

# Public Document Pack

Service Lead - Governance: 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 **Chamber - Guildhall Windsor** on **Tuesday, 11 December 2018 at 7.30 pm** for the purpose of transacting the business specified in the Agenda set out hereunder.

Dated this Monday, 3 December 2018



Acting Managing Director

Rev. Canon Hurst 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 meetings of the Council held on 25 September 2018 and 5 November 2018.  
(Pages 7 - 32)

3. DECLARATIONS OF INTEREST

To receive any declarations of interest  
(Pages 33 - 34)

4. MAYOR'S COMMUNICATIONS

To receive such communications as the Mayor may desire to place before the Council  
(Pages 35 - 38)

5. PUBLIC QUESTIONS

*None received*

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

To consider the following appointments:

**RECOMMENDATION: That:**

- i) **Councillor Quick be appointed as Chairman of the Tourism Development Forum for the remainder of the municipal year.**
- ii) **Councillor Bowden be appointed as the Chairman of the Windsor Town Forum for the remainder of the municipal year**

8. APPOINTMENTS TO BERKSHIRE FIRE AND RESCUE AUTHORITY

To consider the above report  
(Pages 39 - 46)

9. MEMBERS' ALLOWANCES SCHEME - PROPOSED AMENDMENTS

To consider the above report  
(Pages 47 - 60)

10. CHANGES TO THE COUNCIL CONSTITUTION

To consider the above report  
(Pages 61 - 76)

11. UPDATE TO PLANNING ENFORCEMENT POLICY

To consider the above report  
(Pages 77 - 100)

12. LONG TERM EMPTY HOMES PREMIUM

To consider the above report  
(Pages 101 - 104)

13. MEMBERS' QUESTIONS

**a) Councillor Lenton will ask the following question of Councillor M Airey, Lead Member for Environmental Services:**

Please confirm the date by which the refurbishment of the flood relief channel, known as the Wraysbury Drain, was due to be completed together with the then predicted cost; the date on which the work is now expected to be completed; the latest estimate of the cost; and the reasons for the continued

slippages in time and cost.

**b) Councillor C Rayner will ask the following question of Councillor Bicknell, Lead Member for Highways, Transport and Windsor:**

There are weight restrictions through the village of Horton. Please can you confirm the number of prosecutions in the last year by the Council for vehicles driving through the village over the weight limit?

**c) Councillor C Rayner will ask the following question of Councillor M Airey, Lead Member for Environmental Services**

Horton has problems with cars being parked for weeks on grass verges alongside the public highway. It is believed they may have been left by parking companies offering parking for travellers using Heathrow Airport. What can the council do to prevent these grass verges been used for commercial parking?

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

We know that the Narrative cafe in Maidenhead library closed due to the perceived uneconomic rent required by the Council, who now has no income at all in its budget from such a facility. So could you please inform Council of any efforts to secure a replacement cafe for the library at the market rent demanded?

**e) Councillor Hill will ask the following question of Councillor Saunders, Lead Member for Finance:**

As has been widely reported the Budget is overspent by at least £7.4m. I recall the budget being presented to Council with immense confidence by the Lead Member and my concerns about it being speculative robustly dismissed. In this member-led Authority is anyone now going to stand up and say sorry, I got it wrong?

**f) Councillor Hill will ask the following question of Councillor Targowska, Lead Member for HR, Legal and IT:**

The sudden departure of the Borough's former Managing Director without a proper explanation is unacceptable. The line manager for the MD is the Leader of the Council, so will there be any accountability allocated to either party for this fractured working relationship?

**g) Councillor McWilliams will ask the following question of Councillor M. Airey, Lead Member for Environmental Services:**

Why was there no public consultation on the new Homelessness Strategy before it was adopted and who made that decision, since it was previously announced that one would be held?

**h) Councillor McWilliams will ask the following question of Councillor M.**

**Airey, Lead Member for Environmental Services:**

What safeguards are in place to prevent the enforcement powers within the recently adopted Support Before Enforcement paper, specifically fines and threat of prosecution, being used on vulnerable residents?

**i) Councillor Majeed will ask the following question of Councillor Dudley, Leader of the Council:**

The council has encouraged people to invest in Oldfield yet proposes building a 5 storey car-park in front of their homes; residents are concerned about antisocial behaviour and the effect of pollution on health. I ask you to send out the right message and not proceed with this development?

*(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.)*

14. MOTIONS ON NOTICE

**a) By Councillor Coppinger:**

This Council:

i) Agrees with the general principles of the Plastic Free Communities scheme namely to:

- Lead by example in removing single-use plastic items from council premises as has already been agreed by the Sustainability Panel on 18 September 2018
- Encourage plastic free initiatives such as Maidenhead Challenging Plastic, promote the Plastic Free Windsor and Plastic Free Maidenhead campaigns and support campaign events.
- Encourage all businesses within the Borough to become plastic free.

ii) Work towards becoming a Plastic Free Council, including but not limited to:

- Ceasing to use or to permit the use of single-use plastics in properties and open spaces under the management of the council.
- Seeking to minimize the use of single use plastics in any future contracts.

iii) Reduce the use of plastic drinks bottles by:

- Working with an external supplier to trial at least one reverse vending machine in the Borough
- Supporting the work of Refill to enable all residents and visitors to refill their reusable water bottles across the Borough and to increase the supply of fresh drinking water within the Borough.

**b) By Councillor Jones:**

Plastic Free Windsor and Plastic Free Maidenhead are part of 'Surfers against Sewage', a national organisation. They are a community group set up to encourage our own communities to become plastic free. As a Council we can play a huge part in enabling these organisations and working with them towards one aim. Reducing plastics in our community.

This Council:

- i) Agrees with the general principles of the Plastic Free Communities scheme namely to:
  - Lead by example in removing single-use plastic items from Council premises.
  - Encourage plastic free initiatives locally, promote the Plastic Free Windsor and Plastic Free Maidenhead campaigns and support campaign events.
- ii) Work towards becoming a Plastic Free Council, including but not limited to:
  - Changes its own practices by removing single-use plastics.
  - Ceasing to use or to permit the use of single-use plastics in properties and open spaces under the management of the Council.
  - Seeking to minimise the use of single use plastics in any future contracts.

15. 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 item 16 on the grounds that it involves the likely disclosure of exempt information as defined in Paragraphs 1-7 of part I of Schedule 12A of the Act"

**PART II**

16. MINUTES

**(Not for publication by virtue of paragraph 3 of Part 1 of Schedule 12A of the Local Government Act 1972)**

To receive the Part II minutes of the meeting of the Council held on 25 September 2018  
(Pages 105 - 108)

## 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.)*

**AT A MEETING OF THE BOROUGH COUNCIL held in the Council Chamber -  
Town Hall on Tuesday, 25th September, 2018**

PRESENT: The Mayor (Councillor Paul Lion), The Deputy Mayor (Councillor Colin Rayner)

Councillors M. Airey, N. Airey, 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, Lion, Love, Luxton, McWilliams, Mills, Muir, Quick, Rankin, C. Rayner, S. Rayner, Richards, Saunders, Sharp, Sharpe, Shelim, Story, Stretton, Targowska, Walters, Werner, D. Wilson, E. Wilson and Yong

Officers: Mary Severin, Russell O'Keefe, Alison Alexander, Karen Shepherd and Ashley Smith

38. APOLOGIES FOR ABSENCE

Apologies for absence were received from Councillors Alexander, Burbage, Majeed, Pryer, Sharma and Smith.

39. COUNCIL MINUTES

**RESOLVED UNANIMOUSLY: That the Part I minutes of the meeting held on 19 July 2018 be approved.**

40. DECLARATIONS OF INTEREST

Councillor Hill declared a Prejudicial Interest in the item 'Broadway Car Park' as he owned a property opposite the site. He would make representations but take not further part in the debate or vote on the item.

Councillors McWilliams, Bateson and Hilton declared Disclosable Pecuniary Interests in the Motion on Notice as Principal Members. They would take no part in the debate or vote on the item.

Councillors M Airey, Love, D. Wilson, Bowden and Gilmore declared Disclosable Pecuniary Interests in the Motion on Notice as Deputy Lead Members. They would take no part in the debate or vote on the item.

Councillor Dudley declared a Personal Interest in the item 'RBWM Property Company – Investments reports' as Chairman of Riverside Primary School.

41. PUBLIC QUESTIONS

**a) Mark Hollands of Cox Green ward, asked 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?

Councillor Dudley responded that he was disappointed that the Lord Chancellor had not yet responded to the letter. He would be delighted to write again, attaching a copy of the original letter. The latest tragic accident in the borough related to the death of two men who were mowed down shortly after 11.30pm. This accentuated the need for a change in the law, so that others did not have to suffer what both the Hollands family and those in the latest accident had had to suffer.

By way of a supplementary question, Mr Hollands stated that at the last meeting the Leader had indicated he would raise the issue directly with the Prime Minister. Had he had the opportunity to do so and if so, was there any feedback?

Councillor Dudley responded that the letter to the Lord Chancellor has been copied to the Prime Minister. She usually responded when copied to such correspondence. He expected she had not done so as a substantive response was awaited for the Lord Chancellor. He would raise the issue with the Prime Minister at the Conservative conference the following week.

42. MAYOR'S COMMUNICATIONS

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

43. PETITIONS

None received.

44. PANEL MEMBERSHIPS

Councillor Dudley highlighted to Members that a revised recommendation had been circulated.

Councillor Dudley took the opportunity to congratulate Councillor Rankin on being selected as the prospective Parliamentary candidate for Warwick and Leamington. Councillor Rankin would continue to fulfil his role as a councillor but would step down from Cabinet at the end of the meeting. His Executive position would be taken by Councillor McWilliams, excluding Deputy Finance but including Housing. Councillor Targowska had also moved from being a Principal Member to a Lead Member, retaining the same portfolio. Principal Members currently received a Special Responsibility Allowance (SRA) equal to that of a Lead Member. He would be requesting the council's Independent Remuneration Panel consider an immediate reduction in the SRA for Principal Members to that currently received by Deputy Lead Members. Additionally, the IRP would be asked to consider the deletion of both Principal Member and Deputy Lead Member SRAs from May 2019.

The changes, including the accelerated deletion of the higher SRA for the two remaining Principal Members, would reduce the annualised cost of the Executive by circa £40,000. There was a continued effort to deliver a more efficient Executive, make local politics cheaper and services better for residents, encapsulated by the Boundary Review and overall reduction in the number of councillors.



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

**RESOLVED: That:**

- i) Councillor N. Airey be appointed as Chairman of the School Improvement Forum for the remainder of the municipal year.**
- ii) Councillor D Evans be appointed as Vice-Chairman of the School Improvement Forum for the remainder of the municipal year.**
- iii) Councillor Bateson be appointed as Vice-Chairman of the Windsor Rural Development Management Panel for the remainder of the municipal year.**
- iv) Councillor Pryer be appointed as Chairman of the Tourism Development Forum for the remainder of the municipal year.**
- v) Councillor Grey be appointed as Vice-Chairman of the Tourism Development Forum for the remainder of the municipal year.**

**(48 Councillors voted for the motion: Councillors N. Airey, Bateson, Beer, Bhatti, Bicknell, Bowden, Brimacombe, Bullock, Carroll, Clark, Coppinger, Cox, Da Costa, Diment, Dudley, D. Evans, L. Evans, Gilmore, Grey, Hill, Hilton, Hollingsworth, Ilyas, Kellaway, Lenton, Lion, Love, Luxton, McWilliams, Mills, Muir, Quick, Rankin, C. Rayner, S. Rayner, Richards, Saunders, Sharp, Sharpe, Shelim, Story, Stretton, Targowska, Walters, Werner, D. Wilson, E. Wilson and Yong. 1 Councillor abstained: Councillor Hunt.)**

45. MEMBERS' ALLOWANCES SCHEME - PROPOSED AMENDMENTS

Members considered recommendations from the council's Independent Remuneration Panel in relation to maternity, paternity and adoption benefits for elected Members.

Councillor Dudley explained that the main thrust was to ensure that there was no disincentive for people who may wish to start a family, have children or adopt, in being an elected Member. He wished to see more women in politics and to allow this to happen an enabling environment was required.

Councillor N Airey spoke in support of the motion, not only because she herself had a 9 month old daughter. She had attended her first council meeting just three weeks after giving birth. Councillor N Airey highlighted that all councillors were Corporate Parents to the circa 110 Children in Care in the borough. She had participated in the Maidenhead Half Marathon team highlighting the importance of fostering and adoption. The proposals were a step in the right direction to level the playing field for women and ensure the wellbeing of children.

Councillor S Rayner commented that as a woman in politics it was important for her to encourage others to come into the political arena. She was proud that the borough was taking steps to encourage this to happen.

Councillor M Airey joined the meeting.

Councillor Stretton commented that it was important to equalise the chamber; she was pleased the arrangements were being brought in line with employers' legislation.

Councillor Saunders applauded the proposals presented; it was time to ensure all procedures were blind to differences.

It was confirmed that the Members' Allowance Scheme already included a dependant's carer's allowance.

Councillor Bicknell commented that no doubt the whole chamber would be behind the proposals.

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

**RESOLVED UNANIMOUSLY: 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.**

46. CONSTITUTIONAL AMENDMENTS

Members considered a number of constitutional amendments

Councillor Targowska explained that the proposals were administrative as the policies had been agreed by council in June 2018. Members were now being asked to bring them into effect immediately rather than waiting until May 2019. The proposal had been brought forward following helpful conversations with the Opposition Leader.

Councillor Stretton commented that at Council in June Members of the Opposition had suggested the policies should come into effect immediately. She was pleased that the administration now accepted the rationale.

Councillor Dudley commented that the proposals were being brought forward because of continued indiscretions on social media by Councillor Da Costa.

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

**RESOLVED UNANIMOUSLY: That Full Council notes the report and approves the date of 25 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.**

47. CONSTITUTIONAL AMENDMENTS - PLANNING

Members considered the findings of the Planning and Housing Overview and Scrutiny Panel Task and Finish Group (TFG).

Councillor Kellaway, Chairman of the TFG, proposed two changes to the recommendations in the report:

- Paragraph 3.4 - Delete all words after '....should continue to be permitted,' including recommendation 3. The sentence in brackets in 9.B summary would therefore also be deleted.
- Paragraph 3.9 - second paragraph in the box to read: '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, the Borough Wide Panel Chairman *and the relevant Area Panel Chairman*'.

The reasoning for the second change was that there was a strong feeling among Members that wherever possible applications should be considered by the relevant area panel, by Members who would have local knowledge. Only genuinely strategic applications should be considered by the Borough-wide Panel. All other recommendations in the report remained.

Councillor Kellaway commented that the proposal to move to monthly meetings rather than four-weekly meetings, from May 2019, would also fit with Parish Council meeting schedules.

Councillor Beer suggested that substitutes should be appointed the weekend before a meeting, to ensure they would have sufficient time to look at the sites as visiting a site was very different to just reading the written report. He urged those who could not attend a meeting to make every effort to find substitutes as early as possible. He requested that TFG members be included on the list of those involved on page 100. He highlighted that the list of Ward include on page 105 for Windsor should include Old Windsor.

Councillor Werner stated that he was pleased that Rights of Way issues were not being subsumed into Development Panel meetings as they were different issues. He expressed concern that despite the inclusion of Area Panel Chairman, there was a danger that the leadership could still deliberately push applications to a Borough-wide Development Panel meeting where there was less local representation than an area panel.

Councillor Stretton commented that this was the third time the section relating to Borough-wide panels had been before Full Council. She was pleased that there was finally a proper process being proposed. The previous versions had been put together with haste and had wasted officer time when already overstretched.

Councillor Hunt commented that she had been a member of the TFG, which had run very well. Officers had been very co-operative and the chairman had done a stupendous job.

Councillor Coppinger highlighted that as Lead Member for Planning he had remained outside of the TFG. He commended the work of the TFG. Officers had been delighted to support the discussions and had not seen it as additional labour.

Councillor Kellaway highlighted that section 8 of the report detailed those outside the TFG who were involved or consulted. Proposals in relation to public speaking at Development Management Panels would come through on a separate report to Full

Council. As the TFG was not yet finished he welcomed suggestions from other Members for discussion by the group. He thanked all officers involved, in particular the Deputy Head of Planning. Councillor Kellaway confirmed that the proposals for members to vote upon included the two changes detailed at the start of the item in relation to substitutes and the inclusion of Area Panel Chairman in calling a Borough-wide Development Management Panel.

It was proposed by Councillor Kellaway, seconded by Councillor Coppinger, and:

**RESOLVED UNANIMOUSLY: 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 2<sup>nd</sup> May 2019, subject to the amendments relating to substitutes and the inclusion of Area Panel Chairman in calling a Borough-wide Development Management Panel.**
- ii) Approves the amendment of the constitution with the attached permanent planning constitutional arrangement (Appendix 1) with effect from 3<sup>rd</sup> May 2019 subject to the amendments relating to substitutes and the inclusion of Area Panel Chairman in calling a Borough-wide Development Management Panel.**

48. AN INCLUSIVE BOROUGH

Members considered the adoption of an inclusion charter which had been developed by young people, parents and carers, schools, health and social care professionals as part of the area's response to the inspection of services for young people with additional needs by Ofsted and the Care Quality Commission in 2017.

Councillor N. Airey explained that the council was committed to building a borough that worked for everyone. Over the last 15 months families, schools, health practitioners and council officers had been working together to improve the experience of families with children with additional needs. Councillor N. Airey welcomed the members of Pacip (the Parent and Carers Forum) and took the opportunity to thank them for all their hard work, advocacy and contributions, particularly over the past 15 months.

This partnership working had been wide-ranging in scope and reflected in the area action plan which was being monitored by Ofsted and the DfE, who reported "excellent leadership" in their report during the summer. Part of that leadership had been the development of the Inclusion Charter which set out the principles that would help every child with additional needs be more included in all aspects of their lives.

Schools had received the Charter, along with materials to bring it to life in assemblies. These included some excellent videos made by pupils for pupils. During this year schools would be asked to assess how well they were set up for inclusion and the Charter would guide them. The Clinical Commissioning Group were adding the Charter's principles to the expectations they had of health providers. Families and the young people would have a wallet sized card to enable them to raise inclusion, if they needed to, with services of all types.

Councillor N. Airey highlighted Reuben's case study. She asked Members to imagine they were this brilliant little four year old boy with significant medical needs that affected physical development. You were told you were going to your local leisure centre which also had the park out the back, but instead of feeling the excitement most children would, you feel scared. You worry because the disabled bathrooms are not easy to get to and are not child friendly. The play park equipment is not safe for you to use as you are getting bigger, so soon you will not be able to play in the park, or any park, at all.

Councillor N. Airey stated that there was a need to change expectations and the culture of individuals. She was asking councillors for their help across everything the council did: from parks and leisure centres, to parking and housing services. For both children and adults with additional needs, councillors must encourage officers to think about and plan for appropriate inclusion. The same was true outside of the council; when Members were trustees of voluntary groups, active in local communities, societies, churches and other organisations, councillors could and should raise their voices for inclusion. The Charter gave a simple and clear way to raise the key principles. The case studies of Reuben, Bella, Vicky and Jemma in the report highlighted what challenges young people with additional needs faced and how the council could improve life for them. The recommendation was that the Council adopted the Inclusion Charter as a guide to support planning services to help those with additional needs.

Councillor Stretton commented that she supported the thoughts behind the report but the title was confusing; why would the proposals be limited to children and young people?

Councillor Targowska wholeheartedly supported the proposals. The council must work tirelessly so that no segment of society was excluded from the democratic process. It was a no-brainer to expect the council and its partners to ensure they listened to young people and made reasonable adjustments. She thanked all involved.

Councillor Saunders commented that extensive legislation applied to the rights of individuals accessing services of the local authority in relation to care and safeguarding. There were inevitable ambiguities in relation to people of a minor age as to whether they had the same clarity of rights as they had not yet reached independent status. It was therefore reasonable that the council supplemented the legislation under the care and health acts. The proposals made it an unambiguous principle that the voices of young people should be equally heard and were equally relevant.

Councillor Dr L Evans supported the proposals, particularly as she was a council appointed trustee of Heatherwood School. The school had increased capacity and therefore attracted children from outside the borough. The policy did not state if it would apply to those children as well as borough residents.

Councillor Da Costa stated that he was supportive of the general principles and it was good that parents and schools had been consulted in drafting the document. He asked for a breakdown of the 4000 children identified, including the number with statements. He asked what resourcing would be provided to third party clubs and societies if they were also being expected to implement the proposals.

Councillor Stretton asked, in light of the explanation given by Councillor Saunders, for additional wording to be included to explain the proposals were to bring arrangements in line with adult legislation.

Councillor E. Wilson highlighted that the recommendation for improved leadership from the SEND report was clearly being demonstrated by Councillor N Airey. He was aware of young people in his area who were severely disabled and could not go to the shops, the park or the community centre as a result. He had been working for the last three years to arrange additional facilities. The Charter brought it home that all needed to think about these issues when planning facilities.

Councillor Sharp left the meeting.

Councillor N. Airey confirmed that of the 4000 young people identified, circa 900 had an EHCP. Once a school was named on an EHCP the plan applied therefore the Charter was relevant to both residents and those from outside the borough who attended a borough school. She would speak to Cllr Dr L Evans outside the meeting in relation to Cheapside. In relation to the comments by Councillor Da Costa, she would look at what support could be provided to third party clubs and societies. The proposals were not simply to bring arrangements in line with legislation, they were a result of the Action Plan involving the borough, schools and the CCG, monitored by Ofsted and the DfE. The Charter was about leadership and building a borough for everyone.

It was proposed by Councillor N. Airey, seconded by Councillor Targowska, and:

**RESOLVED UNANIMOUSLY: 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.**

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

Members considered adoption of the Eton and Eton Wick Neighbourhood Plan.

Councillor Bateson explained this was the third Neighbourhood Plan to come before council for adoption. The first stage of the Eton and Eton Wick Neighbourhood Plan was started by community groups undertaking consultation. Once sufficient material and evidence had been gathered a plan was drafted, which was then checked by the planning department to ensure compatibility with the NPPF and Borough Local Plan (BLP). Following a final consultation the plan went to examination. The Examiner recommended a few minor changes and then it was put to referendum. Of the 411 votes cast, 360 were in favour of the plan.

Councillor Bateson thanked those involved for the many hours of voluntary time given to bring the plan to fruition.

Councillor E. Wilson congratulated all those involved for the many hours spent designing policies for the community and ensuring a bridge between the NPPF and what was needed on the ground. He had two reservations. On the face of it there was

a conflict between H06 in the BLP and T12. He asked why projects were listed in the plan that were already completed, or were not eligible for CIL or S106 funding, or were not being conducted by the council.

Councillor Da Costa acknowledged the thousands of hours put in by the volunteers. He asked if the minor changes allowed under the proposed delegation would be made only with the approval with the Neighbourhood Plan Group.

Councillor S Rayner, as Ward Councillor, thanked the team of volunteers in the local community who had been working since October 2013. Both communities had a strong heritage background. In the future both communities would face challenges; the work already undertaken would make them more resilient. The plan included 17 aspirations. As the plan had been progressing for the last five years some had inevitably been achieved including bicycle way funding and the bus service. Finances were being gathered for a visitor centre. Some projects were outside the borough scope but it was important they were included as they related to issues such as healthcare.

Councillor Stretton congratulated the Neighbourhood Plan group. She was concerned to hear of the conflict with the BLP and hoped this could be resolved. She requested assurances from the administration that the Neighbourhood Plan would not be ignored in the way substantial parts of the Ascot and Sunnings plan had been ignored in the emerging BLP?

Councillor Coppinger highlighted that Neighbourhood Plans were about localism; as a result some areas were outside the scope of the borough. This should not stop people achieving aims in their local area. It was the council's job to support these aspirations.

Councillor Hilton highlighted that the NPPF supported Neighbourhood Plans where they were presenting policies in areas where the borough policies were not strategic. He commented that the Ascot and Sunnings plan included a long-term aspiration for a bus service. This may not come to fruition but it was important that it had been included. Some practical aspirations such as cycle ways could be undertaken without council resources.

Councillor Bateson commented that the delegation to make changes related to typographical errors; it would allow the Head of Planning to check all was correct before publication. In relation to the comments by Councillor Stretton, it was not so that substantial parts of the plan had been ignored; Ascot and the Sunnings were very proud of the plan. In relation to the comments by Councillor E Wilson, the council would clearly seek to ensure the car park was not needed or alternative provision was secured. The aspirations in the plan came from stakeholders in the consultation. It was clear the council was not responsible for delivery as the table set out the stakeholders and funding mechanisms.

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

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

- xiii) 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**



- xiv) **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.**

**(48 Councillors voted for the motion Councillor M. Airey, N. Airey, 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, Kellaway, Lenton, Lion, Love, Luxton, McWilliams, Mills, Muir, Quick, Rankin, C. Rayner, S. Rayner, Richards, Saunders, Sharpe, Shelim, Story, Stretton, Targowska, Walters, Werner, D. Wilson and Yong. 1 Councillor abstained: Councillor E Wilson.)**

50. BROADWAY CAR PARK

Members considered the investment case for the redevelopment of the car park and 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.

Councillor Dudley commented that everyone could see the regeneration plans were picking up pace. An essential part of the plans was to ensure sufficient public parking in the town. Broadway car park (otherwise known as Nicholson's) was a keystone for Maidenhead. The car park currently comprised 750 spaces and was at the end of its useful life. The new car park would comprise 1333 spaces over eight storeys, a vehicle management system and a fantastic exterior. Five percent of spaces would be active for electric vehicles, with a further five percent could be brought on in future. The new car park would include an enhanced entrance into the Nicholson's shopping centre. Site enabling works were underway for the Vicus Way car park to ensure completion before the demolition of the Broadway car park began. The council was looking to work with local employers to move their business parking to Vicus Way to free up spaces in the town centre for shopper parking. At no point during the regeneration would there be less spaces available than currently.

Councillor Hill made representations before withdrawing from the debate and vote on the item. He stated that a new car park was needed, however he had reservations. He was concerned that if the additional new spaces could not be filled it would not generate sufficient revenue to finance the project. He asked if the debt could be maintained based on the current scale. He was also concerned at the capital outlay which had begun at £8.1m but was now £35.3m. The capital programme for 2018/19 mentioned a sum of £2m but nothing was projected going forward. The only way to clear debt would be to sell major assets. With the Borough Local Plan on the rocks and the redevelopment of the golf course stalled, broken or failed he was worried whether Members should commit further funding.

Councillor Brimacombe thanked the administration for the public consultation held at the Nicholson's Centre, which had been well attended and well supported by officers. Something as ambitious as the project proposed was bound to raise questions. It was a judgement call for the administration as they would be accountable. While affordable housing was mentioned he regretted the absence of a strategic affordable housing paper. He had, however, had a constructive exchange of views on this issue with Councillor Saunders. He hoped to hear more in response to the Member Question later in the agenda.

Councillor Da Costa expressed concern that the demolition could cause chaos in the town even if nothing went wrong. He was in favour of the rebuilding but felt there was not enough information. He needed assurances from various professionals on any aspect that was outside his skill set and also outside the skill set of many councillors. Councillor Da Costa felt Members needed to see the overall plan to know whether it was affordable in light of the massive amount of capital that had already been committed. He also needed to know how this was going to be affected by the problematic BLP. The report should have been made available six weeks prior for Member consideration. He needed to know how the extra borrowing would affect council tax and the money available for other services. The paper had not been presented to Cabinet first so the decision could not be called in. He felt Members were being rushed into a decision and therefore asked for the report to be withdrawn, discussed with the Opposition, then presented to Cabinet before Council.

Councillor E. Wilson commented that this was a different proposal to that which had been presented previously, including an extra 600 spaces in the middle of a town about to undergo one of the biggest regenerations projects in the country. Maidenhead councillors needed to wake up to what the residents were saying, get on with the regeneration and stop nit-picking.

Councillor D Evans stated that he fully endorsed the recommendations. When he had held the Maidenhead regeneration portfolio the one issue that always came up was the lack of parking. The new parking was a core component of the regeneration story. He had continually raised with officers the issue of occupancy, and been assured that there were a number of employers queuing up for parking places. Additionally, the number of rail passengers was set to almost double with Crossrail but no extra parking provision at the station was proposed by Network Rail. He assured Councillor Hill that detailed work had been done in terms of the economic costings of the project; the Part II appendix included information on the assumptions used in relation to usage levels and charging.

Councillor Werner commented that he was surprised at Councillor D Evans' comments as at a previous Town Forum he had stated that the town did not need extra parking. Councillor Werner did not think there would be a problem filling the spaces. The increase in planning applications going through would result in a need for more contract parking. The demolition could cause chaos therefore assurances were needed from the Lead Member. He expressed concern about the linkages to the Nicholson's centre as he felt the tunnels proposed did not link well with The Landing. More than 10% electric vehicle spaces would be needed for the future. Councillor Werner expressed concern about the level of debt the council was building up. The council did not have a good performance record with big capital schemes therefore he requested assurances that this project would not become overspent.

Councillor Dudley commented that the town had been waiting for regeneration for decades. The council would deliver a town worthy of its residents. Councillor Hill did not appear to understand his ward. The proposals gave a net addition of 600 spaces. Grove Road and Town Hall car parks were part of the York Road opportunity area therefore these spaces would be lost. The spaces in Hines Meadow had reduced to support the Colonnade development. Therefore there was a reduction in spaces before any growth in demand. There was undoubtedly sufficient demand for the additional spaces. Regeneration planning was very important. A Developers Forum had been established to co-ordinate phasing. Undoubtedly there would be some

disturbance during demolition and rebuilding, but this would be minimised. He would be happy to look at how the links with the Nicholson's Centre could be improved. He agreed that increasing the percentage of electric vehicle spaces should be looked at further. The proposals before Council would create a real asset with a cash value and an attractive rate of return. There was a strong business case with Crossrail. The proposals would be funded with debt in the short term. The asset could be sold at any point in the future or it could be retained using capital receipts elsewhere. The BLP was going well; the Inspector had asked for dates for the next stage of the examination early next year.

Councillor Lenton highlighted that paragraph 2.7 could be read that if Council approved the business case the Pension Fund would fund it. This was not correct as the fund was independent and made its own decisions.

Councillor Saunders explained that every single capital project had attributed to it a potential financial cost, at public borrowing rates of 2.25%. It was for the council to assess the basis on whether a particular investment, when judged against future returns, represented a valid and sensible investment. The rate of return that had to be generated had to exceed that attributable to the interest rate. The actual interest rate accrued on every pound spent was a product of the overall cash management of the council. The monthly financial update showed that the only material debt was that inherited from the previous administration. The medium and long-term cash flow analysis showed that to promote the regeneration of Maidenhead the council was prepared to invest substantial amounts of money with the expectation that it would be recouped from capital receipts.

Councillor Bicknell commented that a lot of money was being invested and this was not for the faint-hearted. The plans were inspirational.

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

**RESOLVED: 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.**

**(47 Councillors voted for the motion Councillor M. Airey, N. Airey, Bateson, Beer, Bhatti, Bicknell, Bowden, Brimacombe, Bullock, Carroll, Clark, Coppinger, Cox, Diment, Dudley, D. Evans, L. Evans, Gilmore, Grey, Hilton, Hollingsworth, Hunt, Ilyas, Kellaway, Lenton, Lion, Love, Luxton, McWilliams, Mills, Muir, Quick, Rankin, C. Rayner, S. Rayner, Richards, Saunders, Sharpe, Shelim, Story, Stretton, Targowska, Walters, Werner, D. Wilson, E Wilson and Yong. 1 Councillor abstained: Councillor Da Costa)**

(Councillor Hill declared a prejudicial interest in the item, made representations, then withdrew from the debate and vote on the item)

51. RBWM PROPERTY COMPANY - INVESTMENTS REPORTS

Members considered three Council owned assets which were or would become vacant shortly and were potentially available for redevelopment.

Councillor Rankin reminded Council that at the last meeting Members had unanimously supported the addition of £8.43m of capital to build seven social rented homes and 13 shared ownership. He had spoken about the council's strategy of utilising its redundant property assets for social good as affordable housing, creating revenue streams to support vulnerable adults and children, whilst maintaining the council's asset base. This was good for the community and sensible for the council finances. The report was consistent with the strategy and in line with the RBWM Property Company business plan.

The first site for approval was Mokattam, which was currently used as a care home but would be vacant by December as the care home was coming to the end of its useful life. All existing residents were being transferred to more appropriate accommodation. On the site it was proposed to develop two social rented homes and four shared ownership properties.

The second site was the old caretaker's home at Riverside Primary school. The plan was for two socially rented homes and two shared ownership properties. The third site was involved reinvesting part of the capital receipt from Ray Mill Road East where the council would be receiving 20 homes already. The proposal was for a further 17. As a result 47% of homes on the site would be affordable.

Councillor Rankin stressed that the Part II investment reports had been through the independent and high-calibre board of directors. He thanked officers for their work on these proposals, in particular the Executive Director - Place and the RBWM Property Company Managing Director.

Councillor Carroll explained that Mokattam currently provided 24 hour care to six adults with severe learning difficulties. The CQC had rated the home as 'good' but it was not a building designed for adult social care therefore it was a good opportunity to relocate the six individuals. All six had tenancy with Housing Solutions, and care provided by Optalis. They would be transferred to ground floor flats with a communal space. The council had worked with the families to plan the move and ensure a smooth transition.

Councillor M. Airey commented that the Property Company mechanism was an innovative way to use the council's assets to develop affordable housing. He thanked the officers involved.

Councillor Hilton commented that the council had been talking about utilising its assets ten years ago. The establishment of the Property Company was crystallizing these thoughts into a revenue stream and the availability of affordable housing. He thanked the Managing Director of the Property Company and the Lead Member.

Councillor Stretton thanked Councillor Carroll for his reassurances regarding Mokattam. The proposals were very interesting but she noted that no pre-application planning advice had been taken to identify any issues, therefore she believed it was premature to add money to the budget.

Councillor Beer commented that when he had been on the Local Plan Working Group the meeting had received a presentation from a headteacher who had interviewed 22 candidates for two teaching posts. The majority of the candidates had been suitable but none had accepted because they could not afford to live locally. He was also aware that Manor Lodge in Old Windsor had a desperate need for staff for 18 months but could not fill vacancies for the same reason. The BLP set out that 434 affordable houses were needed per annum, which was 61% of the actual housing need. The majority of this affordable housing needed to be social rented properties. The proposals in the report were valid but numbered only five units out of 27 and represented only 27% of the properties in the council's control. The council was not meeting the needs of the community. He was not in favour of the split and felt the council was missing an opportunity.

Councillor S Rayner commented that this was great news for residents especially those on low income.

Councillor Stretton left the meeting.

Councillor Saunders commented that there was a critical balance to strike. In each and every case the council needed to demonstrate it was pursuing residential development of a council asset and seeing to optimise the provision of affordable housing. There was a lower rate of return for affordable housing and the council had to be careful not to pour millions of pounds down a deep hole without any meaningful annuity return.

Councillor Da Costa welcomed the additional affordable housing and asked if there was a clear target for delivery over the next few years.

Councillor Werner commented that the Lead Member had done a very good job.

Councillor Dudley highlighted the additional 27 affordable homes being proposed in the report, along with future provision in the four joint venture sites and the golf course. The council had guaranteed 30% affordable housing on council-owned sites. Councillor Rankin highlighted the mix of tenures in the pipeline. He explained that pre-application advice would be a small capital commitment so the budget needed to be approved before it could be spent. He assured Members that no significant element of the budget would be spent before the pre-application advice was obtained.

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

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

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

**(48 Councillors voted for the motion Councillor M. Airey, N. Airey, Bateson, Bhatti, Bicknell, Bowden, Brimacombe, Bullock, Carroll, Clark, Coppinger, Cox, Da Costa, Diment, Dudley, D. Evans, L. Evans, Gilmore, Grey, Hill, Hilton, Hollingsworth, Hunt, Ilyas, Kellaway, Lenton, Lion, Love, Luxton, McWilliams, Mills, Muir, Quick, Rankin, C. Rayner, S. Rayner, Richards, Saunders, Sharpe, Shelim, Story, Stretton, Targowska, Walters, Werner, D. Wilson, E Wilson and Yong. 1 Councillor abstained: Councillor Beer)**

Councillor Jones joined the meeting.

52. CONTINUATION OF MEETING

At this point in the meeting, and in accordance with Rule of Procedure Part 4A 23.1 of the council's constitution, the Chairman called for a vote in relation to whether or not the meeting should continue, as the time had exceeded 10.00pm.

Upon being put to the vote, those present voted in favour of the meeting continuing.

53. MEMBERS' QUESTIONS

**a) Councillor C Rayner asked 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?

Councillor S Rayner responded that the borough recognised the importance of residents being able to be buried in appropriate space near to where they lived and for relatives to be able to visit them. Officers were happy to look at extending the graveyard in Horton. A capital bid had been submitted for 2019/20. Any extensions would be subject to budget approval, agreement with the landowner, a planning application and all preliminary investigations including discussions with the local parish council.

By way of a supplementary question, Councillor C Rayner commented that the cost of the graveyard would be equivalent to six parking spaces in the Broadway car park. He believed the return on burial grounds in the borough was better than a car park therefore he hoped it would be seriously considered.

Councillor Saunders left the meeting.

**b) Councillor C Rayner, in his capacity as Ward Councillor, asked the following question of Councillor Grey, Lead Member for Environmental Services:**

With reduced police presence in Horton village, like most 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.

Councillor Grey responded that the borough had already corresponded and consulted with Horton Parish Council and provided advice on the location of CCTV cameras in the village. Legislation and a code of practice by the Surveillance Camera Commissioner set out the principles to ensure the use of CCTV in public spaces was properly regulated. Officers had already consulted with the Parish Council, residents and business on the location of cameras in Horton village; the village hall and playing

fields. As ward councillor, if Councillor Rayner disagreed with the Parish Council he would be happy to revisit the issue.

By way of a supplementary question, Councillor C Rayner stated that Ward Councillors had not been consulted. He had had a meeting with the Parish Council a week ago. He was Vice Chairman of Horton Parish Council and he was not aware of any of the negotiations and asked for copies of the correspondence. Why did Datchet have a number of CCTV cameras and Horton did not?

Councillor Grey responded that Councillor Rayner could of course have copies of the correspondence. He would speak to officers and revisit the issue.

**c) Councillor Hilton asked 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?

Councillor Bicknell responded that in the financial year 2017/18 there were 104 compensation claims arising for accidents alleging some fault on the highway (footways and the carriageways) which caused injury or vehicle damage. 48 of these claims involved potholes; three claimants received compensation totalling £2,323.05 and all of these claims involved damage to vehicles.

In the financial year 2016/17, there were 82 highways claims of which 26 were attributable to potholes. Three were paid coming to £1,430.51 (vehicle damage only).

In the financial year 2015/16, there were 65 highways claims of which 17 were attributable to potholes. Four were paid coming to £3649.06 (this included one personal injury claim of £2,000, the rest involved damage to vehicles and a bicycle).

As the most recent year was the worst in terms of number of claims received the council reviewed data to see if there was any particular reason for this. 21 of the 48 pothole claims over the year were for incidents occurring 4 February 2018 – 31 March 2018. Brief research indicated several spells of freezing during these months which probably caused more problems than usual with the fabric of the highway.

In summary, the council paid compensation very infrequently for pothole claims and this was typically for low amounts, primarily relating to vehicle damage.

The council had invested £7.7m this year in improving highway infrastructure including a resurfacing programme of £3.4m; plus an extensive pothole programme and investment of £200,000 on enhanced quality and response times through the 'Find & Fix' initiative.

A performance target was in place to make 100% of dangerous potholes safe within 24 hours. This target was achieved in nearly every quarter.

By way of a supplementary question, Councillor Hilton asked if the Lead Member agreed that the borough's performance was better than other councils and could he advise on the actions proposed to maintain and improve the success?

Councillor Bicknell responded that the borough undertook extensive resurfacing using skid-resistant materials. Problems occurred when water went into cracks in the road surfaces, often left by poor repairs by utility companies. When the water froze it expanded the cracks and led to potholes. The borough continued to invest in pothole repairs; dangerous defects were usually repaired within 24 hours.

**d) Councillor Brimacombe asked 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?

Councillor McWilliams responded that over the last few months it had been his duty, having been given the housing, to deliver an improved service and also the proper process and strategic approach. A series of meetings had been held with key strategic stakeholders including local charities, housing associations, the NHS, Thames Valley Police and local churches.

A draft was currently being put together which would be sent to stakeholders for feedback. The Homelessness Strategy Update and Allocations Policy would be presented to cabinet in November 2018. The Housing Strategy would come later but follow the same process of consultation. The three core principles of the consultation process were passion, thoroughness and co-operation. The Homelessness Strategy Update would include a raft of new support services including a homelessness prevention relief fund and more enforcement with landlords. A holistic joined up approach was needed as there was no 'silver bullet' or short term solution.

By way of a supplementary question, Councillor Brimacombe commented that there had been some adverse comments about the lack of consultation therefore he would encourage publication of the specific details. He asked if any document would set out the council policy on the extent of subsidies to make housing affordable and who was eligible for affordable housing and why?

Councillor McWilliams responded that the two reports in November would include reference to the extensive consultation. Details of subsidies would be included in the Housing Strategy. The Allocation Policy would set out eligibility criteria.

**e) Councillor Brimacombe asked 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?

Councillor S Rayner responded that there were nine allotment sites in Maidenhead. The website was up to date listing the wait time as between one and four years but there were differences. Usually around 46 plots became available each year. Officers inspected plots every month to ensure they were being used. A capital bid had been submitted for 2019/20 to maintain, improve and create capacity.

By way of a supplementary question, Councillor Brimacombe highlighted that applicants had to specify a plot on their form without knowing where vacancies may be; he asked for more information to be provided.

Councillor S Rayner responded that this would be done.

Councillor Luxton left the meeting.

**f) Councillor Hill asked 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.

Councillor D Wilson, as Deputy Lead Member for Maidenhead Waterways, responded that the council had invested over £8 million in the Waterways Project as it was a key part of the regeneration of Maidenhead. The work referred to was the lowering of the hard invert under Chapel Arches. On the 31 August the council had proposed to the Shanly Group that the work should be jointly fund on a 50/50 basis. A copy of the letter sent with the offer had been made available at the meeting.

The council hoped to reach agreement with the Shanly Group on this matter and the council continued to work closely with the Waterways Group on the overall project.

By way of a supplementary question, Councillor Hill commented that the Waterways Project was increasingly looking like a failed endeavour, which was a great shame. He asked how the proposals would be funded, if it were to be from borrowing and how much this would cost. He had also heard that the A4 bridge and York Road bridge would be difficult to navigate under.

Councillor D Wilson responded that the council had worked closely with the Waterways Group since inception; it was not a failed project. The works had already had a significant impact on businesses in the area. The council had held discussions with the Shanly Group and hoped for a resolution. Works were progressing which would result in the water level being raised to 1.5m, allowing craft to navigate the waterways. This was an opportunity to bring the river closer to the centre of town.

**g) Councillor Da Costa asked 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?

Councillor Grey responded that he was delighted that the swift response of officers and ward councillors had been recognised. He had briefed Cabinet on sites vulnerable to illegal traveller encampments. At the last Council meeting he had detailed measures available to prevent incursions including bollards, gates and ditches. The approved capital programme for 2018/19 included investment of £80,000 to implement these protective measures and a capital bid for further funding in 2019/20 had been submitted.

With respect to Whiteleys a consultation with local residents would be taking place in early October 2018 to establish whether the temporary ditch / mound should be retained and improved or whether alternative measures were favoured.

By way of a supplementary question, Councillor Da Costa asked when residents of the other ten vulnerable sites would be consulted?

Councillor Grey responded that residents had to be consulted with first, before any measures could be implemented. In turn Whiteleys residents would be consulted with to see what measures would be acceptable.

**h) Councillor Da Costa asked 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?

Councillor Coppinger, as Lead Member for Planning, responded that he understood that this related to a specific site in which Building Control, Environmental Protection and Planning had been involved. Where a development involved demolition of buildings then a report setting out the method of demolition was required for the purposes of achieving consent under the Building Regulations. In the case in question an asbestos report was filed prior to demolition, with which it appeared building control were satisfied. As health and safety at demolition sites, including the removal of asbestos, was regulated by the Health and Safety Executive (HSE), residents were advised by officers to contact the HSE with their concerns about asbestos and demolition procedures; this was the correct advice as the HSE was the enforcing authority for construction and demolition sites. The HSE website contained detailed information on regulations and requirements relating to asbestos, including frequently asked questions.

The HSE did not routinely advise the Royal Borough about the visits it made in the area and officers did not have information about HSE visiting the site, although officers had been in contact with HSE directly to ascertain if this was the case. In short the Council did not have any responsibilities in relation to the matter, the responsibility sat with the HSE, and officers, acting for the council, had made it clear to residents who they should contact with any concerns

By way of a supplementary question, Councillor Da Costa commented that it would be good if the council would help him advise residents. He understood an at-risk register should be kept. Given a number of residents and motorists driving along the road

would have been exposed to asbestos and silica it would be helpful to work together to help residents.

Councillor Coppinger responded that responsibility was outside of the council but he would be happy to sit with Councillor Da Costa and officers to increase communications if there was a problem.

Councillor Ed Wilson raised a point of order that Councillor Da Costa's specific reference to the road in question would give a great deal of concern to people living there. He asked whether the road mentioned was already in the public domain and permissible to be referred to in a public meeting. If it was inappropriate to mention, the council would need a plan of action.

Councillor Quick stated that the site in question was not in Councillor Da Costa's ward. Ward Councillors had been very heavily involved in meetings with residents and at no time had there been any reference to the infringement relating to asbestos.

The Mayor stated that naming of the road in the public domain was inappropriate; a statement would be issued from the Managing Director following the meeting.

54. MOTIONS ON NOTICE

Councillor Brimacombe introduced his motion. He began by acknowledging the changes to Cabinet announced by Councillor Dudley as a result of Councillor Rankin's selection as a Parliamentary candidate. He had received the notification at 17:12 that evening and it was certainly a step in the right direction. Councillor Dudley had picked up the ball and was running with it and for that he was grateful. He noted the potential reduction in allowances for the two remaining Principal Members. At the same time the Motion went significantly further and was therefore worthy of debate. The £40,000 potential saving announced by Councillor Dudley indicated the scale of savings promoted by the motion.

Council had already agreed the earlier constitutional amendments item arising from the recommendations of the Constitutional Working Group so ably led by Councillor Lisa Targowska, and which was last discussed at Council on 26 June 2018. Another recommendation was the removal of Principal Members and Deputy Lead Members and this had been agreed from May 2019 onwards. So the question now was 'why wait? New information was that the council had mounting financial pressures that had caused a reassessment of the officer management structure with a view to streamlining to reduce costs.

Councillor Brimacombe asked that should the council not show leadership and bring the reductions in their own numbers forward? The argument that the SRAs were need because there was so much work to do made a nonsense of officer rationalisation. The Executive may only have 21 Councillors to call on in total in May 2019 and in June 2011 it only had eight members in the Cabinet and no deputies. He hoped that it would not prove to be the case either stated or implicit in the debate and voting that Members simply wanted to hold on to their allowances.

Councillor Dudley stated that the council was continually striving to cut the costs of democracy; this had been the driver for the boundary review. The reduction in the number of councillors to 41 would reduce the cost of local politics by at least

£250,000. The administration was looking to make the council efficient in all areas but did not support the motion as proposed.

Councillor Hill commented that he was disappointed that such little leadership had been shown. The overall budget was overspent by £1.4m just four months into the current financial year. This was poor budgeting. The council was going to lose some very capable officers that would be needed to take the council forward. Officers were taking the pain for the failure of the administration.

The motion was proposed by Councillor Brimacombe and seconded by Councillor Hill, however upon being put to the vote, the motion fell

**(29 Councillors voted against the motion: Councillor N. Airey, Bhatti, Bicknell, Bullock, Carroll, Clark, Coppinger, Cox, Diment, Dudley, D. Evans, Grey, Hunt, Ilyas, Kellaway, Lenton, Lion, Mills, Muir, Quick, Rankin, C. Rayner, S. Rayner, Sharpe, Shelim, Story, Targowska, Walters and E Wilson. 7 Councillors voted for the motion: Councillors Beer, Brimacombe, Da Costa, Hill, Hollingsworth, Jones and Werner).**

(Councillors McWilliams, Bateson, Hilton, M Airey, Love, D. Wilson, Bowden and Gilmore declared Disclosable Pecuniary Interests and took no part in the debate or vote on the item).

55. 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 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.**

*Addendum – Member Question d):*

*Although not provided during the meeting, Councillor McWilliams requested that the full list of meetings held with different voluntary and statutory partners to inform the council's strategic approach be included as an addendum:*

- *Windsor Homeless Project*
- *Brett Foundation*
- *Radian*
- *Housing Solutions*
- *One Housing Group*
- *Food share*
- *A2Dominion*
- *Thames Valley Housing Association*
- *Berkshire Healthcare NHS*
- *Thames Valley Police*
- *Windsor Churches*
- *Look Ahead*
- *WAM Community Land Trust*

**AT AN EXTRAORDINARY MEETING OF THE BOROUGH COUNCIL held in the Council Chamber - Town Hall on Monday, 5th November, 2018**

PRESENT: The Mayor (Councillor Paul Lion), The Deputy Mayor (Councillor Colin Rayner)

Councillors M. Airey, N Airey, Alexander, Bateson, Beer, Bicknell, Brimacombe, Clark, Coppinger, Cox, Dudley, Dr L. Evans, Gilmore, Hill, Hilton, Hunt, Ilyas, Jones, Kellaway, Love, McWilliams, Majeed, Mills, Quick, Saunders, Sharp, Sharpe, Stretton, Walters, Werner, D. Wilson and E. Wilson.

Officers: Mary Severin, Andy Jeffs, Karen Shepherd and Louisa Dean

61. APOLOGIES FOR ABSENCE

Apologies for absence were received from Councillors Bhatti, Burbage, Carroll, Da Costa, Diment, Hollingsworth, Lenton, Luxton, Pryer, Rankin, S Rayner, Richards, Sharma, Shelim, Smith, Story, Targowska and Yong.

62. DECLARATIONS OF INTEREST

None received.

63. APPOINTMENT OF ACTING STATUTORY OFFICERS

Members considered approval to appoint to the statutory role of Head of Paid Service on an interim basis pending recruitment and appointment of a permanent Managing Director, and the statutory posts of Returning Officer and Electoral Registration Officer.

Councillor Dudley introduced the report, which was necessary as it was not possible to make the appointments other than by approval at Full Council. The report related to the roles of Head of Paid Service, Returning Officer and Electoral Registration Officer following the former Managing Director stepping back from day to day operations. Councillor Dudley placed on record his thanks on behalf of all Members, to Alison Alexander for all her work in the approximately six years she was at the borough. She had done an excellent job and in particular she had been instrumental in the transformation programme at the council. However the baton had now been passed in an acting capacity to Russell O'Keefe, who would receive an acting up allowance of £12,000 per annum. Members noted that Mr O'Keefe was not present at the meeting as he would have had a pecuniary interest and therefore the Executive Director – Communities was the senior officer present at the meeting.

Councillor Dudley explained that David Scott was proposed as the Returning Officer and Electoral Registration Officer, both roles he had previously undertaken very professionally. His first outing in the new role would be the Datchet by-election on 22 November 2018. Members noted that the process for the recruitment of a new permanent Managing Director was well underway. Solace, the consultants appointed, had confirmed that half a dozen high-quality candidates had already come forward. Adverts would be placed in the MJ and Sunday Times later in the week. A thorough exercise would take place including a series of interviews. Councillor Dudley stated

that he would ensure Members, in particular the Leader of the Opposition, would be kept informed of progress.

Councillor Brimacombe commented that he had been privileged to be on the interview panel when Alison Alexander applied for the post of Managing Director. She had promised to work diligently, using all her considerable skills to implement the policies of the Administration. He had doubts about the wisdom and benefits of some of those policies and the method of their implementation but there was certainly no doubt in his mind that the Managing Director had been a faithful servant of the Cabinet. She had done what had been asked of her by those who had the authority to instruct her.

He had therefore been surprised a few months previously when he had been informed, just prior to an Employment Panel meeting, that the Cabinet no longer considered Alison Alexander to be the best person to continue as Managing Director in the coming years. No explanation was given at that Panel meeting and no alternative style of preferred management was offered. However it was made clear that there was no crisis and that the plan was for Alison to provide continuity until May 2019.

He realised that a person with the skill-set and track record of accomplishment that the Managing Director undoubtedly had would be an attractive prospect for other employers and so he would not have been surprised to hear that she was leaving, on good terms and with notice, to work elsewhere. What he had been very surprised about was that neither of the two options had come to pass. He had been told that the Managing Director had been on 'extended leave'. He questioned what had happened so quickly, to land the council in a situation where it only had one Executive Director remaining. He was also surprised that the turn of events had not followed due process; not being discussed at either a hastily convened Employment Panel or at the scheduled one on the 13 November. Councillor Brimacombe suggested this smacked of a 'quick-fix, desperate deals behind closed doors' type of politics rather than the open and accountable politics that RBWM professed.

He was being asked to approve a remedial action plan for a situation that should never have occurred. The responsibility for this debacle was with those who had been given the authority to lead the council and who, rather than keeping it safe on the open seas had navigated it much too close to shore, pushing the council on to the rocks and now at the very last minute was shouting 'all hands on deck'. It was the outcome of incompetence and he would not condone it or serve to cover up mistakes, by agreeing to it.

Councillor Hilton commented that Councillor Brimacombe was looking backwards instead of forwards. The council looked forward to protect its position. What had gone had gone; there was knowledge of what had happened but he would not go into this further. He believed that both Russell O'Keefe and David Scott would perform admirably in the roles proposed.

Councillor Hill stated that he fully endorsed the observations made by Councillor Brimacombe. Alison Alexander was certainly hardworking and capable; the loss of her expertise was regrettable. She appeared to have joined an expanding list of departing officers who the council could ill-afford to lose. Councillor Hill asked why had she left so quickly? Members were told only a few weeks ago that she would be part of an orderly hand-over running through to the end of May 2019. He asked what were the cost implications for the borough both for her and other officers? Councillor Hill commented that the council now found itself in the unenviable position

of having a dangerously depleted top team in terms of numbers and lost experience, which must surely be a risk to the council. The blame for the sorry state of affairs was laid on the political leadership of the borough, who had failed in their duty of care to borough residents and stakeholders.

Councillor Hill stated that he was left with a number of questions such as:

Was the untimely departure of the Managing Director a result of another impetuous action by the leadership, or perhaps a sad outcome of the ever-increasing concentration of power? Was this evidence of a pattern of removing or discouraging dissent? The only thing that was probable was that it was not what it seemed.

Councillor Jones echoed the comments in relation to how hard working Alison Alexander had been as a Managing Director; she had had the council at the heart of everything she did. She was concerned that she was being asked to make a decision without the necessary evidence. She had seen that David Scott would be able to undertake what he was being asked to do as he had done so very well in the past. She was also being asked to make a decision when she had not seen the evidence that this was the right course of action. She did not know if other ways forward had been considered as this was not detailed in the report. There may have been discussions but she had not been party to any of them. This was not to say it was the wrong decision but she was unable to make the decision because she had not been given the evidence.

Councillor Werner commented that he was perplexed as he had expected to come to the meeting to find out answers. Apart from Councillor Hilton's view that the council should only look to the future and not look at the past to try to improve the way the council performed or learn from mistakes, he still remained perplexed. He had understood the rationale for an orderly retreat by Alison Alexander from the council in May 2019 so that a proper recruitment process could take place. However suddenly there were panic measures with an Extraordinary Council meeting that half the councillors could not attend. Members had been presented with three pages of information, none of which described why the decision had been made or what the explanation was for the sudden change of heart. He gathered that the proposals had not been through Employment Panel beforehand. Unless some real reasons were given he did not see how anyone could support the proposals.

Councillor Dudley thanked the Opposition for their comments. A press release had been issued on 25 October 2018 that outlined the facts. He suggested that Members should move to the vote. Councillor Bicknell commented that Alison Alexander had indeed done a fantastic job and supported the proposal to move to the vote.

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

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

- i) Russell O'Keefe, Executive Director Place, as Acting Managing Director and Head of Paid Service.**
- ii) David Scott, Head of Communities, Enforcement and Partnerships as Returning Officer and Electoral Registration Officer.**

**(26 councillors voted for the motion: Councillors M. Airey, N Airey, Alexander, Bateson, Bicknell, Clark, Coppinger, Cox, Dudley, Gilmore, Hilton, Hunt, Ilyas, Kellaway, Lion, Love, McWilliams, Mills, Quick, C Rayner, Saunders, Sharp, Sharpe, Walters, D. Wilson and E. Wilson). 5 Councillors voted against the motion: Councillors Beer, Brimacombe, Hill, Majeed and Werner. 3 Councillors Abstained: Councillors Dr L. Evans, Jones and Stretton.)**



## 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

- Extraordinary Council meeting
- Prince Philip Trust Fund meeting
- Charles Davis Trust annual service and meeting
- “Twinning” International Partner Towns Committee meeting

### Schools/Clubs/Community

- Royal Borough Voluntary Sector Awards
- Opening of the dementia unit at Queen’s Court, Windsor
- Attended the Twin Town Youth Sports Festival in Frascati, Italy
- VC centenary event 1<sup>st</sup> Battalion Coldstream Guards, Victoria Barracks
- Led the “Mayor’s Mile” for Macmillan Cancer Support
- Royal Berkshire Fire and Rescue Service Annual Awards Ceremony
- Windsor Half Marathon
- Induction service for the new vicar, Nigel Richards, All Saints Church, Dedworth
- Attended the Judicial Service at Reading Minster
- Official opening of Gracewell (Care Home) of Ascot
- Attended the launch of the Windsor Monopoly board game
- Maidenhead Rotary Boundary Walk
- Several citizenship ceremonies
- Hosted Coffee Morning in Windsor Guildhall in aid of Macmillan Cancer Support
- Presented certificates at the Festival of Learning and Wellbeing
- Attended the SERFCA (South East Reserve Forces Cadets Association) Lord Lieutenant’s Awards Ceremony
- Viewed the Royal Wedding carriage procession from the Corn Exchange, Windsor Guildhall
- Visit the Smokefreelife Stoptober Roadshow
- Attended the Maidenhead Conservative Social Club Autumn Ball
- Windsor Lions Swimathon
- Maidenhead Lions 45<sup>th</sup> Charter Lunch
- SMILE 15<sup>th</sup> Birthday Party
- Started the Brain Tumour charity twilight walk
- Mayoral presentation at the Windsor and Eton Rotary lunch/meeting
- Private View of exhibition at Berkshire Record Office
- Lord Lieutenant’s presentation ceremony for the Queen’s Award for Voluntary Service and BEM recipients
- Visited Camp Mohawk, The Woodland Centre Trust
- Visited Fitz Solicitors for their Macmillan Coffee Morning
- Hosted a reception for the RBWM youngsters and leaders that participated in the Twin Town Youth Sports Festival

- Opened “Cards for Good Causes” Christmas card shop in Maidenhead
- Cumberland Lodge reception and dinner to launch their theme for 2018/19 “Identities and Belonging”
- Attended a Royal British Legion service at All Saints Church, Maidenhead
- Participated in the “Big Draw” Dedworth Library, Windsor
- Unveiling of the VC centenary paving stone for Lieutenant Colonel Harry Greenwood in Bachelors Acre, Windsor
- Attended the civic funeral mass for former Mayor, Councillor Jesse Grey
- Visited the Voluntary Service party to celebrate their 80<sup>th</sup> anniversary
- Hosted Charity Afternoon Tea and Pre-Christmas Celebration events in the Windsor Guildhall in aid of the Royal British Legion and Royal National Lifeboat Institution
- Royal Windsor Rose and Horticultural Society Autumn Dinner
- Attended the launch of the Royal British Legion 2018 Poppy Appeal
- Attended South Bucks Chairman’s charity event
- Windsor Pumpkin Party
- Opened Maidenhead Painting Club Art Exhibition
- Welcomed Windsor Central 6<sup>th</sup> Cubs to the Mayor’s Parlour, Town Hall
- Participated in the Remembrance ceremony with children from Alexander First School, Broom Farm Memorial Garden
- Attended the unveiling of the footbridge from Taplow Riverside to Ray Mill Island, Maidenhead
- Opened the Maidenhead Lions Combined Charities Fair
- Attended the county-wide Festival of Remembrance in Reading Minster
- Windsor Fireworks
- Rotary Maidenhead Thames tea party to commemorate the centenary of the end of WW1
- Windsor Contemporary Art Fair
- Led the Remembrance Sunday services in Maidenhead, Windsor and Sunninghill
- Lit the beacon in Windsor to commemorate the centenary of the end of WW1
- Attended the “Battle’s Over” event at Broomhall Recreation Ground, Sunningdale
- Shakespeare As You Like It schools event at Norden Farm
- Windsor & Eton Rotary Youth Speaks competition
- Accepted the War Horse Maquette from the War Horse Memorial Trust
- Welcomed the “Young Farmers” to the Mayor’s Parlour, Town Hall, Maidenhead
- Sebastian’s Action Trust Dinner
- Windsor Christmas Lights Switch On
- Maidenhead Christmas Lights Switch On
- Mayoral presentation at St Luke’s Primary School, Maidenhead
- Attended the Prime Minister’s reception to celebrate civil society in Berkshire
- Boat naming ceremony at Maidenhead Rowing Club
- Police Food Academy Banquet
- Started the Alzheimer’s Dementia Support Santa Fun Run
- Led the Toy Run from Ascot Racecourse to Broom Farm Army Estate
- WAMCF Diversity Display and Dinner
- Recorded a Christmas message for the Maidenhead Talking Newspaper
- Attended the Berkshire Community Foundation Philanthropy Club Executive Dinner
- Opened Dedworth Village Store

- Visited the 100<sup>th</sup> birthday party celebrations for former Deputy Mayoress, Mrs Lilian Hartley
- Opened the spiritual garden at Holy Trinity CE Primary School, Sunningdale
- Decorated the mayoral Christmas tree at St Lukes Church, Maidenhead as part of their Tree Festival
- “Men’s Matters” Christmas lunch
- Horton Christmas Tree Light Switch On
- Visited Royal Mail, Howarth Road, Maidenhead
- Grow Our Own Strive Graduation
- National Rheumatoid Arthritis Society Christmas carol concert
- Braywick Heath Nursery Christmas Fair
- Norden Farm Lantern Parade
- Maidenhead Thames Rotary Community Christmas lunch
- Christmas Tree Festival Service, St Luke’s Church, Maidenhead
- Maidenhead Rotary Christmas lunch for senior citizens
- Informal Christmas visit to Maidenhead Police Station
- Attend the lunchtime carol service at St Mary’s Borough Church, Maidenhead

#### Concerts/Show

- Windsor and Eton Operatic Society “The Marriage of Figaro”
- Thai Dance and Music fundraiser
- WMSO Young Musicians prizegiving competition
- Organ Restoration Appeal concert, Windsor Parish Church
- Quire Voices concert
- WMSO concert
- Windsor Theatre Guild “Enchanted April”
- Maidenhead Operatic Society “Spamalot”
- Tuesday Singers concert
- “Schools Christmas Music” Annual Community Carol Service at Windsor Girls School
- Macmillan Cancer Support “Sounds of Christmas” Ascot Brass concert
- Rotary District Carol Service, Holy Trinity Garrison Church, Windsor
- Windsor Town Centre carol service

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# Agenda Item 8

Report Title:	Appointments to Berkshire Fire & Rescue Authority
Contains Confidential or Exempt Information?	No - Part I
Member reporting:	Councillor Dudley: Leader of the Council
Meeting and Date:	Full Council 11 December 2018
Responsible Officer(s):	Mary Severin - Monitoring Officer
Wards affected:	All

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## REPORT SUMMARY

1. In May 2018, the former Managing Director became aware from Berkshire authority officers, that the Council appointments to the Berkshire Fire & Rescue Authority ('Fire Authority') did not reflect the requirements of political balance.
2. In order to meet these requirements, the Council must replace an existing appointment with an appointment from the Not the Administration ('NTA') group. This group wishes to appoint Councillor Werner.
3. This report captures why such a change is required outside of the annual appointments at Annual Council.

## 1 DETAILS OF RECOMMENDATION(S)

**RECOMMENDATION:** That Full Council approves the appointment of Councillor Werner as the Council's third representative on the Fire Authority.

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

- 2.1 The Council generally makes appointments to panels, forums, joint committees etc at the Annual Council meeting held in May in each year; outside body appointments are made by Cabinet usually in June each year. In relation to the Fire Authority, the Council has ordinarily appointed 3 representatives from the same political group, as an outside body appointment by Cabinet.
- 2.2 During May 2018, Managing Directors/Chief Executives of the Berkshire authorities exchanged correspondence that the respective Councils were not appointing representatives in accordance with the political balance rules. Such duty arises under s15 of the Local Government & Housing Act 1989.
- 2.3 As a result of these exchanges, and on obtaining legal advice, Slough Borough Council, West Berkshire Council and Wokingham Borough Council changed their appointments to reflect political balance. Bracknell Forest and Reading have elected to dis-apply political balance to their appointments.
- 2.5 Mindful of the impact of wholesale change to representation on the Fire Authority, the former Managing Director wrote to the Chief Fire Officer on the 26 June 2018 to enquire whether such change had a detrimental impact on the Fire Authority. In particular, before making any recommendation to Council, officers wanted to ensure

what the likely impact of change was and would have it a detrimental impact on the operational effectiveness, decision making or budget of the Fire Authority. Further, the Fire Authority was asked if there was a detrimental impact, did they have any particular preference to minimise such detriment.

- 2.6 The substantive response from the Fire Authority was received on the 02 August 2018. The response from the Chief Fire Officer was directed by a unanimous resolution of the members of the Fire Authority provided in a meeting on the 31 July 2018. That is, a unanimous response of the 20 councillor representatives from the six unitary authorities in Berkshire who were in attendance when the direction was given.
- 2.7 The response was simply *'It is for each appointing council to determine its appointments in accordance with section 15 of the Local Government and Housing Act 1989'*. The Fire Authority did not offer any views whether further change would have an impact on the operational effectiveness, decision making or budget of the Fire Authority.
- 2.8 Accordingly, officers can only conclude that the Fire Authority considers that the impact is such that it does not merit mention in its response of the 02 August 2018.
- 2.9 The law governing political balance is summarised in part 5 of this report and requires the Council to ensure that political balance is achieved both on Council committees and panels but also on a limited number of outside bodies where the Council has 3 or more representatives. These bodies are typically competent authorities such as joint waste authorities, combined authorities, joint planning authorities and includes the Fire and Rescue Authority. Political balance can only be suspended where every Councillor in attendance does not vote against the proposal to suspend (s17).
- 2.10 The NTA group has indicated that for the Council to achieve political balance it would appoint Councillor Werner to the Fire Authority. This appointment would be notified to the Fire Authority immediately and Cllr Werner would be the Council representative until Council reconsiders all of its appointments at the next Annual Council in May 2019. The NTA appointment requires a current representative to vacate their appointment.

**Table 1: Options**

<b>Option</b>	<b>Comments</b>
Approve the appointment.  <b>The recommended option</b>	The appointment would comply with the Council's Constitution and the law governing political balance.
Do not approve the appointment	This decision would conflict with law and the Constitution and the wishes of a political group of councillors.



### 3 KEY IMPLICATIONS

**Table 2: Key implications**

Outcome	Unmet	Met	Exceeded	Significantly Exceeded	Date of delivery
Appoint Cllr Werner as the 3 <sup>rd</sup> Council representative on the Fire Authority	Do not appoint	Appoint by the date set out.	n/a	n/a	11 December 2018

### 4 FINANCIAL DETAILS / VALUE FOR MONEY

- 4.1 There are no financial implications. Representatives on the Fire Authority receive an allowance to undertake the position, but this is funded by the Fire Authority and would simply would be transferred to the new appointee.

### 5 LEGAL IMPLICATIONS

- 5.1 Section 15 ('Duty to allocate seats to political groups') of the Local Government and Housing Act 1989 applies to a '*relevant authority to make appointments to a body to which this section applies.*'

- 5.2 A *relevant authority* is defined a local authority in paragraphs (a) to (c) of 21 (1) of the Act. Section 21(a)(b) are the county/district councils which makes up the functions of the Council as a unitary authority. The Council is a relevant authority.

- 5.3 A '*body to which this section applies*' in Schedule 1 part 1(c) is 'any such body falling in paragraph 2.....at least 3 seats ....to be filled by appointments made by the authority...'. In paragraph 2 this includes:

(a) a relevant authority which is a local authority of any of the descriptions specified in [ paragraphs (f) or (h) to (jb) of section 21(1) ] of this Act;

- 5.4 Section 21 (1) (f) is defined as '*a fire and rescue authority constituted by a scheme under section 2 of the Fire and Rescue Services Act 2004 or a scheme to which section 4 of that Act applies*'.

- 5.5 Section 4 of the Fire and Rescue Services Act 2004 includes combined fire services formed under a scheme under the Fire Services Act 1947. The Berkshire Fire & Rescue Authority is a combined authority constituted under a scheme under Fire Services Act 1947 : <https://www.legislation.gov.uk/ukxi/1997/2695/schedule/made>

- 5.6 Political balance therefore applies as the Council appoints 3 representatives to the Berkshire Fire & Rescue Authority.

## 6 RISK MANAGEMENT

**Table 3: Impact of risk and mitigation**

<b>Risks</b>	<b>Uncontrolled Risk</b>	<b>Controls</b>	<b>Controlled Risk</b>
There is a risk of challenge if political balance rules are not applied	Political balance rules are ignored	Political balance is considered for appointments at Annual Council and where the membership of the Council changes	Rules are applied outside of normal appointment timetable when a duty to consider political balance arises.

## 7 POTENTIAL IMPACTS

- 7.1 The political balance rules were enacted in 1989 to ensure that all Council panels, committees and external appointments receive representatives with different political views.
- 7.2 This change will ensure that the political balance rules applies to the Council's representation on the Fire Authority.

## 8 CONSULTATION

- 8.1 The other Berkshire authorities and the Fire Authority have been involved or are aware of the reasoning for the changes to comply with political balance.
- 8.2 Group leaders were consulted on the need and impact of a change.

## 9 TIMETABLE FOR IMPLEMENTATION

**Table 4: Implementation timetable**

<b>Date</b>	<b>Details</b>
11/12/18	Full Council appoints Cllr Werner as its third representative on the Fire Authority
12/12/18	Council will notify the Fire Authority of the Cllr Werner's appointment.
May 2019	All 3 Council representatives on the Fire Authority will be reconsidered again by Full Council.

## 10 APPENDICES

- 10.1 The report is supported by two appendices:
- Appendix 1 : Section 15 of the Local Government and Housing Act 1989
  - Appendix 2: Letter from Council Managing Director to Chief Fire Officer and response.

## 11 BACKGROUND DOCUMENTS

- 11.1 None

<b>Name of consultee</b>	<b>Post held</b>	<b>Date sent</b>	<b>Date returned</b>
Russell O'Keefe	Acting Managing Director	12/11/18	15/11/18
Elaine Browne/ Mary Severin	Interim Head of Law and Governance/ Monitoring Officer	15/11/18	15/11/18
Karen Shepherd	Service Lead Governance	12/11/18	13/11/18
Nikki Craig	Head of HR and Corporate Projects	15/11/18	15/11/18
Louisa Dean	Communications	15/11/18	15/11/18
Andy Jeffs	Executive Director	15/11/18	15/11/18

### **REPORT HISTORY**

<b>Decision type:</b> Non-key decision	<b>Urgency item?</b> No.	<b>To follow item?</b> No
Report Author: Sean O'Connor, Shared Legal Services		

## Appendix 1

### Section 15 of the Local Government and Housing Act 1989

#### 15 Duty to allocate seats to political groups

- (1) It shall be the duty of a relevant authority having power from time to time to make appointments to a body to which this section applies to review the representation of different political groups on that body--
  - (a) where the members of the authority are divided into different political groups at the time when this section comes into force, as soon as practicable after that time;
  - (b) where the authority hold annual meetings in pursuance of paragraph 1 of Part I of Schedule 12 to the Local Government Act 1972 (annual meeting of principal councils) and the members of the authority are divided into different political groups at the time of any such meeting, at or as soon as practicable after the meeting;
  - (d) as soon as practicable after any such division as is mentioned in paragraphs (a) to (c) above occurs; and
  - (e) at such other times as may be prescribed by regulations made by the Secretary of State.
  
- (3) Where at any time the representation of different political groups on a body to which this section applies falls to be reviewed under this section by any relevant authority or committee of a relevant authority, it shall be the duty of that authority or committee, as soon as practicable after the review, to determine the allocation to the different political groups into which the members of the authority are divided of all the seats which fall to be filled by appointments made from time to time by that authority or committee.
  
- (4) Subject to subsection (6) below, it shall be the duty of a relevant authority or committee of a relevant authority--
  - (a) in performing their duty under subsection (3) above; and
  - (b) in exercising their power, at times not mentioned in subsection (3) above, to determine the allocation to different political groups of seats on a body to which this section applies,

to make only such determinations as give effect, so far as reasonably practicable, to the principles specified in subsection (5) below.
  
- (5) The principles mentioned in subsection (4) above, in relation to the seats on any body which fall to be filled by appointments made by any relevant authority or committee of a relevant authority, are--
  - (a) that not all the seats on the body are allocated to the same political group;
  - (b) that the majority of the seats on the body is allocated to a particular political group if the number of persons belonging to that group is a majority of the authority's membership;
  - (c) subject to paragraphs (a) and (b) above, that the number of seats on the ordinary committees of a relevant authority which are allocated to each political group bears the same proportion to the total of all the seats on the ordinary committees of that authority as is borne by the number of members of that group to the membership of the authority; and
  - (d) subject to paragraphs (a) to (c) above, that the number of the seats on the body which are allocated to each political group bears the same proportion to the number of all the seats on that body as is borne by the number of members of that group to the membership of the authority

## Appendix 2

### Letter from former Managing Director of Council to Chief Fire Officer

Allison Alexander  
Managing Director  
Allison.alexander@rbwm.gov.uk  
01628 796322



26 June 2018

Mr Trevor Ferguson (Chief Fire Officer)  
Email: [fergusont@rbfrs.co.uk](mailto:fergusont@rbfrs.co.uk)

Dear Mr Ferguson

#### Royal Borough of Windsor & Maidenhead Appointments to the Fire Authority

You would have been aware of the discussions between the six authorities in relation to the need for political balance in appointments to the Fire Authority. We understand that some of the other Berkshire authorities have accordingly changed their appointments and there are now a number of new representatives being appointed simultaneously.

The Borough's representatives were appointed in 2015 and generally the Borough tries to maintain continuity in its appointments to enable the relevant member to gain a better understanding of the Fire Authority but also to look to minimise disruption to its operation.

As part of any decision the Borough takes for their current appointments, Borough officers are conscious of possible negative impact of further changes on the Fire Authority.

Officers are keen to understand from the Fire Authority whether making further changes to the membership now would have a detrimental impact on the operational effectiveness, decision making or budget of the Fire Authority? In particular, if impacts are negative, does the Fire Authority prefer any particular timescale for further change. The Borough originally intended to reconsider its membership in May 2019, and should a decision be needed earlier than that date, then it would be informative for full Council to understand the impact of any change.

We appreciate that you may wish to consider this point but if possible, the Borough would appreciate a response at your earliest convenience.

Yours sincerely

Allison Alexander  
Managing Director

Allison Alexander - Managing Director  
Town Hall, St. Ives Road, Maidenhead, SL6 1RF  
W: [www.rbwm.gov.uk](http://www.rbwm.gov.uk) E: [customer.service@rbwm.gov.uk](mailto:customer.service@rbwm.gov.uk) T: 01628 683800  
@rbwm search: rbwm

Response from Chief Fire Officer to former Managing Director of Council Officer

*Handwritten:* RBFS. Family with Sean. 19/9

Headquarters, Newsham Court, Pincents Kiln, Caloot, Reading, RG31 7SD  
Direct Line 0118 938 4616 | Switchboard 0118 945 2888 | Fax 0118 959 0510  
Email [ferguson@rbfbs.co.uk](mailto:ferguson@rbfbs.co.uk) | [www.rbfbs.co.uk](http://www.rbfbs.co.uk)  
Follow us on Twitter @rbfbsofficial

**Alison Alexander**  
Managing Director  
[Alison.alexander@rbwm.gov.uk](mailto:Alison.alexander@rbwm.gov.uk)  
01628 796322

Your Ref:  
Our Ref:  
Ask for:  
Date: 2 August 2018

*Handwritten:* RBFA 14 Sept

Dear Alison Alexander

**Royal Borough of Windsor & Maidenhead Appointments to the Fire Authority**

I write further to my letter dated 3 July 2018.

As promised, I ensured that your letter was included on the agenda for consideration by the Royal Berkshire Fire Authority at its meeting on 31 July 2018.

Having considered the matter, I was directed on its behalf by a unanimous resolution to write to you in the following terms:

1. It is for each appointing council to determine its appointments in accordance with section 15 of the Local Government and Housing Act 1989; and
2. Section 16(3) of the Local Government and Housing Act 1989 provides that no proceedings of Royal Berkshire Fire Authority are invalidated by a breach by any of its appointing councils of their obligations under section 15 of the Local Government and Housing Act 1989.


This response constitutes Royal Berkshire Fire Authority's position on the matters raised in your letter.

Yours sincerely,

*Handwritten signature: TF*

Trevor Ferguson  
Chief Fire Officer

Trevor Ferguson • Chief Fire Officer



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 – 11 December 2018
Responsible Officer(s):	Elaine Browne, Interim Head of Law and Governance; Russell O'Keefe, Acting Managing Director
Wards affected:	All

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## REPORT SUMMARY

The Independent Remuneration Panel (IRP) considers amendments to the Members' Allowances Scheme. This report sets out the IRP's recommendations, and, if approved, the Constitution would be amended accordingly.

### 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 SRA paid to a Principal Member (£12,215) be reduced to the level currently received by a Deputy Lead Member (£2,443); implementation to be backdated to 25 September 2018.
- ii) SRAs for Deputy Lead Members and Principal Members be deleted from the scheme from May 2019.
- iii) The SRA for the Chairman of the Rights of Way and Highway Licensing Panel be deleted from the scheme from May 2019.
- iv) The SRA for the Chairman of the Audit and Performance Review Panel be deleted from the scheme from May 2019.
- v) The SRA for the Chairman of the Sustainability Panel be deleted from the scheme from May 2019.
- vi) The maximum number of SRAs payable to Chairmen of Overview & Scrutiny Panels is 4 from May 2019.
- vii) The maximum number of SRAs payable to Chairmen of Area Development Management Panels is 2 from May 2019.
- viii) The SRA for the Borough Wide Development Management Panel Chairman be amended to £6107, equivalent to the SRA for the Chairman of an Area Development Management Panel; implementation to be backdated to 22 May 2018.

- ix) Subject to all Members being provided with an iPad, section 10 of the scheme (ICT Allowance) be deleted from May 2019, noting that the proposal would be revenue cost neutral if the budget was used instead to fund increased printing costs.
- x) The Basic Allowance be increased by £40 to cover the costs of Member registration as a Data Controller with the Information Commissioner's Office in 2018/19 and future years, until any exemption is applied.

## 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 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 (attached as Appendix A).

### Options

**Table 1: Options arising from this report**

Option	Comments
Approve the recommendations of the IRP <b>Recommended option</b>	Members are required to pay regards to the recommendations of the IRP
Amend the recommendations	Members can endorse the recommendations in part or amend them as appropriate
Do nothing	Members can decide not to accept any of the recommendations, however this would mean the Members' Allowances Scheme will not align with the council structure from May 2019.

## 3. KEY IMPLICATIONS

- 3.1 The proposed recommendations will ensure the Members' Allowances Scheme aligns with the revised council structure from May 2019, already agreed by Full Council.



#### 4. FINANCIAL DETAILS / VALUE FOR MONEY

4.1 The budget implications are detailed in Tables 2 and 3 below:

**Table 2: Potential 2018/19 part-year costs/savings**

Allowance	Cost	Saving
Borough-wide DMP Chairman (backdated to 22 May 2018)	£4,885	-
Principal Members (reduction to SRA equivalent to DLM SRA level – 2 Members, backdated to 25 September 2018)	-	£13,032
Basic Allowance (ICO Registration - 57 Members)	£2,280	-
<b>Total</b>	<b>£7,165</b>	<b>£13,032</b>

4.2 If approved, the changes to allowances detailed in Table 2 will achieve a saving of £5,867 in the current financial year.

**Table 3: Potential full year costs/savings from May 2019**

Allowance	Cost	Saving
Increase in Basic Allowance (ICO Registration - 41 Members)	£1,640	-
ICT Allowance – deletion (57 Members), budget to be used to fund ongoing revenue costs for iPad software / IT support and increased printing costs	£14,250	£14,250
Deputy Lead Members – deletion of SRA (up to 9 Members)	-	£21,987
Principal Members – deletion of SRA (up to 4 Members)	-	£48,860
Borough-wide DMP Chairman SRA increase	£4,885	-
Rights of Way & Highway Licensing Panel Chairman – deletion of SRA	-	£2,443
Audit & Performance Review Panel Chairman – deletion of SRA	-	£4,886
Sustainability Panel Chairman – deletion of SRA	-	£2,443
Chairman of O&S Panels SRA (reduction in maximum payable to 4)	-	£18,321
Chairman of Area DM Panels SRA (reduction in maximum payable to 2)	-	£6,107
<b>Total</b>	<b>£20,775</b>	<b>£119,217</b>

4.3 If approved, the changes to allowances detailed in Table 3 will achieve a saving of £98,442 in the 2019/20 financial year. These savings had already been identified and reported to Full Council in June 2018 as part of the Constitution Review.

**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 4 details the impact of risk and mitigation.

**Table 4: Impact of risk and mitigation**

<b>Risks</b>	<b>Uncontrolled risk</b>	<b>Controls</b>	<b>Controlled risk</b>
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 'Not the Administration'.

**9. TIMETABLE FOR IMPLEMENTATION**

9.1 The full implementation stages are set out in table 4.

**Table 4: Implementation timetable**

<b>Date</b>	<b>Details</b>
11/12/18	Full Council considers IRP recommendations

<b>Date</b>	<b>Details</b>
17/12/18	Members' Allowance Scheme in the constitution updated to reflect decisions of Full Council that take place with immediate effect
May 2019	Members' Allowance Scheme in the constitution updated to reflect decisions of Full Council that take place from May 2019

## 10. APPENDICES

10.1 This report is supported by one appendix:

- Appendix A - The Tenth 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)

<b>Name of consultee</b>	<b>Post held</b>	<b>Date sent</b>	<b>Date returned</b>
Cllr Dudley	Leader of the Council	23/11/18	23/11/18
Cllr Targowska	Lead Member HR, Legal and IT	23/11/18	23/11/18
Russell O'Keefe	Acting Managing Director	21/11/18	21/11/18
Rob Stubbs	Section 151 Officer	21/11/18	22/11/18
Elaine Browne	Interim Head of Law and Governance	21/11/18	23/11/18
Louisa Dean	Communications	21/11/18	21/11/18

## REPORT HISTORY

<b>Decision type:</b> N/A	<b>Urgency item?</b> No	<b>To Follow item?</b> No
Report Author: Karen Shepherd, Service Lead – Governance		

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

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**The Tenth Report**

**by the**

**Independent Remuneration  
Panel**

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

**November 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**

- 2 The Panel was convened on 15 November 2018 to consider amendments to the Members' Allowance Scheme to ensure it aligned with the new council structure from May 2019.

## **The Panel**

3. 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 37 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.
- 4. The Panel was supported by Karen Shepherd, Service Lead – Governance at the Royal Borough of Windsor & Maidenhead.
- 5. The Panel was addressed by Karen Shepherd, Service Lead – Governance 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 and feedback from Members, submitted by the Leader of the Council on behalf of the Conservative Group, and by the Opposition Group Leader on behalf of Not the Administration (NTA).

## **Background**

6. The Panel was appraised of the background to the proposals for consideration. The Local Government Boundary Commission for England (LGBCE) has recommended a future council size for the Royal Borough of 41 Members from May 2019 (a reduction from the current 57 Members).
7. In anticipation of these changes coming into effect, the council undertook a constitutional review during 2018. The recommendations of the Constitutional Review Working Group were presented to Full Council in June 2018. Further recommendations specifically relating to the structure of Development Management Panels were considered by Full Council in September 2018.
8. The decisions taken by Full Council sought to align the panel, committee and forum structure of the borough with the reduced Member cohort from May 2019. The Panel was therefore requested to review a number of the Special Responsibility Allowances (SRAs) in the Members' Allowance Scheme to ensure it too was aligned with the new council structure from May 2019.
9. The Panel noted that although the changes for consideration would align the Members' Allowance Scheme with panel/committee /forum structures from May 2019, a full review of the Members' Allowance Scheme by the IRP would take place in 2019. This full review was required as 2018 was the last year of annual adjustments / indexation allowed under the current scheme. The full review would therefore consider all aspects of the Scheme in light of the reduction in councillor numbers. It was likely the review would take place in Autumn 2019; this would allow Members to have six months' experience under the new councillor numbers/ward

boundaries and to provide relevant feedback to the IRP about the appropriate level of both the Basic Allowance and SRAs.

## **Findings and Recommendations**

### Special Responsibility Allowances

10. The Panel considered a reduction in the SRA paid to a Principal Member (£12,215) to the level currently received by a Deputy Lead Member (£2,443); implementation to be backdated to 25 September 2018. The Panel noted that this had been suggested by the Leader of the Council at Full Council in September 2018 but required formal recommendation from the Panel. The Panel noted this would help to reduce the cost of SRAs in the current municipal year at a time of budget pressures.
11. **RECOMMENDATION 1: The Panel recommends that the SRA paid to a Principal Member (£12,215) be reduced to the level currently received by a Deputy Lead Member (£2,443); implementation to be backdated to 25 September 2018.**
12. The Panel considered deletion of the SRAs for Deputy Lead Members and Principal Members from May 2019. It was noted that this had been proposed by the Constitution Review Working Group and discussed in principle at Full Council in June 2018 but required formal recommendation from the IRP. The Panel took into consideration a suggestion from the NTA that both SRAs should be deleted with immediate effect, in light of the budget pressures the council was experiencing. The Panel concluded that, given individual Members would continue to undertake the roles until May 2019, the SRAs should continue to be paid, noting that for Principal Members this would be at the significantly lower level of £2,443 as per recommendation 1.
13. **RECOMMENDATION 2: The Panel recommends that SRAs for Deputy Lead Members and Principal Members be deleted from the scheme from May 2019.**
14. The Panel considered deletion of the SRA for the Chairman of the Rights of Way and Highway Licensing Panel from May 2019. The Panel noted that a number of Panel meetings in recent years had been cancelled due to a lack of business. The Constitution Review Working Group had considered subsuming the Panel into relevant Development Management Panels but this had been rejected and it was instead agreed the Panel would not be scheduled in advance and would only meet when required, and therefore the SRA for the Chairman was not required. This had been proposed by the Constitution Review Working Group and discussed in principle at Full Council in June 2018 but required formal recommendation from the Panel. In concluding this recommendation, the Panel took into consideration the level of involvement required of Chairman of other Panels and Forums that met on a regular basis.

15. **RECOMMENDATION 3: The Panel recommends that the SRA for the Chairman of the Rights of Way and Highway Licensing Panel be deleted from the scheme from May 2019.**
16. The Panel considered deletion of the SRA for the Chairman of the Audit and Performance Review Panel (APRP) from May 2019, to reflect the deletion of the APRP as part of the Constitution Review approved by Full Council in June 2018. The Panel noted the work of the APRP would be subsumed into the Corporate Services O&S Panel from May 2019. The Panel took into consideration feedback from the NTA that, given the Panel usually had a slim agenda and a number of APRP meetings had been cancelled this municipal year, the APRP's work could be undertaken immediately by the Corporate Services O&S Panel, with an additional meeting if necessary. The NTA therefore suggested the SRA for the Chairman could be deleted with immediate effect. The Panel noted that the deletion of the APRP and transfer of responsibilities to the Corporate O&S Panel could only be agreed by Full Council, which had already agreed that this should take place from May 2019 and not before.
17. **RECOMMENDATION 4: The Panel recommends that the SRA for the Chairman of the Audit and Performance Review Panel be deleted from the scheme from May 2019.**
18. The Panel considered deletion of the SRA for the Chairman of the Sustainability Panel from May 2019, to reflect the deletion of the Panel as part of the Constitution Review approved by Full Council in June 2018. The Panel noted the work of the Sustainability Panel would be subsumed into the relevant O&S Panel from May 2019.
19. **RECOMMENDATION 5: The Panel recommends that the SRA for the Chairman of the Sustainability Panel be deleted from the scheme from May 2019.**
20. The Panel considered amending the Scheme to specify the maximum number of SRAs payable to Chairmen of Overview & Scrutiny Panels is 4 from May 2019, to reflect the new O&S Structure agreed as part of the Constitution Review approved by Full Council in June 2018. The Panel took into consideration a proposal from the NTA that the maximum number should not be amended, as the NTA felt there was no evidence that the reduction in O&S panels would ensure the workload was delivered. The Panel concluded that it was appropriate to reduce the maximum number of SRAs to reflect the number of O&S Panels in the agreed structure from May 2019. The Panel considered that, if the council decided to increase the number of O&S Panels after May 2019 based on workload or other reasons, the maximum number of SRAs for O&S Panel Chairmen could be revisited under the full review of the Scheme due in Autumn 2019. In addition, any increase in the number of SRAs could be backdated where appropriate.



21. **RECOMMENDATION 6: The Panel recommends that the maximum number of SRAs payable to Chairmen of Overview & Scrutiny Panels is 4 from May 2019.**
22. The Panel considered amending the Scheme to specify the maximum number of SRAs payable to Chairmen of Area Development Management Panels (DMP) is 2 from May 2019, to reflect the new DMP Structure agreed by Full Council in September 2018. The Panel took into consideration a proposal from the NTA that the maximum number should not be amended, as the NTA felt there was no evidence that the reduction in DMPs would ensure the workload was delivered. The Panel concluded that it was appropriate to reduce the maximum number of SRAs to reflect the number of DMPs in the agreed structure from May 2019. The Panel considered that, if the council decided to increase the number of DMPs after May 2019 based on workload or other reasons, the maximum number of SRAs for DMP Chairmen could be revisited under the full review of the Scheme due in Autumn 2019. In addition, any increase in the number of SRAs could be backdated where appropriate.
23. **RECOMMENDATION 7: The Panel recommends that the maximum number of SRAs payable to Chairmen of Area Development Management Panels is 2 from May 2019.**
24. The Panel considered amending the SRA for the Borough Wide DM Panel (BWDMP) Chairman to that equal to the Chairman of an Area Development Management Panel (£6,107). The Panel noted that the BWDMP was now scheduled to meet monthly, mirroring the schedule of the area panels. The monthly scheduling had been set as part of the approved Programme of Meetings for 2018/19 at Annual Council in May 2018 and a Member who was not already a DM Panel Chairman was currently appointed to be the BWDMP Chairman.
25. **RECOMMENDATION 8: The Panel recommends that:**
- i) **The SRA for the Borough Wide DM Panel Chairman be amended to £6107, equivalent to the SRA for the Chairman of an Area Development Management Panel.**
  - ii) **Implementation be backdated to 22 May 2018.**

ICT Allowance

26. The Panel considered deletion of the ICT Allowance from May 2019. The Panel noted that it was proposed that all Councillors elected in May 2019 would be provided with a corporate iPad, including direct access to their borough email account, the Modern.gov app for agenda paperwork and additional software to support them in their ward councillor role. The Panel considered the proposal that Members would be expected to use the Modern.gov app to access all agenda papers unless a medical reason was provided to demonstrate the need for a hard copy agenda.

27. The Panel took into account feedback from the NTA that some reports ran to 50/100/150 pages and to expect Members to follow such detail on an iPad was discriminating against those who had not been educated in current technology. The Panel also noted the feedback that home printers may not have the capability for such heavy workload and that the proposal could also discriminate against Members without access to an office environment. The NTA were of the view that if a Member required a document in printed format, because of its detail, then that request should be met. The NTA felt that if such requests were not met then that could be seen as preventing the elected Member from fulfilling their responsibilities. Allowing the chairman of a panel a printed agenda and not any other Member could also be seen as not enabling councillors to represent local communities effectively.
28. The Panel was of the view that working on an iPad with large documents was not always easy, however it was fully supportive of the proposal to provide Members with corporate iPads, noting the provision of access to agenda paperwork in a secure environment plus significant additional functionality and resources. The Panel was assured that all Members would be provided with training on how to fully utilise all the functionality and resources the iPad would provide.
29. The Panel also took into account the increased cost implications if Members could also request hard copy agenda. The Panel concluded that if Members were both provided with an iPad and could also request hard copy agenda, there would therefore be no requirement for the ICT Allowance. In this respect, the Panel noted that the Basic Allowance was intended to cover a variety of costs including 'broadband costs,' 'stationery' and 'office equipment for home use'. The Panel noted that, if deleted from the Scheme, the costs of the ICT allowance could be used to offset the increased printing costs, therefore the proposal would be revenue cost neutral.
- 30. RECOMMENDATION 9: The Panel recommends that, subject to all Members being provided with an iPad, section 10 of the scheme 'ICT Allowance' be deleted from May 2019, noting that the proposal would be revenue cost neutral if the budget was used instead to fund increased printing costs.**

#### ICO Registration

31. The Panel considered increasing the Basic Allowance by £40 per councillor to cover the costs of Member ICO registration (total cost 2018/19 - £2280 for 57 councillors, future years - £1640 for 41 Councillors). The Panel noted that all Data Controllers were required to register with the Information Commissioners Office (ICO) and councillors were Data Controllers in their role as a Member of the Council. The Panel noted that the funding would not be paid to Councillors on a monthly basis as part of their allowance but retained and used when ICO Registrations were made by the council on behalf of Members in May or October each year. The Panel noted that a recent government [consultation](#) had concluded that elected representatives should be exempt from the charge, to address

concerns that the charge constituted a 'barrier to democracy'. The Panel therefore concluded that the increase should be recommended for implementation in 2018/19 and future years until the exemption was applied.

- 32. RECOMMENDATION 10: The Panel recommends that the Basic Allowance be increased by £40 to cover the costs of Member registration as a Data Controller with the Information Commissioner's Office in 2018/19 and future years, until any exemption is applied.**

Other considerations

33. The Panel noted a suggestion from the NTA that the SRA for the role of Deputy Chairman of Cabinet be deleted, on the basis that Cabinet was chaired by the Leader of the Council therefore the Deputy Leader of the Council could act as Deputy Chairman of Cabinet. The Panel noted that this SRA was not directly affected by any of the structural changes agreed by Full Council for implementation after May 2019 and had therefore not been included in the issues for the IRP to consider at this time. The Panel therefore decided not to make a recommendation to Full Council at this stage, but that the issue should be included in the full review by the IRP due in Autumn 2019.

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Report Title:	<b>Changes to the Council Constitution – Parts 2C 29.4 and Part 7F</b>
Contains Confidential or Exempt Information?	No - Part I
Member reporting:	Councillor Kellaway, Chairman of Planning and Housing Overview and Scrutiny Panel
Meeting and Date:	Council – 11 December 2018
Responsible Officer(s):	Andy Jeffs, Executive Director & Jenifer Jackson, Head of Planning
Wards affected:	All

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## REPORT SUMMARY

1. This report follows a pilot conducted on public speaking rights to planning panels. This followed a report to Full Council in September 2014 which proposed changes to public speaking rights, it was agreed to pilot those changes and report back to Planning and Housing Overview & Scrutiny before making any final changes to the Constitution. The report sets out the learning from the pilot and proposes changes to Part 7F of the Constitution to be reported to Full Council for approval.
2. The report also covers proposals to make provisions for mandatory training for Members.

## 1. DETAILS OF RECOMMENDATION(S)

**RECOMMENDATION:** That Full Council agrees:

- i) **The public speaking right pilot is concluded.**
- ii) **To make formal amendments to the Constitution that secures the following:**
  - a. **Village Design Statements are not development plan documents and are not recognised as being similar to neighbourhood plans.**
  - b. **Once a Neighbourhood Plan has been adopted, a neighbourhood plan steering group or successor group or constituted interest group operating in the locality ceases to qualify for public speaking.**
  - c. **Only Parish Councils retain the separate right to speak at a Development Management Panel meeting save for those parts of the Borough which are non-parished and for which the Neighbourhood Forum has/will have the right to speak. For those Parish Councils progressing a Neighbourhood Plan either the Parish Council or the neighbourhood plan steering group is entitled to speak but not both.**
- iii) **Mandatory training for Members in relation to regulatory matters, which must have taken place since the Member was last elected. Mandatory training attendance to be published on the council website.**

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

- 2.1 In September 2014 Council agreed a pilot for changes to public speaking rights at Planning Panels. A review of the pilot has now been undertaken and was reported back to Planning and Housing Overview and Scrutiny Panel in April 2018 following a meeting of the Planning and Housing Task and Finish Group, chaired by Cllr Kellaway.

### Options

**Table 1: Options arising from this report**

<b>Option</b>	<b>Comments</b>
Based on the review of the pilot propose further changes to public speaking rights at Development Management Panels. <b>Recommended option</b>	Learning from the pilot has informed the changes now proposed.
Make no changes to the speaking rights.	If no changes are made then non accountable local bodies will retain the right to speak in addition to democratically elected parish councils and representatives. This will tip the balance in terms of equity for those able to speak for and against a proposal.

### Background

- 2.2 The pilot to test the changes made to public speaking was implemented in 2014 when neighbourhood planning was a relatively new level of plan making. Prior to that date applicants/their agents, parish councils and those making representations had been entitled to speak at Development Management (DM) Panel meetings providing that they registered to do so by a set deadline. In 2014 the Ascot & Sunnings Neighbourhood Plan had been made (adopted) as the first Neighbourhood Plan in the borough and a number of other groups were working on drafting plans. The stated purpose of the changes to public speaking to provide for residents groups formed as a consequence of the adoption of a neighbourhood plan to speak was that it would “*ensure continuity of neighbourhood plan groups from preparing their plans and seeing them adopted.*”
- 2.3 Equally in relation to the introduction of public speaking by any resident group or commercial interest group at Panels following the adoption of a Neighbourhood Plan or equivalent which was considered to “*ensure that local*

*interest groups have the opportunity to influence planning decision making in a public and transparent way”.*

- 2.4 The consideration in the report to Council at the time was that to not extend speaking rights as recommended, and trialled, was to not ensure continuity in plan making at a local level. This is not expanded on within the report to Council.
- 2.5 A Neighbourhood Plan is a development plan document which has a statutory basis in the Localism Act 2011. It is based on a designated area identified formally and legally through a Neighbourhood Forum; in parish areas this would be the Parish Council. It is based on evidence, goes through a number of consultation stages, it is formally examined; and, after a referendum in which the majority of residents endorse using it for making planning decisions, it can be adopted by the Council. It is then adopted planning policy which forms part of the Development Plan for the Borough.
- 2.6 A Village Design Statement is usually a Supplementary Planning Document. It relies upon a local plan policy on which to ‘hang’ the guidance contained therein. A VDS would usually be produced by a Parish Council, working with other parties, and the Council will then take it through a formal consultation process. The Council is then entitled to adopt a VDS as a supplementary document offering detailed guidance on how development might be assessed in that village. A VDS is not a policy document, it is a material planning consideration.
- 2.7 It is concluded that a Neighbourhood Plan, as planning policy, has no comparable other than a local development plan document. It is recommended therefore that speaking rights only apply in those areas of the Borough where a Neighbourhood Plan is being produced or has been made. This will be considered further below.

#### Speaking rights for Neighbourhood Plan Groups and Successor Groups

- 2.8 It should be made clear that pre-2014 speaking rights existed for Parish Councils alone; a parish council may still register to speak for two minutes on an application falling within its parish area.
- 2.9 For the majority of the period since the changes were introduced in 2014 there has only been one made Neighbourhood Plan (NP) for Ascot & the Sunnings. In that plan area two parishes were brought together in a designated area and between them set up a neighbourhood plan steering group. The group was responsible for producing the plan. Once the plan was made (adopted) it has become ‘owned’ by the council to implement the policies through decision

making on planning applications. At this point the parish council formed steering group would cease to exist as their hard work has been completed.

- 2.10 Until early 2018 a successor organisation known as the Ascot and Sunnings Neighbourhood Plan Delivery Group had been regularly making comments on planning applications, submitting statements in relation to planning appeals and appearing at the Windsor Rural Panel to speak. Sometimes the group mirrored the comments of the parish council and other times they did not. More recently the Delivery Group has not attended meetings to speak and makes few comments on applications.
- 2.11 The Parish Councils for that plan area continue to comment on applications with reference to the policies in the Neighbourhood Plan and to speak at meetings in the same regard.
- 2.12 The Borough has two other made plans currently covering Hurley and the Walthams and Eton and Eton Wick. The former was produced by a steering group made up of representatives from the three parish councils/parish meetings for which the designated area was formally identified. Following the examination of that plan the steering group was disbanded. The relevant parish councils are now engaged in commenting on applications with reference to policies in that NP.
- 2.13 It is considered that the speaking rights and time identified for Parish Councils which can be used to address the Panel and point out issues of fact with reference to policy, or interpretation of policy and the background to it being developed, provides the continuity to plan making. The Parish Councils are elected to represent their local populace whilst 'successor organisations' are not so accountable or elected.

#### Non-parished areas of the Borough

- 2.14 In this borough there are two areas which are not within a parish: Windsor and Maidenhead. It is recommended that, in these areas, speaking rights should be given to a formally constituted Neighbourhood Forum when their plan has been made. Within Windsor there are two active plan making groups, Windsor 2030 producing a business led plan and Windsor Neighbourhood Plan producing a resident led plan for the area outside of the main town centre.

#### Public speaking for any resident group or commercial interest group

- 2.15 When public speaking was first introduced by the Council in relation to planning panels there was a provision for those making representations to a proposal to speak. The procedure for registering to speak is long established and operates on a first come, first served basis with the option for those securing the right to speak sharing the time with others who are also interested in being heard. It included the option for local interest groups to



register, the Society for the Protection of Ascot and its Environs is a good example of a local group which has long been commenting on applications and taking up the rights to appear in person to set out the representations from their membership. Groups such as these are not consultees in the planning application process but are usually constituted local amenity bodies brought together with a common purpose.

- 2.16 The trial allowed for an extension of rights thus giving parish councils, and neighbourhood plan groups or successor groups and local resident groups time to speak, cumulatively for four minutes (two minutes for the parish and two minutes shared for other groups). The applicant has three minutes and the representors have three minutes. The report to Cabinet in September 2014 noted that one of the implications of the trial is the impact on natural justice as the balance of views voiced may no longer be the same. As that report contained no review of the process that had been operating to that point there is no indication of it having been unsatisfactory to any party. Having reviewed the available documentation it is considered that the trial was simply to offer the opportunity for more local groups and people to be able to speak at the Panel meeting rather than observe proceedings.

#### The Panel decision: Section 38(6) of the Planning Act

- 2.17 It is beholden on the planning authority, whether that is a panel of members or an officer acting under delegated powers, to reach a decision on each and every planning application on its own merits and in accordance with the policies in the Development Plan unless material considerations indicate otherwise. The officer report to the panel clearly sets out the relevant policies, including those of a Neighbourhood Plan, and any relevant material planning considerations. The report also includes comments from the parish council and other groups together with comments received from individual residents noting how this has been dealt with in the report and whether or not it is a material planning matter. The number of representations made is not material to reaching a decision, it is the issues raised by representors which are considered.
- 2.18 The report to Council set out that the basis for the trial, in part, was to allow groups to influence the planning decision in a transparent and open way. All stakeholders have the opportunity to make representations on a planning proposal through the statutory consultation period, there is no need to speak publicly to the panel to engage that right. Those written representations received are all recorded on a public (electronic) file and referenced in the officer report. Late representations received before the day of the panel meetings are also reported in a written update circulated at the meeting.

#### Mandatory training

- 2.19 Members serve on regulatory panels making decisions on matters such as planning and licencing; there are frequent changes in the planning legislation and it is key that members be updated on those changes. To recognise the importance of ensuring that members receive regular training relevant to the

decision making process of any regulatory panel or sub-committee it is recommended that the constitution be amended to reflect this. This would amend the relevant section to insert the two additional sentences in italics as follows:

C29.4 No Member may be permitted to serve as a member or a substitute member of any regulatory Panel/Sub-Committee without first having attended a training session, *which must have taken place since the Councillor was last elected.* For the purpose of this rule, regulatory panels/sub-committees are any Development Management Panel, Licensing Panel or Appeals Panel. *Member attendance at mandatory training sessions will be published on the council website.*

- 2.20 The Member induction schedule for May 2019 will take this requirement into account, ensuring all Members are able to access training before the first Development Management Panel meeting takes place in the new municipal year.

### 3. KEY IMPLICATIONS

- 3.1 The proposed revisions contained within this report require formal Council approval as they are changes to the Council Constitution. It is recommended that this Panel makes recommendations to Full Council to implement the changes set out.

**Table 2: Key implications**

Outcome	Unmet	Met	Exceeded	Significantly Exceeded	Date of delivery
Report to Council setting out proposed changes to the Constitution	Report considered by Council in January 2019	Report considered by Council in December 2018	n/a	n/a	December 2018
Implementation of constitutional changes in relation to Part 7F	Changes take effect after 31 January 2019	Changes take effect from 1 January 2019	Changes take effect on 20 December 2019	n/a	January 2019
Implementation of constitutional changes in relation to part 2C	n/a	Changes take effect from 3 May 2019	n/a	n/a	May 2019

#### 4. FINANCIAL DETAILS/ VALUE FOR MONEY

4.1 No financial implications.

#### 5. LEGAL IMPLICATIONS

5.1 The Planning Practice Guidance covers the legal basis for consulting in writing with groups and statutory and non-statutory bodies as part of the planning process; the weblinks to this information are contained in section 10. In this context neither parish council's nor local amenity groups/interest groups are classified generally as statutory consultees. Where parish council's notify the council of a wish to be consulted on planning applications this is then legally required to happen. In recent changes to legislation neighbourhood forums are required to be consulted on planning applications.

5.2 Speaking at panel is not set out in legislation but contained in the council's own constitution. The council has the power to amend speaking rights. If changes are sought to the constitution and agreed there will be a consequent need to amend the council's adopted Statement of Community Involvement. This document will need updating due to legislation changes relating to the rights to be consulted on a planning application where a Neighbourhood Plan has been made.

#### 6. RISK MANAGEMENT

**Table 3: Impact of risk and mitigation**

<b>Risks</b>	<b>Uncontrolled Risk</b>	<b>Controls</b>	<b>Controlled Risk</b>
Reputational risk of non accountable local groups perceiving that they are not able to engage in the planning process	Medium	Direct local groups towards information on the Council website which explains how they can engage in the planning process and brief them through the parish stakeholder group	Low
The outcome is not met through changes to the Council constitution	Medium	Proceed through the planning task and finish group or via Council to make changes to the Constitution	Low
Decision makers are not up to date on relevant matters to the decision made	High	Require members to be updated on relevant matters to their decision making on	Low

<b>Risks</b>	<b>Uncontrolled Risk</b>	<b>Controls</b>	<b>Controlled Risk</b>
and thus the decision is not sound.		regulatory panels and sub-committees.	

## 7. POTENTIAL IMPACTS

7.1 None.

## 8. CONSULTATION

- The report was considered by Planning & Housing Overview and Scrutiny Panel in April 2018, it was determined to proceed to Council for a decision to end the pilot. The report above and its recommendations are based on the outcome of the Panel meeting and informed by the Task and Finish Group discussions.

## 9. TIMETABLE FOR IMPLEMENTATION

9.1 The full implementation stages are set out in table 4.

**Table 4: Implementation timetable**

<b>Date</b>	<b>Details</b>
1 January 2019	Implement changes to public speaking as set out in the recommendations.
1 January 2019	Update relevant guidance and templates including letters inviting the public and others to attend panel and to speak to an application.
1 January 2019	Update the wording in the constitution part 7F as per appendix 1
May 2019	Ensure members receive training in accordance with the requirements of the constitution, as amended

## 10. APPENDICES

10.1 This report is supported by 2 appendices:

- A - Revised part 7F of the council constitution (Current agreed for May 2019)
- B - Revised part 7F of the council constitution (Proposed amended from 1 January 2019)

## 11. BACKGROUND DOCUMENTS

11.1 This report is supported by 4 background documents:

- <https://www.gov.uk/guidance/consultation-and-pre-decision-matters>

- <https://www.gov.uk/guidance/consultation-and-pre-decision-matters#Statutory-consultees>
- <https://www.gov.uk/guidance/consultation-and-pre-decision-matters#Statutory-consultees-on-applications>
- Parish Council as statutory consultee  
<http://www.legislation.gov.uk/ukxi/2015/595/schedule/4/made>.
- [Report](#) to Full Council on 23 September 2014

## 12. CONSULTATION (MANDATORY)

Name of consultee	Post held	Date sent	Date returned
Cllr Coppinger	Lead Member for Planning	8.11.18	9.11.18
Russell O'Keefe	Acting Managing Director	8.11.18	8.11.18
Rob Stubbs	Section 151 Officer	8.11.18	
Elaine Browne	Interim Head of Law and Governance	8.11.18	9.11.18
Karen Shepherd	Service Lead Governance	8.11.18	12.11.18
Nikki Craig	Head of HR and Corporate Projects	8.11.18	12.11.18
Louisa Dean	Communications	8.11.18	
Andy Jeffs	Executive Director	8.11.18	9.11.18
Kevin McDaniel	Director of Children's Services	8.11.18	
Angela Morris	Director of Adult Social Services	8.11.18	
Hilary Hall	Deputy Director of Commissioning and Strategy	8.11.18	9.11.18
Ashley Smith	Deputy Head of Planning	8.11.18	9.11.18

## REPORT HISTORY

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

## APPENDIX A

### Current agreed May 2019 Constitutional section 7F (Part 1)

#### **1. Public Speaking at Development Management Panel Meetings**

##### **1. Public Speaking at Development Management Panel Meetings**

- 1.1 Planning applications are determined by either a Development Management Panel or officers acting under delegated authority.
- 1.2 Each application is subject to a public consultation exercise which enables the public and other bodies to comment in writing on the application before it is determined.
- 1.3 The Council provides the opportunity for the public and for applicants (or their agents) to speak at the planning meeting before the Development Management Panel makes their decision.
- 1.4 If objectors speak at the meeting, the applicant must be allowed to speak. An applicant may speak at a meeting even where there are no objectors wishing to speak (but if the applicant is in agreement with the Officers' recommendations to the Panel the Chairman will request the applicant to restrict any comments to matters not covered, or not covered fully, in the Officer's Report).
- 1.5 Anyone who has written to the Council with objections or comments to a planning application will be contacted at least one week before the relevant meeting is due to take place when the application will be considered. They will be invited to tell the Council if they wish to speak at the meeting.

##### Notification to Democratic Services

- 1.6 If anyone does wish to speak they must notify Democratic Services by 5 pm, 2 working days before the Development Management Panel (i.e. Monday, 5pm, if the Panel is on Wednesday). If anyone wishes to use visual material e.g. photographs, plans etc. or present documents, these should be sent by email to the planning Case Officer using the [planning.maidenhead@rbwm.gov.uk](mailto:planning.maidenhead@rbwm.gov.uk) address as soon as possible before the relevant meeting.
- 1.7 The Panel Chairman will not normally allow members of the public to speak if they have failed to notify the Council as stated above, of their wish to speak or to present additional information to the panel that has not been first submitted to the Case Officer.

##### Speeches to the Development Management Panel

- 1.8 Generally, applications where the public are to speak will be moved to the start of the Agenda. Any objectors will be given, together, a total of three minutes in which they can present their views. It may be convenient, if there are a number of objectors, that they agree amongst themselves to appoint one or two spokesmen for them all, to stay within the **3 minutes** allotted.

- 1.9 If the objectors are unable to agree amongst themselves, the Chairman shall refer to the list of notifications received from people wishing to speak and shall call them in the order the names are recorded, which shall, as far as reasonably possible, reflect the time of notification of their interest in speaking. When the end of the 3 minute period has been reached, the Chairman will not permit any more objectors to speak.
- 1.10 No new documents should be circulated to the Panel at the meeting except the Panel Update. Messages should not be passed to individual Panel Members.
- 1.11 If a Parish or Town Council has made representations and a Member of that Council wishes to address the meeting, they should notify Democratic Services by 5 pm, two working days before the Development Management Panel of their intention to speak. If Democratic Services are not notified in advance, then the Chairman of the meeting has a discretion to allow Members to address the meeting.
- 1.12 If any other Parish or Town Council wishes to address the meeting, they should notify Democratic Services by 5 pm, two working days before the Development Management Panel of their intention to speak. If Democratic Services are not notified in advance, then the Chairman of the meeting has a discretion to allow members to address the meeting.
- 1.13 A Parish or Town Council representative will be allotted a further two **minutes**, in addition to the objectors' three **minute** period. If more than one Parish or Town Council wishes to address the meeting, no additional time will be allocated unless exceptional circumstances apply (see below).
- 1.14 11 If a neighbourhood plan successor organisation wishes to address a Development Management Panel meeting to speak on any planning application, they should notify Democratic Services by 5 pm two working days before the Development Management Panel of their intention to speak; this will be at the discretion of the Chairman. If Democratic Services are not notified in advance, then the Chairman of the meeting has discretion to allow the organisation to address the meeting. The organisation must be based in the appropriate neighbourhood plan area. The organisation will be allocated two **minutes** to speak. If more than one group registers to speak, they will be asked to share the single **two minute** speaking opportunity.
- 1.15 Following the adoption of a Neighbourhood plan or equivalent, should a *bona fide* representative residents' organisation wish to address a Development Management Panel meeting to speak on any planning application, they should notify Democratic Services by 5 pm two working days before the Development Management Panel of their intention to speak; this will be at the discretion of the Chairman. If Democratic Services are not notified in advance, then the Chairman of the meeting has discretion to allow the organisation to address the meeting. The organisation will share the allocated two minute opportunity to speak with any successor Neighbourhood Plan resident group.
- 1.136 The applicant, his agent or any supporters will be allocated, in total three **minutes** in which to present their views. If in addition to the Applicant or his agent, members of the public wish to speak in favour of an application, they must notify the Council, by 5.00 pm, at least two working days before the Panel meeting. They

should also contact the applicant or his agent as the total time allocated to the applicant and any supporters is a total of three **minutes**.

1.14 Any Member of the Council, not already a Member of the DMP, wishing to speak at a Panel will be permitted to speak in favour or against any agenda item after all public speakers have spoken and prior to the Panel debating the item. Non Panel Members will be restricted to three **minutes** in total.

1.15 The Chairman of the meeting has discretion to extend the speaking time for any party, in exceptional cases. This discretion is intended to be applied only rarely. Exceptional circumstances might arise as a result of the range of issues raised by the matter. Where the Chairman has extended speaking time for those (either for or against the application) then the time shall be extended by a similar amount for the other party.



## APPENDIX B

### **Proposed amended Constitutional section 7F – Part 1 (with effect from January 1st 2019)**

This appendix sets out the proposed changes to part 7F of the constitution with the words to be removed struck through ~~thus~~ and the new words inserted shown in italics *thus*.

#### **1. Public Speaking at Development Management Panel Meetings**

##### **1. Public Speaking at Development Management Panel Meetings**

- 1.1 Planning applications are determined by either a Development Management Panel or officers acting under delegated authority.
- 1.2 Each application is subject to a public consultation exercise which enables the public and other bodies to comment in writing on the application before it is determined.
- 1.3 The Council provides the opportunity for the public and for applicants (or their agents) to speak at the planning meeting before the Development Management Panel makes their decision.
- 1.4 If objectors speak at the meeting, the applicant must be allowed to speak. An applicant may speak at a meeting even where there are no objectors wishing to speak (but if the applicant is in agreement with the Officers' recommendations to the Panel the Chairman will request the applicant to restrict any comments to matters not covered, or not covered fully, in the Officer's Report).
- 1.5 Anyone who has written to the Council with objections or comments to a planning application will be contacted at least one week before the relevant meeting is due to take place when the application will be considered. They will be invited to tell the Council if they wish to speak at the meeting.

##### Notification to Democratic Services

- 1.6 If anyone does wish to speak they must notify Democratic Services by 5 pm, 2 working days before the Development Management Panel (i.e. Monday, 5pm, if the Panel is on Wednesday). ~~If anyone wishes to use visual material e.g. photographs, plans etc. or present documents, these should be sent by email to the planning Case Officer using the [planning.maidenhead@rbwm.gov.uk](mailto:planning.maidenhead@rbwm.gov.uk) address as soon as possible before the relevant meeting.~~
- 1.7 The Panel Chairman will not normally allow members of the public to speak if they have failed to notify the Council as stated above, of their wish to speak ~~or to present additional information to the panel that has not been first submitted to the Case Officer.~~

##### Speeches to the Development Management Panel

- 1.8 Generally, applications where the public are to speak will be moved to the start of the Agenda, *at the discretion of the chairman*. Any objectors will be given,

together, a total of three minutes in which they can present their views. It may be convenient, if there are a number of objectors, that they agree amongst themselves to appoint one or two spokesmen for them all, to stay within the **3 minutes** allotted.

- 1.9 If the objectors are unable to agree amongst themselves, the Chairman shall refer to the list of notifications received from people wishing to speak and shall call them in the order the names are recorded, which shall, as far as reasonably possible, reflect the time of notification of their interest in speaking. When the end of the 3 minute period has been reached, the Chairman will not permit any more objectors to speak.
- 1.10 No new documents should be circulated to the Panel at the meeting except the Panel Update *prepared by officers. The Panel Update will contain information pertinent to the application provided to the case officer after the Panel report publication date and up to 5pm of the working day before the date of the Panel meeting. It shall be at the discretion of the Head of Planning if any further updates are to be accepted after this point.* Messages should not be passed to individual Panel Members.
- 1.11 If a Parish or Town Council or a *Neighbourhood Forum with a made Neighbourhood Plan (where there is no parish) or a properly constituted Neighbourhood Plan Forum or Steering Group where the plan is in progress and has not yet been made* has made representations and a Member of that Council wishes to address the meeting, they should notify Democratic Services by 5 pm, two working days before the Development Management Panel of their intention to speak. If Democratic Services are not notified in advance, then the Chairman of the meeting has a discretion to allow Members to address the meeting. *For those parishes preparing a neighbourhood plan either the steering group or the parish council representative may speak for the allotted time but not both.*
- 1.12 If any other Parish or Town Council or a *Neighbourhood Forum with a made Neighbourhood Plan (where there is no parish) or a properly constituted Neighbourhood Plan Forum or Steering Group where the plan is in progress and has not yet been made* wishes to address the meeting, they should notify Democratic Services by 5 pm, two working days before the Development Management Panel of their intention to speak. If Democratic Services are not notified in advance, then the Chairman of the meeting has a discretion to allow members to address the meeting. *For those parishes preparing a neighbourhood plan either the steering group or the parish council representative may speak for the allotted time but not both*
- 1.13 A Parish or Town Council or a *Neighbourhood Forum (with a made plan)* representative will be allotted a further **two minutes**, in addition to the objectors' **three minute** period. If more than one Parish or Town Council or *neighbourhood forum member* wishes to address the meeting, no additional time will be allocated unless exceptional circumstances apply (see below).
- 1.14 ~~If a neighbourhood plan successor organisation wishes to address a Development Management Panel meeting to speak on any planning application, they should notify Democratic Services by 5 pm two working days before the Development Management Panel of their intention to speak; this will be at the discretion of the Chairman. If Democratic Services are not notified in advance, then the Chairman~~

~~of the meeting has discretion to allow the organisation to address the meeting. The organisation must be based in the appropriate neighbourhood plan area. The organisation will be allocated **two minutes** to speak. If more than one group registers to speak, they will be asked to share the single **two minute** speaking opportunity.~~

~~4.15 Following the adoption of a Neighbourhood plan or equivalent, should a *bona fide* representative residents' organisation wish to address a Development Management Panel meeting to speak on any planning application, they should notify Democratic Services by 5 pm two working days before the Development Management Panel of their intention to speak; this will be at the discretion of the Chairman. If Democratic Services are not notified in advance, then the Chairman of the meeting has discretion to allow the organisation to address the meeting. The organisation will share the allocated two minute opportunity to speak with any successor Neighbourhood Plan resident group.~~

1.13 The applicant, his agent or any supporters will be allocated, in total three **minutes** in which to present their views. If in addition to the Applicant or his agent, members of the public wish to speak in favour of an application, they must notify the Council, by 5.00 pm, at least two working days before the Panel meeting. They should also contact the applicant or his agent as the total time allocated to the applicant and any supporters is a total of **three minutes**.

1.14 Any Member of the Council, not already a Member of the DMP, wishing to speak at a Panel will be permitted to speak in favour or against any agenda item after all public speakers have spoken and prior to the Panel debating the item. Non Panel Members will be restricted to **three minutes** in total.

1.15 The Chairman of the meeting has discretion to extend the speaking time for any party, in exceptional cases. This discretion is intended to be applied only rarely. Exceptional circumstances might arise as a result of the range of issues raised by the matter. Where the Chairman has extended speaking time for those (either for or against the application) then the time shall be extended by a similar amount for the other party.

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Report Title:	<b>Update to Planning Enforcement Policy</b>
Contains Confidential or Exempt Information?	No – Part I
Member reporting:	Councillor Coppinger, Lead Member for Planning and Health (including Sustainability)
Meeting and Date:	Council, 11 December 2018
Responsible Officer(s):	Andy Jeffs, Executive Director & Jenifer Jackson, Head of Planning
Wards affected:	All

www.rbwm.gov.uk



## REPORT SUMMARY

1. The Council adopted a Planning Enforcement Policy in January 2016. This report seeks to update the Enforcement Policy to reflect updated national legislation, to ensure resource is best directed to higher priority cases, align enforcement policy with the Parish Charter, manage expectations and improve communications with residents during planning enforcement investigations

## 1. DETAILS OF RECOMMENDATION(S)

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

- i) **Replaces the Planning Enforcement Policy (January 2016) with the appended RBWM Planning Enforcement Policy (December 2018) with immediate effect.**

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

- 2.1 The Council adopted a Planning Enforcement Policy in January 2016. This report seeks to update the Enforcement Policy to reflect updated national legislation, to ensure resource is best directed to higher priority cases, align enforcement policy with the Parish Charter, manage expectations and improve communications with residents during planning enforcement investigations.

### 2.2 Table 1: Options arising from this report

Option	Comments
Update the RBWM Planning Enforcement Policy as appended.  <b>Recommended option</b>	This option ensures Enforcement resources are best directed to the highest priority cases and ensures better management of cases and enforcement resources.
Do not update the RBWM Planning Enforcement Policy	This option would not secure best use of enforcement resources and would not result in increased efficiency with regards planning enforcement.

### **3. KEY IMPLICATIONS**

- 3.1 The implementation of an updated Enforcement policy is intended to enhance the performance of the planning enforcement team, within the planning service, and improve resident satisfaction. It forms one part of the ongoing service improvements for the local planning authority to operate as efficiently and effectively as possible to meet commitments within the service plan.
- 3.2 The Council is committed to providing an effective planning enforcement service and it is understood that public perception of the planning system can be undermined when unauthorised unacceptable development is allowed to proceed, or remain, without any apparent attempt by the council to intervene.
- 3.3 The borough receives a very significant number of enforcement investigation requests every year and although the Council has invested in additional staff in the last 2 years resource is still finite. The service receives a significant number of high and medium priority cases which take up a significant amount of available officer time and place pressure on available resource. It is considered that it is important to focus resource where it is most needed to ensure the highest priority breaches are dealt with to the maintain quality of the borough in line with the priorities in the Council Plan 2017-2021
- 3.4 An update to the planning Enforcement Policy provides the opportunity to align the policy with current legislation and planning practice guidance
- 3.5 The policy has been updated to reflect the revised NPPF (July 2018). Similarly the Enforcement Policy update reflects the adopted standards and parameters agreed in the Parish Charter with regards communication and directing of enforcement resource to higher priority cases. Parish and Town Council's (including parish meetings) unanimously resolved to adopt the Parish Charter at the RBWM Parish Conference on 30<sup>th</sup> October 2018.
- 3.6 The planning service has looked to front load the provision of information so as to make clear how investigations into breaches of planning control occur and detail the legislative framework that the Council has to work within. The revised document better sets out that, due to reasons outside of the Council's control (e.g. appeals/legal considerations), planning enforcement may not always be a rapid process; it better sets out how the process may unfold and what to expect from an enforcement investigation.
- 3.7 As well as the proposed update the service has recently published an "RBWM Planning Enforcement Customer Guide" which provides additional information on the enforcement process.
- 3.8 The updated policy does not downgrade the priority status of items from the previous iteration. Time frames for the initial investigation of High Priority cases remains at 1 working day, medium priority cases have been extended from 5 working days to 7 working days which better reflects the resource available and the significant number of cases the team receives. Cases which affect resident amenity are given greater specific focus in the update.
- 3.9 Investigation timeframes into lower priority cases that cause limited or no harm to residential amenity or the environment would be influenced by the number of

high and medium priority cases on hand. Emphasis will continue to be placed on communication to ensure residents are kept in the loop with regards developments on investigations.

- 3.10 The service is also working to improve communication with regards enforcement matters and in addition to the customer guide has recently revamped its enforcement letters to provide additional information to its customers. Senior Officers from within the service have committed to meeting with Parish Councils and similar groups to discuss planning enforcement and other aspects of planning and increase transparency and share knowledge with regards the enforcement process.

**Table 2: Key Implications**

<b>Outcome</b>	<b>Unmet</b>	<b>Met</b>	<b>Exceeded</b>	<b>Significantly Exceeded</b>	<b>Date of delivery</b>
Adoption of Enforcement Policy update	10 <sup>th</sup> December 2018	11 <sup>th</sup> December 2018	11 <sup>th</sup> December 2018	11 <sup>th</sup> December 2018	11 <sup>th</sup> December 2018

#### **FINANCIAL DETAILS / VALUE FOR MONEY**

- 3.11 There are no measurable financial implication of the recommendation to update the Enforcement Policy. No additional budget is required to implement the update and changes.

#### **4. LEGAL IMPLICATIONS**

- 4.1 The Council has the authority to update the Enforcement Policy. This requires the approval of Full Council which is the purpose of this report.

#### **5. RISK MANAGEMENT**

**Table 3: Impact of risk and mitigation**

<b>Risks</b>	<b>Uncontrolled Risk</b>	<b>Controls</b>	<b>Controlled Risk</b>
That enforcement resources are not best directed to the higher priority cases.	Medium	Updated Enforcement Policy	Low

## 6. POTENTIAL IMPACTS

- 6.1 The update will mean that resource is better directed to key cases and expectations and needs of residents are better met. The update is considered likely to improve customer relations, decrease complaints and improve performance within the Enforcement Service.

## 7. CONSULTATION

- 7.1 No public consultation is required or has occurred in relation to the proposed update to the policy. The updated policy continues to reflect the priorities from the previous iteration.
- 7.2 The lead member for Planning and Health (including sustainability) has been consulted as part of this process.

## 8. TIMETABLE FOR IMPLEMENTATION

- 8.1 The updated Planning Enforcement Policy would be published and implemented with immediate effect.

## 9. APPENDICES

- 9.1 This report is supported by appendix 1:
- Updated Planning Enforcement Policy (December 2018)

## 10. BACKGROUND DOCUMENTS

- 10.1 This report is supported by the following background documents:
- National Planning Policy Framework
  - National Planning Practice Guidance

## 11. CONSULTATION (MANDATORY)

<b>Name of consultee</b>	<b>Post held</b>	<b>Date sent</b>	<b>Date returned</b>
Cllr Coppinger	Lead Member for Planning and Health (including sustainability)	27/11/18	28/11/18
Russell O'Keefe	Acting Managing Director	27/11/18	28/11/18
Rob Stubbs	Section 151 Officer	27/11/18	28/11/18
Elaine Browne	Head of Law and Governance	27/11/18	28/11/18
Nikki Craig	Head of HR and Corporate Projects	27/11/18	28/11/18
Louisa Dean	Communications	27/11/18	



<b>Name of consultee</b>	<b>Post held</b>	<b>Date sent</b>	<b>Date returned</b>
Hilary Hall	Deputy Director of Commissioning and Strategy	27/11/18	27/11/18

## REPORT HISTORY

<b>Decision type:</b>	<b>Urgency item?</b>	<b>To Follow item?</b>
Non-key decision	No	No
Report Author: Jenifer Jackson, Head of Planning, 01628 796042		

# PLANNING ENFORCEMENT POLICY



ROYAL BOROUGH OF  

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WINDSOR &  
MAIDENHEAD  

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**DECEMBER 2018**

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## 1.0 The purpose of planning enforcement

1.1 The integrity of the planning service depends on the Council taking effective enforcement action when appropriate. The Council is committed to providing an effective planning enforcement service and it is understood that public perception of the planning system can be undermined when unauthorised unacceptable development is allowed to proceed, or remain, without any apparent attempt by the Council to intervene.

1.2 Planning Enforcement is limited to managing development under the terms set out in the Town and Country Planning Act 1990 (as amended). Specifically the service can only deal with breaches of planning control as defined in section 171 A of the Act i.e:

*“the carrying out of a development without the required planning permission, or failing to comply with a condition or limitation subject to which planning permission has been granted”.*

1.3 The Council realises that it is not always clear when planning permission is required and therefore members of the public are encouraged to make use of the planning portal (<http://www.planningportal.gov.uk>) and the pages titled ‘Do you need planning permission?’. If a definitive answer is needed from the Local Planning Authority (LPA) an applicant can submit a certificate of proposed lawful development to gain a legal decision from the Council. The Council also offers a paid for pre application advice service to improve the quality of an application for planning permission.

## 2.0 What is, and is not a breach of planning control?

2.1 Breaches of planning control that the team are able to investigate include the following:

- Internal and external work to a listed building
- The demolition of buildings within a conservation area
- Works to trees protected by a Tree Preservation Order or trees located within a conservation area.
- The stationing of a caravan or mobile home for use as a primary place of residence
- Breach of conditions related to an extant planning consent
- Development not being built in accordance with the approved plans of a planning permission
- Failure to properly maintain land so that it adversely affects the amenity of an area
- Unauthorised engineering work i.e. a change in ground levels
- The unauthorised display of advertisements

2.2 The team receive a large number of reports that fall beyond the scope of planning control. The table below provides a useful guide to illustrate some of the issues that are commonly reported that are not planning matters.

Permitted Development	<p>Householders and developers have a degree of entitlement for a limited amount of development, without the need for planning permission. This is termed 'permitted development' and is defined in the Town and Country Planning (General Permitted Development) Order 2015 (GPDO) as amended.</p> <p>The GPDO is a Statutory Instrument drawn up by Central Government and providing a development falls within permitted development tolerances it is lawful and beyond the control of the Local Planning Authority.</p>
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	Further information about permitted development tolerances can be found on the planning portal: <a href="http://www.planningportal.gov.uk/permission/">http://www.planningportal.gov.uk/permission/</a>
Boundary disputes	Disputes regarding land ownership are a private matter and cannot be controlled under planning legislation.
Obstructions to the highway or a public right of way  The parking of commercial or other vehicles on the highway in residential areas or on grass verges	These matters are either controlled by the Police or the Council's Streetcare team who can be contacted using the following webpage <a href="https://www3.rbwm.gov.uk/info/200218/street_care_and_cleaning">https://www3.rbwm.gov.uk/info/200218/street_care_and_cleaning</a>
Trespass on land	This is a private matter and cannot be controlled under planning legislation.
Operating a business from home where the residential use of the dwelling remains the primary use	You do not necessarily need planning permission to operate a business from a home address. The key test is whether the overall character of the dwelling will change as a result of the business i.e is the property still mainly a home or has it become business premises?
Internal work to a non listed building	Internal work to a non listed building does not normally require planning permission. The exception to this rule is internal work that is being carried out to facilitate a change of use i.e converting a single dwelling into separate residential units.
Issues relating to deeds and covenants	Compliance with covenants and other issues relating to deeds are a private matter between the signatories of the documents.
Clearing land of hedges, bushes or undergrowth	The clearing of land of hedges, bushes or undergrowth does not normally require planning permission unless the hedgerow is subject to the Ancient Hedgerows Regulations 1997.  This covers hedgerows which are more than 20 metres long and are on, or adjoining land used for agriculture, or forestry, the breeding or keeping of horses, ponies or donkeys; common land, village greens; Sites of Special Scientific Interest or Local Nature Reserves.

	<p>Garden hedges are not affected.</p> <p>Details can be found at: <a href="https://www.gov.uk/countryside-hedgerows-regulations-and-management">https://www.gov.uk/countryside-hedgerows-regulations-and-management</a></p>
The insertion of windows in houses or bungalows	<p>Once a dwelling has been occupied windows may be inserted into existing walls provided there is not a planning condition to prevent the insertion of additional windows or a restriction set by permitted development rights.</p> <p>N.B Restrictions do not normally relate to ground floor windows.</p>
Parking a caravan within the residential boundary of a property provided that its use is ancillary to the dwelling house.	<p>In most cases caravans are not classified as development and therefore it is only their use that is subject to planning control. Provided the use of a caravan is ancillary to the dwelling house it is lawful.</p>
Noise arising from construction work	<p>Noise arising from construction work would normally be dealt with by the Environmental Protection Team.</p>
The Party Wall Act	<p>The Party Wall Act provides a framework for preventing and resolving disputes in relation to party walls, boundary walls and excavations near neighbouring buildings.</p> <p>The Act is separate from obtaining planning permission or building regulations approval and therefore is beyond the scope of planning control.</p>

### 3.0 How the Council decides whether to take enforcement action and possible outcomes

- 3.1 It is important to understand that the planning enforcement service is discretionary as set out in paragraph 58 of the National Planning Policy Framework (NPPF). The focus of our service is to remedy planning harm and not punish the perpetrator. It is therefore right that people who have breached planning law are given the opportunity to remedy the breach of planning control. This may be through a retrospective planning application or negotiating an acceptable solution in line with national guidance, best practice and planning policies in the development plan.
- 3.2 The LPA has discretion as to whether to take enforcement action or not, it is not a mandatory duty to do so. If a development is in breach of planning control this is not, in itself, sufficient justification for enforcement action. Even when it is possible to take action the Council is required to decide if formal action would be '**expedient**' and in the public interest. As such there needs to be demonstrable harm caused by the breach that is of sufficient detriment to warrant formal action being taken.
- 3.3 Expediency can be defined as a decision making process to establish the appropriateness of formal enforcement action using legislation, government advice, the Local Development Plan, previous planning and appeal decisions and advice from other professionals.
- 3.4 The assessment of expediency is undertaken by the case officer and is reviewed by the Enforcement Team Manager, Head of Planning or Deputy Head of Planning. Council officers have full delegation to make these decisions. Therefore when the Local Planning Authority exercises its discretion and decides not to enforce against a breach of planning control this is entirely in accordance with how the NPPF intends this form of regulation to operate.
- 3.5 The Council starts from a position of trying to resolve all breaches of planning control through dialogue and negotiation, formal action is always a last resort. However, when the breach is causing unacceptable serious harm or nuisance to public amenity, formal action will be taken to remedy any injury to amenity. Enforcement action will therefore always be commensurate with the seriousness of the breach.
- 3.6 When a report of a breach of planning control is received there are a number of potential outcomes. Some of the possible outcomes are detailed below.

#### **No breach of planning control established**

After attending a site the case officer may establish that there has not been a breach of planning control. This could be the case if the development has been built within permitted development tolerances, in accordance with an extant planning permission or if the matter does not fall within the scope of planning control. In these cases no further action will be taken and all interested parties will be notified.

#### **A breach of planning control has been established but it is not expedient to pursue**

In considering expediency the Local Planning Authority (LPA) should consider whether the breach of planning control would unacceptably affect public amenity or the public interest. As a result it is inappropriate to take action against a technical breach of planning control that causes no harm to amenity, for example a boundary wall being erected marginally higher than permitted development tolerances.



In these cases a developer may be invited to submit a retrospective planning application in an attempt to regularise the breach but if an application is not received the case may be closed and the complainant advised.

**A breach of planning control has been identified and only part of it is expedient to pursue**

In these cases officers will attempt to negotiate an acceptable solution in line with national guidance. Alternatively it may 'under enforce' by serving a notice that addresses the most harmful aspects of the development.

**A breach of planning control has been established and it is expedient to enforce**

If negotiation has been unsuccessful, the LPA may take formal enforcement action where it is proportionate to do so. The nature of the breach will inform the method of action taken. Some of the powers available to the LPA are detailed below.

**3.7 Types of formal action**

Breach of condition notice- this notice is issued to require compliance with conditions imposed on a planning application.

Enforcement Notice- An enforcement notice sets out the breach of planning control and the steps that are required to regularise the breach or remedy any injury to amenity resulting from the breach. There is a right of appeal against the notice, which can lengthen the process as the notice does not take effect until the appeal has been determined. On average enforcement appeals take between 40 and 63 weeks to be determined from the receipt of a valid appeal. Following an appeal decision, the period set for compliance within the notice commences from the date of the appeal decision.

Listed Building Enforcement Notice- this notice would be issued to alleviate the effects of any illegal work to a listed property.

Temporary stop notice/ Stop Notice- these notices require unauthorised activities to cease either at three days notice or immediately. They will only be used in circumstances where a breach of planning control is causing serious harm to public amenity.

Section 215 Notice- A S215 notice can be issued to require the proper maintenance of land and buildings where there is an adverse effect on the amenity of the area.

Injunction- An injunction can be obtained from the court if the LPA consider it necessary or expedient for any actual or apprehended breach of planning control to be restrained. The harm must be considerable to warrant an application.

Prosecution- The LPA may prosecute responsible parties for carrying out illegal work to a listed building, displaying unauthorised adverts and any unauthorised work to a protected tree.

Additionally if any of the above notices are not complied with by the required date for compliance, the first step in seeking compliance is to formally write to the relevant parties to

remind them of their responsibility to comply with the notice. Failure to act on this correspondence could lead to prosecution.

Direct Action- in extreme circumstances the Council can enter the land and carry out the work required by an enforcement notice and subsequently place a charge on the land for the repayment of the costs incurred.

## 4.0 How the planning enforcement team will deliver the service

- 4.1 The planning enforcement team will only investigate alleged breaches of planning control which are reported in writing and where sufficient information is given to identify the site and the alleged breach.
- 4.2 The team **will not** investigate anonymous complaints. A complainant must provide their full name and address and their preferred contact details before a case will be allocated to an investigating officer. This is because the success of a case often relies on the complainant working with the council to provide details of the breach, evidence where possible and potentially act as a witness.
- 4.3 Complainants details are treated confidentially and officers will seek to protect the identity of those reporting the alleged breach.
- 4.4 Written reports will be acknowledged provided sufficient information is given to identify the site and the alleged breach. Complainants will be provided with the name of the enforcement officer dealing with a report so that they can contact the case officer directly. Following receipt of a valid report, the enforcement officer will review the planning history of the site and carry out a site visit if necessary.
- 4.5 The enforcement officer will keep complainants updated of any significant progress made with the case as and when appropriate. Updates may not be at regular intervals for example if an enforcement notice is appealed, enforcement action is very likely to be held in abeyance until the appeal is determined, which may take a significant period of time. As a result there will be no updates within this period.

## 5.0 Clarification on how the Council prioritises enforcement investigations

- 5.1 The Council receives a very significant number of Enforcement investigation requests. Since planning investigations are often lengthy and complex and staff resources are finite, it is necessary for the Council to prioritise the investigation requests it receives. The initial prioritisation of a complaint is based on the impact of the alleged breach, i.e. the highest priority is accorded to those cases that represent the greatest degree of harm. This priority is decided by officers and is subsequently reviewed following the initial visit. The priority system adopted is detailed below.

### **Priority 1- High Priority**

A breach of planning control causing, or likely to cause, serious harm to the natural or historic environment or to public safety unless an immediate response is made, e.g.:

1. Work that will be seriously detrimental to the character of a listed building.
2. The unauthorised demolition of a building within a conservation area.
3. Unauthorised work to protected tree(s)/ hedgerows(s)
4. An unauthorised use of land or buildings that presents an immediate and serious danger to the public.

Officers will conduct a site visit within one working day of the report being made.

### **Priority 2- Medium Priority**

All cases that are not high or low priority, e.g.:

1. Unauthorised developments causing disturbance to residents or damage to the environment e.g. unauthorised changes of use and development in the Green Belt.
2. Development not being built in accordance with approved plans, where the differences are significant and likely to lead to harm to neighbouring amenity.
3. Unauthorised advertisements in the Green Belt or prominent locations causing serious harm to amenity or public safety.
4. Non compliance with conditions resulting in harm to amenity or public safety.

Officers will seek to conduct a site visit within seven working days of the report being made.

### **Priority 3- Low Priority**

Breaches of planning control that cause limited or no harm to the environment or residential amenity. e.g.:

1. Residential and other development marginally above permitted development tolerances.
2. Boundary treatments.
3. Aerials and antennae on dwelling houses.
4. Development not being built in accordance with approved plans, where the differences are less significant and less likely to result in amenity problems
5. Unauthorised advertisements in less sensitive locations.

The team's ability to pursue low priority cases will be dictated by the total number of cases on hand and the number of pending high and medium priority cases.

During periods that the team have a large number of cases or significant number of high/medium priority cases the team will be unable to progress those reports deemed to be low priority.

The team will set out indicative timeframes for progressing low priority investigations in their communications with you.

5.2 The planning enforcement team seeks to manage its finite resources to ensure that the highest priority complaints can be addressed without delay. As a result the response, processing and ability to take on lower priority reports will need to be adjusted accordingly. Enforcement resources are finite and the demand for enforcement investigations is usually very high, when significant number of higher priority cases are on hand this may lead to significant delays in investigating cases where planning harm is the more limited.

5.3 The quality of information and evidence provided by those reporting a breach can have a significant impact on the outcome of an investigation. Where such support is likely to increase the chances of a successful outcome, the matter will be prioritised.

## 6.0 What happens if you wish to report an alleged breach of planning control?

6.1 All reports of an alleged breach of planning control will need to be made in writing. Reports will be accepted in the following formats:

- The online planning enforcement investigation request form available at: [http://www3.rbwm.gov.uk/info/200121/planning\\_and\\_development/660/planning\\_enforcement](http://www3.rbwm.gov.uk/info/200121/planning_and_development/660/planning_enforcement)
- Letters sent and addressed to the Planning Enforcement Team, Town Hall, St Ives Road, Maidenhead, SL6 1RF.
- Emails sent to [Planning.Enforcement@RBWM.gov.uk](mailto:Planning.Enforcement@RBWM.gov.uk)

Individuals who may have difficulty in writing down their concerns are advised to seek help from a friend, relative or local councillor.

6.2 To enable the enforcement team to deal with cases effectively it is important that as much of the following information is provided when a report is initially submitted:

- The exact location of the land. If the site is an unknown address a detailed description or sketch plan should be provided.
- A full description of what has happened or is taking place.
- Details of your concerns i.e what harm do you think has been / is being caused and how is the activity negatively affecting you?
- The names and contact details of any landowners, occupiers or builders involved (if known).
- Photographs of the development or activities.
- Dates and timeframes of when the development took place or the activity commenced.

6.3 All submitted enquiries go through an initial vetting process (undertaken by officers). This allows for the redirection of matters that do not fall within the scope of planning control and allows officers to seek additional information if required before prioritisation and allocation.

6.4 In some cases it may be necessary to rely on evidence from complainants in order to take action and you will need to consider if you are willing to actively assist the Council by collecting evidence and acting as a witness at an appeal or in court. In these circumstances the case officer will be happy to explain what may be required.

6.5 Any information provided may be subject to requests made under the Freedom of Information Act 2000 or the Environmental Information Regulations 2004 and therefore may be disclosed to a third party. While the substance of any complaint is unlikely to be confidential, if you do not want your name and contact details to be released, please make this clear in any correspondence with the Council. If you agree to act as a witness at an appeal or in Court, your details will be released at the appropriate time.

## 7.0 What happens if you are in breach of planning control?

- 7.1 If you are contacted about an alleged breach of planning control, you are entitled to know the nature of the allegation (but not who made it) and have the opportunity to explain your side of the case. Officers are aware that reports can sometimes be unfounded and therefore we will carry out a thorough investigation and communicate with you to understand the facts of the case.
- 7.2 Initially a member of the Planning Enforcement Team will visit the site. Due to time constraints, this is usually without prior warning to the owner, developer, tenants or employees at the site. Officers are authorised to attend a site to investigate and will show identification when they arrive.
- 7.3 With the exception of a building used as a dwelling house it is an offence to obstruct an officer carrying out an unannounced visit entering the land to ascertain if there has been a breach of planning control. Therefore you should always seek to work with the enforcement officer.
- 7.4 Officers are required to provide 24 hours notice to insist on entry in to a residential property. If you are happy to allow access then we will usually take up this offer. If access is refused enforcement officers may obtain a warrant.
- 7.5 If the breach of planning control refers to land or buildings in which you have no interest or involvement no action will be taken against you. If you are involved, your cooperation will be sought to regularise the breach by removing or modifying the unauthorised development or by ceasing the unauthorised work. A reasonable period of time will be given for you to undertake the work.
- 7.6 In some circumstances you may be invited to submit a retrospective planning application in an attempt to regularise the breach or apply for a certificate of lawfulness if it can be demonstrated that the breach is immune from enforcement action.
- 7.7 During the course of an investigation you may be issued with a Planning Contravention Notice (PCN) that requires information concerning the development being carried out. This notice is used to ascertain the facts of a case so that the LPA can determine if a breach of planning control has occurred and if formal enforcement action is appropriate. It is a criminal offence not to complete and return the PCN within the specified timescale.
- 7.8 If the breach of planning control is not regularised, formal enforcement action may be taken. Some of the types of formal action available to the Council are detailed in section 3.0 of this policy.
- 7.9 The ability to take formal enforcement action is delegated to Officers with the exception of a small number of cases which are considered by Area Planning Panels.





## 8.0 Customer Care

- 8.1 The Royal Borough of Windsor and Maidenhead is committed to offering a good enforcement service to the community of the Borough.
- 8.2 In exercising this policy, the Council will offer all of its customers, whether they are complainants or those who may be in breach of planning control, relevant opportunities to fully state their case, to ensure that the correct decisions are taken to safeguard the built and natural environment of the Borough.
- 8.3 If you are aggrieved with the Planning Enforcement Service, concerns should be initially directed to the Planning Service Management team. Should you still feel that your concerns have not been addressed there is a Council complaints procedure available, where complaints can be investigated. The Complaints Service can be used to investigate procedural issues or service faults it cannot deal with dissatisfaction with regards planning decisions or a decision not to take further action.
- 8.4 Details of the Council's complaint process are published on the RBWM website at: [http://www3.rbwm.gov.uk/info/200407/complaints\\_procedure/898/complaints\\_policy\\_and\\_procedure](http://www3.rbwm.gov.uk/info/200407/complaints_procedure/898/complaints_policy_and_procedure)

## 9.0 Contacts and further information

You can contact the planning enforcement team at the following address:

Planning Enforcement

The Royal Borough of Windsor and Maidenhead

Town Hall

St Ives Road

Maidenhead

SL6 1RF

Email: [Planning.Enforcement@RBWM.gov.uk](mailto:Planning.Enforcement@RBWM.gov.uk)

### **Further information can be found at:**

- The Planning Portal- The Government's online planning resource.  
<https://www.planningportal.co.uk>
- The National Planning Policy Framework and Planning Practice Guidance  
<https://www.gov.uk/government/publications/national-planning-policy-framework>

### **Contact details: Other Organisations**

#### The Planning Inspectorate

The Planning Inspectorate is the organisation responsible for processing and determining planning and enforcement appeals.

The Planning Inspectorate

Temple Quay House

2 The Square

Temple Quay

Bristol

BS1 6PN

Planning Aid

Provides free, independent and professional town planning advice to communities and individuals.

The Royal Town Planning Institute

41 Botolph Lane

London

EC3R 8DL

Tel- 020 7929 9494

Email- [contact@rtpi.org.uk](mailto:contact@rtpi.org.uk)

<http://www.rtpi.org.uk/planning-aid/>

Report Title:	<b>Long Term Empty Homes Premium</b>
Contains Confidential or Exempt Information?	NO - Part I
Member reporting:	Councillor S Rayner, Lead Member for Culture and Communities (including Customer and Business Services)
Meeting and Date:	Council - 11 December 2018
Responsible Officer(s):	Andy Jeffs – Executive Director Louise Freeth – Head of Revenues & Benefits
Wards affected:	All

www.rbwm.gov.uk



## REPORT SUMMARY

1. Since April 2013, where a domestic property has been empty and unfurnished for 2 years or more, councils have the opportunity to levy a premium of up to 50% of the council tax charged on the property.
2. The Royal Borough has chosen to implement this premium, to encourage owners of properties to bring them back into use, and therefore such properties are charged 150% of the appropriate level of Council Tax.
3. New legislation has just received Royal assent, and enables councils to increase the premium to 100% for those properties empty for 2-5 years.
4. It is requested that Council consider implementing the new 100% premium on properties empty for 2-5 years from 1 April 2019. Should the number of empty properties in this category not reduce from current levels the Royal Borough's share of estimated additional Council Tax would be £190,000.

## 1. DETAILS OF RECOMMENDATION(S)

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

- i) Approves increasing the Long Term Empty Property Premium from 50% to 100% in line with the new legislation.

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

- 2.1 The Local Government Finance Act of 2012 introduced an ability for council's to charge up to 150% of the relevant Council Tax on a property where it had been empty and unfurnished for 2 years or more.
- 2.2 The Royal Borough chose to implement this change from April 2013 and now charges an Empty Homes Premium of 50% on these Long Term Empty (LTE) properties.

- 2.3 The Rating (Property in Common Occupation) and Council Tax (Empty Dwellings) Act received Royal Assent on 1 November 2018, and seeks to increase the level of Empty Homes Premium available to councils.

**Table 1: Options arising from this report**

<b>Option</b>	<b>Comments</b>
To increase the LTE Premium from 50% to 100% of the relevant Council Tax charge from 1 April 2019  <b>Recommended option</b>	This will encourage owners of empty properties to bring them back into use and where they do not raise additional funds into the collection fund.
Maintain the level of the LTE Premium at its existing level of 50%  <b>This is not the recommended option.</b>	The opportunity to encourage the re-occupation of properties will be lost, along with the increase in Council Tax revenue where not.

### 3. KEY IMPLICATIONS

- 3.1 The Act allows councils to charge up to 100% on LTEs from 1 April 2019 which would result in taxpayers being charged up to 200% of the standard Council Tax for their property. This charge is levied irrespective of whether the period the property was empty commenced prior to 1st April 2019.
- 3.2 The Act seeks to increase the Premium in a phased approach as outlined below:
- April 2019: up to 100% for properties empty between 2 and 5 years
  - April 2020: up to 200% for properties empty between 5 and 10 years
  - April 2021: up to 300% for properties empty for 10 years or more.

**Table 2: Key Implications**

<b>Outcome</b>	<b>Unmet</b>	<b>Met</b>	<b>Exceeded</b>	<b>Significantly Exceeded</b>	<b>Date of delivery</b>
Increasing the LTE Premium from 50% to 100%	The Premium remains at 50%	Increasing the LTE Premium from 1 April 2019	N/A	N/A	1 April 2019

### 4. FINANCIAL DETAILS / VALUE FOR MONEY

- 4.1 The Royal Borough currently has 330 LTE homes, which attract the LTE Premium, and are therefore charged an additional 50% of their relevant Council Tax charge.
- 4.2 Analysis of the relevant bands for these properties shows that the additional 50% charge currently levied enables the Royal Borough to realise an additional £190,000, per annum, into the collection fund from the 50% Premium. It should be noted however that this figure is subject to change as properties become occupied and others remain empty, thereby triggering the current premium at different times of the year.

- 4.3 If the Royal Borough chose to adopt the increased charge, it could raise a further £190,000 in Council Tax from April 2019. This figure represents the Royal Borough’s share of the increased charge levied and assumes that the full 100% charge is approved.
- 4.4 As there is currently a LTE Premium charged, there are no implications with regard to increased spend or capital costs associated with this recommendation.

**5. LEGAL IMPLICATIONS**

- 5.1 The Rating (Property in Common Occupation) and Council Tax (Empty Dwellings) Act received Royal Assent on 1 November 2018 therefore the legal framework for this proposal already exists.

**6. RISK MANAGEMENT**

- 6.1 The numbers of LTE properties within the Borough is a dynamic number and subject to change. Homeowners may prefer to occupy or sell their property rather than be subject to the increased charge.

**Table 3: Impact of risk and mitigation**

<b>Risks</b>	<b>Uncontrolled risk</b>	<b>Controls</b>	<b>Controlled risk</b>
The number of LTE properties falls significantly.	Medium	The number of LTE properties has remained at a similar level since the 50% Premium was introduced.	Low

**7. POTENTIAL IMPACTS**

- 7.1 An Equality Impact Assessment was not considered necessary for this report as legislation already provides for anyone to make an application for sums charged in respect of Council Tax to be remitted should it be in the interests of the local taxpayer. Any applications would be considered on an individual basis.

**8. CONSULTATION**

- 8.1 This matter has been considered by the Lead Member for Finance and the Lead Member for Culture and Communities (including Customer and Business Services).

**9. TIMETABLE FOR IMPLEMENTATION**

- 9.1 Implementation date if not called in: 1 April 2019.

## 10. APPENDICES

None.

## 11. BACKGROUND DOCUMENTS

11.1 This report is supported by 1 background document:

- The Rating (Property in Common Occupation) and Council Tax (Empty Dwellings Act) 2018.  
<https://www.legislation.gov.uk/ukpga/2018/25/section/2/enacted#section-2-2-b>

## 12. CONSULTATION (MANDATORY)

Name of consultee	Post held	Date sent	Date returned
Cllr S Rayner	Lead Member for Culture & Communities (including Customer and Business Services)	29/11/18	29/11/18
Cllr M J Saunders	Lead Member for Finance	29/11/18	
Russell O'Keefe	Acting Managing Director	29/11/18	29/11/18
Rob Stubbs	Section 151 Officer	29/11/18	
Elaine Browne	Interim Head of Law and Governance	29/11/18	29/11/18
Nikki Craig	Head of HR and Corporate Projects	29/11/18	30/11/18
Louisa Dean	Communications	29/11/18	
Andy Jeffs	Executive Director	29/11/18	29/11/18
Kevin McDaniel	Director of Children's Services	29/11/18	30/11/18
Angela Morris	Director of Adult Social Services	29/11/18	
Hilary Hall	Deputy Director of Commissioning and Strategy	29/11/18	30/11/18

### REPORT HISTORY

Decision type:	Urgency item?	To Follow item?
Non-key decision	No	No
Report Author: Louise Freeth, Head of Revenues & Benefits, 01628 685664		



By virtue of paragraph(s) 3 of Part 1 of Schedule 12A of the Local Government Act 1972.

Document is Restricted

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