

COUNCIL

TUESDAY, 23 APRIL 2019

PRESENT: The Mayor (Councillor Lion), The Deputy Mayor (Councillor C. Rayner) and Councillors M. Airey, N. Airey, Alexander, Bateson, Beer, Bicknell, Bullock, Cannon, Carroll, Clark, Coppinger, Cox, Diment, Dudley, D. Evans, Gilmore, Hilton, Hollingsworth, Hunt, Ilyas, Jones, Kellaway, Lenton, Lion, Love, Luxton, Majeed, McWilliams, Mills, Quick, C. Rayner, S. Rayner, Richards, Saunders, Sharma, Sharpe, Smith, Story, Targowska, Walters, Werner, D. Wilson, E. Wilson and Yong.

Officers: Duncan Sharkey, Mary Severin, Andy Jeffs, Russell O'Keefe, Karen Shepherd and Maddie Pinkham.

APOLOGIES FOR ABSENCE

Apologies for absence were received from Councillors Bhatti, Bowden, Burbage, Da Costa, Dr L Evans, Muir, Pryer, Rankin, Shelim, Smith and Stretton.

COUNCIL MINUTES

RESOLVED UNANIMOUSLY: That the minutes of the meeting held on 26 February 2019 be approved.

DECLARATIONS OF INTEREST

None received

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.

The Mayor placed on record his thanks, on behalf of the council, to all those councillors who were not standing for re-election in May. He highlighted three long serving councillors: Councillors David Burbage and Lynda Yong who were first elected in 2000, and Councillor Malcolm Beer, who was first elected in 1995. He also highlighted four past Mayors: Councillors Colin Rayner, Richard Kellaway, John Lenton and Asghar Majeed.

Councillor Jones placed on record her thanks to Councillor Beer for the 24 years he had spent as a councillor for Old Windsor. It had been an honour to serve alongside him for the past 8 years. She thanked him for his diligence, knowledge and friendship.

Councillor Dudley echoed Councillor Jones' comments about Councillor Beer; he had been a true public servant and his contribution would be greatly missed. Councillor Dudley thanked all councillors who were not standing in the local elections for their contribution to Windsor and Maidenhead, including the Mayor.

PUBLIC QUESTIONS

a) Jo Smith of Belmont Ward asked the following question of Councillor N. Airey, Lead Member for Children's Services:

Despite a Freedom of Information request being submitted, residents still do not know who made the decision to change the SEN funding formula which resulted in all of RBWM's central additional SEN support fund going to just 7 schools instead of being proportionally split according to actual numbers of SEN pupils as was previously the case. Can you now advise who proposed this change and which body made the decision, including which named Councillors approved the change, and how residents can challenge/change the formula for future years?

Councillor N. Airey responded that the questioner had referenced the 'SEND funding formula' as a single item. It was far from that straight forward therefore she would explain: The Royal Borough received about £114m every year to fund education in the borough. About £80m of that went straight to mainstream schools to meet the needs of their pupils, including a contribution to the costs of every child with additional needs (known as the 'Notional SEN Budget'). A further £18.5m was described as the 'high needs block' and every penny (and more) was spent to support children with additional needs through a range of services such as behaviour and wellbeing support; provision of special schools such as Manor Green; specialist places for the most complex children, and so called "top ups" for those pupils with Education, Health and Care Plans (EHCPs) in mainstream schools.

Schools were expected to provide £6,000 of support to every child with an EHCP from their delegated budget. The question related to £105,000 (or 0.5%) of the High Needs Block budget which was allocated to support schools where the delegated 'Notional SEN budget' was higher than the budget formula allocated. Any leftover was distributed in support of inclusion, which was historically on a straight pro-rata basis.

The budget line was part of the annual budget setting process for schools which took place through the statutory meeting called the Schools Forum, which was involved in every decision. The regulations in this area were manifold and complex and there were a range of decisions that fell to the Schools Forum, some Forum Members or to the local authority through the Director of Children's Services (DCS) and the whole set was monitored by the Department for Education.

Following the joint area SEND review by Ofsted and the CQC in July 2017, the council recommitted to its local priority of inclusion in mainstream schools. As a result options to support those leading the way were discussed with a number of schools and at the Schools Forum, and as a result the Director made the final decision to implement this support in financial year 2017/18.

At the October 2018 census there were 350 pupils in RBWM mainstream schools with EHCPs. At £6,000 each, that was £2.1m of school budget. It was then logical that the impact of this cost on a school was impacted by the total number of pupils in a school and the number of pupils with an EHCP and this could be expressed as a percentage. Nationally 2.9% of pupils have an EHCP. In RBWM only seven mainstream schools had a rate higher than this, with three of these in excess of 5%. Three schools had a rate of zero: that is no pupils with an EHCP.

The seven schools (Cheapside Primary, Homer First, Riverside Primary, Bisham Primary, St Luke's Primary, Altwood Secondary and Holyport College) had 78 pupils with an EHCP between them and spent £468,000 of their budget to support them. That was an average cost to each school of £66,000. The remaining 60 schools supported the other 272 pupils at an average cost per school of £27,000.

The distribution of the additional funding reduced the average cost for the seven most inclusive schools to £53,000 which was still double the cost of schools with lower rates of pupils with EHCPs. The decision supported those schools who were able to be the most inclusive.

In both 2017/18 and 2018/19, the allocations were communicated to all schools and there had been no complaints from any of them. If parents wished to influence a change then they could communicate with the representatives of the Schools Forum as this was one element of a larger budget as previously explained. Schools could advise who was the representative for their school on the Forum and the meeting minutes and papers were published on the website.

With regards to the FOI request, the only reference the council had to a question on this topic was received via the 'whatdotheyknow.com' service in the name of another member of the public. It included the question 'When was the mechanism for February 2019 approved and who by?' The reply email was sent to the address provided on 14 March at 11:41am, 12 days ahead of the FOI deadline, and this included two attachments with all of the information provided.

By way of a supplementary question, Ms Smith requested that she receive a written response to her question, given the level of detail. She would then take up the issue with the Schools Forum. Her concern was that by allocating the funding by the number of SEN pupils, the council was running the risk that this may reduce inclusion as parents with SEN children would be more likely to send their child to these schools.

Councillor N. Airey responded that she would arrange for a written response to be sent. It was not the intention of the council to concentrate SEN pupils. The decision to allocate in the way described had been a decision of the Schools Forum two years running. The Forum had not raised the concern but she would take it back to the Director of Children's Services as a resident concern.

b) Andrew Hill of Boyn Hill ward asked the following question of Councillor Bicknell, Lead Member for Highways and Transport:

A first responder reported to Councillor Dudley deep alarm that RBWM is permanently closing the right turn out of Queen St. Why did you decide to do no consultations with emergency services, or residents in Boyn Hill, before agreeing to this detrimental change and do you agree that it will add time to medical interventions and is potentially dangerous?

Councillor Bicknell responded that the Maidenhead Station scheme, which was currently being delivered, aimed to improve links between the station and the town centre and support the increased passenger numbers from the Elizabeth Line and the broader regeneration programme. The project would enhance the public realm; deliver much wider walkways and new public spaces; provide a more direct crossing route between the town centre and station; improve facilities for bus users and cyclists (including a new 300 plus cycle parking hub) Changes to the road network were being

delivered to support the overall project, including the removal of the right-turn movement from Queen Street.

This was one of a number of changes which had been assessed through the traffic modelling, the outputs of which are combined with an assessment of all impacts and considered in overall terms for the town rather than in isolation. It was understandable that concerns were raised and Cabinet would, therefore, be considering a detailed technical note on the specific change at its meeting on Thursday 25 April 2019.

In addition, any changes to the highway network which required traffic regulation orders were required to follow a formal legal process which involved engagement with the emergency services. For this project changes had been consulted upon and no objections have been received from South Central Ambulance Service.

By way of a supplementary question, Mr Hill commented that Councillor Dudley had said in February that it was fair to say the council should pick up concerns and they should be analysed and reviewed. A lot of people were talking about bridges or a footway – were these considered as part of the change?

Councillor Bicknell responded that a bridge was considered but although it would be financially viable, there was not enough room. Further consultation would take place therefore it was not set in concrete and there was room for more debate.

c) Andrew Hill of Boyn Hill ward asked the following question of Councillor Targowska, Lead Member for HR, Legal and IT:

What are the key reasons you had to justify banning (from May) the long standing constitutional public right to ask supplementary questions of Lead Members at full Council meetings?

Councillor Targowska explained that a Local Government Association Peer Review had taken place at the council in September 2017, which recommended a review of the Constitution. She had been appointed as Chairman of a cross-party working group; she had invited any Member of the Council to take part. The working group made recommendations to full Council in June 2018 having looked at a number of areas including rules of procedure. Although not originating as a recommendation of the Working Group, feedback from briefings to councillors outside the Working Group included comments around disappointment that Lead Members felt they were not always in a position to provide members of the public with the information they were asking for at meetings. Members recognised that people took time out of their busy day to attend meetings and wherever possible councillors should be able to answer questions publically. Officers did a fantastic job in assisting Members in preparing a pack of material for pre-registered and supplementary questions. They did this by preparing a lot of material that they thought could potentially come up as a supplementary question, but this could be something of a guessing game. Inevitably, it was not always possible to predict what would be asked and on some occasions a written answer had to be given. She was aware that members of the public often came with pre-prepared supplementary questions. The change was designed to ensure wherever possible, councillors could provide full answers at the meeting.

Councillor Targowska explained that she had seen Mr Hill's letter to the Maidenhead Advertiser that raised concern that this was a freedom of speech issue. The administration had been at the forefront of transparency and had made every effort to

make council meetings as accessible as possible including streaming meetings on Periscope.

However she understood the concern and was happy to revisit the decision. She was not standing for re-election but the next Lead Member for the portfolio would bring a report to Council in June recommending that supplementary public questions be allowed at full Council.

By way of a supplementary question, Mr Hill commented that he was sure the Lead Member would be grateful for the e-petition on the subject that had been started. He asked why the threshold for bringing a petition for debate to full council had been raised from 1000 to 1500.

Councillor Targowska responded that she would provide a response in writing.

d) The Mayor asked the following question of Councillor Dudley, Leader of the Council, on behalf of Sharon Bunce of St Mary's ward:

Firstly are the new Nicholson's owners, Tikehou Capital, to be the sole funders of the Nicholson re-development, if so are they under contract to complete this project, and secondly what liabilities would the council have to pick up if the development is not completed?

Councillor Dudley responded that the council expected Tikehou Capital would fund the redevelopment of the shopping centre. Tikehou Capital had access to very significant resources as they were an asset management and investment group, which managed €22.0 billion of assets (as at 31 December 2018), with shareholders' equity of €2.3 billion (as at 30 June 2018).

The Council would fund the building of a new car park, which had already been approved. Funding of in the region of £35m had been included in the capital programme for this project. The new car park would be built before the existing one was demolished.

Tikehou Capital, with the cooperation of Areli Real Estate, completed the purchase of the lease and 50% of the freehold of Nicholson's Shopping Centre in February following extensive due diligence. The council owned the remaining 50% of the freehold. The Council had agreed heads of terms with them which would form the basis of a contract to include the council's ownership within a future redevelopment. The agreed heads of terms set out:

- The process for the sale of the council's part ownership of the shopping centre and ownership of Central House which would lead to a significant capital receipt for the council as well as a revenue return during the redevelopment period.
- The building of a new car park at what would be likely to be a substantially reduced cost than under previous plans through a land swap.
- The existing Nicholson's car park remaining in use until a new car park was completed.

Cabinet would consider a report on this at their meeting on 25 April 2019 and if approved detailed work would progress. One of the recommendations would be changed to say that the ultimate deal when documentation was completed would be brought to full Council for approval.

Under the plans the Council would not have any liabilities for the shopping centre redevelopment were it not to progress. The Council had already committed to building a new car park and could progress this independently were this to be required.

The resources and expertise brought by Tikehau Capital and their partners Areli Real Estate provided a once in a generation opportunity to regenerate this town centre location for the benefit of local residents and businesses and was a fundamental part of the overall regeneration of Maidenhead.

e) The Mayor asked the following question of Councillor Dudley, Leader of the Council, on behalf of Jacob Cotterill of Oldfield ward:

What steps has the council taken - and will it take in future - to oppose the punitive cuts imposed on the budgets of all local authorities by central Government?

Councillor Dudley responded that central government had not imposed punitive cuts on local authorities however the council was always striving for an efficient council with high quality services. This was the reason the council had the lowest council tax outside London.

f) The Mayor asked the following question of Councillor Dudley, Leader of the Council on behalf of Tom Baker of Furze Platt ward:

Following the motion passed in this chamber, a year ago tomorrow, to future proof the services of Maidenhead Community centre in a new location. I would like to know the progress made towards; Free parking to retain existing volunteers, accessibility for existing users and a drop off point for the guardians to see young users entering the premises.

Councillor Dudley responded that the Council was working closely with Maidenhead Community Centre over providing premises in the new York Road development; when the issue was debated at full Council it had been agreed that this would be seamless and equivalent or greater in size. A recent meeting with the Trustees was very positive and the council expected to both replicate and improve on many of the advantages of the current centre, enabling users to continue and grow their activities in brand new, accessible facilities. The council hoped to shortly finalise an agreement following further discussions with both the Trustees and current leaseholders which would include discussion on local parking options. Local drop off points would be available close to the venue although not in sight of the entrance due to its location.

The cost of parking for volunteers was a good point. If his party formed the next administration he would be keen to look at what could be done to support volunteers in the third sector in this respect.

PETITIONS

No petitions were received

APPOINTMENT OF STATUTORY SCRUTINY OFFICER

Members considered the appointment of a Statutory Scrutiny Officer. Members noted that, in line with Section 9FB of the Local Government Act 2000, county and unitary authorities were required to designate an Officer to undertake the following statutory functions:

- Promote the role of the Council's Overview and Scrutiny Committees
- Provide support to the Council's Overview and Scrutiny Committees and the members of those bodies
- Provide support and guidance to Members and Officers of the Council and the Executive on the functions of its Overview and Scrutiny Committees

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

RESOLVED UNANIMOUSLY: That Full Council notes the report and appoints Nabihah Hassan-Farooq, Democratic Services Officer, as the council's Statutory Scrutiny Officer.

MEMBERS' QUESTIONS

- a) Councillor E. Wilson asked the following question of Councillor M. Airey, Lead Member for Environmental Services:**

Thames Valley Police have recently reported an increase in burglary in the Dedworth area. Has the Council received any requests from Thames Valley Police for additional CCTV in the area?

Councillor M. Airey responded that the council had not received any requests from Thames Valley Police for additional CCTV coverage in the Dedworth area.

The council was implementing a £1.3m project to build a state of the art CCT facility including an upgraded control room; 200 cameras had been upgraded or relocated. The current Thames Valley Police strategy was to encourage people to improve home security and promote general awareness of security around properties. We will continue to work closely with TVP on a joint approach to community safety and we continue to monitor the incidence and type of crimes throughout the Borough.

By way of a supplementary question, Councillor E. Wilson commented that, notwithstanding that fact that no formal request had been received, would the Lead Member ask officers to review the need in Dedworth. There was a very real need in the view of a majority of residents to make them feel safer and reduce the incidence of crime.

Councillor M. Airey responded that he would work with ward councilors and officers to review the situation.

- b) Cllr Sharma asked the following question of Councillor Dudley, Leader of the Council:**

A November 2018 letter to Housing Minister James Brokenshire signed by more than dozens of Conservative council leaders, Mayors and MPs had called for the 'Overhaul of Compulsory Purchase laws' so that local authorities can buy up agricultural land at

dramatically reduced prices to help to solve housing crisis. Residents want to know, is he also one of the signatories?

Councillor Dudley responded that, no he had not signed the letter.

By way of a supplementary question, Councillor Sharma commented that residents feared if the proposed law passed it would begin the end of farmland and Green Belt in the borough. He asked if the Lead Member would write to the Minister to say that the council was against the proposed changes in the current law?

Councillor Dudley responded that there were no proposed changes to the law and any such arrangements would be a violation of private property interests.

c) Councillor C. Rayner asked the following question of Councillor Bicknell, Lead Member for Highways:

Following another road traffic death of a pedestrian on Wraysbury Road on 17 March, when will funding be available for CCTV cameras and Auto Number Plate Recognition cameras, operated by Thames Valley Police but which can be part-funded by the RBWM Council in Horton and Wraysbury. I have been campaigning for this since the last pedestrian death on Staines Road.

Councillor Bicknell responded that the project to upgrade the CCTV network across the Royal Borough was well advanced with existing cameras and back-office systems replaced with new technology and functionality.

In Wraysbury there were two existing cameras which were being upgraded and slightly repositioned to improve coverage. The new cameras offered ANPR functionality which was available for targeted campaigns and other regular activity. In addition, the Parish Councils had requested three, new additional cameras which were the subject of a capital bid for 2019/20 but were not currently funded. A joint funding package with a contribution from the Royal Borough and funding from the Parish Councils had been proposed but was still under discussion.

By way of a supplementary question, Councillor C. Rayner commented that the cameras did not cover Hythe End or Staines Road. In his time as a councillor there had been too many families who had lost loved ones. He had visited both the relatives affected and the residents who had to deal with the accident in March. Speeding was a key factor and he hoped the council could find it in their heart to find the funding to stop speeding. He asked the Lead Member to assure, if he were still in post, to find the funding for the residents of Wraysbury

Councillor Bicknell stated that would be an affirmative.

d) Councillor C. Rayner asked the following question of Councillor Bicknell, Lead Member for Highways:

Please can you list all the accidents causing injury or death on roads in Wraysbury and Horton, including Staines Road and Wraysbury Road, since 5th June 2005?

Councillor Bicknell responded that since 5 June 2005, across the whole of the Wraysbury and Horton area, there had been 110 crashes reported to the police, resulting in 3 fatalities, 19 serious casualties and 129 slight injuries. Of these, 86 were

vehicle drivers; 29 passengers; 15 motorcyclists, 11 cyclists and 10 pedestrians. Every casualty was one too many but the borough invested annually in road safety delivering local safety schemes, road safety education to vulnerable groups and campaigns. The borough's road safety record had seen a reduction in the overall number of casualties over the previous 10 years and was currently at its lowest level. However, the focus would be maintained to deliver even more improvements and reduce further.

By way of a supplementary question, Councillor C. Rayner commented that this was a shocking number of deaths in a small village of 3000 people therefore it was about time money was spent in Horton and Wraysbury on vehicle recognition. He hoped that whoever won in the ward would not have to visit affected families too many times.

Councillor Bicknell responded that the council should and would look at every opportunity to reduce fatalities, however he commented that there were approximately 2-3 fatalities and 50 serious casualties on borough roads each year. Every fatality was investigated jointly with Thames Valley Police and contributory factors identified.

Before the meeting closed, a number of councillors wished to speak.

Councillor McWilliams highlighted that Councillor Bullock, who was retiring, had first stood for election in Cox Green in 1976. He had been a councillor until the early 1990s and had then come back later in the 2000s. Councillor Bullock had helped set up the Cox Green Community Centre and helped defend the precious Green Belt in the ward. Councillor McWilliams wished to place on record his thanks to Councillor Bullock for all his advice.

Councillor Majeed thanked Councillor Burbage for his trust and support when he had been Leader of the Council, particularly during his Mayoral year. He was grateful to his fellow ward councillors Hill and D. Wilson. He also thanked Councillor Story for his strong leadership as Chairman of the Conservative Group, Councillor Hunt, Councillor Brimacombe, Councillor Cox, Councillor Sharp, Councillor Rankin, Councillor Stretton, Councillor Sharma, Councillor S Rayner, Councillor C Rayner, Councillor Lenton, Councillor Shelim and Councillor Bicknell. He also thanked Councillor Hollingsworth who was the reason he had become a councillor in the first place. He thanked the Opposition councillors for their professionalism and courtesy. He thanked officers for their professionalism and knowledge. In Duncan Sharkey he saw a Managing Director who made decisions in a balanced way.

Councillor Cox thanked officers who were a tirelessly dedicated group of individuals. He gave the example of the officers and Members pulling together during the flooding in the borough, at which time he had been Lead Member for Environmental Services. He thanked all Members, with whom it had been a privilege to work.

The meeting, which began at 7.30pm, ended at 8.26pm.

Chairman.....

Date.....

Addendum to the minutes:

Written response provided to Andrew Hill in relation to Public question c (supplementary):

Councillor Targowska: Officers have kindly located the material regarding petitions that was provided to councillors taking part in the Working Group (collated in spring 2018). The material summarises the policy position of a number of other councils. As RBWM appeared to be out of step with other comparator councils, Members proposed the changes to petition numbers in order to address this issue.

Authority	Host e-petitions?	Allow e-petitions from other sites (e.g. change.org)	Threshold for petition for debate at Full Council	Threshold for senior officer to attend O&S
RBWM	Yes	tbd	1000	100
Wokingham	Yes	No	1500	750
Slough	Yes	No	1500	750
Reading	No	Yes	1500	n/a - committee system
West Berks	Yes	Unclear from petition scheme	1500	750
Kingston	Yes	Currently accept but under debate	500	No threshold specified
Richmond	Yes	No	1000	n/a committee system
Westminster	Yes	No	500 (N.B. debate by Cabinet)	No threshold specified