group. It would provide a more efficient set of arrangements that will make better use of Member and Officer time.</p> <p>This arrangement also would lead to financial savings to the Council</p>
<p>Do not approve and adopt the interim and permanent constitutional recommendations of the PHOSP T&F Group</p> <p>This is not the recommended option</p>	<p>This option would continue with the current arrangements. It is the view of the Task and Finish group that the current arrangements are less efficient than the ones proposed by the group.</p> <p>Given the decrease in members from 57 to 41 for following the election the existing arrangements would place a significantly greater burden on member time than the proposed.</p> <p>The current arrangements have a greater financial impact on the Council than the group’s proposal.</p>

4 MAIN RECOMMENDATIONS OF THE TASK AND FINISH GROUP AND KEY IMPLICATIONS

- A. Combine the Windsor Area Development Management Panels (with effect from May 2019).
- B. Increase number of members on area panels to 11 with effect from May 2019. (No substitute members to be permitted less than 24 hours before a planning meeting).

- C. Move panels on to a monthly cycle from May 2019 (as opposed to 4 weekly).
- D. Suggested mechanism for applications for be called to Borough-Wide Panel to be developed by the Head of Planning (Draft wording has been provided to the group).
- E. From May 2019 it is recommended that the Borough-Wide Panel should have 13 members. 6 members should ideally be from each of the two proposed planning areas of the Borough along with a dedicated Chairperson.
- F. That planning enforcement items should be reported to the chair of the relevant panel (in consultation with Ward Members) who can opt to call them before the relevant area panel.
- G. That the Rights of Way and Highways Licensing Panel is not combined with any planning panel. (This has already been agreed by Full Council in May 2019)
- H. Area Panels should continue to meet in the respective areas that they represent. It is recommended that the Council should consider improved technology options for meetings.
- I. That the trial on Public Speaking is brought to an end. (note this has already been actioned following approval by this Panel and a separate report on Public Speaking will be brought to Full Council).

Number of Area panels:

- 3.1 The T&F group discussed the number of panels, decision making in general and how panels might be made up. It was noted by the group that there had been a number of Windsor Rural Area Panel meetings and Windsor Urban Area Panel meetings that had very short agendas or had been cancelled all together. Officers reported to the Group that the number of applications in the two Windsor areas combined equated to the number of applications received in the Maidenhead Panel Area and this was likely to have been a contributing factor in the smaller agendas at the two Windsor panels.
- 3.2 The group noted that the total number of members will reduce from 57 to 41 after the next election putting further pressure on the 41 remaining members' time. There was consensus amongst the group (and guest members attending) that the two Windsor Area Panels should be combined. This would mean an even workload for the two area panels and is considered to be the right number of panels when member numbers reduce to ensure effective use of member time. However, the T&F group recommends that this change is not considered for implementation until after the reduction in member numbers has occurred following the elections in **May 2019**. The recommended merger would reduce the total number of area panel meetings held by 13 evening meetings, whilst also ensuring that local member led decision making is retained. This would also reduce pressure on Democratic Services, Planning and other related services.

Recommendation 1: Combine the Windsor Area Panels (with effect from May 2019)

Size and make up of panels:

- 3.3 If the recommendation to combine the Windsor area panels is accepted it is considered that the number of members on the area panel could be increased to ensure greater representation of parish and town council areas together with the non-parished wards within the area panel regions. It is recommended that Area panel sizes are increased to 11 members (up from 9 members).
- 3.4 The T&F group considers that substitutes should continue to be permitted, however considers that there should be a cut off time for substitutes to be confirmed for individual

meetings. It is recommended that substitutes should be confirmed a minimum of 24 hours prior to any panel meeting. This means that substitute members have time to prepare for meetings and fully read and research items on the agenda. It was initially considered that 48 hours would be appropriate however Democratic Services have indicated that 24 Hours would be more appropriate, help meet the quorum and still give substitutes time to read papers.

- 3.5 The group considers that increased panel member numbers would mean that the quorum would always be significantly exceeded at all meetings, even if some members can't attend at late notice and reduces the pressure to find substitutes at late notice.

Recommendation 2: Increase number of members on area panels to 11 with effect from May 2019.

Recommendation 3: No substitution of members to be permitted less than 24 hours before a Development Management Panel meeting.

Regularity of Panel meetings:

- 3.6 Discussion took place regards reducing the 4 weekly cycle to a monthly cycle and it was noted that a number of other Local Authorities had taken this approach. This would see meetings ordinarily being fixed for a certain Wednesday of the month.

For example:

Windsor Area Development Management Panel: 1st Wednesday of the Month,
Maidenhead Area Development Management Panel: 3rd Wednesday of the month,
Borough-Wide Development Management Panel: 2nd Wednesday of the Month.

Fixed monthly panel dates would also assist parish council's meet comment deadlines. This would also avoid annual conflicts fixed holidays e.g. Christmas and Easter. This could be picked up in the approval by Council of meeting schedules for the next municipal year. Democratic services have confirmed that this would be a workable set of arrangements.

Recommendation 4: Move all Development Management panels onto a monthly cycle from May 2019.

Borough-Wide Panel (and consideration of major items)

- 3.7 The T&F group agreed that the Borough-wide panel should only consider strategic applications with an impact that either affected the wider Borough or went beyond the Borough boundary. Applications that do not affect both the Maidenhead and the Windsor areas should be left to Area Panel decision making. Members of the Group considered that **all new major applications should be determined by Members** at an appropriate Panel **regardless of recommendation**.
- 3.8 It was discussed with Task and Finish group members that S73 applications and S73A applications should be excluded from the description of major development to be reported to panels. Members agreed that such variation applications are rarely contentious and take up a disproportionate amount of member time and agenda space. If they are contentious they can still be called before the panel using the Councillor call

in provision under part A) of the Constitution. Members of the group consider this to be an acceptable approach.

- 3.9 It is recommended by the T&F group that default position is that major applications are determined at Area Panels unless they are elevated to the Borough Panel, as set out in the Constitution, due to their wider or strategic impact on the Borough.

Recommendation 5: Members are keen to ensure member oversight through the lead member and panel chairs on which items are elevated to the Borough-wide Panel. The following wording is recommended:

Borough-wide Development Management Panel

Planning applications which are likely to have a significant impact, going beyond the area of the relevant Area Development Management Panel will be considered and determined at a meeting of the Borough-Wide Development Management Panel.

The initial decision as to whether an application falls into this category will be taken by the Head of Planning in consultation with the Lead Member for Planning and the Borough Wide Panel Chairman.

In the event of a lack of unanimity, the Lead Member for Planning, the Borough Wide Panel Chairman and the relevant Area Panel Chairman will meet and reach a majority decision to recommend to the Head of Planning.

This arrangement recommended is similar to the previous Joint panel arrangements in previous versions of the constitution.

This Borough-Wide recommendation would be read in conjunction with a requirement for all major applications to be determined by Area Development Management panels unless elevated to the Borough Wide Panel.

The T&F group requested that an indicative draft of how this would look in constitutional form be prepared by officers. This is attached as Appendix 1.

Make-up of the Borough-wide Panel from (May 2019)

- 3.10 After the reduction in member numbers, and if Area Panel numbers are reduced to two as recommended, the group has discussed the size and makeup of the Borough-Wide Panel from May 2019.
- 3.11 The group considers that **13** members would be the ideal size for the Borough-Wide Development Management Panel.
- 3.12 The T& F group recommends that this should have a dedicated chair and would preferably be balanced with half (6) from the Windsor Area Development Management Panel members half (6) from Maidenhead Area Development Management Panel members.

Recommendation 6: From May 2019 the Borough-Wide Panel should have 13 members. 6 members should ideally be from each of the two proposed planning areas of the Borough.

Authority for Enforcement items

- 3.13 It is the view of the group that enforcement items should be sent to Panel Chairman, copied to Ward Members (Ward members may be able to provide background to the Chairman and will have good knowledge of local area). The Panel Chairman would then decide whether an enforcement report should be called in to the Panel (In absence of Panel Chairman/or the non-response of the panel Chairman, the Vice Chairman to determine whether it should be called in) if the Chair does not wish to call the item in they would allow officers to proceed with the proposed action.
- 3.14 This would increase the speed enforcement decisions are made, reduce delays in process due to panel cycles but still maintain member oversight of decision making in enforcement.

Recommendation 7: That planning enforcement items should be reported to the chair of the relevant panel who can opt to call them before the relevant panel.

Combining Rights of Way and Highways Licensing Panel (ROWHLP) with planning panels.

- 3.15 The T&F group strongly disagreed with the Rights of Way and Highways Licensing Panel (ROWHLP) being merged into Planning Panels as it considered that there would have been a gap in knowledge and expertise for specialised matters in both fields.
- 3.16 The ROWHLP meetings are significantly less frequent than Planning Panel Meetings and ROWHLP meetings can be long and focused on single items, it would be difficult to predict agenda lengths particularly given uncertainty on what items will make any given planning agenda. ROWHLP matters are considered significant issues that deserve significant consideration in their own right rather than being appended to planning meetings. The Group is pleased that Full Council chose not to merge these meetings in May 2018.

Recommendation 8: That the Rights of Way and Highways Licensing Panel is not combined with any development management panel. (Full Council has since decided not to merge the panel into Planning Panels)

Rights to speak

- 3.17 The T&F group made an early recommendation that Head of Planning take a report to the O & S Panel on this matter. This has been actioned and members of PHOS resolved that; a report shall be taken to Full Council for approval recommending the conclusion of the trial.

Recommendation 9: This matter has already been actioned. Take through to full Council.

Physical location of Planning Meetings and technology available at Panels

- 3.18 The T&F group discussed the actual physical locations of panel venues and the equipment available at them. The Managing Director has given assurance that this is being looked at as part of wider review.
- 3.19 It is considered beneficial to residents that Area Planning Panels continue meeting in the areas they represent. It is considered that the Council should consider investing in better technology (video/audio/webcasting) for meetings.

Recommendation 10: Area Panels should continue to meet in respective areas unless this cannot be accommodated for a specific reason i.e. availability of venue of the right capacity. The Council should consider improved technology options for meetings.

5 TIMETABLE FOR IMPLEMENTATION

It is recommended to Council that the constitution is changed in two phases. A permanent set of arrangements (Appendix 1) would come into effect from 3rd May 2019 which would incorporate all the changes above. A second set of arrangements has been drafted which would cover the interim period, the interim arrangement would not affect the number of panels or number of members on those panels, but would achieve the other recommended improvements (Appendix 2).

The T&F group instructed Officers to draw up two sets of draft arrangements, these have subsequently been reviewed by members and finalised. The Groups final constitutional recommendations are included as appendices 1 & 2 of this report.

6 KEY IMPLICATIONS/ FINANCIAL DETAILS / VALUE FOR MONEY

The changes proposed are considered to significantly improve the efficiency of Planning Panel arrangements making best use of member and officer time. This is considered to be particularly valuable when member numbers reduce to 41.

The recommendations keep an appropriate level of member oversight on planning decisions.

Officers have advised the T&F group that the changes proposed by the T&F group would save administration, officer time and expense. The measures would also help maintain performance in the planning service.

It is noted that the arrangements would reduce room hire costs and mileage claims as well as other associated expenses of holding meetings.

Officers advised the group that they consider the groups recommendation would lead to some degree of financial saving to the Council.

7 LEGAL IMPLICATIONS

Officers have advised the T&F Group that the Council has the power to amend the constitution in the ways recommended by the group. This requires the approval of Full Council which is the purpose of this report.

8 CONSULTATION

Cllrs D Wilson, M Alexander, L Evans, P Love & D Hilton attended various meetings of the Task and Finish Group and contributed their views on areas for potential change. These members have also seen and contributed their views towards the final recommendations. The T&F group's recommendation have been to cabinet briefing were they were noted.

Cllr Dudley, Leader of the Council, has seen the recommendations and asked that it was noted that the group's recommendations had his full support for adoption in full.

Cllr David Coppinger, Lead member for Planning has reviewed the proposals and confirmed they have his full support.

The Executive Director Place, Head of Planning and Deputy Head of Planning have attended meetings of the group and provided support to it. Officers have confirmed that the changes proposed by the group would be implementable and provide a good set of working arrangements for Members and Officers that would not create additional barriers to decision making or increase costs.

The T&F group instructed Officers to draw up two sets of draft arrangements, these have subsequently been reviewed by members and finalised. These two sets of arrangements recommended for full adoption and are attached as Appendix 1 and 2.

9 SUMMARY OF RECOMMENDED CONSTITUTIONAL CHANGES:

- A. Combine the Windsor Area Development Management Panels (with effect from May 2019)
- B. Increase number of members on area panels to 11 with effect from May 2019. (No substitute members to be permitted less than 24 hours before a planning meeting)
- C. Move panel meetings on to a monthly cycle from May 2019 (as opposed to 4 weekly).
- D. Suggested mechanism for applications for be called to Borough-Wide Panel
- E. From May 2019 it is recommended that the Borough-Wide Panel should have 13 members. 6 members should ideally be from each of the two proposed planning areas of the Borough along with a dedicated Chairperson.
- F. That planning enforcement items should be reported to the chair of the relevant panel (in consultation with Ward Members) who can opt to call them before the relevant area panel.
- G. That the Rights of Way and Highways Licensing Panel is not combined with any planning panel. (This has already been agreed by Full Council that the change will not be implemented)
- H. Area Panels should continue to meet in the respective areas that they represent. It is recommended that the Council should consider improved technology options for meetings.
- I. That the trial on Public Speaking is brought to an end. (note this has already been actioned)

10 APPENDICES

- i) Recommended Constitutional Planning Changes (with effect **from** May 3rd 2019) ("Permanent Changes")
- ii) Recommended Constitutional Changes (until 2nd May 2019) ("Interim Changes")

11 BACKGROUND DOCUMENTS

https://www3.rbwm.gov.uk/info/200110/about_the_council/910/council_constitution
[https://www3.rbwm.gov.uk/downloads/file/3320/2017-2021 - council plan](https://www3.rbwm.gov.uk/downloads/file/3320/2017-2021_-_council_plan)

APPENDIX 1

Constitutional recommendation from May 3rd 2019

(Referred to in report as the “Permanent Recommendation”)

Change to Part 6 – Terms of Reference of all other Committees, Panels and other Bodies of the Council (Recommendation to replace sections D3-D4 of the Constitution)

D3 Development Management Panels**D3.1 Purpose**Borough-wide Development Management Panel

Planning applications which are likely to have a significant impact, going beyond the area of the relevant Area Development Management Panel will be considered and determined at a meeting of the Borough-Wide Development Management Panel.

The initial decision as to whether an application falls into this category will be taken by the Head of Planning in consultation with the Lead Member for Planning and the Borough Wide Panel Chairman.

In the event of a lack of unanimity, the Lead Member for Planning, the Borough Wide Panel Chairman and the relevant Area Panel Chairman will meet and reach a majority decision to recommend to the Head of Planning.

Area Development Management Panels

(i) Within the operating guidelines and budget approved by the Council the Area Development Management Panels will determine application other than those delegated to the Borough-wide Development Management Panel relating to the following:

a. Where a Councillor has requested within 28 days of the publication of the weekly List featuring an application, using the adopted pro-forma for Calling in applications, that an application should be the subject of a decision by the Area Development Management Panel (other than applications for Certificates of Lawfulness, **prior notification applications, Non-Material Amendments, conditions applications and Screening and Scoping Opinions**)

b. Where the application is for Major/large scale development (with the exception of S73 and S73a applications), **regardless of recommendation**, that has not been directed to the Borough-Wide Development Management Panel. Such development is defined as any one or more of the following:—

- the excavation, processing or working of minerals or the use of land for such uses;
- any development designed to be used wholly or mainly for the purpose of, or material change of use to, treating, storing, processing or disposing of refuse or waste materials;

- the provision of dwellings where—
 - (i) the number of dwellings to be provided is 10 or more; or
 - (ii) the development is to be carried out on a site having an area of 0.5 hectares or more and it is not known whether the development falls within subparagraph (c)(i);
- the provision of a building or buildings where the floor space to be created by the development is 1,000 square metres or more; or
- development carried out on a site having an area of 1 hectare or more;

Note: “dwellings” includes a building constructed as a single occupation dwelling or a single flat within a contained within a building.

Note: Major S73 and S73A applications may still be called in to panel within the call in period, under provision (A) above.

c. Where a planning application proposes an increase of more than two dwellings (**net**) and the Head of Planning’s recommendation is to approve then the decision is made by the Area Development Management Panel unless the decision is delegated to the Head of Planning by the Chairman of the relevant Panel.

d. Where the Officer’s decision would reverse a previous decision of a Development Management Panel for the same development or would have the effect of preventing the proper implementation of any previous planning decision made by a Development Management Panel.

e. Where an emerging or approved Local Plan or other Policy or Guidance is in existence for a particular area or development type and the Officers recommendation on the application would be contrary to the Development Plan

f. Where an application is made by a Councillor or a member of their family and there are one or more objections or it is contrary to adopted planning policies.

g. Where a **planning** application **resulting in an increase in floor space** is made by the Council or the Council has land ownership interest in the site and objections have been received.

h. Where an application is made by an officer employed in a role which is part of or interacts with the planning application process and there are one or more objections or it is contrary to adopted planning policies.

i. Where in the opinion of the Head of Planning in consultation with the Lead Member for Planning, that it would not be appropriate to use delegated authority.

j. Where any tree of amenity value or significance that is to be felled whether covered by a TPO or in a Conservation Areas or on Highways land may come to an Area Panel if the where the Head of Planning, in consultation with the Lead Member for Planning agree it is appropriate in the public interest. i.e. a contribution to the amenity or street scene.

k. Any notices for planning enforcement and listed building enforcement notices that the Head of Planning considers should be considered by the relevant Area Development

Management Panel. Any planning enforcement notices called in by the Panel Chair (see iv for all other Enforcement Notices)

(ii). All other functions regarding town and country planning and development management listed in Part A and related to trees and hedgerows listed in Part I of Schedule 1 of The Local Authorities (Functions and Responsibilities) (England) Regulations 2000 and the CIL regulations are to be delegated to the Head of Planning. All functions listed in the Localism Act 2011 related to plan making and neighbourhood planning are delegated to the Head of Planning save for those which the Local Authorities (Functions and Responsibilities) (England) Regulations 2000 require to be determined by Full Council. For the avoidance of doubt the Head of Planning also has delegated authority for those types of application subsequently introduced under the Town and Country Planning Acts (including secondary legislation and regulations) subject to the exceptions listed above

(iii) To advise the Council, the Cabinet, the Planning and Housing Overview and Scrutiny Panel on the preparation, updating and monitoring of the Local Plan and policies relating to development management guidance.

(iv) Delegated Authority for Enforcement notices: Recommendations for Enforcement Notices and listed building enforcement notices and relevant reports shall be prepared by officers. These reports shall be sent to the chair of the relevant Area Planning Committee (copied to the relevant ward members). The Chair shall decide whether or not to 'call in' the matter before the relevant Area Development Management Panel. If the item is not called in by the chair, Officers can proceed under delegated authority. If the chair of the relevant area panel is unavailable, or a response or holding response is not received within 48 hours the decision may be made by the vice chair of the panel.

D3.2 Membership of Development Management Panels

The Membership of Area Development Management Panels and substitutes will be selected at Annual Council as well as the Chairperson of the Borough-wide Development Management Panel

Borough-wide Panel

13 members

The Borough-Wide Panel shall have 13 members. One shall be the Chairperson. Where possible, the 12 other members should ideally be drawn equally from the two Area Development Management Panels (and relevant substitutes) in line with political balance.

Area Development Management Panels

There shall be two Area Development Management Panels who shall consider applications in the following wards:

- a) Maidenhead Area Development Management Panel – 11 Members
Wards: Belmont, Bisham & Cookham, Boyn Hill, Bray, Cox Green, Furze Platt, Hurley & the Walthams, Oldfield, Pinkneys Green and Riverside, St Mary's

- b) Windsor Area Development Management Panel – 11 Members
Wards: Ascot & Sunninghill, Clewer and Dedworth East, Clewer and Dedworth West, Clewer East, Datchet, Eton & Castle, Horton and Wraysbury, South Ascot and Sunningdale,

A Cabinet Member may be a Member of a Development Management Panel but the Lead Members holding the portfolio or responsibility for Planning matters shall not be permitted to be member.

D3.3 Quorum

Maidenhead Area Development Management Panel – 3 Members
Windsor Area Development Management Panel – 3 Members
Borough-wide Development Management Panel – 4 Members

D3.4 Frequency

Meetings will of Panels be arranged on a monthly cycle. Where possible meetings should be arranged as follows:

Windsor Area Development Management Panel – 1st Wednesday of each month
Borough-wide Development Management Panel – 2nd Wednesday of each month
Maidenhead Area Development Management Panel – 3rd Wednesday of each month

Note: While the dates are ideally fixed they may be subject to change for reasons such as venue availability issues.

D3.5 Substitute Members

No substitutes shall be permitted, unless the substitute has been identified to democratic service at least 24 hours in advance of the start of the panel meeting.

APPENDIX 2

Constitutional recommendation until May 2nd 2019

(Referred to in report as the “Interim Recommendation”)

Change to Part 6 – Terms of Reference of all other Committees, Panels and other Bodies of the Council (Recommendation to replace sections D3-D4 of the Constitution)

D3 Development Management Panels**B3.1 Purpose**Borough-wide Development Management Panel

Planning applications which are likely to have a significant impact, going beyond the area of the relevant Area Development Management Panel will be considered and determined at a meeting of the Borough-Wide Development Management Panel.

The initial decision as to whether an application falls into this category will be taken by the Head of Planning in consultation with the Lead Member for Planning and the Borough Wide Panel Chairman.

In the event of a lack of unanimity, the Lead Member for Planning, the Borough Wide Panel Chairman and the relevant Area Panel Chairman will meet and reach a majority decision to recommend to the Head of Planning.

Area Development Management Panels

(i) Within the operating guidelines and budget approved by the Council the Area Development Management Panels will determine application other than those delegated to the Borough-wide Development Management Panel relating to the following:

a. Where a Councillor has requested within 28 days of the publication of the weekly List featuring an application, using the adopted pro-forma for Calling in applications, that an application should be the subject of a decision by the Area Development Management Panel (other than applications for Certificates of Lawfulness, **prior notification applications, Non-Material Amendments, conditions applications and Screening and Scoping Opinions**)

b. Where the application is for Major/large scale development (with the exception of S73 and S73a applications), **regardless of recommendation**, that has not been directed to the Borough-Wide Development Management Panel. Such development is defined as any one or more of the following:—

- the excavation, processing or working of minerals or the use of land for such uses;
- any development designed to be used wholly or mainly for the purpose of, or material change of use to, treating, storing, processing or disposing of refuse or waste materials;
- the provision of dwellings where—

- (i) the number of dwellings to be provided is 10 or more; or
- (ii) the development is to be carried out on a site having an area of 0.5 hectares or more and it is not known whether the development falls within subparagraph (c)(i);
- the provision of a building or buildings where the floor space to be created by the development is 1,000 square metres or more; or
- development carried out on a site having an area of 1 hectare or more;

Note: "dwellings" includes a building constructed as a single occupation dwelling or a single flat within a contained within a building.

Note: Major S73 and S73A applications may still be called in to panel within the call in period, under provision (A) above.

c. Where a planning application proposes an increase of more than two dwellings (net) and the Head of Planning's recommendation is to approve then the decision is made by the Area Development Management Panel unless the decision is delegated to the Head of Planning by the Chairman of the relevant Panel.

d. Where the Officer's decision would reverse a previous decision of a Development Management Panel for the same development or would have the effect of preventing the proper implementation of any previous planning decision made by a Development Management Panel.

e. Where an emerging or approved Local Plan or other Policy or Guidance is in existence for a particular area or development type and the Officers recommendation on the application would be contrary to the Development Plan

f. Where an application is made by a Councillor or a member of their family and there are one or more objections or it is contrary to adopted planning policies.

g. Where a planning application resulting in an increase in floor space is made by the Council or the Council has land ownership interest in the site and objections have been received.

h. Where an application is made by an officer employed in a role which is part of or interacts with the planning application process and there are one or more objections or it is contrary to adopted planning policies

i. Where in the opinion of the Head of Planning in consultation with the Lead Member for Planning, that it would not be appropriate to use delegated authority.

j. Where any tree of amenity value or significance that is to be felled whether covered by a TPO or in a Conservation Areas or on Highways land may come to an Area Panel if the where the Head of Planning, in consultation with the Lead Member for Planning agree it is appropriate in the public interest. i.e. a contribution to the amenity or street scene.

k. Any notices for planning enforcement, trees and listed building enforcement notices that the Head of Planning considers should be considered by the relevant Area Development Management Panel. Any planning enforcement notices called in by the Panel Chair (see iii for all other Enforcement Notices)

m. (ii). All other functions regarding town and country planning and development management listed in Part A and related to trees and hedgerows listed in Part I of Schedule 1 of The Local Authorities (Functions and Responsibilities) (England) Regulations 2000 and the CIL regulations are to be delegated to the Head of Planning. **All functions listed in the Localism Act 2011 related to plan making and neighbourhood planning are delegated to the Head of Planning save for those which the Local Authorities (Functions and Responsibilities) (England) Regulations 2000 require to be determined by Full Council. For the avoidance of doubt the Head of Planning also has delegated authority for those types of application subsequently introduced under the Town and Country Planning Acts (including secondary legislation and regulations) subject to the exceptions listed above**

(ii) To advise the Council, the Cabinet, the Planning and Housing Overview and Scrutiny Panel on the preparation, updating and monitoring of the Local Plan and policies relating to development management guidance.

(iii) Delegated Authority for Enforcement notices: Recommendations for Enforcement notices and listed building enforcement notices and relevant reports shall be prepared by officers. These reports shall be sent to the chair of the relevant Area Planning Committee (copied to the relevant ward members). The Chair shall decide whether or not to 'call in' the matter before the relevant Area Development Management Panel. If the item is not called in by the chair, Officers can proceed under delegated authority. If the chair of the relevant area panel is unavailable, or a response or holding response is not received within 48 hours the decision may be made by the vice chair of the panel.

D3.2 Membership of Development Management Panels

The Membership of all Development Management Panels and substitutes will be selected at Annual Council.

Borough-wide Panel

15 members

Area Development Management Panels

There shall be three Area Development Management Panels who shall consider applications in the following wards:

- a) Maidenhead Development Management Panel – 9 Members
Wards: Belmont, Bisham & Cookham, Boyn Hill, Bray, Cox Green, Furze Platt, Hurley & the Walthams, Oldfield, Pinkneys Green and Maidenhead Riverside.
- b) Windsor Rural Development Management Panel – 9 Members
Wards: Ascot & Cheapside, Horton & Wraysbury, Old Windsor, Sunningdale and Sunninghill & South Ascot.
- c) Windsor Urban Development Management Panel – 9 Members

Wards: Castle Without, Clewer North, Clewer South, Clewer East, Eton and Castle, Eton Wick, Datchet, Park

A Cabinet Member may be a Member of a Development Management Panel but the Lead Members holding the portfolio or responsibility for Planning matters shall not be permitted to be member.

D3.3 Quorum

Maidenhead Development Management Panel – 3 Members

Windsor Rural Development Management Panel – 3 Members

Windsor Urban Development Management Panel – 3 Members

Borough-wide Development Management Panel – 4 Members

D1.4 Frequency

Area Panels - Every four weeks

Borough-wide – Every four weeks

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Report Title:	An Inclusive Borough
Contains Confidential or Exempt Information?	NO - Part I
Member reporting:	Councillor N Airey, Lead Member for Children's Services
Meeting and Date:	Council 25 September 2018
Responsible Officer(s):	Kevin McDaniel Director of Children's Services
Wards affected:	All

www.rbwm.gov.uk



REPORT SUMMARY

1. This report sets out the ambition of the Royal Borough to be a beacon of inclusivity for our residents, particularly those with additional needs and ask Council to adopt an inclusion charter to direct future policy and decision making.
2. This council, along with our partners already offers a range of services to support vulnerable residents with additional needs. In May 2018, there were almost 4,000 young people identified with additional needs in our state-funded schools and less than 25% of those have an Education, Health and Care plan.
3. The inclusion charter has been developed by young people, parents & carers, schools, health and social care professionals as part to the area's response to the inspection of services for young people with additional needs by Ofsted and the Care Quality Commission in 2017.
4. By adopting this charter, the Council will be sending a clear message that those living with additional needs should always be considered when operating services, opening facilities or working with communities so everyone can take part in an inclusive manner.
5. This Council will lead the way to improving inclusion but cannot succeed alone and therefore will need commitment from all our partners, voluntary sector organisations, businesses and community groups to promote and follow the inclusion principles set out in this charter.

1. DETAILS OF RECOMMENDATION(S)

RECOMMENDATION: That Council notes the report and:

- i) **Adopts the inclusion charter set out in Appendix 1 and endorses its use as guidance to all service planning on behalf of this Council.**
- ii) **Agrees that Councillors will promote the wider adoption of the inclusion charter and it's principles with external bodies and groups which serve the residents of the Royal Borough.**

2. REASON(S) FOR RECOMMENDATION(S) AND OPTIONS CONSIDERED

- 2.1 Ofsted and the Care Quality Commission inspected the area's services for young people with additional needs and/or disabilities in July 2017 and identified a number of areas that needed improvement.
- 2.2 While the inspection found that young people attended school, achieved well, and secured gainful employment at rates that were better than national averages, the inspection team felt that leadership of the system by the local authority, the Clinical Commissioning Group in health and schools could do more.
- 2.3 The arrangements for parental representation, via a Parent Carer Forum, were also restarting and there was a need for that to mature.
- 2.4 Since the inspection a great deal of work has taken place in many areas to improve the joint working between the council, health, schools and parents so that there is a better experience for children and young people.
- 2.5 Those successes include:
- All statements transferred to Education, Health and Care plans (EHCPs) by the March 2018 deadline.
 - All EHCPs completed within the 20 week deadline during 2017-18 and continuing to be so in the current financial year.
 - The capacity for 50 more Autism assessments within the east Berkshire health service during 2018, targeted at those who have been waiting the longest.
 - £450,000 investment in resources to support further mainstream school inclusion in the next three financial years.
 - A positive culture change working together with families with an increase in the role of the Parent Carer Forum co-production work from 4 hours to 94 hours over the past 12 months.
 - Parent Carer Forum membership has doubled in 2018.
 - The delivery of the first annual Inclusion Summit which was attended by 174 people. The second is booked for 2 April 2019.
 - The creation and publication of the inclusion charter for the area.

Inclusion charter

- 2.6 The ambition of the inclusion charter is to raise the awareness of the simple steps that anyone can take with children and young people with additional needs and/or disabilities so that their experience is a positive one.
- 2.7 The draft charter has been co-produced by council, health, school staff and parents. It was reviewed by young people and a wider group of multi-agency staff before publication. This is set out in more detail in section 8.
- 2.8 Each item on the charter is divided into two parts. Part one describes what service providers will do, with part two describing the benefit for the young person.
- 2.9 The inclusion charter is set out in appendix 1. It has four distinct principles:
- Ensuring that young people are heard respectfully
 - Services will try to make reasonable adjustments to support inclusion

- Sometimes new ideas will be needed and young people and their families will be part of that problem solving.
- When services need to work with others they'll make sure that those children and young people with additional needs or a disability have their wishes shared.

2.10 By adopting this charter, the council will lead the way in making sure that more children and young people can take part in the range of activities and experiences in the local area. The options are set out in Table 1.

Table 1: Options arising from this report

Option	Comments
Adopt the inclusion charter as guidance to future Council service planning Recommended option	This will allow the council to demonstrate it's leadership of the inclusion agenda to benefit the children and young people of the Borough.
Councillors promote the adoption of the inclusion charter by all organisations working with children and young people Recommended option	This will support the desire for the local authority area to be seen as a 'beacon for inclusion' where young people are able to live fulfilling lives.
The inclusion charter is not adopted across the council. This is not recommended	Children's Services will continue to develop their specific services in isolation; however parents and young people will not experience an improvement across the area. This should reduce the risk of a possible breach of the Equality Act 2010.

2.11 The adoption of the charter will help improve life for young people like Reuben, Bella and Vicky, their case studies are set out in graphical form in the following pages.

2.12 Reuben is 4 years old with significant medical needs that affect his physical development.

Reuben

Reuben is a 4 year old boy who has significant medical needs that affect his physical development.

If all places had a disabled bathroom that was suitable for all young people, I would be able to go more places...

Sometimes when I need to use the disabled bathroom, but they are far away and not child-friendly.

I like using the safety swings at the park as I worry that I will fall off, but now I am getting too big too big for them...


If the park always had a safety swing made for bigger young people it would mean I could carry on using the swing...

When I stayed at hospital for a long time, I wanted to speak to other children my age but there was nobody else around...

I want to go to play centres like other young people my age, but it is very loud, busy and Doctors worry that I will get an infection if they are too dirty...

If hospitals had places where young people like me could meet each other I would have made lots of friends.

If play centres were able to give me space to play with fewer people and make sure they were clean, I would be able to play like everyone else.



2.13 Bella is 16 years old and struggles with mobility.

Bella

Bella is a 16 year old girl who struggles with mobility.

"When I am included it makes me feel happy and part of the community"

I want to go places on my own but I sometimes struggle to open the doors because they're too heavy...

If everywhere had automatic doors... this wouldn't be a problem for me.



I like going to the swimming pool but I find it difficult to get in the water...

If all pools had a shallow bit that I could easily get in and out of or there is always someone who is able to help it would mean I could go swimming lots more!

2.14 Vicky is 14 years old with anxiety, depression and Obsessive Compulsive Disorder (OCD)

Vicky

Vicky is a 14 year old girl who has anxiety, depression and OCD.

"I feel like a bad friend because sometimes I am unable to do things with my friends that they want to do"

Sometimes I get very panicky when I am in queues (which is unavoidable) and people look at me judgementally, which makes things worse...

I think people with anxiety who are already panicking should be able to skip queues ...

Often, people think that my OCD "is when you are very neat" and depression is "when you are very sad", which is far from the truth...

If all places had training for both adults and young people in understanding mental health, it would help people support me.

2.15 Jemma is 20 years and has autism and complex needs. She now lives at home with support.

Jemma

Jemma is 20 years old and used to live in a residential placement due to her complex needs but has now moved home.

I felt unhappy as I was not included in my community. Now I live back at home this is improving. I now attend a college that can support me to achieve.

Sometimes I find lots of things about life difficult.

I tend to withdraw and not communicate when I am sad. I am happier now I can live in my own community with support.

It is important to have a support worker. I liked it when my support worker helped me understand things and made plans to help me be more independent.



If more people new how to read my body language it would help them understand me.

3. KEY IMPLICATIONS

Table 2: Key Implications

Outcome	Unmet	Met	Exceeded	Significantly Exceeded	Date of delivery
<p>Children, young people and their families feel welcome and supported in all public spaces and local schools.</p> <p>Services are trained and briefed to understand the implications of supporting the inclusion charter.</p>	<p>Resident survey - Over 20% of children and their family's sampled report that they continue to experience difficulties accessing local facilities and feeling welcomed and supports.</p>	<p>The Inclusion Charter is a familiar sight in all public areas and children and their families feel heard and supported.</p> <p>No complaints received regarding inclusive practice.</p> <p>Feedback from less than 20% of children and their families report that they continue to experience difficulties accessing local facilities and feeling welcomed and supports.</p>	<p>Schools, services and some public areas are suitably adapted and all are welcoming to all young people with additional needs or a disability</p>	<p>Services and public areas are suitably adapted and welcoming to all young people with additional needs or a disability</p>	<p>July 2019</p>

4. FINANCIAL DETAILS / VALUE FOR MONEY

4.1 There are no financial implications from this report.

5. LEGAL IMPLICATIONS

5.1 There is existing legislation to support the rights of children and young people with disabilities. This charter does not in anyway alter the rights of any group and does not represent a binding commitment to any course of action.

6. RISK MANAGEMENT

6.1 There are few risks associated with the adoption of the inclusion charter.

Table 2: Impact of risk and mitigation

Risks	Uncontrolled risk	Controls	Controlled risk
The charter is used to argue that the council must do something specific in the future	MEDIUM	This report is explicit that the charter represents guidance for service planning and that all future decisions which consider inclusion should reference the charter when considering potential impacts	LOW

7. POTENTIAL IMPACTS

7.1 An Equality Impact Assessment (EQIA) was not considered necessary for this work as the charter sets out some principles designed to benefit a particular group of disadvantaged residents. It is expected that services will consider an EIA for future service changes which are planned with the charter as part of the guidance considered.

8. CONSULTATION

8.1 The Inclusion Charter has been developed as part of the response to the Area SEND inspection undertaken by Ofsted and the Care Quality Commission in July 2017. That inspection noted that there was limited strategic leadership of the reforms introduced in the Children's Act 2014 and many families had to repeatedly advocate for their children across a range of services.

8.2 The following process was used to create the draft charter:

- A range of workshops with parents, health, education and social care colleagues.
- Multiagency task and finish groups
- Focus groups with children in RBWM schools.
- Email collaboration with PaCiP members and each school's Special Educational Needs Co-ordinator (SENCo).

8.3 The draft charter was presented in a workshop at the first inclusion summit on the 18 April 2018 where 174 parents and professionals from health, education, local authority and the voluntary sector contributed to the development of the final charter set out in Appendix 1.

8.4 The final version was published by the SEND steering group following their meeting on 19th June 2018.

9. APPENDICES

9.1 This report is supported by one appendix:

- Appendix 1: Inclusion Charter

10. BACKGROUND DOCUMENTS

10.1 This report is supported by one background document:

- The Written Statement of Action for Ofsted following the Area Inspection of services for children and young people with additional needs or disabilities. This can be accessed via the Local Offer web pages at :<link here>

11. CONSULTATION (MANDATORY)

Name of consultee	Post held	Date sent	Date returned
Cllr Airey	Lead Member for Children's Services	13/9/2018	17/9/18
Alison Alexander	Managing Director	13/9/2018	17/9/18
Rob Stubbs	Section 151 Officer	13/9/2018	
Elaine Browne	Head of Law and Governance	13/9/2018	
Nikki Craig	Head of HR and Corporate Projects	13/9/2018	
Louisa Dean	Communications	13/9/2018	
Russell O'Keefe	Executive Director	13/9/2018	
Andy Jeffs	Executive Director	13/9/2018	17/9/18
Hilary Hall	Deputy Director of Commissioning and Strategy	13/9/2018	
	Other e.g. external		

REPORT HISTORY

Decision type:	Urgency item?	To Follow item?
Non-key decision	No	No
Report Author: Kevin McDaniel, Director of Children's Services, 01628 796477		

Everyone Matters

We believe that all children and young people in Windsor, Ascot and Maidenhead, including those with additional needs, have the right to be included in local services, so they can thrive and reach their potential.

Inclusion Charter for children and young people

This charter sets out what all children and young people should expect when accessing services



Services welcome and value all children, young people and their families to...	So you can....
Make sure that you feel listened to and treated with respect	Have your say and feel safe
Work together to understand and support any reasonable adjustments that you may need	Belong to a community, such as your local school, leisure centre, club, etc
Talk with you and your family to help us understand your needs and solve problems together	Feel understood and helped to achieve your best
Speak to other professionals who support you, so you only have to tell your story once	Tell someone what you want to achieve and how we can help

Understanding equality, diversity and inclusion (Equality Act 2010)



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Report Title:	Eton and Eton Wick Neighbourhood Plan – Formal Making of the Plan
Contains Confidential or Exempt Information?	NO - Part I
Member reporting:	Councillor Bateson Principal Member for Neighbourhood Planning
Meeting and Date:	Council 25 September 2018
Responsible Officer(s):	Russell O'Keefe, Executive Director Jenifer Jackson, Head of Planning
Wards affected:	Eton and Eton and Castle

www.rbwm.gov.uk



REPORT SUMMARY

- 1 This report asks Council to make the Eton and Eton Wick Neighbourhood Plan part of the Development Plan for the Royal Borough of Windsor and Maidenhead and for it to be used in decision making for relevant planning applications in the neighbourhood plan area
- 2 This follows a successful referendum on 12th July 2018 where the majority of votes were cast in favour.

1. DETAILS OF RECOMMENDATION(S)

RECOMMENDATION: That Council notes the report and:

- i) That the council make the Eton and Eton Wick Neighbourhood Plan part of the Development Plan for the Royal Borough of Windsor and Maidenhead; and
- ii) Delegates authority to the Head of Planning, in consultation with the Principal Member for Neighbourhood Planning, to make minor, non material, amendments to the Neighbourhood Plan prior to its publication.

2. REASON(S) FOR RECOMMENDATION(S) AND OPTIONS CONSIDERED

- 2.1 The National Planning Policy Framework (NPPF) and the Localism Act (2011) give local communities direct power to develop their shared vision for their neighbourhood and deliver the sustainable development they need. Neighbourhood planning provides a powerful set of tools for local people to get the right type of development for their community. The formal making of the plan is the final stage of the neighbourhood plan production process.
- 2.2 The borough is encouraging neighbourhood planning. There are currently 10 neighbourhood plan areas in the borough at different stages of production. Eton and Eton Wick is the third Neighbourhood Plan to reach this stage in the process.
- 2.3 The group producing the plan has placed community consultation at the heart of their plan, undertaking a series of consultations and developing evidence to support their policies. This process has generated a lot of interest in the local

community. The plan and the policies within it have been supported by the majority of respondents at the earlier stages.

- 2.4 Following publication, the neighbourhood plan was scrutinised by an independent examiner. The examiner was appointed by the Royal Borough, with the agreement of the Qualifying Body. This examination was carried out without a public examination, using the written representations process, and the examiner’s report recommended that the plan proceeds to referendum, subject to modifications. These modifications were considered necessary by the independent examiner, to ensure the neighbourhood plan meets the Basic Conditions, as required by the Localism Act.
- 2.5 In May 2018 cabinet approved the Neighbourhood Plan going to referendum with a single question (as set by the ‘Neighbourhood Planning (Referendums) Regulations 2012’) “Do you want the Royal Borough of Windsor and Maidenhead to use the Neighbourhood Plan for Eton and Eton Wick to help it decide planning applications in the neighbourhood area?”
- 2.6 The referendum took place on 12th July 2018 in the parishes in the Neighbourhood Plan area where there were two polling stations; 411 ballot papers were issued and 360 people voted in favour of the above question. More than 50% of those voting in the referendum answered “yes”, and therefore the plan is now part of the Development Plan for the borough but it also needs to be formally ‘made’ (adopted) by the borough. This ‘making’ of the neighbourhood plan the plan is the reason for this report to Council.

Options

Table 1: Options arising from this report

Option	Comments
<p>1. Accept the result of the referendum and formally make the Eton and Eton Wick Neighbourhood Plan part of the Development Plan for the Royal Borough of Windsor and Maidenhead.</p> <p>Recommended option</p>	<p>This is the next step in the Borough adopting localism in planning, to enable our communities to shape their area. The Neighbourhood Plan will be used by the Council for determining planning applications in the Neighbourhood Plan area.</p>
<p>2. Do not accept the result of the referendum and do not use the neighbourhood plan for determining planning applications in the Neighbourhood Plan area.</p> <p>This option is not recommended.</p>	<p>This option would deny the local community the opportunity to ensure that their Neighbourhood Plan can be used for determining planning applications in their area. There would also be a series of legal consequences to the decision, and processes to go through which have not been explored.</p>

3. KEY IMPLICATIONS

Table 2: Key Implications

Outcome	Unmet	Met	Exceeded	Significantly Exceeded	Date of delivery
A made neighbourhood plan that delivers the wishes of the community.	From Referendum date to 2030	Neighbourhood Plan used in determining planning applications.	Neighbourhood Plan is used and is successfully defended at appeal.	Neighbourhood Plan used in determining planning applications and development is in accordance with the plan as the community expected.	Day of referendum
Development in accordance with policies of the neighbourhood plan.	Panel and appeal decisions do not comply with the plan policies.	Planning applications and appeals are determined in accordance with the neighbourhood plan.	Majority of applications submitted comply with the policies of the neighbourhood plan.	All applications submitted comply with the policies of the neighbourhood plan.	ongoing

4. FINANCIAL DETAILS / VALUE FOR MONEY

- 4.1 The council has received grant payments from the Department of Communities and Local Government in association with the progress of this particular plan (grants have also been received in association with the progress of other plans). The council awarded the Eton and Eton Wick plan group £20,000 in April 2015, this has been met partly from front runner grant and partly as a revenue cost to the planning service. The council has, to date, spent £11,334.64 of revenue on the Eton and Eton Wick plan with £5,000 designation grant secured against that as income.
- 4.2 A further grant payment of £20,000 has been applied for, having set the date for the referendum. This will be the final grant that can be applied for in association with this plan, this grant is to cover the cost of the examination and referendum. Council is asked to forward fund the cost of the referendum in the event that cost is incurred before the funding is received from government. Based on the above it is likely that there will be a net cost to the council at the end of the process.
- 4.3 The parishes in the Neighbourhood Plan area will now be entitled to receive 25% of Community Infrastructure Levy (CIL) receipts that have accrued from development within their parish. Currently a parish with no Neighbourhood Plan is entitled to receive 15% of (CIL) receipts in their area.

Table 3: Financial Impact of report's recommendations

REVENUE COSTS	2018/19	2019/20	2020/21
Additional total	£20,000	£0	£0
Reduction	£20,000	£0	£0
Net Impact	£0	£0	£0

5. LEGAL IMPLICATIONS

- 5.1 The Localism Act (2011) and The Neighbourhood Planning (General) Regulations (2012) give power to Local Planning Authorities to approve a neighbourhood plan to proceed to referendum. Under the Neighbourhood Planning Act 2017 if the referendum results in a simple majority ‘Yes’ vote the Neighbourhood Development Plan will immediately form part of the Development Plan for the Royal Borough. Following this Act the council should ‘have regard to a post-examination neighbourhood development plan when dealing with an application for planning permission, so far as that plan is material to the planning application.
- 5.2 This decision by Council is the formal confirmation that the Eton and Eton Wick Neighbourhood Plan forms part of the Development Plan for the Royal Borough. The council has authority to take that decision.

6. RISK MANAGEMENT

Table 4: Impact of risk and mitigation

Risks	Uncontrolled Risk	Controls	Controlled Risk
Community will not have an opportunity to guide development in their area.	Medium	Approve the neighbourhood plan to made part of the Development Plan for the Royal Borough of Windsor and Maidenhead.	Low
Risk of legal challenge if examiner’s recommendations not accepted.	High	Approve the neighbourhood plan to made part of the Development Plan for the Royal Borough of Windsor and Maidenhead.	Low
If not approved, planning applications and issues in the neighbourhood area will not be dealt with in a way the communities intended	Medium	Approve the neighbourhood plan to made part of the Development Plan for the Royal Borough of Windsor and Maidenhead.	Low
Development in neighbourhood	High	Approve the neighbourhood	Medium

Risks	Uncontrolled Risk	Controls	Controlled Risk
area may continue to receive significant levels of objection from residents and not meet some local needs.		plan to made part of the Development Plan for the Royal Borough of Windsor and Maidenhead.	

7. POTENTIAL IMPACTS

- 7.1 The independent examiner has confirmed that the neighbourhood plan meets the Basic Conditions. One of these conditions is that it must be compatible with human rights requirements. Officers agree that the plan, with modifications, meets the Basic Conditions.
- 7.2 There are not considered to be any equality impacts relating to the recommendations of this report.
- 7.3 Another of the Basic Conditions is to contribute to the achievement of sustainable development. The neighbourhood plan was supported by a Strategic Environmental Assessment screening that concluded that the plan would not trigger significant environmental effects. In addition to this, the council has confirmed that it believes the plan meets the Basic Conditions, including in terms of sustainability.

8. CONSULTATION

- 8.1 During the production of the Neighbourhood Plan the Steering Group undertook several consultations and engagement events with Local Stakeholders in the Neighbourhood Plan Area. After the Draft Neighbourhood Plan was submitted to the Royal Borough a formal process of consultation was undertaken by planning officers and the results of this were forwarded to the independent examiner for their consideration during the examination process. The consultation process has met the legal requirements. The referendum is the final form of local consultation and the result was a clear vote to implement the Neighbourhood Plan.

9. TIMETABLE FOR IMPLEMENTATION

Implementation date if not called in: Immediately. The full implementations stages are set out in table 5.

Table 5: Implementation timetable

Date	Details
12 July 2018	Successful Referendum vote in favour of the Neighbourhood Plan
25 th September 2018	Formal Making of the Neighbourhood Plan

10. APPENDICES

10.1 This report is supported by two appendices:

Appendix A – The Eton and Eton Wick Neighbourhood Plan (available electronically)

https://www3.rbwm.gov.uk/info/200209/planning_policy/477/neighbourhood_plans/2

Appendix B - DECLARATION OF RESULT OF POLL: Eton and Eton Wick Neighbourhood Plan Area

https://www3.rbwm.gov.uk/info/200131/elections_and_voting/1359/elections_and_referendums_in_2018

11. BACKGROUND DOCUMENTS

11.1 This report is supported by 6 background documents:

- National Planning Policy Framework (NPPF) – <https://www.gov.uk/government/publications/national-planning-policy-framework--2>
- Localism Act (2011) <http://www.legislation.gov.uk/ukpga/2011/20/contents/enacted>
- Neighbourhood Planning (General) Regulations (2012) <http://www.legislation.gov.uk/uksi/2012/637/schedule/1/made>
- Neighbourhood Planning (Referendum) Regulations (2012) <http://www.legislation.gov.uk/ukdsi/2012/9780111525050/contents>
- Neighbourhood Planning Act 2017 <http://www.legislation.gov.uk/ukpga/2017/20/contents/enacted>
- Cabinet Report – Neighbourhood Planning Designations (March 2013); related delegated decision. https://www3.rbwm.gov.uk/downloads/file/599/eton_neighbourhood_plan_delegated_decision_statement

12. CONSULTATION (MANDATORY)

Name of consultee	Post held	Date sent	Date returned
Alison Alexander	Managing Director	11/09/18	17/9/18
Rob Stubbs	Section 151 Officer	11/09/18	11/09/18
Elaine Browne	Head of Law and Governance	11/09/18	
Nikki Craig	Head of HR and Corporate Projects	11/09/18	12/09/18
Louisa Dean	Communications	11/09/18	12/09/18
Russell O'Keefe	Executive Director	11/09/18	12/09/18
Andy Jeffs	Executive Director	11/09/18	12/09/18
Hilary Hall	Deputy Director of Commissioning and Strategy	11/09/18	12/09/18

REPORT HISTORY

Decision type: Key decision	Urgency item? No	To Follow item? No
Report Author: Jenifer Jackson, Head of Planning 01628 796042		

DECLARATION OF RESULT OF POLL

Eton & Eton Wick Neighbourhood Plan Area

I, the Undersigned, being the Deputy Counting Officer for the Royal Borough of Windsor and Maidenhead at the above referendum held on Thursday 12 July 2018, do hereby give notice that the results of the votes cast is as follows:

Question:	
“Do you want the Royal Borough of Windsor and Maidenhead to use the Neighbourhood Plan for Eton & Eton Wick to help it decide planning applications in the neighbourhood area?”	
	Votes Recorded
Number cast in favour of a YES	360
Number cast in favour of a NO	49

The number of ballot papers rejected was as follows:	Number of ballot papers
(a) Want of an official mark	
(b) Voting for more answers than required	
(c) Writing or mark by which the voter could be identified	
(d) Being unmarked or wholly void for uncertainty	2
Total Rejected	2

Electorate: 3,022 Ballot Papers Issued: 411 Turnout: 13.6%

And I do hereby declare that more than half of those voting have voted:

YES – in response to the question: “Do you want the Royal Borough of Windsor and Maidenhead to use the Neighbourhood Plan for Eton & Eton Wick to help it decide planning applications in the neighbourhood area?”

Suzanne Martin
Deputy Counting Officer

Thursday 12 July 2018



Report Title:	Broadway Car Park
Contains Confidential or Exempt Information?	YES: Appendix C Not for publication by virtue of paragraph 3 of Part 1 of Schedule 12A of the Local Government Act 1972.
Member reporting:	Councillor Simon Dudley Leader of the Council and Cabinet Member for Maidenhead Regeneration and Maidenhead Councillor Jesse Grey Cabinet Member for Environmental Services
Meeting and Date:	Council 25 September 2018
Responsible Officer(s):	Russell O'Keefe – Executive Director
Wards affected:	All

REPORT SUMMARY

1. Broadway Car Park, often referred to as Nicholson's Car Park, is the key town centre car park. The car park is reaching the end of its lifespan and is in need of significant repair and refurbishment. A replacement car park is essential and provides an opportunity to ensure current and future parking demand is met to support the regeneration of the town centre.

2. This report sets out the Council's investment case for the redevelopment of the car park and requests approval for an increase in the budget allocation from £8,150,000 to £35,313,163 and delegated authority to progress a single stage procurement route.

1. **RECOMMENDATION: That Council notes the report and:**

- I. **Approve an additional capital budget of £27,163,163, making a total scheme cost of £35,313,163.**
- II. **Delegates authority to the Executive Director with the Leader of the Council and Cabinet Member for Maidenhead Regeneration and Maidenhead to procure a design and build contract through a two stage tender.**

2. **BACKGROUND INFORMATION, REASON(S) FOR RECOMMENDATION(S) AND OPTIONS CONSIDERED**

Background

- 2.1 Broadway Car Park, often referred to as Nicholson's car pPark, forms part of the Broadway Opportunity Area detailed in the adopted Maidenhead Town Centre Area Action Plan (AAP). The car park is linked to the Nicholson's shopping centre and is the key town centre car park.

- 2.2 The car park is unsightly and obstructs the High Street and shopping centre from the train station and The Landing site. However, due to its central location it has an important role to play as a focal point and facility for the town centre supporting the future provision of retail in the town.
- 2.3 A full planning permission was originally obtained in October 2015 for a larger car park but it is not deemed either big enough or of sufficient merit to implement. At that time a capital budget was established of £8,150,000.
- 2.4 Various options have been considered to deliver a new car park including selling to (or partnering with) a private sector developer, or a joint venture with adjoining owners.
- 2.5 However, in October 2016 Cabinet Regeneration Sub-Committee agreed the principle that the council progresses the option of developing the car park, as owner using its own funds potentially with another investor e.g. the Berkshire Pension Fund subject to approval of an investment case by full council.
- 2.6 The car park is reaching the end of its lifespan and is in need of significant repair and refurbishment. A replacement car park is essential to meet parking demand and the expected growth and regeneration of the town centre.
- 2.7 Various options have been considered for the car park including selling to (or partnering with) a private sector developer. In October 2016 Cabinet Regeneration Sub-Committee agreed the principle that the council progresses the option of developing the car park itself, as owner using its own funds potentially with another investor e.g. the Berkshire Pension Fund subject to approval of an investment case by full council.
- 2.8 The council's agreed parking plan is based on ensuring no overall loss of parking provision during the regeneration of Maidenhead and that once the redevelopment is completed a significant increase in public parking will exist with over 1,000 additional spaces.
- 2.9 In line with this, on the 28 June 2018 cabinet agreed to progress the development of a new 513 space multi-storey car park at Vicus Way in Maidenhead and some temporary surface parking.
- 2.10 By developing and opening these new car parks before the demolition of Broadway Car Park is carried out ensures the council delivers on its commitment to maintain parking capacity during the regeneration of the town with the number of spaces never dropping below current and increasing significantly once the redevelopment is completed. As the new Vicus Way car park will open in December 2019 this means that Broadway car park can be demolished from January 2020.

Existing and new capacity

- 2.11 Broadway car park currently provides 743 spaces including 100 spaces as part of the adjoining building.
- 2.12 Work has been carried out to refine the proposals for a new Broadway car park in line with the project brief, see Appendix A this includes:

- Design to RIBA stage 3
- Highways consultation
- Planning pre-application
- Design Panel Review
- Stakeholder consultation
- Benchmarking costs for build
- Legal investigation of title and adjoining assets.
- Site investigations & surveys

2.13 Following a major fire at a car park in Liverpool and a range of additional fire prevention and mitigation measures are now proposed to ensure that the car park is as safe as possible. Whilst these changes are not legal requirements given the learning the parking industry has had from the Liverpool fire, it is recommended they are included and so they have been built into the investment case for the car park, raising the cost of the project by £3,000,000.

2.14 The new proposed car park would provide:

- G+7 Floors
- 1,333 spaces
- Vehicle Management System
- Additional entrance/exit barriers (3 lanes)
- Façade treatment enhanced (glazed corner))
- 5% electrical charging vehicles – Active
- 5% electrical charging vehicles – Passive (future proofing)
- 5% accessible spaces
- 2.5% parent & child spaces
- 100 cycle racks
- 5% motorcycle spaces
- Enhanced fire prevention and mitigation
- Open and transparent ground floor
- Enhanced entrance to Nicholson Centre.

2.15 A review has been carried out of the different procurement options for the car park, see Appendix B.

Option	Comments
Approve the budget and procurement route Recommended	This enables improved public parking provision for the long term supporting the planned regeneration of the town arrival of Crossrail
Option 2	
Do not approve the budget and procurement route	This would not enable improved public parking provision for the long term supporting the planned regeneration of the town arrival of Crossrail

3. KEY IMPLICATIONS

Outcome	Unmet	Met	Exceeded	Significantly Exceeded	Date of delivery
Planning Submission	2 months after date of delivery	Date of Delivery	1 month before date of delivery	2 months before date of delivery	October 2018
Planning decision	2 months after date of delivery	Date of Delivery	1 month before date of delivery	2 months before date of delivery	January 2019
Demolition of existing car park	2 months after date of delivery	Date of Delivery	1 month before date of delivery	2 months before date of delivery	January 2020
Start on site	2 months after date of delivery	Date of Delivery	1 month before date of delivery	2 months before date of delivery	June 2020
Practical completion of project	2 months after date of delivery	Date of Delivery	1 month before date of delivery	2 months before date of delivery	December 2021
Handover to Parking Team	2 months after date of delivery	Date of Delivery	1 month before date of delivery	2 months before date of delivery	December 2021

4. FINANCIAL DETAILS / VALUE FOR MONEY

4.1 The investment case is provided at Appendix C. An

CAPITAL	2017/2018	2018/19	2019/20	2020/21	2021/2022
Addition	£700,000	£1,900,000	£3,500,000	£15,900,000	£13,313,163
Net impact		£0	£0	£0	

5. LEGAL IMPLICATIONS

5.1 The council has a duty to efficiently manage its assets and has legal powers to hold and dispose of land under both sections 120 and 123 of the Local Government Act 1972.

6. RISK MANAGEMENT

6.1 The risk register is attached at appendix D.

Risks	Uncontrolled Risk	Controls	Controlled Risk
The contractors do not have the necessary skills to progress the project	High	Robust specification and procurement process	Low
The projects exceed the cost envelope or planned timescales	High	Effective development management processes	Low

7. POTENTIAL IMPACTS

7.1 The recommended option will deliver significant new parking for the town centre.

8. CONSULTATION

8.1 Consultation has been carried out previously on the council's parking plans. Further consultation will be carried out on the detailed proposed scheme as part of the planning process.

9. TIMETABLE FOR IMPLEMENTATION

Date	Details
October 2018	Submit planning application
January 2019	Obtain planning
January 2020	Start demolition of existing structure
June 2020	Start of construction – car park
December 2021	Practical completion of car park

10. APPENDICES

10.1 This Part 1 report has two supporting appendices:

- Appendix A – Project brief
- Appendix B – Procurement report
- Appendix C - Investment case - Part II
- Appendix D – Risk register

11. BACKGROUND DOCUMENTS

11.1 N/A

12. CONSULTATION (MANDATORY)

Name of consultee	Post held	Date sent	Commented & returned
Cllr Simon Dudley	Leader and Cabinet	7.09.18	7.09.18

Name of consultee	Post held	Date sent	Commented & returned
	Member Maidenhead Regeneration and Maidenhead		
Cllr Jesse Grey	Cabinet Member for Environmental Services	7.09.18	
Alison Alexander	Managing Director	27.08.18	28.8.18
Andy Jeffs	Executive Director	27.08.18	28.8.18
Rob Stubbs	Section 151 Officer	27.08.18	28.8.18
Nikki Craig	Head of HR and Corporate Projects	27.08.18	28.8.18
Elaine Browne	Law and Governance	27.08.18	28.08.18
Louisa Dean	Communications and Marketing Manager	27.08.18	28.08.18

Broadway Car Park Redevelopment

Project Brief

Project objective

- Demolish the existing car park.
- Construct a new car park to provide min 900 -1300 spaces.
- To continue to encourage the early delivery of The Landing.
- To work constructively with Ellandi LLP or any successor to facilitate the development.
- To provide high quality Car Park, that is fit for purpose and takes into account future potential growth of the town centre retail offer.
- To minimise or offset the short and medium term impact on Council revenue caused by demolition and redevelopment of the Nicholson's car park.

Key Considerations

- Floor to ceiling heights shall be no less than 2.9m, with a minimum 2.2m clear head height
- The scheme is to have one-way circulation.
- Splayed western ramp and façade articulation on King Street elevation.
- Overall blended façade costs rate of £350psm allowing for cladding to all visible elevations.
- Rationalise layout, external ramp, omit service area, omit retail.
- Generous parking bay sizes and good provision for disabled and parent & child bays.
- Park Mark – Safer Parking Standards.
- G+7 floors in height – instead of G+10 floors in height.
- Vehicle Electrical Charging points – 37, with capacity to increase.
- Residential or retail provision not viable.
- Provision for Shopmobility to be made .
- Re-provision of Access to existing car parking to Sienna Court to be provided as part of the new proposals (temporary parking in the interim).
- Consideration to be given to Broadway being a two-way road – not previously taken into consideration.

Key Stakeholders

- RBWM Members & Officers.
- PROM.
- The local community, businesses and users.
- Nicholson's Shopping Centre.
- Other Council departments.

Key timescales

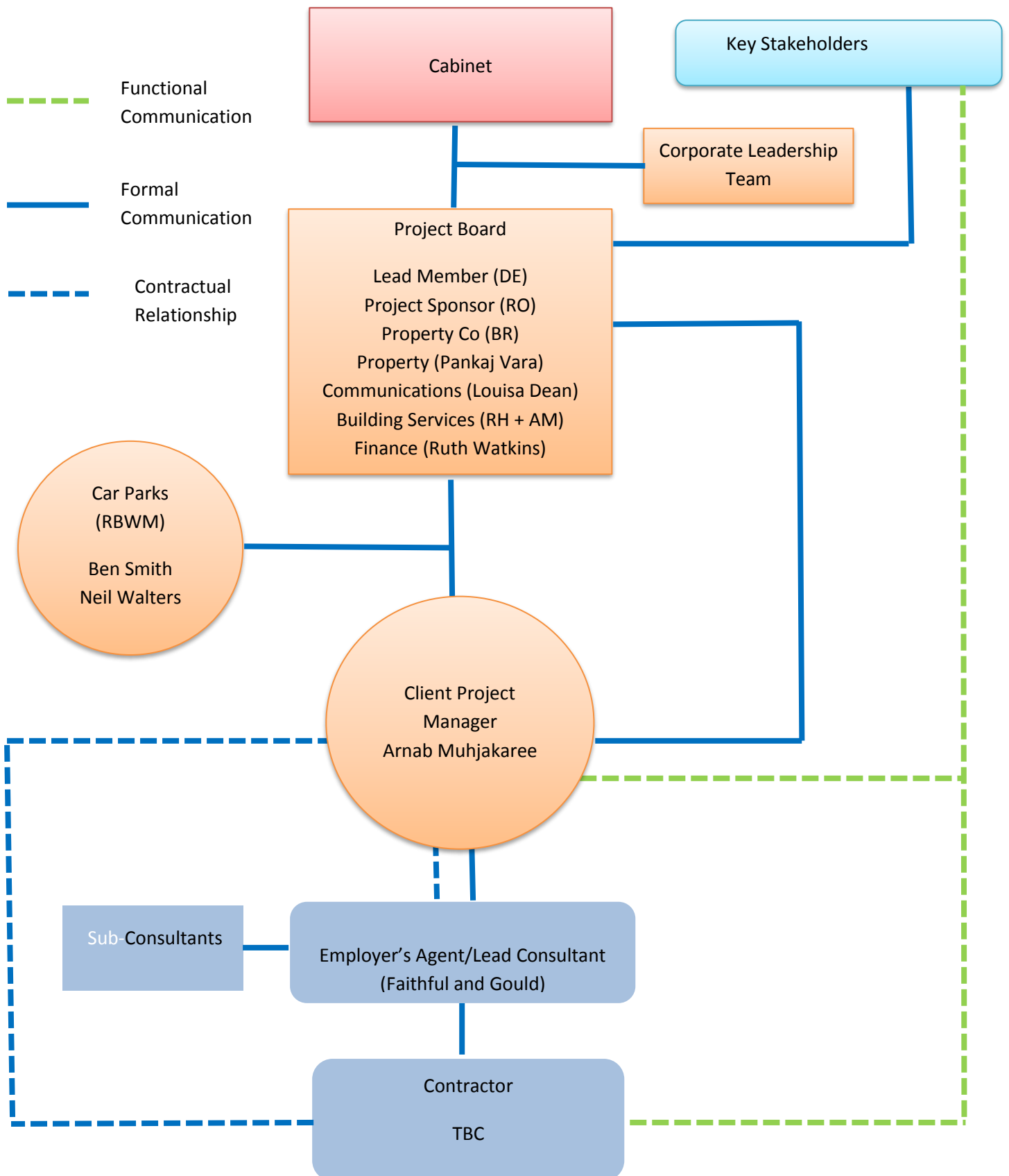
- Planning application submission: October 2018
- Commencement on site: January 2020
- Completion of works : December 2021

Programme Budget

- See capital programme.
- Council approval required for scheme budget: September 2018.

6. Project Governance Structure

Governance Arrangements - Communication Lines



Roles

Project Sponsor (Russell O’Keefe), Lead Member (Cllr David Evans)

- Overall accountability for the project in liaison with the relevant Lead Member and ensuring it delivers the agreed benefits.

Client Project Manager (Arnab Muhjakaree)

- Undertake the Duties of Client as defined under the CDM 2015 Regulations and ensure obligations of the legislation are met
- Liaison with the key stakeholders and professional team to develop Employer’s Requirements and the tender documentation
- Instigate, lead and manage the tendering process for the selection of main Contractor including the OJEU process
- Appoint Contractor ensuring legal and statutory obligations are met
- Lead and manage the delivery process including coordination and liaison with the key stakeholders
- Control the change process
- Ensure reporting mechanisms are met for internal governance including preparing Project Board reports
- Oversee the payment mechanisms for the professional team and the Contractor including ensuring audit requirements are satisfied
- Lead and manage the two key risks of cost and time.
- Accept the completed development once the practical completion certification and other completion documentation is in place.
- Manage the Defects period
- Ensure BIM compliance requirements as required under the current legislations are satisfied

Car Parks (Ben Smith/Neil Walters)

- Facilitating project interdependencies with existing provisions
- Sourcing and managing operator provisions
- Facilitating shut down of existing provisions and switch to new provisions

Property (Pankaj Vara)

- Acting as Corporate Landlord
- Dealing with Land/Asset requisition, tenancy, CPO etc.
- Dealing with all aspects of Vacant Possession

Communications (Louisa Dean)

- Acting as the corporate focal point for all external and Member comms
- Leading public consultation events

- Formulate and management of Comms Plan

Building Services (RH/AM)

- Acting as the Delivery Manager, taking instructions from the Board
- Reporting progress, issues and risks to the Board
- Overall risk management
- Managing the key parameters of change, time and cost

Finance (Ruth Watkins)

- Ensuring funding release

Broadway Carpark Project

Procurement Report

Royal Borough of Windsor & Maidenhead

29 June 2018

Notice

This document and its contents have been prepared and are intended solely as information for The Royal Borough of Windsor & Maidenhead and use in relation to the Broadway Carpark Project.

Faithful+Gould assumes no responsibility to any other party in respect of or arising out of or in connection with this document and/or its contents.

This document has 19 pages including the cover.

Document history

Rev	Purpose description	Originated	Checked	Reviewed	Authorised	Date
00	Procurement Report – First Issue	A Ferdinand	TBC	TBC	M Lyon	TBC
02	Procurement Report – Second Issue	A Ferdinand	M Lyon	M Lyon	M Lyon	18 Aug 2018

Client signoff

Client	Royal Borough of Windsor & Maidenhead Royal Borough of Windsor & Maidenhead
Project	the Broadway Carpark Project
Job number	5167035
Client signature / date	

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1. Executive Summary

This report assesses the suitability of different procurement routes and procurement mechanisms based on project drivers, procurement mechanism priorities and weightings of the Broadway Carpark Project as agreed with The Royal Borough of Windsor & Maidenhead (RBWM).

Faithful+Gould has undertaken a scoring exercise to determine the procurement route that should be utilised for the project, the results of which are summarised below:

Procurement Route	Weighted Score	Weighted Ranking
Design & Build 2-Stage	2.20	1
Traditional Single Stage	2.10	2
Design & Build Single Stage	2.05	3

Faithful+Gould has undertaken a scoring exercise to determine the procurement mechanism that should be utilised, the results of which are summarised below:

Procurement Mechanism	Weighted Score	Weighted Ranking
OJEU Compliant Framework	2.40	1
OJEU Restricted Procurement	2.35	2

Given the results outlined in the tables above, a formal recommendation has been made to procure the project using design and build 2-stage via an OJEU compliant, main contractor framework.

Further clarity on the above scoring can be found within the body of this report.

2. Introduction / Background to the Project

The town of Maidenhead is currently undergoing substantial regeneration. To facilitate this development, there is a requirement to provide permanent and temporary parking solutions to meet the immediate and future needs of the town. The redevelopment of the Broadway Car Park forms a significant part of the permanent parking provisions required within Maidenhead. The existing car park is adjacent to the Nicholson's Shopping Centre, as such it was previously referred to as the Nicholson's car park. The existing building is located in the town centre of the Royal Borough of Windsor and Maidenhead at address; The Broadway, Maidenhead SL6 1NT.

3. Purpose of this Report

This report has been prepared to advise RBWM on a preferred procurement route and procurement mechanism that aligns with the project drivers and procurement mechanism priorities identified in sections 4 and 7 of this report.

Procurement Routes

The procurement routes being considered are as follows:

- Traditional Single Stage
- Design & Build 2-Stage
- Design & Build Single Stage

Procurement Mechanisms

The procurement mechanisms being considered are as follows:

- Employing an OJEU procurement process
 - Restrictive Procurement
- Employing an OJEU compliant main contractor framework

4. Project Drivers

The following project priorities have been agreed and ranked by RBWM and F+G.

No	Priority	Commentary	Weighting
1	Cost (Cost Certainty)	Ability to maintain the construction budget and achieving Cost Certainty as soon as possible	30%
2	Programme	The ability to comfortably complete the construction phase between January 2020 and December 1st, 2021.	20%
3	Early Contractor Input	Obtaining early contractor input for buildability, programme and quality advise	15%
4	Market Interest	Ensuring contractor interest to obtain a minimum of 3nr competitive tender prices	10%
5	Risk Allocation	Passing the risk of the existing buildings' condition and the ground condition onto to the contractor	10%
6	Quality	Ensuring a high-quality car park that meets the project brief	10%
7	Design Responsibility	RBWM's ability to maintain ownership and thus control of design responsibility	5%
Total			100%

5. Procurement Routes

A summary of each of the procurement routes being considered has been provided below:

5.1. Traditional Single Stage

The project is procured based on a fixed price lump sum for the entire project, which is based on a completed design, specifications and schedule of works or bill of quantities. This form of procurement is generally low risk to the client as the cost and programme risks sit with the contractor. However, the risks of design errors and buildability issues sit with the client. Because there is no overlap between design, tendering and construction it takes longer than other forms of procurement and tendering. The client appoints the design team to prepare, coordinate and manage the design. This results in the client maintaining more control over the design and the ability to make changes. The contractor owns the construction programme and is responsible for appointing all sub-contractors.

Clients' Role - The client is part of the process from project inception however, this decreases to periodic payments to the main contractor once works start on site. The client will also be required to approve any unforeseen changes that arise during the construction process. The client will enter into contract with the main contractor and separately with Faithful+Gould as Lead Consultant. As Lead Consultant, Faithful+Gould will appoint, manage and pay the client-side design team as their sub-consultants.

Quality – The client maintains control over quality through the direct contractual link with Faithful+Gould as Lead Consultant.

Cost – Cost certainty is achieved at the outset of the contract.

Programme – A fixed programme is agreed with the main contractor at the outset of the contract. This is subject to any extension of time claims that are awarded to the contractor.

Flexibility to make changes – The client can accommodate change due to his control over the design team. However, post contract changes can result in cost and programme implications.

5.1.1. Advantages and disadvantages of Traditional Single Stage

Advantages of Traditional Single Stage	Disadvantages of Traditional Single Stage
Cost certainty at the outset of the contract	Relies on a completed design prior to tendering which will extend the project programme
Programme certainty at the outset of the contract	A completed design is not always possible on large or complex projects. This is particularly true of refurbishment projects of those that include demolition unless comprehensive intrusive pre-contract surveys can be undertaken to inform the design

The client maintains complete control over quality	The risks of the existing buildings' condition and the ground conditions sit with the client
The client maintains more control over the ability to make changes to the design	The cost of client changes made post contract can be excessive
Market interest is likely to be higher than design and build single stage	There is no early contractor input into the design, buildability, quality or programme
	The risk of non-performance of the design team sits with the client
	There is fragmentation between the design process and the construction process

5.2. Design & Build Single-Stage

The project is procured based on a fixed price lump sum for the entire project. There is single point responsibility with the main contractor and a separate contract with the entire design team via Faithful+Gould as Lead Consultant. If the design team is novated to the contractor after the single stage tendering process there will be one contractual link for both design and construction. A design and build contract may be brought at any time during the design process. However, the more undeveloped the design at the time of the contract being awarded, the more quality, functionality and cost risk to the client. To provide a balance between risk and design development, a design and build single stage contract is often awarded during RIBA Stage 3 (Developed Design). This allows there to be significant design development but still maintains the flexibility to allow the contractor to have input into the design. In this circumstance the contractor then takes responsibility for developing the design up to the end of RIBA Stage 4 (Technical Design), which provided precise definition of the Employer's Requirements via the Contractor's Proposals. Once the contract is awarded to the main contractor. The ability of the client to make changes becomes restricted.

Clients' Role – The client is involved during the design development stage however, this reduces to paying the contractor and reviewing design decisions once construction starts. The client appoints the design team (via Faithful+Gould) in the first instance however if the design team is novated over to the contractor then all payments are made to the contractor. The contractor may complete the design using their in-house design team or separate consultants if novation does not take place. In this instance the client may choose to retain the original design team as Technical Advisors to monitor design development and progression of the works on site in line with the Employer's Requirements.

Quality & Flexibility - Quality is dependent upon a robust and accurate brief, thorough Employer's Requirements, adequate understanding and evaluation of the Contractor's Proposals and on quality assurance systems implemented by the Project Manager, Technical Advisors (if applicable) and the main contractor. The contractor's financial interest may lead to a compromise in quality. There is limited opportunity for the client to make changes to the Employer's Requirements after entering into contract without incurring significant costs and possibly programme implications.

Cost – Cost certainty is available for a fixed scope from the time the main contractor is appointed under the main building contract. However, the client will pay a premium to the contractor for project risk and for fixing all prices for the subcontractor’s packages. If the Employer’s Requirements, initial design and client brief are not clearly defined there is a greater likelihood of claims and there is limited scope for client changes without incurring significant cost.

Programme – The programme is fixed from the award of the main contract and there will be an impact on costs and quality should acceleration be required. There is also a longer tender period on design and build contracts than on traditional contracts. This is because the main contractor needs to engage with his supply chain to get fixed prices for the individual packages which can be difficult if the design is not complete. This is why risk is priced into the tender prices.

5.2.1. Advantages and disadvantages of Design and Build Single Stage

Advantages of Design & Build Single Stage	Disadvantages of Design & Build Single Stage
A quick start on site is possible because there is an overlap between tendering, design and construction	The commercial pressures of the contractor may lead to a compromise in quality
There is early contractor involvement and input into the design, buildability, programme and quality	There is limited flexibility and ability to incorporate post-contract design changes.
There is single point responsibility for the design and for construction	Changes can result in negative programme implication and additional, uncompetitive costs.
The contractor takes on more risk than he would under Traditional Procurement (but the client pays for this). This includes the risks of the existing buildings’ condition and typically the ground conditions sit with the client	The client does not maintain control over the design or quality output beyond what has been specified in the Employer’s Requirements
Cost certainty is established at the outset of the contract	The tender period is longer than traditional procurement
Suitable for inexperienced clients	There is a substantial piece of work to confirm that the Contractor’s Proposals (CPs) returned as part of the contractor’s tender meet the Employer’s Requirements (ERs) especially if the ER’s are not robust and the CPs take precedence
	The price of tendering and the risk exposure of this procurement route are extremely high for the contractor. As a result, it is typically seen as a very unattractive procurement route and may generate limited market interest

	Single stage D&B is typically more expensive than Traditional because the contractor prices risk.
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5.3. Design & Build 2-Stage

The project is procured based on of a fixed price, lump sum for the entire project through a two-stage tendering process. At the end of the first stage the contractor will return his price based on:

- Overheads and profits
- Preliminaries
- Preconstruction costs (surveys, enabling works, contractor’s design team fees)
- Staff cost
- Firm costs for any packages where the design has been completed prior to the first stage tender. The achieve greater cost certainty at the end of the first stage as many packages as possible should be tendered. Generic or repeatable packages are usually easiest such as: raised access floors, doors and ironmongery, sanitary ware, drop ceilings and windows.

The second stage negotiation comprises of the progressive procurement of the subcontractor works packages concurrently with design development in RIBA stage 4 (Technical Design). A fixed price lump sum is agreed with the contractor when between 70% - 100% of the works value has been procured. The two-stage process allows the contractor to provide input into the design development and to reduce the programme, cost and quality risk profile of the project through procurement of most of the high-risk packages prior to the contract being awarded. There is single point responsibility with the main contractor and separate professional service contract with Faithful+Gould as Lead Consultant for the entire client-side design team. If the design team is novated to the contractor then there is only one contract between the client and the contractor. The client may wish to retain the design team on a Technical Advisor role if the main contractor decides not to appoint the original design team via novation and use his own in-house designers or separate designers instead. The client may insist on novation in the employer’s requirements if they so desire.

Clients’ Role – The client appoints the design team in the first instance via Faithful+Gould. The client enters into a pre-construction services agreement (PCSA) with the main contractor after the first stage tender process. The client then enters into a main building contract with the main contractor following the end of the second stage and agreement of the contract sum.

Quality & Flexibility - Quality is dependent upon a robust and accurate brief, thorough Employer’s Requirements, adequate understanding and evaluation of the Contractor’s Proposals and on quality assurance systems implemented by the Project Manager, Technical Advisors (if applicable) and the main contractor. The main contractor’s financial interest in the project, may lead to a compromise on quality. The flexibility to make changes is limited without incurring additional uncompetitive costs and programme delays.

Cost - Cost certainty for a fixed scope is available at the end of the second stage negotiation. A fixed price lump sum is agreed when 70% - 100% of the works packages have been procured.

5.3.1. Advantages and disadvantages of Design and Build 2-Stage

Advantages of Design & Build 2-Stage	Disadvantages of Design & Build 2-Stage
A quicker start on site is possible because there is an overlap between tendering, design and construction	There is a risk the main contractor may become more commercially aggressive during the second stage negotiations, which can lead to a less competitive price for the project
Early contractor involvement improves buildability, quality, programme and design	There is a risk of programme delay if the contract sum cannot be agreed in a timely manner during the second stage
There is single point contractual responsibility for the design and construction once the main contractor is appointed	There is less flexibility to incorporate client changes
Cost certainty is achieved at the outset of the main contract. (IE after the second stage negotiation)	Post contract changes can result in additional or uncompetitive costs and impact on programme
There is a reduced requirement for client involvement, unless there are changes to the scope	The commercial pressures placed on the contractor may lead to a compromise in quality standards
The tendering cost and risk exposure on the contractor is low, as such this procurement route is seen to be very attractive to the market	There is little client control over design and construction activities

6. Procurement Route Scoring

The procurement routes outlined in section 5 have been scored using the weightings outlined in section 3. The results of this exercise are outlined in the table below:

Project Drivers	Weighting	Traditional Single Stage	Design & Build Single Stage	Design & Build 2-Stage	Traditional Single Stage	Design & Build Single Stage	Design & Build 2-Stage
		Scores (1-3)			Weighted Scores		
Cost (Cost Certainty)	30%	3	2	1	0.9	0.6	0.3
Programme	20%	1	3	3	0.2	0.6	0.6
Early Contractor Input	15%	1	2	3	0.15	0.3	0.45
Market Interest	10%	3	1	3	0.3	0.1	0.3
Risk Allocation	10%	1	2	3	0.1	0.2	0.3
Quality	10%	3	2	2	0.3	0.2	0.2
Design Responsibility	5%	3	1	1	0.15	0.05	0.05
Totals	100%	15	13	16	2.10	2.05	2.20
Weighted Rankings					2	3	1

6.1. Procurement Route Recommendation

Given the results outlined in the table above; Faithful+Gould recommends that the project employs a Design & Build 2-Stage procurement route.

7. Procurement Mechanism Priorities

The following procurement mechanism priorities have been agreed and ranked by RBWM and F+G.

No	Priority	Commentary	Weighting
1	Effect on Cost	A procurement mechanism that does not negatively impact on cost and allows the construction budget to be met	30%
2	Effect on Programme	A procurement mechanism that maintains the ability to comfortably complete the construction phase between January 2020 and December 1st, 2021.	20%
3	Risk of Challenge	Minimising the risk of unsuccessful tenderers challenging the contract award decision	15%
4	Value for Money	Ensuring competitive tender prices are received based on current market prices	15%
5	Effect on Quality	A procurement mechanism that allows the best quality contractor to be appointed	10%
6	Market Interest	A procurement mechanism that ensures a minimum of 3 competitive tender returns	5%
7	Ease of Procurement	Placing limited strain on the project team and RBWM resources to complete the tender process	5%

8. Procurement Mechanisms

8.1. OJEU Procurement Process

The OJEU tender process is prescriptive and involves a series of procedures, some of which have statutory minimum timescales. There are five award procedures which include:

- Open procedure
- Restricted procedure
- Competitive dialogue
- Competitive procedure with negotiation
- Innovation partnership procedure

An overview of each of the five award procedures has been provided below:

8.1.1. Open Procedure

This process allows any organisation to submit a tender without going through a formal pre-qualification process. This process can be beneficial because it allows tenders to be received from the entire market including Small and Medium Enterprises (SMEs). However, excessive interest from the market may result in numerous tender returns, an extended tender evaluation period to assess the tenders received and the quality of tenders may be poor.

Tenderers are given a minimum of 52 days to return their tenders from the date of publication of the OJEU Notice. This timescale can be reduced to 35 days if a Prior Information Notice (PIN) has been issued.

This procedure may not be suitable for the procurement of the Broadway Carpark Project because of the vast number of tenders received. Each of which would need to be evaluated by the project team and RBWM. This would lengthen the overall project programme, may jeopardise completion by December 1st, 2021 and place significant strain on the project team.

8.1.2. Restricted Procedure

The difference between this option and the open procedure is that tendering organisations are pre-qualified through the completion of a Selection Questionnaire (SQ). The aim of this process is to generate a list of final tenderers that are best qualified to tender for the work by elevating them against pre-determined criteria such as their financial strength, experience delivering projects of similar type, size and scale, health and safety credentials, quality and environmental aspects etc.

A period of 37 days is provided for the OJEU notice and pre-qualification process. Once the preferred tender list is agreed and the Invitation to Tender (ITT) has been issued, at least 40 days must be allowed for the return of tenders. If a PIN has been issued, this time may reduce to 22 days. Added to this will be the timescales for the evaluation of tender returns as well as the 10-day standstill period after a decision has been made.

The restricted procedure would be the most suitable for the Broadway Carpark Project. The process offers more control to the RBWM on the preferred tender list, place less strain on the project team and RBWM resources and would increase the possibility of receiving high-quality submissions at competitive prices.

8.1.3. Competitive Dialogue / Competitive Procedure with Negotiation

The competitive dialogue process is suitable when there is ambiguity around project scope, the project is complex and stand alone. The main contractor is paid for his input into the design process.

The competitive procedure with negotiation does not require any formal notice to be served. However, it is only used when only specialist contractors are appropriate.

Neither competitive dialogue or competitive procedure with negotiation would be suitable for the Broadway Carpark Project.

8.1.4. Innovative Partnership Procedure

This is applicable where there is a need for an innovative product, service or works. This approach would not be suitable for Broadway Carpark Project because the works are not innovative in nature.

8.1.5. Advantages and Disadvantages of an OJEU Procurement Process

Advantage of the OJEU Procurement Process	Disadvantages of the OJEU Procurement Process
Allows visibility of many potential contractors that can complete the works including SMEs	Very prescriptive process that is time consuming and lengthens the project programme
Any procurement route be employed using this process (D&B single stage, D&B 2-stage, Traditional etc)	Higher risk of challenge by unsuccessful tenders and non-compliance with EU procurement directives than a compliant framework
Increased ability to ensure the contract is awarded based on bespoke assessment criteria	Legal advice may be required which will incur additional cost
The process offers a high level of transparency and robustness	Significant administration is required from the project team and RBWM to go through the process and it is time consuming
Allows the use of pre-qualification which can result in a tender list of the most suitable contractors (restricted only)	The overall cost of procurement is higher than using a compliant framework
For a project of this nature, the process will attract significant interest from the market	

8.2. OJEU Procurement Process Recommendation

Given the overviews provided above, Faithful+Gould recommends the use an OJEU restricted procurement procedure. This process will be evaluated against other procurement mechanisms in the following sections of this report.

8.3. OJEU Compliant Main Contractor Frameworks

A project of this nature can utilise several OJEU compliant main contractor frameworks within the south of England. Some of these are listed below:

- SCAPE Framework - Civil Engineering and Infrastructure
- PAGABO Major Works Framework
- Southern Construction Framework

This report evaluates the suitability OJEU compliant main contractor frameworks generally rather than any of the individual framework identified above, all of which are suitable for a project of the type, scale, value and complexity. In addition, these frameworks are well known to RBWM and F+G respectively.

8.3.1. Advantages and disadvantages of the OJEU compliant main contractor frameworks

Advantages	Disadvantages
Employing a framework is significantly faster than any of the OJEU procurement processes	Contractor choice is limited to the number of contractors on the framework. This is 1, 5 and 8nr contractors for the frameworks mentioned in 8.3 above.
Frameworks typically employ a dedicated framework manager for each region that provides dedicated client support throughout the procurement process. This would decrease the strain on RBWM and the project team	All frameworks will employ a levy which is a fixed percentage of the contract sum. For a project is this value this levy could be as much as £150,000+
Some frameworks facilitate competitive tendering amongst the framework contractors	The framework contractors may be constrained by agreed tendered rates leading to resourcing issues.
The cost of procurement is significantly less than any OJEU procurement process	Innovation may not be delivered through the tender process because of the lack of SMEs acting as Main Contractor
Some frameworks have specific KPIs against which the contractors are measured. Framework contractors are keen to perform against these KPIs else this risk being removed from the framework	All frameworks have fixed timescales before they are re-let. As such the framework contractors may change by the time the project is ready to be procured and delivered. The impact of this is unknown
Some frameworks offer feasibility services to the client for limited or no cost.	Some frameworks dictate the form of construction contract to be used. For example, the NEC construction contract must be used under the SCAPE framework. Any form of contract can be used under the PAGABO or SCF frameworks
Frameworks require less administration, time and resource from the project team	
Framework contractors typically have set pre-construction costs that have been competitively tendered and are applied to each project	

Use of a framework ensures OJEU compliance	
Some frameworks prioritise social value including use of local labour, apprenticeships & employment and community engagement	
Some of the framework contractors such as Balfour Beatty are known to RBWM via the shared service with Wokingham Borough Council. They are currently engaged to deliver several temporary car parks for RBWM	

9. Procurement Mechanism Scoring

The procurement mechanisms outlined in section 8 have been scored against the weightings outlined in section 7. The results of this exercise are outlined in the table below:

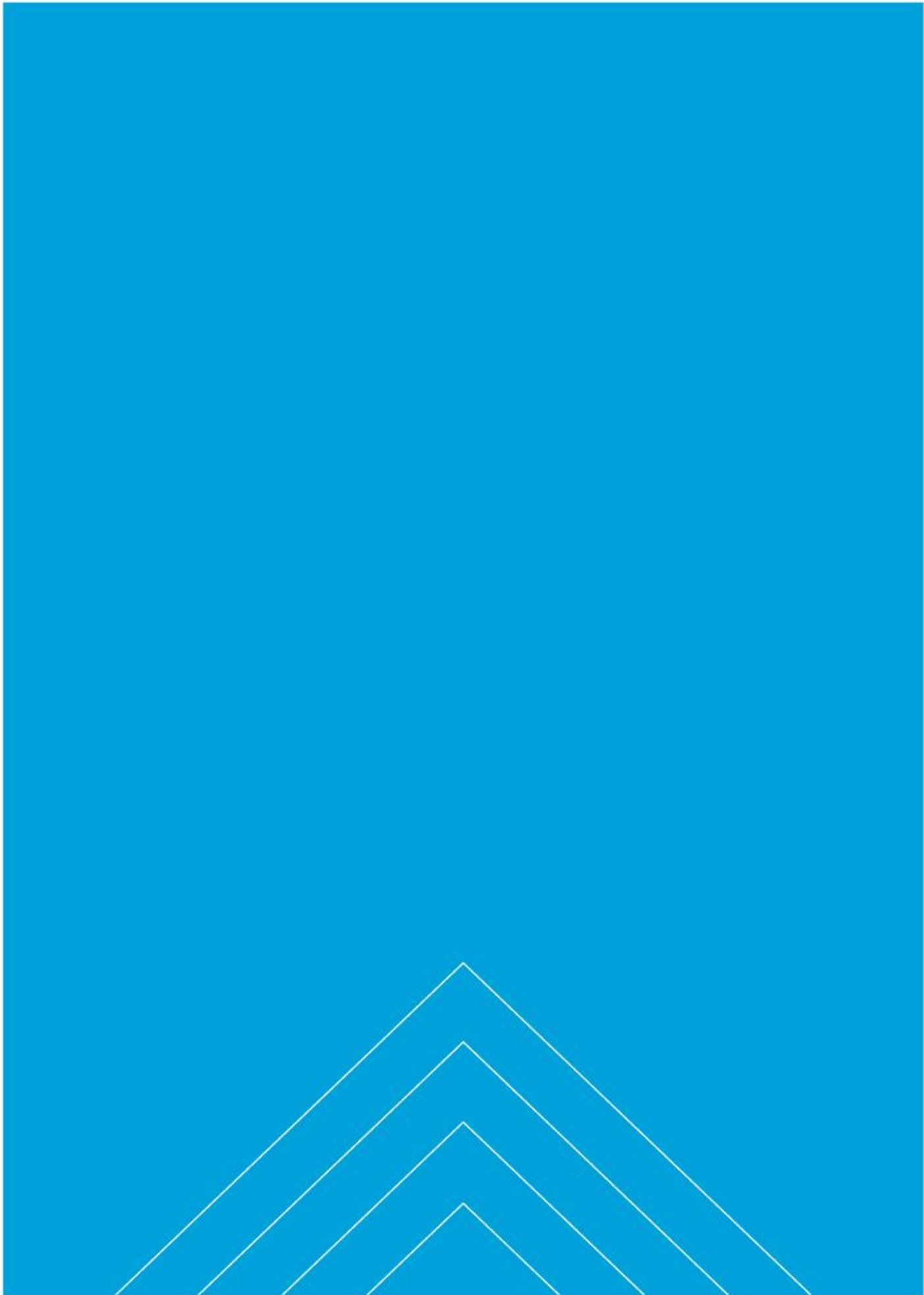
Procurement Mechanism Priorities	Weighting	OJEU Restricted Procurement	OJEU Compliant Framework	OJEU Restricted Procurement	OJEU Compliant Framework
		Scores (1-3)		Weighted Score	
Effect on Cost	30%	3	2	0.9	0.6
Effect on Programme	20%	1	3	0.2	0.6
Risk of Challenge	15%	2	3	0.3	0.45
Value for Money	15%	3	2	0.45	0.3
Effect on Quality	10%	3	2	0.3	0.2
Market Interest	5%	3	2	0.15	0.1
Ease of Procurement	5%	1	3	0.05	0.15
Totals	100%	16	17	2.35	2.40
Weighted Rankings				2	1

9.1. Procurement Mechanism Recommendation

Given the results outlined in the table above; Faithful+Gould recommends that the project utilises an OJEU compliant main contractor framework as the procurement mechanism to appoint the main contractor.

10. Conclusion

Given the recommendations identified in sections 8.2 and 9.1 respectively, Faithful+Gould recommends that the project utilise an OJEU compliant main contractor framework using a Design & Build 2-Stage Procurement route.



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Broadway Car Park – Risk Register

		Date of Update: 24 th August 2018					Overall Programme RAG Status			
		Provided by: Barbara Richardson								
Ref:	Programme Area	Likelihood 1 = Rare 2 = Unlikely 3 = Possible 4 = Likely 5 = Very Likely	Impact 1 = Insignificant 2 = Minor 3 = Moderate 4 = Major 5 = Catastrophic	Risk	Sub Risks	Controls Currently in Place	Assurance External or Internal	Quarterly Update	Improvements to be made	Lead
Legals										
L01	Ownership & Title (MSCP)	3	3	9	<ul style="list-style-type: none"> - Satisfactory Title 	<ul style="list-style-type: none"> - Report On Title Completed (Gowlings) 	<ul style="list-style-type: none"> - Most title issues should be able to be resolved, but could add to costs. 	-	-	BR
L02	Ownership & Title (Adjoining Side Car Park)	3	3	9	<ul style="list-style-type: none"> - Satisfactory Lease arrangements, and termination clauses - Moral & Reputational need to relocate up to 30 business users, during demo/construction. 	<ul style="list-style-type: none"> - Report on Title Completed (Gowlings) - Make an additional allowance without temporary car parking provision, including costs. 	<ul style="list-style-type: none"> - Ability to terminated head lease and redevelop. - Although a risk that re-provision of up to 30 spaces for local business will have to be accommodated, with associated costs. 	<ul style="list-style-type: none"> - Contingency for costs needs to be clear on any costs associated with re-provision. 	<ul style="list-style-type: none"> - Checking all head lease and sub-lease terms, as these have not previously been checked. 	RL/BR
L03	Existing Tenants within the land ownership, or development area of MSCP.	2	3	6	<ul style="list-style-type: none"> - William Hill – tenant of 2 units, situated within development area. - William Hill – Holding Over under the Landlord & Tenant Act - Court Proceedings likely. - Financial Costs to be incorporated in Investment Case. 	<ul style="list-style-type: none"> - Lease End Date was 19/5/09. - S.25 notice was served 5/7/17 – in order to end tenancy 10/1/18. 	<ul style="list-style-type: none"> - Gowlings appointed to deal with s.25 notice and court proceedings. - Property Services Team dealing with this under Asset Management. 	<ul style="list-style-type: none"> - STC terms have been agreed with William Hill to surrender the lease for compensation payment plus an additional £50k. - Compensation payment will be £45k. Total payment of £95k. - This compares with a court case which could cost £65K plus compensation payment, and time delays to the project. 	<ul style="list-style-type: none"> - Tenancy at Will to be offered for the interim period. 	BR
L04	Existing Tenants within the land ownership, or development area of MSCP.	3	1	3	<ul style="list-style-type: none"> - Brett Foundation – tenant of 2 units, situated within development area. 	<ul style="list-style-type: none"> - Potential relocation required - Tenancy at Will in place 	<ul style="list-style-type: none"> - No Court Proceedings required. - Only requires 1 days' notice. 	<ul style="list-style-type: none"> - Communication with this group to keep them informed of potential SOS dates, in order to give as much notice as possible. 	-	RL/BR

LO5	Sub Stations Electrical (No 5.)	3	3	9	<ul style="list-style-type: none"> - Relocation & New Provision required - Termination of Lease is required – unknown if tenant is holding over. (this work has not been actioned to date) 	-	-	<ul style="list-style-type: none"> - Further investigation is required to ascertain if tenant is holding over, and what action needs to be taken for termination and re-provision. 	-	RH/ML
LO6	Sub Stations Electrical (No 6.)	3	2	6	<ul style="list-style-type: none"> - Lease expires 2073 	<ul style="list-style-type: none"> - 6 month termination period required. 	-	<ul style="list-style-type: none"> - Needs to be incorporated on the programme chant chart. 	-	RH/ML

Ref:	Programme Area	Likelihood 1 = Rare 2 = Unlikely 3 = Possible 4 = Likely 5 = Very Likely	Impact 1 = Insignificant 2 = Minor 3 = Moderate 4 = Major 5 =Catastrophic	Risk	Sub Risks	Controls Currently in Place	Assurance External or Internal	Quarterly Update	Improvements to be made	Lead
Planning										
PO1	RIBA Stage 3 – Concept Scheme	4	3	12	<ul style="list-style-type: none"> - Pre-Application feedback negative, on both height, massing, and elevation treatment 	<ul style="list-style-type: none"> - Additional Pre-Application required, with redesign of elevation. 	<ul style="list-style-type: none"> - Professional team to re look at planner's comments and solutions. 	<ul style="list-style-type: none"> - Moved up to Stage 3 - Changed from 1,320 spaces to 1,371 new spaces 	-	RH/ML
PO2	Planning Submission Target Date – October 2018.	3	3	9	<ul style="list-style-type: none"> - Height & Massing – to address this will require a reduction in number of spaces. 	<ul style="list-style-type: none"> - Book into diary regular pre-application meetings for the next 4 months. 	<ul style="list-style-type: none"> - PPA to be entered into. 	<ul style="list-style-type: none"> - Changed the planning submission date from September to October, in order to submit after Cabinet and Council approval. 	-	RH/ML
PO3	Location & Relationship to neighbouring buildings.	3	3	9	<ul style="list-style-type: none"> - Effect of height & massing on neighbouring buildings. 	-	<ul style="list-style-type: none"> - Regular meetings with planners to discuss, the impact with adjoining existing buildings and new applications. 	<ul style="list-style-type: none"> - Planners would welcome a building of slightly lower height, ideally 1 -2 floors lower. - Various elevation treatments being discussed, in order to give reassurance that the building can work within its existing environment at G+8 floors. 	-	RH/ML
PO4	Highways Requirements	3	4	12	<ul style="list-style-type: none"> - Changes required to road system in and out, to accommodate extra traffic flow, from 	<ul style="list-style-type: none"> - Discussion with Highways team, and Architect to redesign, entrance and exit to 	<ul style="list-style-type: none"> - Architects have adjusted reconfiguration without any loss of car parking spaces. 	<ul style="list-style-type: none"> - Cost Consultants updating costs schedule to show any variance this has on potential build costs. 	-	RH/ML

					both Broadway and The Landings.	accommodate a 3 lane entry and exit.				
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Ref:	Programme Area	Likelihood 1 = Rare 2 = Unlikely 3 = Possible 4 = Likely 5 = Very Likely	Impact 1 = Insignificant 2 = Minor 3 = Moderate 4 = Major 5 = Catastrophic	Risk	Sub Risks	Controls Currently in Place	Assurance External or Internal	Quarterly Update	Improvements to be made	Lead
Construction										
CO1	Procurement of Professional Team	2	2	4	- OJEU Compliance required.	- Crown Commercial Services Framework can be used.	- Procurement Team Sign off - Shared Legal Services Team sign off.	- Governance paper on new team cost savings.	- Several members of the original professional team appointments breach both the procurement process and OJEU limits. This can be addressed through the use of CCS Framework.	RH
CO2	Procurement of Contractor	2	3	6	- OJEU Compliance required.	- Scape Framework is available to call off, however, this may be more expensive. - Full Tender Process can be delivered within the timeframes.	- Delegated authority for sign off with Russell O'Keefe, Cllr Evans & Cllr Saunders.	- Comparison of costings required.		ML/RH
CO3	Contract Type	3	3	9	- Selection of the appropriate contract to mitigate cost over-runs is essential	- Faithfull & Gould appointed to give advice, and pro's and con's between varying contract types.			- Pro's & Con's to be drawn up between: - NEC A, JCT D&B, PPC2000, or other which may be considered by Members.	ML/RH
CO4	Method of Construction	3	3	9	- Steel frame v RC frame	- Steel frame has been initially selected as has a 6 month quicker build out rate. - Concrete currently in high demand, and may cause delays on site.	- Quantity Surveyors are regularly checking the market place, in terms of supply and price.	- Steel frame – 6 months shorter programme gets to December 2021.		ML/RH

Ref:	Programme Area	Likelihood 1 = Rare 2 = Unlikely 3 = Possible	Impact 1 = Insignificant 2 = Minor	Risk	Sub Risks	Controls Currently in Place	Assurance External or Internal	Quarterly Update	Improvements to be made	Lead
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Ref:	Programme Area	Likelihood 1 = Rare 2 = Unlikely 3 = Possible 4 = Likely 5 = Very Likely	Impact 1 = Insignificant 2 = Minor 3 = Moderate 4 = Major 5 = Catastrophic	Risk	Sub Risks	Controls Currently in Place	Assurance External or Internal	Quarterly Update	Improvements to be made	Lead
CO5	Demolition Process	3	4	12	<ul style="list-style-type: none"> Delays due to VP Delays due to sub-contractors availability 	<ul style="list-style-type: none"> Property Services Team are currently working on VP issues. Quantity Surveyor regularly checking availability of suitable sub-contractors, and general lead in times. 	<ul style="list-style-type: none"> Gowlings have been appointed to assist. Demolition date moved to January 2020. Good lead in time for selection of contractors. 	-	-	ML/RH
CO6	Disruption and management of site and impact on existing retail and residents	3	3	9	<ul style="list-style-type: none"> Shut downs of local business and noise and dust to neighbours. 	<ul style="list-style-type: none"> Full construction plan to be developed with stage 3 report and design. 	-	-	-	ML/RH
CO7	Asbestos located	3	3	9	<ul style="list-style-type: none"> Delays to demolition impact on design. 	<ul style="list-style-type: none"> Full R&D Survey to be carried out 	-	-	-	ML/RH
CO8	Demolition Process	3	3	9	<ul style="list-style-type: none"> Delays due to VP Delays due to sub-contractors availability. 	<ul style="list-style-type: none"> Property Services Team are currently working on VP Quantity Surveyor regularly checking availability of suitable sub-contractors and general lead in times. 	<ul style="list-style-type: none"> Gowlings have been appointed to assist. Demolition date moved to January 2020. Good lead in time for selection of contractors. 	-	-	ML/RH
CO9	Construction Period & Process	3	3	9	<ul style="list-style-type: none"> Impact on users of retail 	<ul style="list-style-type: none"> Demolition and construction period moved out, so that only one Christmas Period is affected. December 2020. 	-	-	-	ML/RH
Strategic										
SO1	Stakeholder Engagement	3	3	9	<ul style="list-style-type: none"> Poor Communication 	<ul style="list-style-type: none"> Presentation to be made to: PRoM, Friends of Maidenhead, Maidenhead Town Forum, Maidenhead Developers Forum. Public Consultation as part of planning application. Communication with Lead Member 	<ul style="list-style-type: none"> Regular update briefings with PR & Communications Team in Royal Borough. Regular update at Parking Project Board Meetings. 	<ul style="list-style-type: none"> PROM presentation undertaken in June 18. 	<ul style="list-style-type: none"> Need to book a public consultation. 	

						& Deputy Lead Member for Regeneration. - Communication with wider Cllrs				
SO2	Provision of Temporary Car Parking	3	4	12	- All temporary car parking must be in place before Broadway demolition can start. - Planning application for temporary car parking must be submitted by June 2018	- Presentation & briefing to SLT. - Presentation & briefing to Lead Member & Deputy Lead Member for Regeneration. Leader of the Council & Lead Member for Finance.	- Regular Pre-Application meetings with planners.	-	-	
SO3	Ultimate number of new car parking spaces provided for the retail offer in the Town Centre.	2	3	6	- Assumes G+8, for 1371 new spaces. Height & massing may still be an obstacle.	- Professional team appointed to deal with any questions raised by planners.	- Project Brief required between 900-1300 spaces to be provided.	-	-	
S04	Existing Tenants within the land ownership, or development area of MSCP.	5	3	15	- Brett foundations existing tenant.	- Tenancy at Will in place, able to remove tenants when required.	- Essential Communication required to avoid any unnecessary publicity, and reputational risk.	-	-	LD/BR
S05	Mobility (Peter Hadley)	2	3	6	- Relocation to West Street.	- New location identified at West Street during the demolition and construction of Broadway. - New premises taken into account in the new design. - Adequate accommodation equal to that of their existing facility.	- Architects have design the new car park scheme, taking on board requirements for Shop mobility. - Project team in regular discussion with stakeholder.	-	-	RH

Quantum of Risk (March 2018)

Extreme

5. Catastrophic					
4. Major			FO1		
3. Moderate		LO6,CO2,S05	LO1,L02,LO5,PO2,PO3,CO3,CO4,CO6,CO7,CO8,CO9, S01	P01, P04, C05, S02	SO4
2. Minor		CO1,	L03, S03		
1. Insignificant			L04		
<i>Insignificant</i>	1. Rare	2. Unlikely	3. Possible	4. Likely	5. Very Likely

LIKELIHOOD

Significant/Extreme Risks:	

Key to Risk Ref Codes:
Risk ref starts with L = Legal' s
Risk ref starts with P = Planning
Risk ref starts with C = Construction
Risk ref starts with S = Strategic risk
Risk ref starts with F = Financial risk

Risk Definitions & Action

1-2 Insignificant	3-6 Low	8-12 Moderate	15-20 Significant	25 Extreme
Control measures are in place. Risk is monitored however considered insignificant to day to day work and the ongoing future of the function	The majority of control measures are in place. Risk subject to regular review and should be reduced as part of directorate long term goals	There is moderate probability of major harm or high probability of minor harm, if control measures are not implemented. Prioritised action plan required with timescales. To be monitored and reviewed six-monthly	Significant probability that major harm will occur if control measures are not implemented. Urgent action is required. Consider stopping procedures. Actions to be monitored until in control. Review monthly	Where appropriate stop all action IMMEDIATELY. Controls to be implemented immediately and monitored until risk score reduced. Review weekly

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Report Title:	RBWM Property Company – Investments Reports
Contains Confidential or Exempt Information?	YES - Part II Appendix A, B & C. Not for publication by virtue of paragraph 3 of Part 1 of Schedule 12A of the Local Government Act 1972.
Member reporting:	Councillor Rankin, Lead Member for Economic Development and Property.
Meeting and Date:	Council - 25 September 2018
Responsible Officer(s):	Russell O’Keefe – Executive Director.
Wards affected:	All

REPORT SUMMARY

- 1 The property company has undertaken initial due diligence on three Council owned assets which are or will become vacant shortly and are potentially available for redevelopment.
- 2 The redevelopment of the three assets would deliver up to 27 affordable homes. All 27 properties would be delivered as affordable housing. 5 properties for social rent (27%) and 22 properties for shared ownership (73%). The provision of shared ownership across this small portfolio enables the provision of rented units at social rent levels to be provided.
- 3 The property company will deliver the projects on behalf of the Council, and when practical completion has been achieved the assets will transfer to the property company following approval from the Secretary of State.
- 4 Once all properties have been completed and transferred to the property company the outstanding capital cost will be converted to a loan which will be repaid to the Council, no later than year 18 at a fixed interest rate of 5%.
- 5 The Investment reports and associated projects come with a full recommendation from the Prop Co Board.

1 DETAILS OF RECOMMENDATION(S)

RECOMMENDATION: That Council notes the report and:

- i) **Approves the capital budget spend of £7,059,088 for the three redevelopment projects.**

2 REASON(S) FOR RECOMMENDATION(S) AND OPTIONS CONSIDERED

- 2.1 The business plan for the property company is designed to assist the Council to achieve its strategic priority of securing an increase in the number of affordable homes available to residents. Building up a portfolio of assets of both market and sub market products, with a priority focus for key workers in the borough, is aligned with the Council vision and strategic priority.

- 2.2 Redevelopment of the three assets will enable up to 27 new affordable homes to be added to the property company portfolio to help to meet housing need in the Borough. The three assets are:
- Mokattam, Altwood Bailey, Maidenhead (Appendix A).
 - School House, Riverside Primary School, Maidenhead (Appendix B).
 - Ray Mill Road East, Maidenhead (Appendix C).
- 2.3 The three assets will enable 27 affordable homes to be delivered to households on incomes ranging from £15,000-£40,000 per annum. The average household income in the borough is currently £45,000 per annum.
- 2.4 All three assets are in the ownership of the Council and become vacant by December 2018. Therefore there are no issues in terms of gaining vacant possession or terminating any leases.
- 2.5 Planning permission will be required on all three assets. Planning is always a risk and pre application advice would be obtained before committing a substantial proportion of the budget to the redevelopment projects.
- 2.6 The asset at Mokattam, Altwood Bailey, Maidenhead is currently used as a care home and will become vacant in December 2018. A decant process has taken place over the last year, after A2 Dominion decided they did not wish to renew the lease for the building, or run a service for the residents. Housing Solutions have been instrumental in finding alternative more appropriate accommodation for all residents. It is proposed to deliver an affordable housing scheme of up to six homes, two homes for social rent and four homes for shared ownership.
- 2.7 The School House at Riverside Primary School is a single 3 bed detached house which was used for caretaker accommodation. The caretaker has now retired, and is being moved to alternative more appropriate accommodation for his needs. This property becomes vacant in August 2018 and it proposed to re-develop the site and deliver an affordable housing scheme of two homes for social rent and 2 homes for shared ownership.
- 2.8 The land at Ray Mill Road East, Maidenhead is currently vacant. The Council is currently finalising a disposal of the land to Cala Homes to deliver 78 homes. As part of the current deal 20 homes will be transferred to the Prop Co and used for affordable housing. It is proposed to acquire a further 17, of the 58, of the homes for affordable housing.
- 2.9 When making an assessment of these assets a disposal of assets for private development on the open market was explored. Although this still remains an option for the council, it is recommended that these assets be retained by the property company a wholly owned subsidiary of the Council and used for the benefit of affordable housing.

Table 1: Options

Option	Comments
Approve budget of £7,059,088 to deliver up to 27 affordable homes for residents living and working in	This would ensure the delivery of additional affordable housing in the Borough and a positive return on

Option	Comments
the borough. This is recommended.	investment and use of the Council's assets.
To not approve budget of £7,059,088 to deliver up to 27 affordable homes for residents living and working in the borough.	This would not deliver affordable housing or make positive use of these Councils assets.

3 KEY IMPLICATIONS

Table 2: Key implications – Mokattam

Outcome	Unmet	Met	Exceeded	Significantly Exceeded	Date of delivery
Planning submission	Not submitted	15 th March 2019	30 th February 2019	31 st January 2019	15 th March 2019
Budgets	>10% Increase	On budget	5% saving	10% saving	July 2020
External consultants appointed	Not appointed	30 th October 2018	30 th September 2018	N/A	30 th October 2018
Start on site	Not achieved at all	August 2019	July 2019	June 2019	August 2019
Practical completion	Site delayed	July 2020	June 2020	May 2020	July 2020

Table 2: Key implications – Riverside

Outcome	Unmet	Met	Exceeded	Significantly Exceeded	Date of delivery
Planning submission	Not submitted	15 th March 2019	30 th February 2019	31 st January 2019	15 th March 2019
Budgets	>10% Increase	On budget	5% saving	10% saving	July 2020
External consultants appointed	Not appointed	30 th October 2018	30 th September 2018	N/A	30 th October 2018
Start on site	Not achieved at all	August 2019	July 2019	June 2019	August 2019
Practical completion	Site delayed	July 2020	June 2020	May 2020	July 2020

Table 2: Key implications – Land at Ray Mill Road East

Outcome	Unmet	Met	Exceeded	Significantly Exceeded	Date of delivery
Exchange of Contracts with CALA homes for disposal of the land	Not acquired	30 th June 2019	1 month before	2 months before	30 th June 2019.
Planning submission	Not submitted	28 th December 2018	1 month before	N/A	December 2018
Budgets	>10% Increase	On budget	5% saving	10% saving	December 2020
External consultants appointed	Not appointed	30 th October	September 2018	N/A	30 th October 2018
Start on site	Not achieved at all	1st August 2019	30 th July 2019	30 th June 2019	1st August 2019
Practical Completion	Site delayed	30 th December 2020	30 th November 2020	30 th October 2020	30 th December 2020

4 FINANCIAL DETAILS / VALUE FOR MONEY

4.1 Costs to date have been run as feasibility appraisals and will need to be updated and signed off by the Executive Director and Lead Member for Economic Development and Property as the projects progress. The key stages for sign off would be:

- Feasibility Appraisal
- Planning Appraisal
- Pre-Construction Appraisal
- Practical Completion Appraisal
- End of Sales Appraisal (only where share ownership is included)

4.2 Investment reports are provided, see appendix xx. The reports confirm that each redevelopment has a positive net present value (NPV) and internal rate of return (IRR):

- Mokattam, capital budget of £1,704,682, IRR of 8.23% and NPV of £279,384.
- School House, capital budget of £905,863, IRR of 7.1% and NPV of £93,778.
- Ray Mill Road East, capital budget £4,448,543, IRR of 8.98% and an NPV of £750,222.

4.3 Once all properties have been completed and transferred to the property company the outstanding capital cost will be converted to a loan which will be repaid to the Council, over 18 years and at an interest rate of 5%.

- 4.4 In the future the Property Company will explore moving completed assets to external financing arrangements to reduce the level of borrowing from the Council.

Table 3: Financial impact of report’s recommendations

Please note capital use and table to be profiled before version sent to cabinet briefing.

CAPITAL	2018/2019	2019/2020	2020/2021
Addition	£2,353,029	£2,353,029	£2,353,029
Net impact	£2,353,029	£2,353,029	£2,353,029

5 LEGAL IMPLICATIONS

- 5.1 The Council has the power to obtain planning, and build properties on its own land. It will require approval from the Secretary of State to transfer properties at practical completion to RBWM Property Company Ltd for the use of affordable housing. This permission will be sought prior to practical completion and handover of properties to the Property Company.

6 RISK MANAGEMENT

- 6.1 A risk register per redevelopment project will be drawn up if capital budgets are approved. Overall risks are set out in table 4.
- 6.2 All three redevelopment projects will be monitored by RBWM Property Company Board, with regular finance reports, risk registers, project reports to the board.

Table 4: Impact of risk and mitigation

Risks	Uncontrolled Risk	Controls	Controlled Risk
Planning	High	Pre-application advice, before submission	Medium
Start on site	High	Reschedule programme	Low
Acquisition of third party land	Medium	Alternative scheme if not acquired	Low
Build cost inflation	Medium	Ascertain fixed build cost prior to start on site	Low
Sales values for shared ownership properties	Medium	Regular updated valuations. Monitor the market for other shared ownership schemes.	Low

7 POTENTIAL IMPACTS

- 7.1 The projects will be delivered for and on behalf of the Council by RBWM Property Company Ltd. The company now has a dedicated team of staff, all experienced in residential property development. It also has a dedicated Board all of which bring a collection of finance, property and corporate business skills.
- 7.2 Once the redevelopment projects have been completed, the properties will transfer in ownership to the property company who will manage the portfolio of affordable homes.
- 7.3 The assets will then be owned by the property company who in turn is fully owned by the Council. Through this process the Council never lose control of the assets.

8 CONSULTATION

- 8.1 The report will be submitted to the Corporate Services Overview & Scrutiny Committee.

9 TIMETABLE FOR IMPLEMENTATION

- 9.1 The key stages below will enable a professional team to be engaged and continue with both due diligence and planning.

Table 5: Implementation timetable

Date	Details
25 September 2018	Full Council approval of capital budget
27 September 2018	Cabinet approval to progress the projects
20 October 2018	Appoint professional team

- 9.2 Implementation date if not called in: Immediately.

10 APPENDICES

- 10.1 There are three appendices to this report:
- Appendix A – Land at Ray Mill Road East, Maidenhead – Investment Report. Not for publication by virtue of paragraph 3 of Part 1 of Schedule 12A of the Local Government Act 1972
 - Appendix B – Mokattam, Altwood Bailey, Maidenhead – Investment Report. Not for publication by virtue of paragraph 3 of Part 1 of Schedule 12A of the Local Government Act 1972
 - Appendix C – School House, Riverside Primary School, Maidenhead – Investment Report. Not for publication by virtue of paragraph 3 of Part 1 of Schedule 12A of the Local Government Act 1972

11 BACKGROUND DOCUMENTS

- 11.1 Not applicable.

12 CONSULTATION (MANDATORY)

Name of consultee	Post held	Date sent	Commented & returned
Councillor Rankin	Lead Member for Economic Development and Property.	23.8.18	28/8/18
Alison Alexander	Managing Director	23.8.18	28/8/18
Russell O'Keefe	Executive Director	23.8.18	
Andy Jeffs	Executive Director	23.8.18	28/8/18
Rob Stubbs	Section 151 Officer	23.8.18	28/8/18
Nikki Craig	Head of HR and Corporate Projects	23.8.18	
Elaine Browne	Law and Governance	23.8.18	
Louisa Dean	Communications and Marketing Manager	23.8.18	
	Other e.g. external		

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