

Public Document Pack

NOTICE OF MEETING

CABINET

will meet on

THURSDAY, 27TH SEPTEMBER, 2018

At 7.30 pm

in the

COUNCIL CHAMBER - GUILDHALL WINDSOR.

TO: MEMBERS OF CABINET

COUNCILLORS SIMON DUDLEY (CHAIRMAN, MAIDENHEAD REGENERATION AND MAIDENHEAD)

DAVID COPPINGER, (PLANNING & HEALTH INCLUDING SUSTAINABILITY)
(VICECHAIRMAN)

PHILLIP BICKNELL, (HIGHWAYS, TRANSPORT AND WINDSOR)

NATASHA AIREY, (CHILDREN'S SERVICES)

MJ SAUNDERS, (FINANCE)

SAMANTHA RAYNER, (CULTURE & COMMUNITIES INCLUDING RESIDENT AND BUSINESS SERVICES)

JACK RANKIN, (ECONOMIC DEVELOPMENT, PROPERTY COMMUNICATIONS & DEPUTY FINANCE)

STUART CARROLL, (ADULT SOCIAL CARE AND PUBLIC HEALTH)

JESSE GREY (ENVIRONMENTAL SERVICES INCLUDING PARKING & FLOODING)

PRINCIPAL MEMBERS ALSO ATTENDING: COUNCILLORS CHRISTINE BATESON (NEIGHBOURHOOD PLANNING AND ASCOT & SUNNINGS), LISA TARGOWSKA (HR, LEGAL & IT), DAVID HILTON (ASCOT REGENERATION), ROSS MCWILLIAMS (HOUSING)

DEPUTY LEAD MEMBERS: Malcolm Alexander (Streetcare and Windsor & Eton), Marius Gilmore (Business Development and Partnerships), Mike Airey (Performance Management), John Bowden (Aviation and Heathrow Airport), Phillip Love (Maidenhead Regeneration and Maidenhead), Derek Wilson (Maidenhead Waterways Champion)

Karen Shepherd – Service Lead Democratic Services - Issued: Wednesday, 19 September 2018

Members of the Press and Public are welcome to attend Part I of this meeting. The agenda is available on the Council's web site at www.rbwm.gov.uk or contact the Panel Administrator **David Cook** 01628 796560

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AGENDA

PART I

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2.	<u>DECLARATIONS OF INTEREST</u> To receive any declarations of interest	7 - 8
3.	<u>MINUTES</u> To consider the Part I minutes of the meeting held on 26 July 2018	9 - 14
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5.	<u>FORWARD PLAN</u> To consider the Forward Plan for the period October 2018 to January 2019.	15 - 20
6.	<u>CABINET MEMBERS' REPORTS</u> Planning and Health (including sustainability)	
	i. RBWM Vacant Building Credit Advisory Note Economic Development, Property and Communications (Deputy Finance)	21 - 28
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Economic Development, Property and Communications (Deputy Finance)

vii. RBWM Property Company - Investments Reports

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Culture and Communities

viii. Award of Contract for the Braywick Leisure Centre

To
Follow

Economic Development, Property and Communications (Deputy Finance)

ix. Broadway Car Park

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7. LOCAL GOVERNMENT ACT 1972 - EXCLUSION OF THE PUBLIC

To consider passing the following resolution:-

"That under Section 100(A)(4) of the Local Government Act 1972, the public be excluded from the remainder of the meeting whilst discussion takes place on items 8-9 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"

PART II – PRIVATE MEETING

<u>ITEM</u>	<u>SUBJECT</u>	<u>PAGE NO</u>
8.	<p><u>MINUTES</u> To consider the Part II minutes of the meeting of Cabinet held on 26 July 2018.</p> <p><i>(Not for publication by virtue of Paragraph 1, 2, 3, 4, 5, 6, 7 of Part 1 of Schedule 12A of the Local Government Act 1972)</i></p>	133 - 134
9.	<p><u>CABINET MEMBERS' REPORTS</u></p> <p>Economic Development, Property and Communications (Deputy Finance)</p> <p>i. <u>RBWM PROPERTY COMPANY - INVESTMENTS REPORTS (APPENDICES)</u></p> <p><i>(Not for publication by virtue of Paragraph 3 of Part 1 of Schedule 12A of the Local Government Act 1972)</i></p> <p>Culture and Communities</p> <p>ii. <u>AWARD OF CONTRACT FOR THE BRAYWICK LEISURE CENTRE</u></p> <p><i>(Not for publication by virtue of Paragraph 3 of Part 1 of Schedule 12A of the Local Government Act 1972)</i></p> <p>Economic Development, Property and Communications (Deputy Finance)</p> <p>iii. <u>BROADWAY CAR PARK APPENDIX</u></p> <p><i>(Not for publication by virtue of Paragraph 3 of Part 1 of Schedule 12A of the Local Government Act 1972)</i></p> <p>Economic Development, Property and Communications (Deputy Finance)</p> <p>iv. <u>LEASE RENEWAL TO A TENANT WITHIN A CAR PARK IN MAIDENHEAD</u></p> <p><i>(Not for publication by virtue of Paragraph 3 of Part 1 of Schedule 12A of the Local Government Act 1972)</i></p> <p>Details of representations received on reports listed above for discussion in the Private Meeting: None received</p>	135 - 176
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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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Agenda Item 3

CABINET

THURSDAY, 26 JULY 2018

PRESENT: Councillors Simon Dudley (Chairman), David Coppinger (Vice-Chairman) Phillip Bicknell, Natasha Airey, MJ Saunders, Samantha Rayner, Jack Rankin, David Evans, Stuart Carroll and Jesse Grey.

Principle Members also in attendance: Christine Bateson, Lisa Targowska, David Hilton and Ross McWilliams.

Also in Attendance: Cllr Lynne Jones (Opposition Leader).

Officers: Alison Alexander, Chris Anderson, Russell O'Keefe, Andy Jeffs, Kevin McDaniel, Hillary Hall and David Cook.

APOLOGIES FOR ABSENCE

There were no apologies of absence received.

DECLARATIONS OF INTEREST

Councillor S Rayner declared a Disclosable Pecuniary Interest in item 6 (iii) Financial Update, she left the room for the duration of the discussion and voting on the item.

MINUTES

RESOLVED UNANIMOUSLY: that the Part I minutes of the meetings held on 28 June 2018 and 10 July 2018 were approved as a true and correct record.

APPOINTMENTS

None

FORWARD PLAN

Cabinet considered the contents of the Forward Plan for the next four months and noted the changes made since the last team meeting.

CABINET MEMBERS' REPORTS

A) PLAN-MAKING - BOROUGH LOCAL PLAN SUBMISSION VERSION (BLPSV)

Cabinet considered the report that sought authority to ask the planning inspector appointed to examine the Borough Local Plan Submission Version to recommend modifications to the plan as she considers necessary.

The Lead Member for Planning and Health informed that Mrs Louise Phillips had been appointed as the planning inspector that had taken place in June 2018. The council were awaiting the publication of the letter confirming the outcome of the inspection. The inspector was mindful that we would succeed, however she may have to recommend modifications. The inspector could not make any recommendations unless the council formally invited her to do so via this cabinet decision.

The Lead Member for Maidenhead Regeneration mentioned that he thought the council had already received the inspectors letter and was informed that the letter had been received but not the authority to publish it.

Resolved unanimously: that Cabinet:

- **Delegates authority to the Executive Director, Place to request the Local Plan Inspector to recommend such main modifications of the Borough Local Plan Submission Version as she considers necessary to enable its adoption.**

B) PARKING VOUCHER SCHEMES

Cabinet considered the report that proposes a number of changes to the current residential parking voucher schemes to enhance and to further protect parking spaces for residents and their visitors.

The Lead Member for Environmental Services including Parking informed that the proposals to change residential parking voucher scheme would be beneficial for residents, their visitors and help ease congestion. It was recommended to keep the number of annual free visiting vouchers at 25 x 2 hours. With additional paid for visiting vouchers with 25 for 6 hours and 25 all day. There would also be the opportunity to purchase vouchers online. Expiry dates would be introduced on the vouchers with an amnesty of two years for current vouchers. The recommendations would also have the benefit of reduced costs.

The Chairman mentioned that the proposals would be particularly beneficial in Windsor and that the current system allowed stoke piling of vouchers that could be detrimental to residents and visitors.

In response to a question from the Lead Member for Highways, Transport and Windsor it was agreed that the report should have made it clear that the scheme related to residential parking areas.

The Lead Member for Culture and Communities mentioned that the proposed scheme was still very generous, especially compared to other authorities and that the scheme retained free vouchers.

The Leader of the opposition asked if there were any residents that would be disadvantaged by the proposals and the Chairman responded that delegated authority could be given to the Lead Member and appropriate officers to review special circumstances and allow flexibility on a case by case basis.

The Executive Director also reported that the over 60's received a discount.

Resolved unanimously: that Cabinet notes the report and:

- **Agrees to keep the number of annual free visiting vouchers at 25 x 2 hours.**
- **Changes the annual allowance of additional paid for visiting vouchers to 25 x 6 hours and 25 x all day, from 1 August 2018.**
- **Changes the minimum order number of paid for vouchers to ten and then in multiples of five within the same order, and introduces a 12 month expiry date on each paper voucher with a no refund policy on any unused vouchers, from 1 August 2018.**
- **Agrees to the implementation of virtual visitor vouchers, from 1 October 2018, for those who wish to do this on-line.**
- **Agrees that all current unused, undated visitor vouchers will expire on 31 March 2020, allowing time for proactive communication to make residents in parking zones aware of this.**

- **Agrees to extend the current resident parking permits scheme period from 1-year to 2-years, from 1 August 2018.**

C) FINANCIAL UPDATE

Cabinet considered the council's latest financial update for 2018-19.

(Councillor S Rayner declared a Disclosable Pecuniary Interest as her family trust owned land that may be affected by the Heathrow proposals, she left the room for the duration of the discussion and voting on the item.)

The Lead Member for Finance introduced the report and informed that this was the first substantive review of the year where we could see how the Council's finances are doing. Over the course of the first few months there had been initial signs of some of the very significant national pressures which the Royal Borough were not protected from. In particular the significant pressures of growing placement costs for children in care and the importance of continuing to fully subsidise the housing benefit payments where it is not expected to fully recover certain overpayments.

There were also a number of less significant items within the report but the for mentioned were the two substantial issues where we were reflecting the national pressure. As a result it was important to acknowledge, as shown in appendix A, that there could be a accumulating over the year a net pressure. This net position had been subject to a range of mitigating measures being identified by Lead Members and officers. This position may be subject to further mitigating action as future possible pressures arise.

The Lead Member for Finance went on to explain that he was please to say that appendix B did show the council's reserves that had variances that more than offset, at this point in time, various amounts that had been settled above that accounted for. For example national non domestic rates (NNDR) pressure was expected to be reversed, section 31 grant of £186,000 and the adjustments to the business rates that we were confident of receiving £710,000. Looking forward because of business rates pooling with other Berkshire authorities it was anticipated that there would be generated £1.5 million in excess of the amount in the budget.

Appendix B also showed a couple of minus figures. The Berkshire Pension Fund valuation had shown that it was just below 75% funded. Although funding levels had risen to just above 75%. As the actuary had to use the latest valuation there had been identified additional contributions of £748,000 towards the pension deficit.

There was also a second figure, that was part of the report's recommendations, for £100,000 towards a judicial review with other authorities affected by the Heathrow proposals.

The Lead Member for Finance informed that as a consequence of the additional positive items the net contribution at this stage of the year exceeded the adverse variances. As a consequence the reserves were expected to be £9,352,000 compared to the £8,947,000 at the beginning of the financial year. This was significantly above the recommended level of between £5 to £6 million.

Cabinet were informed that it was expected that there would be continued pressures throughout the year which may impact on the current buffer of our reserves, however at this stage we could be confident that the net impact over the balance of the year was highly unlikely to have a material negative on the current projected balance.

The Chairman mentioned that there had been a recent statement from the Ministry of Housing, Communities and Local Government regarding local government funding with a proposal for the revenue support grant (RSG) to help the 158 local authorities affected which in 2019/20 could see the Royal Borough receive £2.200,000.

The Chairman also mentioned that the pressures in Children's Services were mirroring the national pressures with the same lack of funding that was previously seen in Adult Social Care. The pressures in Adult Social Care had been dealt with via the precept but there was no similar solution for our vulnerable children. The Local Government Association had identified £2 billion of pressure by 2020 and the same pressures were being felt locally. As a council we were determined to continue to protect the most vulnerable children in the borough.

The Chairman requested that a letter be sent signed by himself to the Secretary of State highlighting the pressures in children's services. The letter should show the pressures we see and the shortfall in funding that had been dealt with in adult social care by the precept. It should highlight the financial pressures being placed by the statutory and moral responsibilities to protect our vulnerable children. The Lead Member for Finance suggested and it was agreed to also add to the letter the financial pressures on the dedicated schools grant around high needs children.

The Leader for the opposition recommended that it would have been useful to have had the mitigating actions highlighted and also asked if the future pressures would impact on the capital programme and not result in the council loaded with debt. The Leader replied that he would arrange a meeting to discuss mitigating actions and that regarding the capital programme it could show the gross and net position and that there were a significant amount of investments for the regeneration programme. Other capital items, such as the Oaks Leisure Centre that would only commence when funding was available.

The Chairman also mentioned that it was ironic that the hottest temperature of the year had been reported today at Heathrow Airport when Cabinet were being asked to approve up to £100,000 for legal action to get answers for our residents.

Resolved unanimously: that Cabinet:

- **Notes the Council's projected outturn position for 2018-19 and requests the Directors to identify and propose mitigations for the projected variance.**
- **Approves an additional budget of £100,000 for the Council's contribution to the legal costs relating to Heathrow expansion to be funded from the General Reserve.**

D) OLD WINDSOR LIBRARY EXTENSION

The Lead Member for Culture and Communities introduced the Cabinet regarding the proposed improvements to be carried out to upgrade the Old Windsor community library.

Cabinet were informed that the total amount of money required to carry out these works was £146,850 and that this would enhance the already excellent service our libraries provided. More space would be provided for residents and staff. The Royal Borough had the most successful loans per resident performance in the country, stock was updated and there was a new container library on order with the existing one going to be a permanent placement in Sunninghill. Our libraries were important for the health and wellbeing of our residents.

The Lead Member for Children's Services said that this was great news especially with the planned expansion of St Peters Middle School.

In response to a question from the Chairman Cabinet were informed that the planned work was due to be completed in March 2019.

The Leader of the Opposition agreed that this was good news and she recalled an email she sent to the Chairman, who was then the Lead Member for Finance, back in 2015 requesting improvements to the library. The Chairman replied that he was pleased the work was being scheduled and that this was great news for residents of Old Windsor along with the £259,000 highways investment at the A308 Straight Road, Datchet Road roundabout.

Resolved unanimously: that Cabinet notes the report and:

- **Approves capital funding of £134,850 to enable the extension works to Old Windsor Library to proceed.**

LOCAL GOVERNMENT ACT 1972 - EXCLUSION OF THE PUBLIC

RESOLVED UNANIMOUSLY: That under Section 100(A)(4) of the Local Government Act 1972, the public be excluded from the remainder of the meeting whilst discussion takes place on 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.

The meeting, which began at 7.30 pm, finished at 8.10 pm

CHAIRMAN.....

DATE.....

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Agenda Item 5

CABINET

FORWARD PLAN - CHANGES MADE SINCE LAST PUBLISHED:

ITEM	ORIGINAL CABINET DATE	NEW CABINET DATE	REASON FOR CHANGE
Support before Enforcement - a strategic approach and policy enhancements	n/a	27/09/18	New item.
Demand for school places	n/a	27/09/18	New item.
Hostile Vehicle Mitigation - Phase 1 Installation	n/a	27/09/18	New item.
Members' Allowances – Late Claim by Cllr Da Costa	n/a	25/10/18	New Item
Appropriation of Land	27/09/18	22/11/18	To allow further work.
Plan Making	27/09/18	13/12/18	To allow further work.

FORWARD PLAN OF CABINET DECISIONS

NB: The Cabinet is comprised of the following Members: Councillors Dudley (Leader of the Council including Maidenhead Regeneration and Maidenhead), Coppinger (Deputy Chairman of Cabinet, Planning and Health, including Sustainability), Bicknell (Deputy Leader of the Council and Highways, Transport & Windsor), N Airey (Children's Services), Saunders (Finance), S Rayner (Culture & Communities incl. Resident and Business Services), Rankin (Economic Development, Property, Communications and Deputy Finance), Carroll (Adult Social Care and Public) Grey (Environmental Services incl. Parking & Flooding), Also in attendance (non-Executive): Councillors Bateson (Principal Member Neighbourhood Planning, Ascot & the Sunnings), Targowska (Principal Member HR, Legal & IT), Hilton (Principal Member Ascot Regeneration), McWilliams (Principal Member Housing), D Wilson (Maidenhead Waterways Champion).

The Council is comprised of all the elected Members

All enquiries, including representations, about any of the items listed below should be made in the first instance to Democratic Services, Town Hall, St Ives Road, Maidenhead. Tel (01628) 796560. Email: democratic.services@rbwm.gov.uk

*NB Item may deferred for further work – Items are placed on the Forward Plan for the earliest expected decision date. As an item progresses through the decision making cycle there may be instances where more work is required and thus the decision date may change

FORWARD PLAN

16	ITEM	Private Meeting - contains exempt/confidential information? See categories below.	Short Description	Key Decision, Council or other?	REPORTING MEMBER (to whom representations should be made)	REPORTING OFFICER / DIRECTOR (to whom representations should be made)	Consultation (please specify consultees, dates (to and from) and form of consultation), including other meetings	Date of Overview and Scrutiny Panel	Date and name of meeting	Date of Council decision (if required)
	1. Financial Update	Open -	Latest financial update	No	Lead Member for Finance (Councillor MJ Saunders)	Rob Stubbs	Internal process	Corporate Services Overview and Scrutiny Panel 23 Oct 2018	Cabinet 25 Oct 2018	
	2. Members' Allowances – Late Claim by Cllr Da Costa	Open -	Cabinet are asked to consider a late claim for payment for travel allowances from Councillor Da Costa.	No	Chairman of Cabinet including Maidenhead Regeneration and Maidenhead (Councillor Simon Dudley)	Alison Alexander	internal process	Corporate Services Overview and Scrutiny Panel 23 Oct 2018	Cabinet 25 Oct 2018	

N.B. All documents to be used by the decision maker to be listed in the report to Cabinet

ITEM	Private Meeting - contains exempt/confidential information? See categories below	Short Description	Key Decision, Council or other?	REPORTING MEMBER (to whom representations should be made)	REPORTING OFFICER / DIRECTOR (to whom representations should be made)	Consultation (please specify consultees, dates (to and from) and form of consultation), including other meetings.	Date of Overview and Scrutiny Panel	Date and name of meeting	Date of Council decision (if required)
17 3. Annual report on commissioned services	Open -	To provide an update on the delivery and management of services provided through the council's delivery partners, including services delivered, outcomes achieved, proposals for review and internal contract management capability.	No	Lead Members for Adult Social Care and Public Health (Councillor Stuart Carroll), Highways and Transport (Councillor Bicknell), Children's Services (Councillor N Airey), Culture and Communities (Councillor S Rayner), Environmental Services (Councillor Grey)	Hilary Hall	Internal process	Adult Services and Health Overview and Scrutiny Panel TBC	Cabinet 25 Oct 2018	
1. Financial Update	Open -	Latest financial update	No	Lead Member for Finance (Councillor MJ Saunders)	Rob Stubbs	Internal Process	Corporate Services Overview and Scrutiny Panel 20 Nov 2018	Cabinet 22 Nov 2018	

N.B. All documents to be used by the decision maker to be listed in the report to Cabinet

ITEM	Private Meeting - contains exempt/confidential information? See categories below	Short Description	Key Decision, Council or other?	REPORTING MEMBER (to whom representations should be made)	REPORTING OFFICER / DIRECTOR (to whom representations should be made)	Consultation (please specify consultees, dates (to and from) and form of consultation), including other meetings.	Date of Overview and Scrutiny Panel	Date and name of meeting	Date of Council decision (if required)
18 2. Appropriation of Land	Open -	The appropriation of land for planning purposes under section 122 of the Local Government Act 1972, the development of land held for planning purposes under section 235 of the Town and Country Planning Act 1990 (TCPA 1990) and the disposal of land held for planning purposes under section 233 of the TCPA 1990.	No	Lead Member for Economic Development, Property, Communications and Deputy Finance (Councillor Jack Rankin)	Russell O'Keefe	Internal process and external consultation with RBWM Property Company Ltd	Corporate Services Overview and Scrutiny Panel 20 Nov 2018	Cabinet 22 Nov 2018	
3. Council Performance Management	Open -	Summary of the council's progress towards meeting its strategic priorities and objectives.	No	Chairman of Cabinet including Maidenhead Regeneration and Maidenhead (Councillor Simon Dudley)	Hilary Hall	Internal Process	Corporate Services Overview and Scrutiny Panel 20 Nov 2018	Cabinet 22 Nov 2018	
1. Financial Update	Open -	Latest financial update	No	Lead Member for Finance (Councillor MJ Saunders)	Rob Stubbs	Internal Process	Corporate Services Overview and Scrutiny Panel TBC	Cabinet 13 Dec 2018	

N.B. All documents to be used by the decision maker to be listed in the report to Cabinet

ITEM	Private Meeting - contains exempt/confidential information? See categories below	Short Description	Key Decision, Council or other?	REPORTING MEMBER (to whom representations should be made)	REPORTING OFFICER / DIRECTOR (to whom representations should be made)	Consultation (please specify consultees, dates (to and from) and form of consultation), including other meetings.	Date of Overview and Scrutiny Panel	Date and name of meeting	Date of Council decision (if required)
2. Plan Making	Open -	Gypsy and Traveller Local Plan – Issues and Options consultation.	Yes	Lead Member for Planning and Health (including Sustainability) (Councillor David Coppinger)	Russell O'Keefe	Internal process	Planning & Housing Overview & Scrutiny Panel TBC	Cabinet 13 Dec 2018	
1. Financial Update	Open -	latest financial update.	No	Lead Member for Finance (Councillor MJ Saunders)	Rob Stubbs	Internal Process	Corporate Services Overview and Scrutiny Panel TBC	Cabinet 31 Jan 2019	

ITEM	Private Meeting - contains exempt/confidential information? See categories below	Short Description	Key Decision, Council or other?	REPORTING MEMBER (to whom representations should be made)	REPORTING OFFICER / DIRECTOR (to whom representations should be made)	Consultation (please specify consultees, dates (to and from) and form of consultation), including other meetings.	Date of Overview and Scrutiny Panel	Date and name of meeting	Date of Council decision (if required)
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DESCRIPTIONS OF EXEMPT INFORMATION: ENGLAND

1	Information relating to any individual.
2	Information which is likely to reveal the identity of an individual.
3	Information relating to the financial or business affairs of any particular person (including the authority holding that information).
4	Information relating to any consultations or negotiations, or contemplated consultations or negotiations, in connection with any labour relations matter arising between the authority or a Minister of the Crown and employees of, or office holders under, the authority.
5	Information in respect of which a claim to legal professional privilege could be maintained in legal proceedings.
6 20	<p>Information which reveals that the authority proposes</p> <p>(a) to give under any enactment a notice under or by virtue of which requirements are imposed on a person; or</p> <p>(b) to make an order or direction under any enactment.</p>
7	Information relating to any action taken or to be taken in connection with the prevention, investigation or prosecution of crime.

Report Title	RBWM Vacant Building Credit Advisory Note
Contains Confidential or Exempt Information?	NO - Part I
Member reporting:	Councillor Coppinger, Lead Member for Planning
Meeting and Date:	Cabinet – 27 September 2018
Responsible Officer(s):	Russell O’Keefe, Executive Director and Jenifer Jackson, Head of Planning
Wards affected:	All

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REPORT SUMMARY

1. This report sets out a proposed methodology for the application of Vacant Building Credit by the local planning authority in relation to the provision of affordable housing as part of the planning application process.
2. An agreed approach is needed to maximise the provision of affordable housing and to provide certainty on the level of information required to applicants who are looking to redevelop such sites in the Borough.

1 DETAILS OF RECOMMENDATION(S)

RECOMMENDATION: That Cabinet notes the report and authorises the Head of Planning to use the RBWM Vacant Building Credit Advisory Note as the Council’s agreed approach to the application of Vacant Building Credit when assessing and determining planning applications.

2 REASONS FOR THE RECOMMENDATION AND OPTIONS CONSIDERED

- 2.1 To incentivise development of brownfield sites containing vacant buildings, the Vacant Building Credit (VBC) was introduced by the Government in 2014 and was later included in the National Planning Policy Guidance. In essence, where a vacant building is brought back into residential use through a new development, or is demolished to be replaced by new residential units, the applicant should be offered either a floor space or a financial credit when any affordable housing or contribution for affordable housing required for the site is calculated.
- 2.2 The VBC is specifically intended to incentivise brownfield development and the reuse / redevelopment of empty and redundant buildings, by bringing back a building into lawful use. It is not intended to incentivise the eviction of existing businesses or incentivise the neglect of premises which are currently in use.
- 2.3 The VBC does not apply where buildings have been abandoned for the purposes of redevelopment. It should also be noted that the national VBC guidance does not expressly define what constitutes ‘vacant’ or how local planning authorities should determine whether the building has been made vacant for the sole purpose of redevelopment.
- 2.4 It is therefore important that the council sets out what information is required to

demonstrate that a building is genuinely vacant and has not simply been abandoned for the purposes of redevelopment. The approach recommended would require the applicant to demonstrate a high standard of evidence to show the circumstances of the building becoming vacant. The applicant would need to provide detailed evidence of how the site has been actively marketed on realistic terms based on the current or any permitted use, typically for a minimum of 12 months prior to the submission of a planning application. This time period aligns with the council's policy in terms of the level of information required for the redevelopment of other redundant commercial buildings.

- 2.5 The note states that, in considering the adequacy of the marketing exercise (either at application or pre-application stage), the council would take account of the methods used, the price at which it has been marketed, and the nature of any interest submitted to the applicant. Where necessary the council might instruct an independent valuer/surveyor to verify this information, the cost of which would be met by the applicant. Evidence such as Council Tax, Business Rates or Electoral Register records may be required to determine whether or not a building is vacant.
- 2.6 Adopting such an approach will help minimise the risk that the Borough misses out on affordable housing provision and ensures that Vacant Building Credit is applied in a consistent manner on the basis of proper evidence across the Borough.

Table 1: Options

Option	Comments
<p>Do nothing, do not set out a position on Vacant Building Credit.</p> <p>This is not the recommended option.</p>	<p>This approach would result in inconsistent decision making with regards VBC and consequent lack of clarity for applicants, landowners, officers and members.</p> <p>This approach risks loss of affordable homes through allowing Vacant Building Credit claims on the basis of too weak an evidence base that the building is genuinely vacant.</p>
<p>Use the Vacant Building Credit Advisory Note as the Council's agreed approach to the application of VBC in the borough.</p> <p>This is the recommended option.</p>	<p>This approach would ensure the council has sufficient information to make decisions on Vacant Building Credit as part of the planning process. This option reduces the risk of the borough missing out on affordable housing required by its' own policies.</p> <p>The note would provide certainty to developers and landowners of the borough's requirements.</p>

3 KEY IMPLICATIONS

- 3.1 An agreed approach is needed due to the importance of securing affordable housing as a key priority for the Council identified in the Council Plan and also to provide certainty to applicant looking to redevelop such sites.

Table 2: Key implications

Outcome	Unmet	Met	Exceeded	Significantly Exceeded	Date of delivery
Note agreed as borough's position on VBC and used for decision making	After 28 Sept. 2018	28 Sept. 2018	n/a	n/a	28 Sept. 2018

4 FINANCIAL DETAILS / VALUE FOR MONEY

- 4.1 The use of the advisory note has no additional cost to the Council. The use of the note will reduce administration by providing certainty to applicants about what is required when applying for the credit. It will also save the cost of seeking legal advice in order to inform decision making and how the vacant building credit might be applied to each application.

5 LEGAL IMPLICATIONS

- 5.1 There are no known legal implications of adopting an advisory note on vacant building credit. Decisions on planning applications could however be tested at appeal or by judicial review.

6 RISK MANAGEMENT

Table 3: Impact of risk and mitigation

Risks	Uncontrolled Risk	Controls	Controlled Risk
That VBC is inconsistently applied with an inconsistent evidence base reducing the amount of affordable housing coming forward.	Medium	Adoption of an agreed approach note on the application of VBC. Gaining appropriate levels of information from applicants.	Low

7 POTENTIAL IMPACTS

- 7.1 The note leads to a higher probability of achieving the delivery of greater numbers of affordable housing units on application sites in accordance with planning policy in the adopted and emerging local plan. This would be in line with the Council's priorities in the Council Plan and assist in meeting the need for affordable housing in the borough. The note should achieve a higher provision of information in relation to applications involving Vacant Building Credit.

8 CONSULTATION

- 8.1 The report will be considered by Planning and Housing Overview and Scrutiny Panel and comments will be reported to Cabinet.

9 TIMETABLE FOR IMPLEMENTATION

- 9.1 The note would be published immediately and used by officers in decision making with immediate effect.

10 APPENDICES

- 10.1 The appendices to the report are as follows:
- Appendix 1: RBWM Vacant Building Credit Advisory Note

11 BACKGROUND DOCUMENTS

- National Planning Policy Framework 2018
- National Planning Policy Guidance

12 CONSULTATION

Name of consultee	Post held	Date issued for comment	Date returned with comments
Cllr Coppinger	Lead Member	28/08/18	06/09/18
Alison Alexander	Managing Director	28/08/18	28/08/18
Russell O'Keefe	Executive Director	28/08/18	06/09/18
Andy Jeffs	Executive Director	28/08/18	06/09/18
Rob Stubbs	Section 151 Officer	28/08/18	06/09/18
Nikki Craig	Head of HR and Corporate Projects	28/08/18	06/09/18
Elaine Browne	Legal and Governance	28/08/18	06/09/18
Louisa Dean	Communications	28/08/18	06/09/18

REPORT HISTORY

Decision type: Key decision entered onto forward Plan on the 27 th April 2018	Urgency item? No	To Follow item? Yes
Report Author: Jenifer Jackson, Head of Planning 01628 796042		

RBWM PLANNING ADVISORY NOTE

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VACANT BUILDING CREDIT (JUNE 2018)

SUMMARY

Provision for the Vacant Building Credit (VBC) is now a material consideration in making planning decisions and the Council will take this into account in determining future planning applications where relevant.

This advisory note, which explains the Council's approach to applying the VBC, will be kept under review.

To incentivise development of brownfield sites containing vacant buildings, the Vacant Building Credit (VBC) was introduced by the Government in 2014 and later included in the National Planning Policy Guidance. In essence, where a vacant building is brought back into residential use through a new development, or is demolished to be replaced by new residential units, the applicant should be offered a financial credit when any affordable housing contribution that is required for the site is calculated.

The VBC does not apply where buildings have been abandoned and according to the national guidance, when considering how to apply the VBC local planning authorities should have regard to the intention of national policy and in doing so, it may be appropriate for them to consider the following:

- Whether the building has been made vacant for the sole purposes of re-development; and
- Whether the building is covered by an extant or recently expired planning permission for the same or substantially the same development.

It should be noted that the VBC guidance does not expressly define what constitutes 'vacant' or how Local Planning Authorities should determine whether the building has been made vacant for the sole purpose of re-development.

However, the VBC is specifically intended to incentivise brownfield development and the reuse / redevelopment of empty and redundant buildings, by bringing back a building into lawful use. It is not intended to incentivise the eviction of existing businesses or the neglect of premises which are currently in use.

The onus is on the applicant to demonstrate that the building is genuinely vacant.

Therefore, in determining whether a building has been made vacant for the sole purposes of re-development, the Council will require the applicant to demonstrate a high standard of evidence to show the circumstances of the building becoming vacant. The Council is very likely to require detailed evidence of how the site has been actively marketed on realistic terms based on the current or any permitted use, typically for a minimum of 12 months prior to the submission of a planning application. The Council encourages applicants to seek pre-application advice to identify whether or not the credit will apply and if so, the likely extent of the Affordable Housing contribution.

In considering the adequacy of the marketing exercise (either at application or pre-application stage), the Council will take account of the methods used, the price at which it has been marketed, and the nature of any interest submitted to the applicant. Where necessary the Council may instruct an independent Valuer / Surveyor to verify this information, the cost of cost of which shall be met by the applicant. Evidence such as Council Tax, Business Rates or Electoral Register records may be required to determine whether or not a building is vacant.

VACANT BUILDING CREDIT CASE STUDY

When applicable, the following examples demonstrate how the Vacant Building Credit would be calculated in the Royal Borough*:

Proposed residential only scheme:

1. An application is submitted for 15 flats in the Royal Borough. A new building of 950 sq m Gross Internal Floorspace (GIA) is proposed, this includes 850sqm of residential (including communal areas, along with a 100sqm basement car park). Total 950sqm. 30% affordable housing is required at this site. There is a vacant building on the site with a GIA of 350sqm which is to be demolished.
2. Existing building (350sqm) divided by total floor space proposed (950sqm) = Vacant building credit of 36.8%
3. Amount of residential units proposed (15) multiplied by the adopted affordable housing policy (30%) = Gross Affordable Housing (AH) Requirement of 4.5 units
4. Gross AH requirement (4.5 units) multiplied by Vacant building credit (36.8%) = Vacant building credit of 1.656 units
5. Gross AH requirement (4.5 units) less Vacant building credit (1.66 units) = **2.84 units**

Proposed mixed use scheme:

1. 1,000sqm residential (11 units) and 450sqm retail in the Royal Borough with vacant building of 750sqm.
2. Existing building (750sqm) divided by total floor space proposed (1450sqm) = Vacant building credit of 51.7%
3. Amount of residential units proposed (11) multiplied by the adopted affordable housing policy (30%) = Gross AH Requirement of 3.3 units
4. Gross AH requirement (3.3 units) multiplied by Vacant building credit (51.7%) = Vacant building credit of 1.71 units
5. Gross AH requirement (3.3 units) less Vacant building credit (1.71 units) = **1.59 units**

*Please note that any calculation and VBC deduction will be applied uniformly across an application site, regardless of where the vacant floorspace was located, where the new units are proposed or the overall number of different buildings to be converted or replaced.

When calculating the VBC, communal floorspace, basements and ancillary structures will be included within the total area of proposed floorspace; the Council will not deduct any proposed communal areas before the existing floorspace is calculated as a proportion of the new development.

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Report Title:	RBWM Property Company Ltd – Q1 Report 2018-2019
Contains Confidential or Exempt Information?	NO
Member reporting:	Cllr Rankin – Lead Member for Economic Development and Property
Meeting and Date:	Cabinet 27 th September 2018
Responsible Officer(s):	Russell O’Keefe – Executive Director
Wards affected:	All

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REPORT SUMMARY

1. The report provides an operational update on RBWM Property Company Ltd covering:
 - Delivery plans
 - Governance
 - Human resources
 - Value for money/added value
 - Health and safety
 - Property Portfolio
 - Development programme update.
2. A delivery plan has been established for 2018/2019 targeting key tasks and milestones. A detailed review of the overall business plan has been undertaken and approved by Cabinet on 28th June 2018.
3. The company is currently projecting a pre-tax profit of £248,000 for 2018/19.

1 DETAILS OF RECOMMENDATION(S)

RECOMMENDATION: That Cabinet notes the report and:

- i) Considers the update report and performance to date.

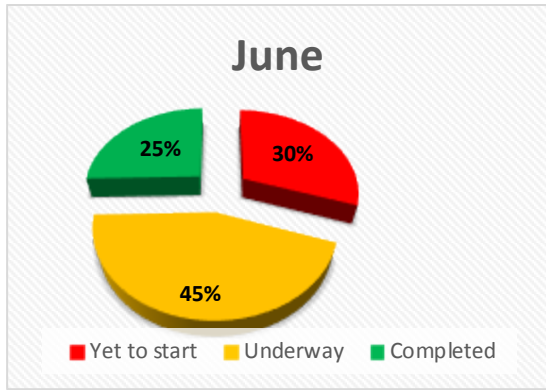
2 REASON(S) FOR RECOMMENDATION(S) AND OPTIONS CONSIDERED

- 2.1 Operational reports go to the company board on a monthly basis, and include all key elements of business operations. The latest position is summarised in this report.

Delivery plans

- 2.2 Delivery plans have been established for 2018-2019 financial year to enable the company to focus on key milestone and outputs that need to be completed by March 2019. Progress is summarised in table 1 below.

Table 1: Delivery of key milestones and outputs 2018-2019



Task	%
Yet to Start	30%
Underway	45%
Completed	25%
Total	100%

2.3 The above performance puts the company on track with its key milestones up to and including the end of June 2018, with 25% of our delivery plans completed, and 45% well underway. Areas which have yet to start include projects where planning permission needs to be submitted and are not due for submission at this time.

2.4 In September 2018 the company will seek to start to establish the delivery plan for 2019-2020. A review of the business plan will be undertaken in November, in order to take into considerations any changes that may affect the budgetary requirements for 2019-2020.

Governance

2.5 The existing company structure for the company is currently limited to one company that is limited but not Vat registered. This is due to the fact that this company holds assets for rent, and rental income is not a vatable supply.

2.6 The company currently works through a shareholders agreement and a dividend policy. It is the intention of the Board to review both of these documents this year, to make sure that they are fit for purpose and still reflective of the shareholders aspirations and objectives.

Human resources

2.7 The staffing structure currently includes the Managing Director plus 4 staff. The company is in the process of recruiting an additional special project manager and a support post.

Value for money/added value

2.8 Savings on professional fees for 2018-2019 have already been made of £366,000, based on less reliance of external professional consultants, and changes made to contracts to make them more commercial and tax efficient.

Health and safety

2.9 The company currently own 11 properties and manages 1 on behalf of the Council. Properties are 100% compliant in all the following areas:

- Asbestos
- Legionella
- Landlord Gas Safety (LGSR) – CP12
- EPC (Energy Performance Certificate)
- Electrical Testing

Property Portfolio

2.10 All properties were let up to and including end of June 2018.

2.11 The company monitors on a quarterly basis the financial performance of its property portfolio. The current mix of market, affordable and local housing allowance tenures determines that the overall existing loan commitments of £1,458,000 repays the debt in 14 years. This assumes rent increases at 3% per annum, interest costs at 5% fixed for the duration and base assumptions for responsive and planned maintenance as per the approved parameters in the business plan. It also demonstrates a blended IRR (Internal Rate of Return) of 9.85%.

Diagram 1 Non-Personalised Property Statistics

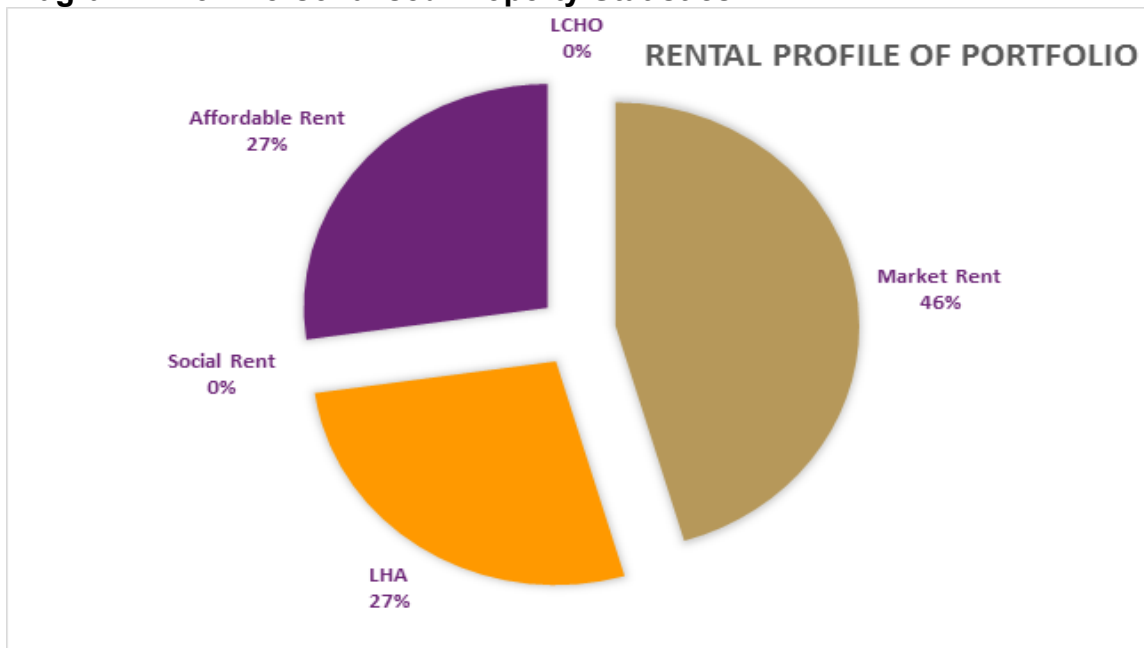
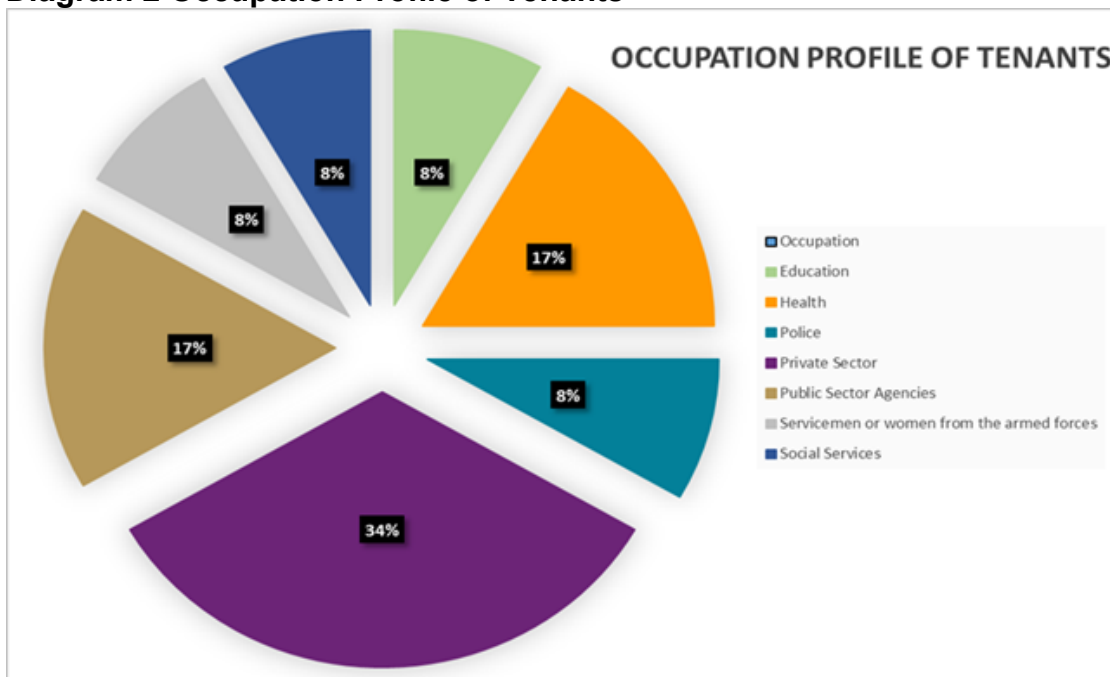


Diagram 2 Occupation Profile of Tenants



Development programme update

2.12 A list of all projects that are currently underway and require input, guidance, advice and management by the company have been brought together into an overall development programme. This has been divided into four key categories in order to review better on a monthly basis, and also, to keep track of progress. The work streams have been divided into:

- Potential development programme
- Joint venture programme
- Development consultancy
- Enabling provision.

2.13 Three of these categories specifically target the provision of housing across the borough and one category identifies development consultancy work on special capital projects that require delivery on behalf of the Council.

Potential development programme

2.14 The investment report for three projects at St Edmunds House, the Brocket and 16 Ray Mill Road East was presented and approved by the company's board on 5 June 2018 and subsequently presented and approved by Cabinet and Council in July. These sites has been approved for the release for use as affordable housing and for transfer into the ownership of the company.

Joint venture programme

Maidenhead Town Centre - York Road (Countryside JV)

2.15 The planning application was submitted on 30 May 2018 for detailed consent for a predominately residential led scheme comprising of 229 new residential dwellings over 5 building ranging from 5 to 8 storeys (Use Class C3) 1,930 sqm of commercial and community/cultural floor space (Use Class A1/A3/B1/D1), provision of a new civic square/ AND public realm enhancements. The scheme is expected to go to planning committee on 26th September 2018.

2.16 As part of the consultation process a number of responses have been received. Countryside have met with the planners to discuss these objections and are happy that most of these will be addressed through the planning process.

Maidenhead Town Centre - St Clouds Way (Countryside JV)

2.17 Metropolitan Workshop was appointed as architects to take the scheme forward for the design and planning work. They have also brought in specialist planning, impact assessment, landscape design and ecology consultancy LUC (Land Use Consultants) to work alongside them.

2.18 The first Public Consultation has taken place over a two day period on 19 July 2018 and 20 July. This public consultation will help inform the master plan and design process of the scheme and pre-app discussions with the planners in due course.

Ray Mill Road East, Maidenhead (Cala Homes)

2.19 Legal documents are in their final stages of agreement and exchange is now targeted for end of August 2018 with Cala Homes.

Maidenhead Golf Course

2.20 The final stage three has been concluded for the OJEU procurement process and a report was presented to the Cabinet and Council in July recommending the appointment of Cala Homes.

2.21 Work is now progressing on concluding a development agreement with Cala Homes.

Development consultancy

2.22 Work is progressing on the investment case and procurement route for Broadway Car Park and these will come forward to Council and Cabinet as separate reports for approval.

2.23 Work is well underway to deliver the two temporary car parks in order to free up surface car parking in the York Road development area. This will allow Countryside access to this site area by February 2019, in order for site preparation to begin. Planning applications have been submitted and approved for Clyde House Warehouse and the Tenpin Bowling site. The two sites combined will provide 170 spaces. The dilapidations will also be completed at Hines Meadow before the end of this calendar year freeing up an additional 100 spaces for staff car parking.

Enabling provision

2.24 These include sites where there is no direct involvement but where the company seeks to enable the delivery of sites owned by private organisations to support a joined up approach to regeneration in the borough. These are generally discussed through the Maidenhead Developers Forum which meets bi-monthly.

3 KEY IMPLICATIONS

Table 2: Key implications for sites in development programme

Outcome	Unmet	Met	Exceeded	Significantly Exceeded	Date of delivery
Planning Submission	Not secured	Achieved by key milestone	Achieved within key milestone	Achieved 2 months prior to key milestone	Project specific
Resolution to Grant	Not secured	Achieved by key milestone	Achieved within key milestone	Achieved 2 months prior to key milestone	Project specific
Start on Site	Not secured	Achieved by key milestone	Achieved within key milestone	Achieved 2 months prior to key milestone	Project specific
Budgets	Over budget	On budget	Within budget	Outperforms by 10% of more	Ongoing
Practical Completion	Not secured	Achieved by key milestone	Achieved within key milestone	Achieved 2 months prior to key milestone	Project specific
Letting or	Not	Achieved	Achieved	Achieved 2	Project

Outcome	Unmet	Met	Exceeded	Significantly Exceeded	Date of delivery
sales of Properties	secured	by key milestone	within key milestone	months prior to key milestone	specific

4 FINANCIAL DETAILS / VALUE FOR MONEY

- 4.1 The overall financial monitoring report for month ending June 2018 shows a projected gross profit before tax of £248,000.
- 4.2 The Council's Medium Term Financial Plan assumes a dividend of £160,000 for 2018/19.

5 LEGAL IMPLICATIONS

- 5.1 The Council has the authority to commission the company to undertake work on their behalf to deliver projects should they wish to proceed. RBWM Prop Co is a wholly owned subsidiary of the Council and work of this nature would fall under Teckal regulations and a tendering process would not be necessary.

6 RISK MANAGEMENT

- 6.1 The company has a strategic risk register which is regularly monitored and reviewed. The register is divided into 5 key areas;
- Governance
 - External
 - Strategic
 - Operational
 - Financial.
- 6.2 In total 35 risks are profiled, each risk assessed to ensure common agreement and understanding of its description and then prioritised on a matrix. The risk matrix measured each risk for its likelihood and its impact in terms of its potential for affecting the ability of the organisation to achieve its objectives. For the risks that were assessed with higher likelihood and impact, the company validated the risk scenarios and determined actions to manage them, including assessing the adequacy of existing actions and identifying the need for further actions in order to move the risk down the matrix.
- 6.3 There are currently no extreme/catastrophic or significant risks identified in the strategic risk register.
- 6.4 The detailed risks of each scheme is identified in an investment report as each scheme has its own risk profile.

7 POTENTIAL IMPACTS

- 7.1 All sites being progressed have the ability to improve and contribute to housing supply in the borough and financial returns to the Council through initial sales receipts and/or long term income streams.

8 CONSULTATION

8.1 This report will be considered by Corporate Overview and Scrutiny Committee.

9 TIMETABLE FOR IMPLEMENTATION

9.1 The work of the company is ongoing with projects progressing to different timetables.

10 CONSULTATION (MANDATORY)

Name of consultee	Post held	Date sent	Commented & returned
Councillor Rankin	Lead Member for Economic Development and Property	21 August 2018	06/09/18
Alison Alexander	Managing Director	20 August 2018	06/09/18
Russell O'Keefe	Executive Director	20 August 2018	06/09/18
Andy Jeffs	Executive Director	20 August 2018	06/09/18
Rob Stubbs	Section 151 Officer	20 August 2018	06/09/18
Nikki Craig	Head of HR and Corporate Projects	20 August 2018	06/09/18
Elaine Browne	Law and Governance	20 August 2018	06/09/18
Louisa Dean	Communications and Marketing Manager	20 August 2018	06/09/18
	Other e.g. external		

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Report Title:	Support before Enforcement - a strategic approach and policy enhancements
Contains Confidential or Exempt Information?	NO - Part I
Member reporting:	Cllr Grey, Lead Member for Environmental Services (including Parking & Flooding) Cllr Bicknell, Lead Member for Windsor
Meeting and Date:	Cabinet - 27 September 2018
Responsible Officer(s):	Andy Jeffs, Executive Director David Scott, Head of Communities, Enforcement & Partnerships
Wards affected:	All

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REPORT SUMMARY

1. The Royal Borough is committed to supporting vulnerable individuals who need assistance to secure positive outcomes. The work in sits alongside the Boroughs commitment to provide spaces, including towns, streets and open spaces for all residents. Consequently in Mach 2018 Cabinet approved the increase in Community Warden Team.
2. This report set out mechanisms by which Community Wardens:
 - Can problem-solve issues that arise in our town centres and wider areas to support vulnerable individuals and the wider users of the town centres. The principles informing the approach is described as ‘Support before Enforcement’. This principle will safeguard vulnerable individuals and communities to ensure enforcement is always a last option, and thereby ensuring that if there are wider support needs, these are considered first.
 - Are equipped with the tools needed, to adopt a support first approach and one where enforcement is always a last option for the Royal Borough to tackle Anti-Social Behaviour.

1 DETAILS OF RECOMMENDATION(S)

RECOMMENDATION: That Cabinet notes the report, and:

- i. **Approves the principles of adopting the strategic approach which is based upon the Support before Enforcement, to provide vulnerable individuals and the wider community with the appropriate balance to support their needs.**
- ii. **Delegates authority to the Executive Director, in consultation with the Lead Member for Environmental Services (including Parking & Flooding) to implement a ‘Support before Enforcement’ strategy, to tackle Anti-Social Behaviour issues in partnership with stakeholders including Thames Valley Police and Third Sector support organisations.**

- iii. **Approves the use of enforcement powers; including the use of standardised £100 civil and fixed penalty notices charge for offences detrimental to the community (such as a breach of a PSPO, CPN, littering, fly-posting or dog fouling), a £400 notice for fly tipping and a £300 notice for improper disposal of waste.**

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

Background

- 2.1 The Royal Borough's town centres are community assets that attract millions of visitors, during the day and evening - Night Time Economy (NTE). These locations can from time to time attract a small minority who's antisocial behaviour (ASB) impacts the enjoyment of the majority.
- 2.2 Throughout 2018 there have been over 75 reports of ASB in Windsor, which includes repeated problems at differing degrees, for instance: street drinking, passive and aggressive begging, graffiti, public urination and drug use, street drinkers, cycling on the pavement. Incidents of knife crime reported to the Police in Windsor in 2018 were all preceded by ASB by the suspects.
- 2.3 Cabinet approved the creation of a new team of Community Wardens in March 2018, to increase the overall capacity of the warden team to deal with and address the increasing levels of ASB being experienced and reported by residents, businesses and visitors to our town centres. This new team will operate in a problem-solving capacity and will be devising targeted operations to tackle emerging issues. Recruitment for the remaining cohort concludes this month (September 2018), together with a MEAM (Making Every Adult Matter) Coordinator to focus on coordinating the support requirements of vulnerable individuals who may be rough sleeping in the town centres.
- 2.4 In conjunction with the appointment of the MEAM Coordinator an 'Alternative Giving' mechanism is being investigated, in partnership with key stakeholders, to understand how donations from the public and local businesses could be channelled into appropriate support for the vulnerable, and reduce or avoid begging and ensure donations are used to support chaotic lifestyles and substance abuse habits.
- 2.5 Following successful completion of the Community Safety Accreditation Scheme (CSAS) training by the existing warden cohort, authorisation is now being sought from the Chief Constable of Thames Valley Police, for the Royal Borough to utilise appropriate police powers to tackle lower level ASB, such as cycling on pavements, and the ability to request details of those believed to be committing an offence, to work in conjunction with other specific legislative powers to tackle littering from vehicles and other forms of ASB.
- 2.6 To ensure that Community Protection Teams are able to tackle ASB, evidence will continue to be collected to support implementation of any additional measures identified to complement the CSAS powers. This approach will provide the opportunity to
 - Adopt new legal powers such as those to deal with littering from vehicles.
 - Consider community concerns in partnership with Thames Valley Police.
 - Update the powers that Community Wardens are authorised to use.

- Rationalise the penalty levels for fixed penalty notices (FPNs), ensuring that they remain an effective deterrent.

'Support before Enforcement' Strategy

- 2.7 The strategic approach to identify and provide appropriate support for the vulnerable, will ensure that support precedes any enforcement, which would always be risk assessed, in terms of any complex needs of the individuals involved. In this sense enforcement action will only be taken where two tests are met; namely that anti-social behaviour is persistently witnessed and where support to a vulnerable individual has either been refused or exhausted, such that any enforcement for vulnerable individuals would be a last resort.
- 2.8 Subject to the above 'Support before Enforcement' thresholds being met, some new enforcement measures are proposed for the delivery of increased community protection, based upon the support and recommendations from the Police.
- 2.9 No single power provides a simple solution that can address all the issues raised. However, to ensure any enforcement mechanism can be aligned to the support available, a Community Protection Notice (CPN) route is recommended, as this represents the most appropriate person-focussed tool for the majority of cases. This approach has been successfully used this year.
- 2.10 A CPN route is focussed upon the behaviours and defined circumstances of an individual, setting out the positive steps an individual should take to access support. Where the specific offers of support are declined, or not engaged with, the CPN allows for enforcement to be tailored to seek positive steps to changed and improved behaviours. The Royal Borough can stipulate engagement with a defined support mechanism, e.g. actively working with the substance treatment service, or face potential formal enforcement action. Formal enforcement action will be a last resort, but would be a defined fixed penalty notice (FPN) or prosecution.
- 2.11 Where a FPN is not applicable, such as for those individuals where a financial penalty would have limited effect, Officers may apply to the court for an injunction on certain behaviours or activities, or similarly support Thames Valley Police in the consideration of these behaviours as part of a wider criminal investigation, that will seek to bring about a positive change in behaviours.
- 2.12 This approach contrasts with a Public Space Protection Order (PSPO) approach which focusses on the restriction of behaviours or activities for all persons in a defined geographic area, introduced and responding to an emerging evidence base, where such behaviours are causing a detriment to wider community amenity, so rather than be targeted at a specific individual (as per CPN approach) they will apply to everyone.
- 2.13 Any PSPO approved lasts for three years before a review is required, as such a review of the current PSPO for street drinking is required in October 2018. This will be undertaken in partnership with Thames Valley Police, to consider the lessons and impacts of the period since the existing no street drinking orders were introduced.
- 2.14 A fixed penalty notice (FPN) applies for both PSPO and CPN offences witnessed. A standardised FPN offence is recommended by this paper to be set at £100 (aligned to the maximum penalty applicable to a PSPO offence as used by the vast majority of

other authorities where a standard charge approach is now used), reduced to £75 if paid within ten working days.

2.15 It is recommended that current FPN offences under historic legislation relating to dog fouling (current/previous £52 penalty) and littering (current/previous £75 penalty) are incorporated within a borough wide rate set at the recommended standardised £100 penalty. For illustration Slough BC and Oxford City Council have both elected to set their deterrent FPNs for PSPOs and CPNs at £100.

Litter thrown from vehicles

2.16 An additional civil offence is also proposed, utilising new legislation produced this year, relating to issuing the registered keeper of a vehicle a civil penalty should litter be thrown from their vehicle. The regulations require the penalties for littering to be consistent between that thrown in person and from a car. The standardised £100 FPN proposed would address this requirement.

Table 1: Options considered

Option	Comments
<p>Adopt the ‘Support before Enforcement’ model and ensure support is identified and provided to vulnerable individuals, as the first priority, and proceed to standardise the FPN rates as outlined</p> <p>The recommended option</p>	<p>This option would equip the Royal Borough to effectively support vulnerable individuals and deal with a range of ASB, working with partners to meet the needs of residents and visitors in a proportionate manner.</p> <p>Taking this opportunity to implement a standard FPN rate will allow for a real deterrent to be set by the borough in response to emerging issues, when support is not taken up:</p> <ul style="list-style-type: none"> • antisocial behaviour • littering from vehicles • street drinking • public urination • dog fouling • littering • graffiti • fly-tipping
<p>Maintain the current informal enforcement mechanisms, and do not uptake of standard FPN rate or CSAS powers available.</p> <p>This is not recommended</p>	<p>Without the uptake of the full suite of powers available, and the standardisation of FPNs, the Royal Borough would not be maximising the opportunity to provide an effective deterrent nor expand its remit to address current community concerns.</p>
<p>Review and renew current PSPOs only</p> <p>This is not recommended</p>	<p>Taking this opportunity would allow the existing PSPOs to be maintained. It does not include the ability to enforce PSPOs or CPNs with FPNs. It does not include the adoption of the other FPNs and offences listed.</p>

Option	Comments
	The Royal Borough has a duty to deal with ASB concerns from residents, internal and external partners. To review and renew the existing PSPOs in effect would not allow the Royal Borough to meet the demands of partners and residents.

3 KEY IMPLICATIONS

3.1 Table 2 contains the key implications.

Table 2: Key implications

Outcome	Unmet	Met	Exceeded	Significantly Exceeded	Date of delivery
New standardised FPNs for all relevant offences set and enforceable	FPNs for PSPOs and CPNs not in place by 31/12/2018	FPNs for PSPOs and CPNs in place by 31/11/2018	FPNs for PSPOs and CPNs in place by 31/10/2018	FPNs for PSPOs and CPNs in place by 30/09/2018	31/11/2018
Ability to issue civil penalties for littering from vehicles, including the required officer training, access to the DVLA database; with the appropriate appeals and debt recovery procedures to be in place	Achieved after 1/4/2019	Achieved 1/4/2019	Achieved 1/3/2019	Achieved 1/2/2019	1/4/2019

4 FINANCIAL DETAILS / VALUE FOR MONEY

- 4.1 Income targets cannot be set for FPNs. However, it is expected that the increased level and number of FPNs will generate some increased income. It should be noted that this income will be partly offset by the costs of taking prosecutions when FPNs are not paid.
- 4.2 Some efficiency savings are expected as officers will be able to deal with ASB at an earlier stage using FPNs, rather than long and often drawn out prosecution proceedings.

5 LEGAL IMPLICATIONS

- 5.1 If used effectively the Support before Enforcement model is expected to reduce the number of cases where enforcement action is required, due to the needs of the vulnerable community being addressed through appropriate and targeted support, rather than individuals being drawn into or actively being involved in unlawful activity. Where FPNs are issued, there could lead to an increase in the number of cases the Royal Borough takes to Court.
- 5.2 Although FPNs may be adopted and the level set, they do not have to be used on every occasion, e.g. if the offender is young or lacks capacity to understand the consequences of their actions. A cautious approach will be adopted, together with the Support before Enforcement model described. This strategy seeks to ensure that those who are genuinely vulnerable will not be subject to multiple FPNs but are identified and additional support provided before an enforcement approach is pursued.

6 RISK MANAGEMENT

- 6.1 The increased focus on addressing ASB will expose staff to more contact with perpetrators of ASB, and appropriate risk assessment will be completed prior to implementation. This, with appropriate training, personal protection equipment (PPE) and mitigations established, will control the risk.

Table 3: Impact of risk and mitigation

Risks	Uncontrolled Risk	Controls	Controlled Risk
Risk of negative public perception if ASB is not tackled.	Without sufficient legal powers the Royal Borough is unequipped to effectively tackle ASB at an early stage.	Adopt new powers, adopt new FPNs and increase the level of existing FPNs so that they remain an effective deterrent.	Public and other stakeholders have confidence that ASB is addressed at the earliest opportunity
Risk of physical harm to staff.	Physical threat from confrontation by perpetrators.	i) Training to cover correct methods of engagement during enforcement. ii) Body worn cameras and protection vests provided to those focused on addressing ASB incidents.	Risk assessment to confirm appropriate mitigations and PPE; with threat of harm reduced to acceptable level.

7 POTENTIAL IMPACTS

- 7.1 The adoption of a Support before Enforcement model, seeks to recognise that there are some very vulnerable individuals who need to be treated as unique individuals, and in a very humanitarian way, however it also seeks to recognise that with

expanded powers, as applied by the extended Community Warden team, persistent individuals who do not engage with the support being offered, can be tackled and those who present themselves as vulnerable to exploit visitors and residents are tackled in a systematic and proportionate manner.

- 7.2 This will have a positive impact for the community as a whole, and enable the Royal Borough to utilise existing powers available and those which can be granted by the Chief Constable, under the CSAS accreditation scheme, to respond to the overall needs of borough residents and businesses. This approach reflects feedback received from many of the residents who have raised the negative impact ASB on the streets is having in the town centres.
- 7.3 An effective communications strategy will underpin the rollout of any new powers to ensure the public are fully engaged and understand the principles of a Support before Enforcement model.
- 7.4 A full Equality Impact Assessment (EQIA) will be completed, if following the initial screening, a full EQIA is identified as necessary.

8 CONSULTATION

- 8.1 The comments of a joint Crime and Disorder Overview and Scrutiny Panel and Planning and Housing Overview and Scrutiny Panel, being held on 20 September 2018, will be sought.
- 8.2 The initial views of the LPA have been obtained to provide in principle support of the partnership approach being adopted through the Support before Enforcement model to address Anti-Social Behaviour and develop an effective strategy.
- 8.3 Based upon the feedback received from residents and visitors, users of the towns centres recognise this a complex issue and support for those who are vulnerable should be provided which reflect their individual and complex needs, however where support is not engaged with, there is an expectation that the Authority will take further steps to address and reduce or stop the ASB.

9 TIMETABLE FOR IMPLEMENTATION

- 9.1 Stages for implementing the recommendations as below:

Table 4: Implementation timetable

Date	Details
October 2018	Rollout commences of new Support before Enforcement approach with newly appointed Community Warden Problem Solving cohort

- 9.2 Implementation date if not called in: Phased implementation from October.

10 APPENDICES

None

11 BACKGROUND DOCUMENTS

March 2018 – Cabinet report: Community Warden Enhancement

12 CONSULTATION (MANDATORY)

Name of consultee	Post held	Date sent	Commented & returned
Cllr Grey	Lead Member for Environmental Services (including Parking & Flooding)	6 July 2018	6 July 2018
Cllr Bicknell	Lead Member for Windsor	6 July 2018	24 July 2018
Alison Alexander	Managing Director	30 Aug 2018	30 Aug 2018
Russell O’Keefe	Executive Director	30 Aug 2018	6 Sept 2018
Andy Jeffs	Executive Director	30 Aug 2018	6 Sept 2018
Rob Stubbs	Section 151 Officer	30 Aug 2018	6 Sept 2018
Nikki Craig	Head of HR and Corporate Projects	30 Aug 2018	6 Sept 2018
Elaine Brown	Head of Law and Governance	30 Aug 2018	6 Sept 2018
Louisa Dean	Communications and Marketing Manager	30 Aug 2018	6 Sept 2018

REPORT HISTORY

Decision type: Key decision	Urgency item? No
Report Authors: David Scott, Head of Communities, Enforcement and Partnerships – 01628 796748 Chris Nash, Community Protection Principal - 07976 594501	

Report title:	Hostile Vehicle Mitigation - Phase 1 Installation
Contains Confidential of Exempt Information?	No
Member reporting:	Councillor Bicknell, Lead Member for Windsor, Highways and Transport
Meeting and Date:	Cabinet - 27 September 2018
Responsible Officer(s):	Andy Jeffs, Executive Director David Scott, Head of Communities, Enforcement and Partnerships
Wards affected:	Castle Without

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REPORT SUMMARY

1. The Royal Borough has been working with Thames Valley Police (TVP) and the Royal Collection Trust to develop a series of permanent hostile vehicle mitigation (HVM) measures in Windsor town centre. The entire projected costs, if all phases were to be implemented, would total £3,200,000; an increase from the original estimate of £1,850,000. This increase is primarily due to additional sites being identified since the original feasibility work was undertaken earlier in 2017.
2. The council has so far agreed to commit £942,000 towards the project, while TVP have committed £250,000. This is a sufficient amount to proceed with Phase 1. External contributions from the Royal Collection Trust and the Home Office are anticipated, but not yet confirmed, and are subject to ongoing efforts to secure contributions.
3. Under the current Contract Rules, Cabinet approval for a delegation is required to expend the £942,000 capital budget, which was originally allocated as part of the 2017-18 capital programme and subsequently rolled forward into the 2018-19 programme.
4. This report requests the delegation to proceed to enable Phase 1a of the scheme to be progressed.

1. DETAILS OF RECOMMENDATION(S)

RECOMMENDATION: That Cabinet notes the report and:

- i) **Delegates authority to the Executive Director, in consultation with the Lead Member for Windsor, Highways and Transport, to progress Phase 1a and expend up to the gross £1,192,000 project budget allocated within the 2018-19 capital programme.**

2. REASON FOR RECOMMENDATION(S) AND OPTIONS CONSIDERED

- 2.1 Following the Westminster terrorist attacks of March 2017, the Metropolitan Police and TVP jointly identified the 'Changing of the Guard' as a potential target due to the regular occurrence and the very predictable nature of the event. As a consequence, TVP installed a series of temporary security barriers and gates around Windsor town centre.
- 2.2 The temporary National Barrier Asset (NBA) measures were installed at six locations and remain in place as of today. The locations are:
 - Sheet Street; south of Victoria Barracks.
 - Victoria Street; west of Sheet Street near to the pedestrian crossing.

- Park Street; at the junction with Sheet Street (see Image 1).
- St Albans Street; near to the junction with Castle Hill.
- Thames Street; opposite the Windsor Royal Theatre.
- River Street; at the junction with Thames Avenue.

2.3 The temporary measures were deployed to protect all those associated with the Changing of the Guard processions, including the military, security personnel, the Police and spectators (residents and visitors) from a potential hostile vehicle attack. There is no further cost associated with the existing temporary NBA measures remaining in place, and these were funded by the Police. These measures were only ever intended to be a temporary arrangement whilst an integrated street scene permanent solution was identified and developed.

Image 1: Example of temporary NBA measures on Park Street



2.4 To assist with designing an integrated long-term solution, TVP commissioned security consultants MFD International Ltd (MFD) to conduct a review of the risk of a vehicular-born security threat surrounding Windsor Castle. Their initial response, published in June 2017, identified twelve potentially vulnerable town centre sites that required protection. Following a further review, published in October 2017, an updated list of sites were identified as potentially requiring HVM measures on a permanent basis, covering:

- The Guard Route (original 6 sites)
- Castle Visitor Queues (2 new sites)
- Ceremonial Event Route (additional 12 sites)
- Town Centre Shopping (new sites)

2.5 In October 2017, additional HVM barrier walling was added to Castle Hill and St Albans Street to reflect the revised risks in these areas; both sites had been reviewed by the Police following a number of further vehicle-born attacks in crowded places in the UK and Europe. This review also coincided with additional NBA becoming available.

2.6 For each of the original identified sites the feasibility study included: a concept design, proposed measure (e.g. bollards or gates) and an indicative cost. The designs give due consideration to the conservation status and heritage setting of the town centre. The

additional sites do not have designs. However based upon the work completed to date, MFD estimated that the total cost of installing HVM measures at all sites would be approximately £3,200,000. A significant uplift from the original, more limited proposals, the largest proportion of which was the result of the extensive extra protection to Castle Hill and St Albans Street (£1,216,000), to protect the large volume of visitors to the Castle and queuing for entry.

- 2.7 To follow-up and develop a scheme based upon the review, a multi-agency project board was established in November 2017. This board includes representation from the Royal Borough, TVP, MFD, the Royal Household and Royal Collection Trust (the two separate elements at Windsor Castle).
- 2.8 In January 2018, Project Centre Ltd (PCL) were appointed to deliver all aspects of the planning, detailed technical design and scheme development work required for the project to be progressed. PCL have recommended that the project be delivered on a phased basis. Phase 1 (which can be broken down into Phase 1a and 1b) prioritises the Changing of the Guard route and protective queue measures. Phases 2 and 3 would cover the wider ceremonial event routes and town centre as and when further funding becomes available.
- 2.9 Six sites are proposed to be included within Phase 1a. Installations at these sites will protect the core 'Changing of the Guard' route. Phase 1b covers the three additional queuing area sites and the gate in this area. Five sites are scheduled for Phase 2 and four sites for Phase 3. The sites within each phase are detailed in Table 1.

Table 1: Proposed phases

Phase 1a - Changing of the Guard Route		
Site	Location	Description
1	Sheet Street (South)	Outside Victoria Barracks and York House
2	Victoria Street	West of Sheet Street near the pedestrian crossing
3	Park Street	At the junction with Sheet Street
4	Castle Hotel Yard	Opposite Windsor Guildhall
6	Peascod St (North)	Opposite the Queen Victoria Statue
7	Thames Street	Outside the Zizzi Restaurant
Phase 1b - Queue Protection		
Site	Location	Description
5	St Albans Street (North)	Near to the junction with Castle Hill
8	Castle Hill	Pedestrian measures beside the Castle moat
9	St Albans Street (South)	Pedestrian measures near to new visitor entrance
Phase 2 - Ceremonial Event Route		
Site	Location	Description
10	Sheet Street (North)	Beside the Sceptre Gate building
11	Thames Avenue	At the traffic lights opposite Bel and The Dragon
12	Windsor Bridge	On the Windsor side of the bridge to Eton
13	Farm Yard	Outside Riverside train station entrance
14	King Edward VII Avenue	At mini-roundabout with Romney Lock Road
Phase 3 - Wider Town Centre		
Site	Location	Description
15	William Street	At the junction with Victoria Street
16	Oxford Road East	At the junction with Charles Street
17	Peascod St (South)	At the junction with Victoria Street
18	Windsor Royal Shopping	Western end. Station car park entrance/exit

Image 2: Map of the proposed sites for Phase 1



2.10 Following the preliminary design stage, it has been estimated that the cost of installing permanent HVM measures at the seven Phase 1a sites would be £872,000. The cost of the queue protection measures alone within Phase 1b is estimated at £1,270,000. A full list of the estimated costs for Phase 1a and 1b is shown in Tables 2 and 3.

Table 2: Phase 1a estimated costs

Site	Location	Proposed Installations	Cost
1	Sheet Street (South)	3 static bollards; 2 gates	£138,000
2	Victoria Street	3 static bollards; 1 gate	£89,000
3	Park Street	Static bollards (number TBC); 5 automatic bollards	£270,000
4	Castle Hotel Yard	4 lift assist rising bollards	£70,000
6	Peascod St (North)	6 static bollards; 3 automatic bollards and removal of plinth	£135,000
7	Thames Street	5 static bollards; 4 automatic bollards	£170,000
Estimated Phase 1a Total			£872,000

Table 3: Phase 1b estimated costs

Site	Location	Proposed Installations	Cost
5	St Albans Street (North)	1 gate	£54,000
8	Castle Hill	57 static bollards; 3 planters	£759,000
9	St Albans Street (South)	36 static bollards	£457,000
Estimated Phase 1b Total			£1,270,000

- 2.11 Trial digs and topographic surveys have been conducted at a number of Phase 1 sites. These digs were scheduled to minimise disruption in the town centre and to events, such as the Royal Wedding. The digs have so far identified possible additional costs at Park Street, St Albans Street and Castle Hill due to the prolific and unexpected subterranean issues and the need for utility diversions. These additional costs have been factored into the Table 2 and 3 estimates. Further digs at the remaining Phase 1 sites are scheduled to take place.
- 2.12 The most significant increases in costs are for the additional queue protection measures on Castle Hill and St Albans Street (South) for £1,216,000. These sites (8 and 9) are coloured blue on Image 2. They were not included in the original June 2017 feasibility report as they were not identified at that time as high-risk zones for the most regular guard change based events.
- 2.13 Given the uplift in costs, work is now underway to consider alternatives. One alternative would be to pedestrianise Castle Hill and St Albans Street in part, extending restrictions currently in place along Peascod Street. This could potentially remove the need for Phase 1b and its associated costs. PCL have been tasked with exploring this option; to determine costs and assess possible effects on local traffic flow. This work is in progress.
- 2.14 Planning permission for HVM installations is not required. The only statutory requirement is for an obstruction in the highway notice (Highways Act) for the measures being installed on the carriageway. All installations will be designed to highways standards and in accordance with Windsor town centre's conservation status. The local residents who were most directly impacted by the temporary measures, and some of whom have attended earlier briefings, are expecting to have further sight of the more detailed proposals, prior to the final sign off. It is proposed to hold a further local public update briefing to provide local residents with the further detailed proposals when the final plans are available.
- 2.15 Phases 2 and 3 are predicted to cost £590,000 and £495,000 respectively; a combined cost of £1,085,000. The overall project cost to complete all of the phases (1a and 1b, 2 and 3) is approximately £3,200,000 in total.
- 2.16 Due to the technical complexity of the below ground services and the position in relation to the current traffic movements in the town centre, installations will cause significant disruption and will require careful planning to mitigate the disruption that cannot be avoided. A phased implementation within Phase 1 will help to reduce disruption, but will not avoid it. More detailed options on this implementation are continuing to be developed and will look at ways to reduce disruption and keep costs under control.
- 2.17 Deployment and development of the scheme was delayed to reflect the impact of the Royal Wedding in May 2018. It was not possible to undertake the full design, complete the feasibility work, conduct trial digs and restore the sites in time for the event. Plans were implemented to ensure the town looked its best for the worldwide televised event. Development work did continue in the background, but was re-programmed to reflect the pause needed to enable the Royal Wedding to take place. Given the second Royal Wedding now scheduled for October, there are some further restrictions on when works could be implemented on the ground. This is being factored into the overall implementation timetable.

3. KEY IMPLICATIONS

3.1 Table 4 contains the key implications.

Table 4: Key implications

Outcome	Unmet	Met	Exceeded	Significantly Exceeded	Date of delivery
Phase 1a measures installed	After 31 December 2019	31 December 2019	30 November 2019	31 October 2019	31 December 2019

4. FINANCIAL DETAILS / VALUE FOR MONEY

4.1 The Royal Borough has already approved a net contribution of £942,000 towards the installation of permanent HVM measures in Windsor town centre. This contribution was agreed as part of an overall £1,850,000 project budget estimate, initially within the 2017-18 capital programme, which was then rolled forward into 2018-19; see Table 5.

Table 5: Extract from Capital Programme 2018-19

Commissioning - Communities		2017-18 Approved		
Project	Description of Scheme	Gross	Income	Estimate
CC60	HVM Measures for Windsor	£1,850,000	£908,000	£942,000

4.2 The approved budget of £1,850,000 was based upon the original review conducted by MFD and published in June 2017. That review identified potentially twelve sites. The additional sites added since (e.g. William Street and Windsor Bridge amongst others) and queue protection design requests have increased anticipated costs by around £1,400,000.

4.3 The £908,000 listed as an income within Table 5 was expected to be received from the Police. This followed on from a verbal indication from TVP to fund 50% of the project's cost when the scheme was introduced in 2017. Since that original proposal, TVP have indicated that they do not have the funding to support the scheme to the tune of 50% of the original scheme; the basis on which the feasibility work was planned. In July 2018, TVP have re-confirmed that they would instead be committing £250,000 towards the project costs, after an earlier indication to this effect. This contribution is in addition to the costs they have incurred from the temporary NBA measures and the additional temporary measures deployed for the Royal Wedding the costs for which have not fallen to the Royal Borough.

4.4 The £942,000 contribution from the Royal Borough combined with the £250,000 commitment from TVP produces a combined project budget of £1,192,000. This sum is sufficient to proceed with Phase 1. External contributions will still be sought from the Royal Collection Trust and the Home Office. These contributions, if forthcoming, will either reduce the total contribution required from the Royal Borough for phase 1a and/or fund Phases 2 and 3.

4.5 A contribution from the Royal Collection Trust (Windsor Castle visitor centre, rather than the Royal Household) is anticipated, but the amount is not yet confirmed. The original indication was a sum in the region of £250,000, however the costs of Castle Hill and St Albans Street (Phase 1b) were not known or considered at that point. In July 2018, the Director of the Royal Collection, Tim Knox, confirmed that the Trust would be contributing, but the amount was not confirmed. This is being followed up by the Royal Borough to confirm the contribution.

- 4.6 The Home Office have previously contributed to other permanent HVM installation projects (see Westminster case study in paragraph 11.1). Following a letter from the Royal Borough in June 2018, their Office for Security and Counter Terrorism responded explaining that this funding had been provided on an 'exceptional basis'. They confirmed that there is no central funding for individual HVM schemes and that the responsibility is instead owned by each individual site owner, operator, local authority and their other partners. Given the recent Westminster car crash of August 2018, the Royal Borough has again been in contact with the Home Office to ask whether an 'exceptional' funding contribution would now be appropriate. A response is awaited.
- 4.7 Although the £942,000 budget was created in 2017-18 and approved by Full Council, no delegation was given to expend this resource over and above the standing orders of the constitution. This report is therefore seeking this approval through a delegation.
- 4.8 There is an option to 'do nothing' for the integrated solution. The temporary NBA measures at the six current sites would need to remain in situ, however there is a risk these measures may be withdrawn if a higher risk locations /venues are identified and the NBA was needed to be deployed at these alternative venues. This is explained further in paragraph 6.1. The measures were only ever intended to provide a temporary solution and not a long term one. The look and feel of the integrated measures will improve significantly the appearance and reduce the adverse impact on the street scene the temporary measures create.

5. LEGAL IMPLICATIONS

- 5.1 There are no legal implications arising directly from this report seeking the delegation to expend the approved budget. The installation would be implemented under the powers that the authority has by virtue of being the Highways Authority.

6. RISK MANAGEMENT

- 6.1 There is a potential risk the temporary NBA could be withdrawn if it was considered that these measures were required elsewhere, if a greater risk location were identified by the Police. In this scenario, it is not known how much notice would be provided to the council in advance of the changes be made. However, given the town's significance and the risks that have been identified, it is more likely the temporary measures would be left in place until a permanent, integrated solution can be installed.
- 6.2 The trial digs beneath the proposed HVM measure locations may reveal a need to relocate and/or avoid underground utilities, e.g. cabling or piping. This may cause delays, redesigns and additional expenditure. To manage this risk, ground penetrating radar (GPR) surveys have been conducted alongside and in advance of the trial digs. These surveys will identify subterranean issues in advance of designs being finalised and highlight if further services costs may be incurred compared to the working estimates.

7. POTENTIAL IMPACTS

- 7.1 Traffic flow in and around Windsor town centre will be disrupted during installation. Phase 1a measure installations are currently due to take place between June and December 2019.

8. CONSULTATION

- 8.1 Local residents who are most directly impacted by the temporary measures, and some of whom have attended earlier briefings, are expecting to have further sight of the more detailed proposals, prior to the final sign off. It is proposed to hold a further local public update briefing to communicate with residents once the final plans are available.
- 8.2 The alternative solution for Castle Hill and St Albans Street, if a viable option can be devised, will require consultation with a number of bus operators and the businesses who as located in St Albans Street. This will be arranged as part of the alternative design solution begin finalised.

9. TIMETABLE FOR IMPLEMENTATION

- 9.1 The latest draft timeline for Phase 1a is shown in Table 6. Phase 2 and 3 could be varied.

Table 6: Draft timeline

Task	Timescale
Phase 1a - Finalise detailed design	July-November 2018
Phase 1a - Resident update	December-January 2019
Phase 1a - Procurement	February-May 2019
Phase 1a - Installation	June-December 2019
Phase 1b – Development and review	To be confirmed.
Phase 2	January-June 2020
Phase 3	June-December 2020

- 9.2 It is anticipated that the detailed design stages within each Phase would take three months. This includes trial digs, topographical surveys and plan drawing. Procuring the agreed measures is estimated to also take up to 3 months reflecting the manufacture of the specialist security rated street measures, which are high specialised limited availability items.
- 9.3 Installations would occur upon delivery, and on a site-by-site basis, and when considered they would minimise disruption to the town centre.

10. APPENDICES

- 10.1 None.

11. BACKGROUND DOCUMENTS

- 11.1 In January 2018, Government agreed to provide **Westminster City Council** with £5,250,000 to assist with the installation of permanent HVM measures. The measures were installed to protect prominent venues of the 2018 Commonwealth Heads of State Summit, including Buckingham Palace. This formed part of the council's Ceremonial Streetscape Project. The funding came from the Home Office's Special Grant; a budget held to meet additional costs of unexpected events. It was agreed that the Home Office would provide £4,200,000 in the first instance, with the remaining £1,050,000 paid at the point of need. The Special Grant funding was transferred to the London Mayor's Office for Police and Crime (MOPAC), who in turn passed on the monies to Westminster City Council.

11.2 During 2017, HVM measures were installed on both public highways and private land in the South Bank area after it was identified the **Lambeth Council** district was vulnerable. Protected areas included Belvedere Road and both Westminster and Waterloo bridges. The multi-agency project was led by the Metropolitan Police and their Counter-Terrorism Security Advisor (CTSA). Agencies involved included South Bank Business Watch and Lambeth Council. The South Bank Employers' Group (SBEG) assisted with fundraising.

12. CONSULTATION (MANDATORY)

Name of consultee	Post held	Date issued for comment	Date returned with comments
Cllr P Bicknell	Lead Member for Windsor, Highways and Transport	30/08/2018	06/09/2018
Alison Alexander	Managing Director	30/08/2018	30/08/2018
Russell O'Keefe	Executive Director	30/08/2018	06/09/2018
Rob Stubbs	Section 151 Officer	30/08/2018	06/09/2018
Nikki Craig	Head of HR and Corporate Projects	30/08/2018	
Louisa Dean	Communications	30/08/2018	06/09/2018

REPORT HISTORY

Decision type: Non-key decision	Urgency item? No	To Follow item? No
Report Author: David Scott, Head of Communities, Enforcement and Partnerships		

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Report Title:	Financial Update
Contains Confidential or Exempt Information?	NO - Part I
Member reporting:	Councillor Saunders, Lead Member for Finance
Meeting and Date:	Cabinet – 27 September 2018
Responsible Officer(s):	Rob Stubbs, Deputy Director and Head of Finance.
Wards affected:	All

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REPORT SUMMARY

1. This report sets out the Council's financial position to date for the financial year 2018-19. Current pressures, as previously identified during the 2017-18 financial year, are being partially mitigated resulting in a net pressure of £1,426,000, see Appendix A. The main pressures are: Children's Services placement costs in relation to providing children in care, housing benefit subsidy and bus subsidies.
2. The Council's base budget is £85,344,000. Aggregated usable reserves are in a healthy position at £8,682,000 (10.17% of budget) which remains in excess of the £5,860,000 (6.87% of budget) recommended minimum level set at Council in February 2018, see Appendix B.

1 DETAILS OF RECOMMENDATION(S)

RECOMMENDATION: That Cabinet:

- i) **Notes the Council's projected outturn position for 2018-19 and requests work continues to identify mitigations to offset the projected variance.**
- ii) **Approves a capital budget of £285,000 for Design Quality. This grant has been awarded from the Planning Delivery Fund for use in the Borough, see para 4.18.**

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

- 2.1 Cabinet are required to note the council's financial position and work will continue to identify mitigations to offset the projected variance.

3 KEY IMPLICATIONS

- 3.1 The Council is projecting an aggregated usable reserve totalling £8,682,000, against a recommended minimum reserve level of £5,860,000 to cover known risks for 18 months.

Table 1: Key implications

Outcome	Unmet	Met	Exceeded	Significantly Exceeded	Date of delivery
General Fund Reserves Achieved	<£5,900,000	£5,900,000 to £6,000,000	£6,000,001 to £6,900,000	> £6,900,000	31 May 2019

4 FINANCIAL DETAILS / VALUE FOR MONEY

Council outturn position

- 4.1 The expected outturn position for the Council remains as reported in July an overspend of £1,426,000 on service budgets of £79,052,000.

AfC Contract - Children's Services

- 4.2 Children's services has a net overspend of £911,000 as a result of the number of placements for children in care outside of the local authority area in independent fostering and residential care. The service continues to seek to mitigate these costs through scrutiny of provision, improved commissioning for buying bulk placements; ensuring partners, health partnerships and schools, are fairly contributing to placement costs. In addition AfC is completing the registration process to Ofsted to become an independent fostering agency with an indication of this coming on line in April 2019.
- 4.3 The local pressure is in accord with national pressures, for instance the Local Government Association are predicting a children's services funding gap nationally of £2 billion by 2020 to maintain services at the current level with nearly half of local authority children's services budgets being spent on foster and residential care costs.
- 4.4 In August 2018 the Leader of the Council wrote to the Secretary of State for Education in respect of the financial pressures of the authority. The Secretary of State responded recognising Local Authorities face extremely tough choices for priorities in spend, at a time when demand for services is growing, see Appendix H.

Commissioning - Communities

- 4.5 The service projects an overspend of £153,000 which relates to Cabinet approved expenditure to support the bus routes covering Maidenhead, Wraysbury and links between Maidenhead and Windsor for which offsetting savings have not proved to be available.
- 4.6 Nationally nearly half of all bus routes in England are now fully or partially subsidised by the local authority this is because operating costs are rising while passenger journeys are falling. Since 2013-14 there have been 297 million fewer journeys across the country.

Communities, Enforcement and Partnerships

- 4.7 Communities, Enforcement and Partnerships projects an overspend of £106,000 comprising:
- £16,000 in additional cost for the shared emergency planning service with West Berkshire and Bracknell Forest Councils, which started on the 1 April 2018.
 - £90,000 of unachievable income for printing as a result of external income not being generated.

Finance

- 4.8 The finance service projects an underspend of £68,000 as a result of freezing vacancies.

Library and Resident Services

- 4.9 Library and Resident Services projects a one-off overspend of £20,000, associated with employment of agency staff to cover vacancies to maintain performance levels in the call centre.

Planning Service

- 4.10 The planning service projects an underspend of £90,000, this is made up of £50,000 projected surplus planning application income and £40,000 income for CIL(Community Infrastructure Levy)administration.

Revenues and Benefits

- 4.11 Revenues and benefits projects an overspend of £394,000 for Housing benefit subsidy. The budgeted recovery rate for subsidy has been over 100% since 2014-15, and in 2017-18 was 101%. In 2017-18 the actual recovery rate was 99.7%, 1.3% less. Over the same period £2.5 million of budgeted subsidy has not been recovered, the vast majority of which, has been offset by a release in bad debt provision, or a positive move in debtors, which is no longer achievable.

AfC contract - Dedicated Schools Grant & Dedicated Schools Grant Retained

- 4.12 There is a net in year deficit of £795,000 relating to the dedicated schools grant funded services consisting of £52,000 within AFC Contract and £743,000 within the retained element. The net in year deficit consists of:

- Manor Green School increased places and additional funding to support the provision of high needs within the school £436,000.
- Maintained schools additional funding to support the provision of high needs within schools £352,000.
- Others net £7,000.

- 4.13 The net overspend will be an additional pressure on the dedicated schools grant reserve which as at 31 March 2018 stood at £1,212,000. The revised projected deficit as at 31 March 2019 will be increased to £2,007,000.

- 4.14 At the Schools Forum in July 2018 the deficit carry forward of £2,007,000 was approved. If this is not offset over a period all schools will have to contribute to the overspend.

Transfers to and from the General fund reserves

- 4.15 Additional funding of £6,000 is required to cover the overspend on the pay and reward budget

Table 2: Revenue budget movement

Service expenditure budget reported to August cabinet	£78,703,000
Early retirement and severance pay funded from the provision	£349,000
Service expenditure budget this month, see Appendix C	£79,052,000

Cash balances projection

- 4.16 Throughout the year the council's cash balances have been revised, see Appendix D twelve monthly capital cash flow which is based on the assumptions contained in the 2018-19 budget report.

Capital programme

- 4.17 The approved 2018-19 capital estimate is £64,802,000, see table 3. The projected outturn for the financial year is £64,777,000, see table 4 for capital programme status, with further information in Appendices E - G.

Table 3: Capital outturn

	Exp	Inc	Net
Approved estimate	£64,802,000	(£20,550,000)	£44,252,000
Variances identified	(£25,000)	£25,000	£0
Slippage to 2019-20	(£0)	£0	£0
Projected Outturn 2018-19	£64,777,000	(£20,525,000)	£44,252,000

Table 4: Capital programme status

	Report Cabinet August 2018
Number of schemes in programme	175
Yet to start	25%
In progress	44%
Completed	6%
Ongoing programmes e.g. Disabled Facilities Grant	24%
Devolved formula capital grant schemes budgets devolved to schools	1%

4.18 Planning Delivery Grant: Design Quality

The local authority has received a capital grant of £60,000 for 2017/18 & £225,000 for 2018/19 from the Planning delivery fund for design quality. This grant will fund design resources and raise the quality of new planned development, see recommendation 2.

- 4.19 **Business rates:** Business rate income at the end of July 2018 was 40.61% against a target of 41%. The annual collection target for 2018-19 is 98.8%.

- 4.20 **Business rate revaluation support.** The methodology for the distribution of the £329,000 available from Ministry of housing, communities and local government, has been agreed. The policy has been rewritten to reflect this and the accounts are being revised to reflect the adjustment.

5 LEGAL IMPLICATIONS

- 5.1 In producing and reviewing this report the Council is meeting its legal obligations to monitor its financial position.

6 RISK MANAGEMENT

Table 5: Impact of risk and mitigation

Risks	Uncontrolled Risk	Controls	Controlled Risk
None			

7 POTENTIAL IMPACTS

7.1 None.

8 CONSULTATION

8.1 Overview & Scrutiny will review the report prior to Cabinet. Comments will be reported to Cabinet.

9 TIMETABLE FOR IMPLEMENTATION

9.1 Implementation date if not called in: immediately.

10 APPENDICES

10.1 There are seven appendices to the report:

- Appendix A Revenue Monitoring Statement 2018/19 for Sept Cabinet
- Appendix B General Fund Reserves
- Appendix C Revenue movement statement
- Appendix D 12 month cash flow @ 17/8/2018
- Appendix E Capital budget summary
- Appendix F Capital monitoring report
- Appendix G Major capital scheme progress
- Appendix H Letters to and from the Secretary of state for Education

11 BACKGROUND DOCUMENTS

11.1 The background document relating to this report is detailed below.

- Budget Report to Council February 2018.

12 CONSULTATION (MANDATORY)

Name of consultee	Post held	Date issued for comment	Date returned with comments
Cllr Saunders	Lead Member for Finance	23/08/2018	25/08/2018
Cllr Rankin	Deputy Lead Member for Finance	23/08/2018	
Alison Alexander	Managing Director	21/08/2018	22/08/2018
Russell O'Keefe	Executive Director	21/08/2018	
Andy Jeffs	Executive Director	21/08/2018	
Rob Stubbs	Section 151 Officer	21/08/2018	21/08/2018
Nikki Craig	Head of HR and Corporate	21/08/2018	

Name of consultee	Post held	Date issued for comment	Date returned with comments
	Projects		
Louisa Dean	Communications	21/08/2018	
Hilary Hall	Deputy Director Strategy and Commissioning	21/08/2018	2108/2018

REPORT HISTORY

Decision type:	Urgency item?	To Follow item?
For information	No	No
Report Author: : Ruth Watkins, Senior Accountancy and Finance Operations Lead, 01628 683504		

Revenue Monitoring Statement 2018/19 for September 2018 Cabinet

SUMMARY	2018/19		
	Budget	Approved Estimate	Projected Variance
	£000	£000	£000
Management	660	348	0
Communications	412	450	0
Human Resources	883	1,069	0
Law & Governance	2,350	2,365	0
Commissioning & Support	3,872	3,812	0
Commissioning - Communities	8,182	8,222	153
AfC Contract - Children's Services	21,356	21,741	911
AfC Contract - Dedicated Schools Grant	12,196	11,311	52
Children's Services - Retained	(2,118)	(2,544)	0
Dedicated Schools Grant - Retained	50,385	51,098	743
Adult Social Care - Optalis Contract	29,443	29,414	0
Adult Social Care - Spend	15,461	15,764	0
Adult Social Care - Income	(10,658)	(10,867)	0
Better Care Fund	12,033	12,103	0
Public Health	4,780	4,781	0
Grant Income	(78,166)	(78,062)	(795)
Total Managing Director's Directorate	71,071	71,005	1,064
Executive Director of Communities	229	233	0
Revenues & Benefits	(109)	(68)	394
Communities, Enforcement & Partnerships	732	1,011	106
Library & Resident Services	3,019	3,233	20
Total Communities Directorate	3,871	4,409	520
Executive Director of Place	298	304	0
Housing	1,370	1,461	0
Planning Service	1,344	1,397	(90)
Property Service	(2,577)	(2,574)	0
Finance	1,269	1,340	(68)
ICT	1,133	1,710	0
Total Place Directorate	2,837	3,638	(158)
TOTAL EXPENDITURE	77,779	79,052	1,426

Revenue Monitoring Statement 2018/19 for September 2018 Cabinet

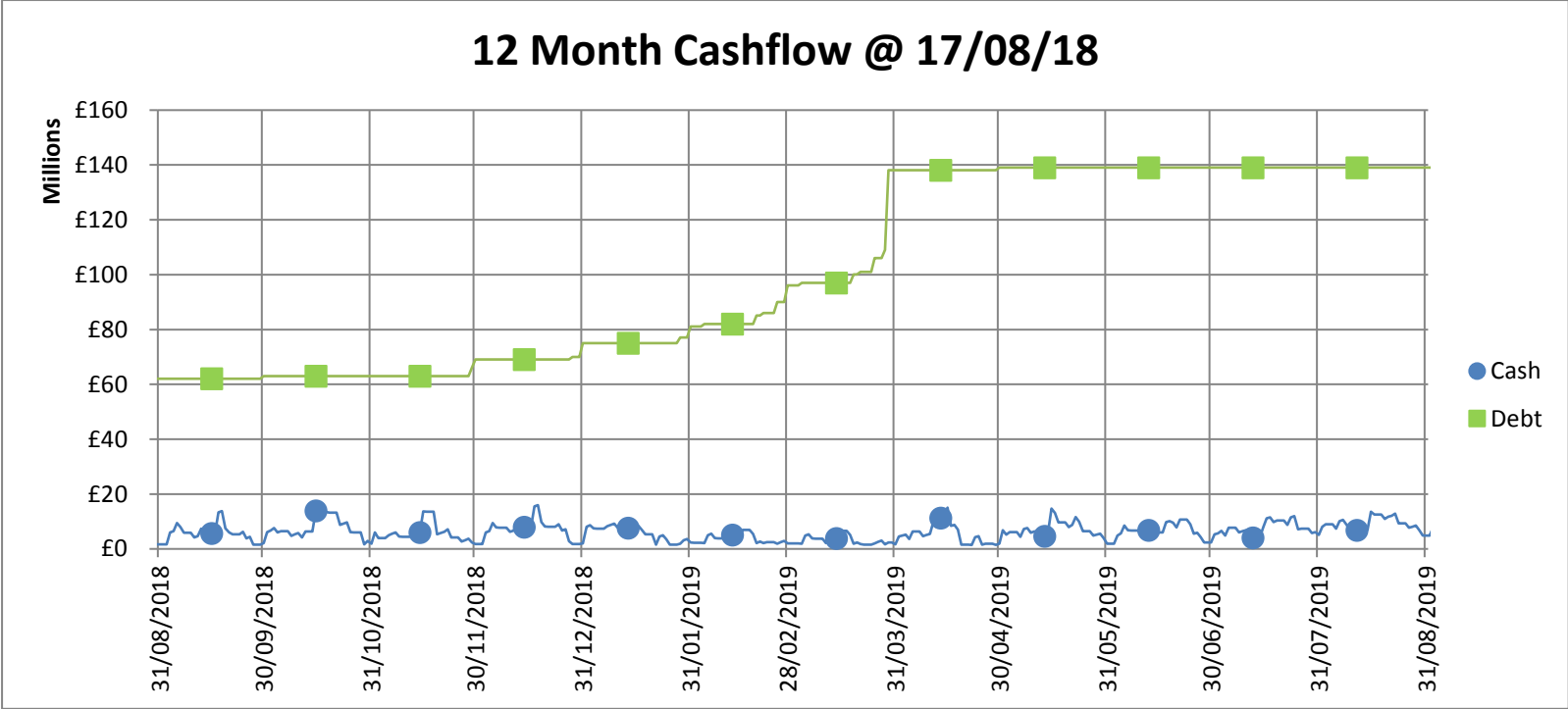
SUMMARY	2018/19		
	Budget	Approved Estimate	Projected Variance
	£000	£000	£000
Total Service Expenditure	77,779	79,052	1,426
Contribution to / (from) Development Fund	5	5	0
Pensions deficit recovery	2,428	3,176	0
Pay reward	500	(6)	0
Transfer from Provision for Redundancy	0	(450)	0
Transfer to Provision for Redundancy			0
Increase / (Decrease) to provision for bad debt			0
Apprentice Levy	0	0	0
Environment Agency levy	156	156	0
Variance on income from Trading Companies			0
Variance on Education Services Grant			0
Variance on Business Rates income		(2,896)	0
Transfer to / (from) Capital Fund		830	0
Variances on general grants			0
Capital Financing inc Interest Receipts	5,523	5,523	0
NET REQUIREMENTS	86,391	85,390	1,426
Less - Special Expenses	(1,047)	(1,047)	0
Transfer to / (from) balances	0	1,001	(1,426)
GROSS COUNCIL TAX REQUIREMENT	85,344	85,344	0

General Fund Reserves £000	
Opening Balance 2017/18	8,947
Transacted amounts To/(From) General Fund reserves in 2018/19	
September reported service variance	(1,426)
Total reported variances in 2018/19	(1,426)
Empty homes supplementary budget to Housing Strategy	(32)
Additional business rate income following annual business rates return	2,896
Fire & Rescue Inspections	(130)
Pay award	(55)
Pension deficit shortfall	(748)
Heathrow judicial review	(100)
Overspend on pay award budget	(6)
Transfers to/(from) General reserves	1,825
Balance reported to September Cabinet	<u>9,346</u>
To be transacted / reported in 2018/19	
Redundancy costs	(664)
Projected year end balance 2018/19	<u>8,682</u>

Revenue Monitoring Statement 2018/19						
	Funded by the General Fund (1)	Funded by Provision (2)	Funded by the Capital Fund (3)	Included in the original budget (4)	Total	Approval
	£'000	£'000	£'000	£'000	£'000	
Original Budget					77,779	
1 Empty homes supplementary	32				32	May 2018 Cabinet
2 RBFRS Inspections	0		130		130	May 2018 Cabinet
3 Pay Reward				561	561	Feb 2018 Cabinet
4 Early retirement		36			36	Jun 2018 cabinet
5 Severance pay		65			65	Jun 2018 cabinet
6 Heathrow judicial review			100		100	July 2018 cabinet
7 Severance Pay & Early Retirement		349			349	August 2018 cabinet
Changes Approved	32	450	230	561	1,273	
Approved Estimate September Cabinet					79,052	

NOTES

- 1 If additional budget is approved but no funding is specified, the transaction would, by default, be funded from the General Fund Reserve. Transactions in column 1 are funded by the General Fund.
- 2 A provision for future redundancy costs is created every year and this is used to fund additional budget in services for the costs of redundancy they incur during the year. Transactions in column 2 are redundancy costs funded by the provision for redundancy.
- 3 When additional budget is approved, a funding source is agreed with the Lead Member of Finance. Transactions in column 3 have been funded from a usable reserve (Capital Fund).
- 4 Transactions in column 3 are amounts approved in the annual budget which for various reasons need to be allocated to service budgets in-year. An example would be the pay reward budget. Pay reward payments are not approved until June. The budget therefore has to be re-allocated.



Note 1. Capital expenditure is projected to increase steadily throughout 2018-19. The exact profile may vary and monitoring of schemes and cash balances will decide the rate at which our borrowing will increase to ensure that no unnecessary debt charges are incurred.

Portfolio Summary	2018/19 Original Budget			New Schemes – 2018/19 Approved Estimate			Schemes Approved in Prior Years			Projections – Gross Expenditure				
	Gross	Income	Net	Gross	Income	Net	Gross	Income	Net	2018/19 Projected	2018/19 SLIPPAGE Projected	TOTAL Projected	VARIANCE Projected	VARIANCE Projected
	£000's	£000's	£000's	£000's	£000's	£000's	£000's	£000's	£000's	(£'000)	(£'000)	(£'000)	(£'000)	(%)
Communities Directorate														
Revenues & Benefits	0	0	0	0	0	0	69	0	69	69	0	69	0	
Communities, Enforcement & Partnerships	3,098	(635)	2,463	8,448	(635)	7,813	4,369	(1,597)	2,772	12,817	0	12,817	0	0%
Library & Resident Services	435	0	435	720	0	720	948	(189)	759	1,668	0	1,668	0	0%
Total Communities Directorate	3,533	(635)	2,898	9,168	(635)	8,533	5,386	(1,786)	3,600	14,554	0	14,554	0	0
Place Directorate														
ICT	360	0	360	360	0	360	38	0	38	398	0	398	0	0%
Property	1,045	0	1,045	1,045	0	1,045	8,566	(282)	8,284	9,611	0	9,611	0	0%
Housing	0	0	0	0	0	0	881	(856)	25	881	0	881	0	0%
Planning	1,010	(50)	960	1,182	(222)	960	468	(185)	283	1,650	0	1,650	0	0%
Total Place Directorate	2,415	(50)	2,365	2,587	(222)	2,365	9,953	(1,323)	8,630	12,540	0	12,540	0	0
Managing Director														
Human Resources	0	0	0	0	0	0	64	0	64	64	0	64	0	
Adult Social Care	0	0	0	85	(85)	0	6	(6)	0	91	0	91	0	
Commissioning – Communities	7,156	(4,613)	2,543	7,417	(4,854)	2,563	3,994	(1,629)	2,365	11,411	0	11,411	0	0%
Law and Governance	0	0	0	0	0	0	26	0	26	26	0	26	0	
Green Spaces & Parks	183	(93)	90	183	(93)	90	207	(114)	93	390	0	390	0	0%
Non Schools	246	(46)	200	256	(56)	200	261	(146)	115	517	0	517	0	0%
Schools – Non Devolved	4,025	(875)	3,150	4,075	(925)	3,150	20,494	(8,034)	12,460	24,544	0	24,544	(25)	-1%
Schools – Devolved Capital	197	(197)	0	195	(197)	(2)	445	(445)	0	640	0	640	0	0%
Total Managing Director	11,807	(5,824)	5,983	12,211	(6,210)	6,001	25,497	(10,374)	15,123	37,683	0	37,683	(25)	(0)
Total Committed Schemes	17,755	(6,509)	11,246	23,966	(7,067)	16,899	40,836	(13,483)	27,353	64,777	0	64,777	(25)	0

Portfolio Total	(£'000)	17,755	(£'000)	64,802	(£'000)	64,777
External Funding						
Government Grants	(5,060)		(10,443)		(10,443)	
Developers' Contributions	(674)		(3,834)		(3,809)	
Other Contributions	(775)		(6,273)		(6,273)	
Total External Funding Sources	(6,509)		(20,550)		(20,525)	
Total Corporate Funding		11,246		44,252		44,252

Capital Monitoring Report - August 2018/19

At 31st August 2018, the approved estimate stood at £64.802m

	Exp	Inc	Net
	£'000	£'000	£'000
Approved Estimate	64,802	(20,550)	44,252
Variances identified	(25)	25	0
Slippage to 2018/19	0	0	0
Projected Outturn 2017/18	64,777	(20,525)	44,252

Overall Projected Expenditure and Slippage

Projected outturn for the financial year is £64.777m

Variances are reported as follows.

CSDQ	Urgent Safety Works Various Schools	75	(75)	0	Expenditure on urgent schemes.
CSJN	Homer School - Electrical Re-Wire	(100)	100	0	Budget no longer required. This is now partly used for other urgent works.
		(25)	25	0	

67

There is no slippage to report this month.

Overall Programme Status

The project statistics show the following position:

Scheme progress	No.	%
Yet to Start	44	25%
In Progress	77	44%
Completed	11	6%
Ongoing Programmes e.g.. Disabled Facilities Grant	42	24%
Devolved Formula Capital Grant schemes budgets devolved to schools	1	1%
Total Schemes	175	100%

Major Capital Scheme Progress		August 2018 @ 09/08/18																	
Project	CAPITAL SCHEME	2018/19 TOTAL SCHEME VALUE APPROVED ESTIMATE				APPROVED SLIPPAGE FROM PRIOR YEARS			TOTAL BUDGET 2018/19			PROJECTIONS			PROJECT STATUS				
		Gross £'000	Gross £000	Income £000	Estimate £000	Gross £000	Income £000	Estimate £000	Gross £000	Income £000	Estimate £000	2018/19 Projected Variance	2018/19 Expected Slippage	2019/20 SLIPPAGE Projected	Yet To Start	Preliminary / Feasibility Work	Work On-site	Ongoing Annual Programme	Expected Completion
												Underspend as negative							
Communities Directorate																			
Communities, Enforcement & Partnerships																			
CT52	Disabled Facilities Grant	600	600	(600)	0	0	0	0	600	(600)	0	0	0	0					
CZ18	Braywick Leisure Centre	33,756	4,975	0	4,975	862	0	862	5,837	0	5,837	0	0	0					
CC60	Hostile Vehicle Mitigation Measures for Windsor	1,850	0	0	0	1850	(908)	942	1,850	(908)	942	0	0	0					
CC47	CCTV Replacement	1,302	1,300	0	1,300	2	0	2	1,302	0	1,302	0	0	0					
Place Directorate																			
Property																			
CI29	Broadway Car Park & Central House Scheme	33,000	0	0	0	2230	(140)	2090	2,230	(140)	2,090	0	0	0					
CI21	Windsor Office Accommodation	6,839	0	0	0	3898	(142)	3756	3,898	(142)	3,756	0	0	0					
CI62	Offices Meadow CP – Dilapidations	700	0	0	0	523	0	523	523	0	523	0	0	0					
CX40	Operational Estate Improvements	600	600	0	600	0	0	0	600	0	600	0	0	0					
Housing																			
CT55	Brill House Capital Funding	500	0	0	0	500	(500)	0	500	(500)	0	0	0	0					
Managing Director																			
Schools – Non Devolved																			
CSGR	Charters Expansion	4,560	380	0	380	2,556	(1,878)	678	2,936	(1,878)	1,058	0	0	0					
CSGV	Cox Green School Expansion Year 1 of 3	5,800	420	0	420	2821	(455)	2366	3,241	(455)	2,786	0	0	0					
CSGW	Furze Platt Senior expansion Year 1 of 3	8,000	750	0	750	6571	(2,033)	4538	7,321	(2,033)	5,288	0	0	0					
CSGX	Dedworth Middle School Expansion Year 1 of 3	4,700	420	0	420	3490	(1,791)	1699	3,910	(1,791)	2,119	0	0	0					
Commissioning – Communities																			
CC62	Maidenhead Missing Links (LEP Match Funded)	759	759	(659)	100	0	0	0	759	(659)	100	0	0	0					
CC67	Replacement Payment Equipment for Car Parks	775	775	(775)	0	0	0	0	775	(775)	0	0	0	0					
CD84	Street Lighting-LED Upgrade	5,100	0	0	0	600	0	600	600	0	600	0	0	0					

17 September 2018

The Rt Hon Damian Hinds MP
Secretary of State for Education
House of Commons
London
SW1A 0AA

Dear Damian,

On behalf of the council and residents of the Royal Borough I am writing to request, like all Council Leaders, that a review is undertaken on the level of funding councils receive for the provision of Children's Services.

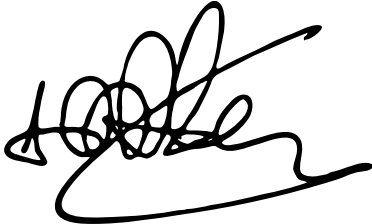
As you will be aware the Local Government Association (LGA) estimate that there will be a shortfall of £2 billion for Children's Services by 2020. This future shortfall reflects that today there are significant financial pressures, stemming mainly from: the increasing costs of residential care and independent fostering placements and the hike in costs charged by agency to supply essential qualified workers. As a small unitary authority we are sensitive to the overall marketplace and a 28% increase in the price of residential placements since 2015/16 has seen our budget spiral inexorably upwards. The recent analysis by Newton Europe looking at the drivers of differences in costs for Children's Service indicates that the Royal Borough will need to spend a further £3.2m more than it budgets on these services.

The pressures in Children's Services are compounded by the additional pressures within the schools and high needs block of the Dedicated Schools Grant. The financial pressures are growing at such a rate there is a probability that the gaps between the most vulnerable and their peers could grow rather than continue to decline. Whilst the deficit on the high needs block in our borough is a relatively modest £2m, it has grown rapidly with the extension of Education Health and Care Plans (EHCPs) up to the age of 25 - a new burden which has not been funded - and the increasing charges being applied by special schools as the market capacity is too low. The schools National Funding Formula will further affect the schools and the authority further, with reductions estimated to be in the region of £2m a year if protections are not put in place.

It is clear from the growing national pressure being experienced by most local authorities on budgets for high needs education that increased investment is required at a central Government level to ensure that the reforms brought about by the Children and Families Act 2014 are adequately funded. The funding pressure in high needs is not in 2020: it is here now and there has to be more funding provided so that vulnerable children do not get left behind.

When the crisis in Adult Services got to this stage radical action was taken with the introduction of the council tax precept, ringfenced for the need. Such action is needed now for children's services. I hope you will provide me with some assurance that these challenges are understood within the Department, the Treasury and that action will be taken to provide for our vulnerable children and young people.

Yours sincerely,

A handwritten signature in black ink, appearing to read 'Simon Dudley', with a long horizontal stroke extending to the right.

**Cllr Simon Dudley,
Leader of the Council**

Cc Theresa May, MP
Cc Adam Afriyie, MP
Cc Lord Gary Porter, Chairman of LGA
Cc James Jamieson, Conservative Group Leader of LGA



2018-000POSoS

Rt Hon Damian Hinds MP
Secretary of State

Sanctuary Buildings Great Smith Street Westminster London SW1P 3BT
tel: 0370 000 2288 www.education.gov.uk/help/contactus

Mr Cllr Dudley,

Thank you for your letter of 3 August about funding for Children's Services. I understand the concerns you raise and I appreciate local authorities (LAs) are making extremely tough choices about their priorities, at a time when demand for services are growing.

As you will be aware, the 2015 Spending Review made available over £200 billion until 2020 for LAs to deliver services locally, including children's services. Within this, as you know, the Royal Borough of Windsor and Maidenhead has access to more than £346 million over the four-year period to 2020. My department is now working with colleagues across government and in the sector to pull together the best available evidence to support discussions about funding for local authorities in the next Spending Review period.

In addition to this, my department committed almost £270m since 2014 to support improvement and innovation in children's social care and we now have 15 Partners in Practice providing intensive peer support, challenge and advice, including in your borough.

Your letter mentions the costs of residential care and fostering as drivers of the increasing financial pressures. Work is underway to improve the commissioning of residential placements. This includes providing funding through our £200 million children's social care Innovation Programme to improve commissioning practice and ensure better value for money for local authorities. I also recently published '[Fostering Better Outcomes](https://tinyurl.com/y9v4pybx)' (<https://tinyurl.com/y9v4pybx>), which sets out how we will improve the commissioning of fostering placements.

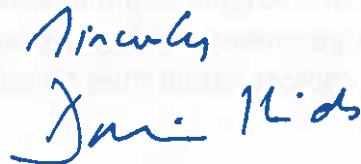
You and others have also expressed concerns about the costs of making provision for children and young people with special educational needs and disabilities. We have now notified local authorities of their provisional allocations of high needs funding for 2019-20, so they can start planning for next year with their schools and schools forum. As you know, the £19 million that the Royal Borough receives in high needs funding in 2018-19 is due to

rise to £19.2 million in 2019-20, although this will change slightly when pupil and student numbers are updated.

We are also monitoring the impact of our national funding formula for high needs on local authority spending decisions, and are keeping the overall amount of funding for high needs under review.

I am committed to doing what I can to ensure that both central and local government are able to provide appropriate support for our most disadvantaged children and young people, so that they all have the opportunity to achieve better outcomes.

Thank you for writing on this important matter.

A handwritten signature in blue ink, appearing to read 'Damian Hinds', is written over a faint, illegible background.

Damian Hinds
Secretary of State for Education

Report Title:	Demand for School Places
Contains Confidential or Exempt Information?	NO - Part I
Member reporting:	Councillor Natasha Airey, Lead Member for Children's Services
Meeting and Date:	27 September 2018
Responsible Officer(s):	Kevin McDaniel, Director of Children's Services
Wards affected:	All

www.rbwm.gov.uk



REPORT SUMMARY

1. This report sets out the latest projections of demand for school places in the Royal Borough, as reported to the Department for Education in the annual school capacity (SCAP) survey.
2. At present, these projections indicate that no further school expansions are necessary for the next three academic years, starting in September 2019, 2020 or 2021.
3. The Royal Borough is currently carrying out detailed feasibility studies to refine options for new school places to meet the likely demand identified in the borough's Infrastructure Delivery Plan. This will support the planned new housing as set out in the Borough Local Plan (BLP) for the period to 2031/32.

1. DETAILS OF RECOMMENDATION(S)

RECOMMENDATION: That Cabinet notes the report.

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

Background

2.1 The Royal Borough of Windsor and Maidenhead has a legal duty to ensure that there are sufficient school places to meet demand¹. This report provides:

- The 2018 projections for future demand for school places in the borough.
- An update on the school expansion feasibility studies programme.

The current school expansion programme

2.2 The Royal Borough is currently delivering a secondary school expansion programme, providing new secondary and middle school places to meet rising demand in the borough. The most recent to be approved was the expansion of St Peter's CE Middle School, Old Windsor. The programme is summarised in Appendix A.

¹ Section 14, Education Act 1996.

2.3 The programme is providing 1,500 new secondary, middle and upper school places over the period 2017/18 to 2019/20, at a projected cost of £31m.

The medium-term need for places in 2019 to 2022

2.4 Projections of future demand are done annually in July and reported to the Department for Education (DfE) in the School Capacity (SCAP) survey. The projections take into account the latest demographic data, changing parental preference and the latest available new housing trajectory. The methodology is kept under review, but there are no major changes for the 2018 projections.

2.5 The projections and SCAP commentary, as submitted to the DfE, are available on the borough's website at:

https://www3.rbwm.gov.uk/info/200168/schools_and_schooling/1117/school_organisation_places_and_planning/5

2.6 The data is summarised in *Table 1: 2018-based projections and commentary for primary schools* and *Table 2: 2018-based projections and commentary for secondary schools*.

Table 1: 2018-based projections and commentary for primary schools (including first schools).

- White cells indicate a surplus of 5% or more.
- Grey cells indicate a surplus of between 0 and 4.9%.
- Black cells indicate a deficit of places.

a	b				c				d				e				f				g				h				i			
	Actuals								Projected																							
	2014	2015	2016	2017	2018	2019	2020	2021	2014	2015	2016	2017	2018	2019	2020	2021	2014	2015	2016	2017	2018	2019	2020	2021	2014	2015	2016	2017	2018	2019	2020	2021
Ascot Primary																																
Number on roll in Reception:		129	154	122	128	128	111	107	136																							
Surplus/deficit		No.	-3	+14	+22	+22	+39	+43	+14																							
on published admissions numbers, including all temporary increases/decreases and agreed expansion schemes:		%	-2.0%	+10.3%	+14.7%	+14.7%	+26.3%	+28.6%	+9.4%																							
Commentary:		No further action is currently proposed at present for Ascot, following on from the expansion of Cheapside CE Primary School. The level of surplus is likely to be well above the 5% target during the forecast period, although this should be partially offset by 'in-year' applications as the cohorts move up through the schools. There is a risk that one more schools could have very small Reception intakes in September 2019 or 2020. The borough will be carrying out feasibility works on proposals for expansion in the area to meet the demand arising from new housing as set out in the draft Borough Local Plan.																														
Datchet and Wraysbury Primary																																
Number on roll in Reception:		117	89	89	87	91	88	91	95																							
Surplus/deficit		No.	+1	+1	+3	-1	+2	-1	-5																							
on published admissions numbers, including all temporary increases/decreases and agreed expansion schemes:		%	+2.5%	+1.1%	+1.1%	+3.3%	+2.2%	-1.6%	-0.7%	-6.1%																						
Commentary:		No further action is currently proposed for Datchet/Wraysbury. There is a close fit between supply and demand for places in Datchet/Wraysbury area, with little or no surplus of places. At present any local children not found places in one of the two schools are often allocated places in a Windsor first school. Providing an extra 30 places per year group would provide enough places for a 5% surplus, but a new school site would be needed. The borough has begun feasibility works on proposals for expansion in the area to meet the demand arising from new housing as set out in the draft Borough Local Plan.																														

a		b				c				d				e				f				g				h				i			
		Actuals								Projected																							
		2014		2015		2016		2017		2018		2019		2020		2021																	
Maidenhead Primary																																	
Number on roll in Reception:		919		904		935		902		875		858		916		911																	
Surplus/deficit		+56		+89		+66		+80		+99		+110		+35		+40																	
on published admissions numbers, including all temporary increases/decreases and agreed expansion schemes:		%		+5.7%		+9.0%		+6.6%		+8.0%		+10.6%		+12.3%		+3.3%		+3.9%															
Commentary:		No immediate further action is currently proposed for Maidenhead. There is expected to be a relatively high surplus of places in September 2018 and 2019, but is projected to fall below the 5% target in September 2021 and 2022. This partly due to a slight pick-up in the birth rate again and partly due to reduced numbers of places arising from planned, temporary, reductions in PAN and 'incomplete' expansions (where schools have taken several years of higher intakes, but do not have sufficient accommodation to extend that to all year groups). The reversal of the temporary reduction in PAN at one school would increase the surplus to 4.8% and 5.4% in 2020 and 2021 respectively. The borough has begun feasibility works on proposals for expansion in the area to meet the demand arising from new housing as set out in the draft Borough Local Plan.																															
Windsor First																																	
Number on roll in Reception:		525		511		531		500		488		444		482		437																	
Surplus/deficit		+80		+34		+44		+45		+57		+101		+63		+108																	
on published admissions numbers, including all temporary increases/decreases and agreed expansion schemes:		%		13.2%		6.2%		7.7%		8.3%		10.4%		18.6%		11.6%		19.8%															
Commentary:		The birth rate continues to fall in Windsor, and is only slightly balanced by inward migration and new housing. The surplus of places is set to rise, therefore, to almost 20% in September 2019 and September 2021. There is a risk, therefore, that some schools will have a very small Reception intake. The borough will be working with schools to identify any possibilities for temporary reductions in Published Admission Numbers. Despite these immediate falls in demand, the borough will be carrying out feasibility works on proposals for expansion in the area to meet the demand arising from new housing as set out in the draft Borough Local Plan.																															

Table 2: 2018-based projections for secondary schools (including middle and upper schools).

<i>a</i>		<i>b</i> <i>c</i> <i>d</i> <i>e</i>				<i>f</i> <i>g</i> <i>h</i> <i>i</i> <i>j</i> <i>k</i>					
		Actuals				Projected					
		2014	2015	2016	2017	2018	2019	2020	2021	2022	2023
Ascot Secondary											
Number on roll in Year 7:		245	251	240	270	270	275	263	264	277	234
Surplus/deficit											
on published admissions numbers, including all temporary increases/decreases and agreed expansion schemes:											
No.		-5	-11	0	0	0	-5	+7	+6	-7	+36
%		-2.1%	-4.6%	0.0%	0.0%	+0.1%	-1.7%	+2.6%	+2.3%	-2.5%	+13.4%
Commentary:		No further action is currently planned for Ascot secondary, following on from the expansion of Charters School. Although the projections show a low surplus, or even deficit, of places in some years, there are enough places now to meet the designated area demand in the forecast period. The popularity of Charters School means that any sizeable surplus is undeliverable, because the school will continue to fill with pupils from further afield. The borough will be carrying out feasibility works on proposals for expansion in the area to meet the demand arising from new housing as set out in the draft Borough Local Plan.									
Datchet and Wraysbury Secondary											
Number on roll in Year 7:		53	48	59	77	101	93	97	103	103	105
Surplus/deficit											
on published admissions numbers, including all temporary increases/decreases and agreed expansion schemes:											
No.		+87	+92	+81	+63	+9	+17	+13	+7	+7	+5
%		+62.1%	+65.7%	+57.9%	+45.0%	+8.1%	+15.3%	+11.9%	+5.9%	+6.7%	+5.0%
Commentary:		No further action is currently proposed for Datchet and Wraysbury secondary. Churchmead School has temporarily reduced its Published Admission Number from 140 to 110. The school is, however, growing in popularity, including with local residents in Datchet and Wraysbury. This will need to be monitored, and it is very possible that future demand could be higher than projected here. The borough has begun feasibility works on proposals for expansion in the area to meet the demand arising from new housing as set out in the draft Borough Local Plan.									

Table 2 continued...

a	b				c																									
	Actuals				Projected																									
	2014	2015	2016	2017	2018	2019	2020	2021	2022	2023																				
Maidenhead Secondary																														
Number on roll in Year 7:	797	839	868	874	925	971	973	1,003	988	1,009																				
Surplus/deficit	No.	+137	+99	+136	+130	+83	+67	+65	+35	+50	+29																			
on published admissions numbers, including all temporary increases/decreases and agreed expansion schemes.	%	<table border="1"> <tr> <td>2014</td> <td>2015</td> <td>2016</td> <td>2017</td> <td>2018</td> <td>2019</td> <td>2020</td> <td>2021</td> <td>2022</td> <td>2023</td> </tr> <tr> <td>+14.7%</td> <td>+10.6%</td> <td>+13.5%</td> <td>+7.3%</td> <td>+7.8%</td> <td>+6.1%</td> <td>+5.9%</td> <td>+3.0%</td> <td>+4.4%</td> <td>+2.4%</td> </tr> </table>									2014	2015	2016	2017	2018	2019	2020	2021	2022	2023	+14.7%	+10.6%	+13.5%	+7.3%	+7.8%	+6.1%	+5.9%	+3.0%	+4.4%	+2.4%
2014	2015	2016	2017	2018	2019	2020	2021	2022	2023																					
+14.7%	+10.6%	+13.5%	+7.3%	+7.8%	+6.1%	+5.9%	+3.0%	+4.4%	+2.4%																					
Commentary:	<p>No further action is currently proposed for Maidenhead secondary, beyond the completion of the expansions at Cox Green School, Furze Platt Senior School and Newlands Girls' School. The surplus of places is projected to remain above the 5% target until September 2020. From September 2021, the surplus is set to fall below the target. Future numbers will be affected not just by the rising numbers transferring from Maidenhead primary schools, but also by (a) the number of residents going to a selective school in a neighbouring authority (which, in September 2018, is set to be at least a form of entry higher than in 2015); and (b) the number of out-borough residents taking up places, which is 1.5 forms of entry higher than in 2015. Although these trends are, at present, broadly cancelling each other out, this may not always be the case in the future. On current trends, it is expected that designated area demand can be met throughout the forecast period, but this will need to be monitored closely. The borough has begun feasibility works on proposals for expansion in the area to meet the demand arising from new housing as set out in the draft Borough Local Plan.</p>																													
Windsor Middle																														
Number on roll in Year 5:	401	431	453	449	482	499	491	489	468	479																				
Surplus/deficit	No.	+49	+19	-3	+31	+28	+41	+49	+51	+72	+61																			
on published admissions numbers, including all temporary increases/decreases and agreed expansion schemes:	%	<table border="1"> <tr> <td>2014</td> <td>2015</td> <td>2016</td> <td>2017</td> <td>2018</td> <td>2019</td> <td>2020</td> <td>2021</td> <td>2022</td> <td>2023</td> </tr> <tr> <td>+10.9%</td> <td>+4.2%</td> <td>-0.7%</td> <td>+6.5%</td> <td>+5.4%</td> <td>+7.6%</td> <td>+9.0%</td> <td>+9.5%</td> <td>+13.3%</td> <td>+11.4%</td> </tr> </table>									2014	2015	2016	2017	2018	2019	2020	2021	2022	2023	+10.9%	+4.2%	-0.7%	+6.5%	+5.4%	+7.6%	+9.0%	+9.5%	+13.3%	+11.4%
2014	2015	2016	2017	2018	2019	2020	2021	2022	2023																					
+10.9%	+4.2%	-0.7%	+6.5%	+5.4%	+7.6%	+9.0%	+9.5%	+13.3%	+11.4%																					
Commentary:	<p>No further action is proposed for Windsor middle schools, following the expansion of Dedworth Middle School and approval of the expansion of St Peter's CE Middle School. The surplus of places (which includes the extra places at St Peter's) is set to rise above the 5% surplus place target for much of the forecast period. Demand is lower than previously projected due to higher migration out of the area's first schools and fewer transfers in from Datchet and Wraysbury. The borough will be carrying out feasibility works on proposals for expansion in the area to meet the demand arising from new housing as set out in the draft Borough Local Plan.</p>																													

Table 2 continued...

a	b				c						
	Actuals				Projected						
	2014	2015	2016	2017	2018	2019	2020	2021	2022	2023	
Windsor Upper											
Number on roll in Year 9:	406	406	404	457	425	466	480	465	513	539	
Surplus/deficit	No.	+42	+46	+48	+55	+87	+46	+32	+47	-1	-27
on published admissions numbers, including all temporary increases/decreases and agreed expansion schemes:	%	+9.4%	+9.4%	+9.8%	+10.7%	+16.9%	+9.1%	+6.3%	+9.2%	-0.1%	-5.3%
Commentary:	No further action is proposed for Windsor upper schools, following the completion of the expansions at Windsor Girls' School and The Windsor Boys' School. The current high projected surplus of places will reduce steadily over subsequent years, with a deficit of places projected from September 2022. The borough will be carrying out feasibility works on proposals for expansion in the area to meet the demand arising from new housing as set out in the draft Borough Local Plan. It is likely that some further expansion could be met within the current accommodation.										

- 2.7 On the basis of the 2018 projections, therefore, no further expansions to school accommodation are proposed for September 2019, September 2020 or September 2021, beyond those already set out in Appendix A.
- 2.8 It may be necessary to reverse temporary reductions in Published Admission Numbers (PANs) at Alwyn Infant and/or Churchmead School during this period, and this will be kept under review as applications for school places are made during the usual admissions processes. Churchmead School has been able to take some poor condition accommodation out of use, and if the PAN reduction is reversed, some capital investment from the LCVAP (Locally Co-ordinated Voluntary Aided Programme) grant may be needed.
- 2.9 Some temporary reductions in places may be required in Windsor first schools, and the borough has already written to headteachers in Windsor asking for expressions of interest. The expectation is that, once demand rises again, the temporary reductions will be reversed without any need for additional accommodation.
- 2.10 A comparison of previous pupil projections with actual numbers on roll, to give an indication of the level of accuracy is provided at Appendix B [*electronic distribution only*].

Options assessment and feasibility works programme

- 2.11 In November 2017, the Royal Borough's Cabinet approved a programme of feasibility works to examine the capacity for expansion on all of the state school sites in the borough. This work, which follows on from a desktop exercise, will help ensure that the borough can bring forward specific proposals for consultation and implementation in a timely fashion as the new houses in the emerging Borough Local Plan are built. The analysis is set out in the borough's Infrastructure Delivery Plan², and specifically in the *Assessment of need for additional education infrastructure*³.
- 2.12 The options assessment and feasibility works programme covers:
- Initial design work for a range of deliverable expansion options on each school site.
 - Some site survey and design work to assist with bringing schemes forward for prioritisation.
- 2.13 Consultants have been commissioned to carry out this work in partnership with officers and schools. The initial design work is being carried out in batches, with ten schools in each, prioritised mainly so that schools in areas with a more urgent likely need (e.g. Maidenhead primary) are completed first.
- 2.14 The work includes consideration of various options for each school, including extensions, partial and full rebuilds for more efficient use of sites and purchase of adjacent land. Varying increases in pupil numbers are also being considered. So far, some schools have several options, whilst others have only one or two.

² [Infrastructure Delivery Plan](#), The Royal Borough of Windsor and Maidenhead, January 2018.

³ [Assessment of need for additional education infrastructure](#), The Royal Borough of Windsor and Maidenhead, January 2018.

- 2.15 The initial design work for Batch 1 is complete; nearly complete for Batch 2; and due to launch in late September for Batch 3. The initial design work for subsequent batches is expected to be completed by late 2019.
- 2.16 Further work is now planned to carry out some supporting survey work - e.g. ecology surveys, drainage and topographical surveys - and additional design, where essential to assess the viability of an option.

Prioritisation of options

- 2.17 The Royal Borough already has a prioritisation model for the expansion of secondary schools, as last reported to cabinet in May 2018 as part of the decision making process for the expansion of St Peter's CE Middle School. It is proposed that this is now amended and applied to primary schools. The model will, as with the secondaries, prioritise expansion at schools on the basis of:
- Ofsted inspection judgements.
 - School attainment.
 - Oversubscription on places.
 - Inclusion.
 - Cost/value for money.
 - Geographical need (so new places are provided where they are needed).
 - Consultant's comparison score.
- 2.18 The school expansions feasibility studies are scoring options on the basis of deliverability, educational impact, disruption, planning/highways issues and value for money. It is proposed that this scoring is incorporated into the borough's prioritisation model.
- 2.19 This prioritisation model will be developed alongside the next batches of the feasibility programme, and will be ready in early summer 2019.

Traffic, parking and highways

- 2.20 A number of options for school expansion are likely to be undeliverable due to concerns about congestion around the school sites.
- 2.21 It is proposed, therefore, that appropriate steps be taken to develop costed options for reducing the traffic congestion in the borough arising from travel to and from school. This should seek to encompass best practice from other local authority areas. It is expected that this work would be completed by late 2019, alongside the school expansion feasibility programme.

Special Educational Needs

- 2.22 The Infrastructure Delivery Plan for the Borough Local Plan (BLP) highlights the likely need for additional Special Educational Needs school provision in the borough. The BLP includes provision for a new special school within the land allocated for development to the west of Windsor (Housing Allocation reference HA11).
- 2.23 The government has recently invited bids for a new wave of free schools, including new special schools. The Royal Borough will be submitting a bid for a new special school on the west of Windsor site to maximise opportunities for securing this provision in a cost-effective way.

- 2.24 In this wave of free school applications, a local authority can apply on the basis of forecast need without identifying a specific education provider. If the bid is selected by the Department for Education then there is a further competition to select the provider (which cannot directly be the local authority).

Options

Table 3: Options arising from this report.

Option	Comments
There are no recommendations arising from this report.	

3. KEY IMPLICATIONS

Table 4: Key Implications

Outcome	Unmet	Met	Exceeded	Significantly Exceeded	Date of delivery
There are no key implications arising from this report.					

4. FINANCIAL DETAILS / VALUE FOR MONEY

- 4.1 There are no financial implications arising directly from this report.

Basic Need Grant

- 4.2 In June 2018 the Education, Skills and Funding Agency (ESFA) confirmed the Royal Borough's Basic Need grant for 2020/21 (financial year) would be £0. This grant is the money given by the government by local authorities to enable them to provide new school places to meet demand. The £0 allocation follows on from grants of £1,500,874 and £1,572,213 for the 2018/19 and 2019/20 financial years respectively.
- 4.3 The borough has received a total allocation of £30,772,890 Basic Need grant between 2011/12 and 2020/21 (including Targeted Basic Need). In that period, the borough has spent £57,256,152 on new school places. The difference of £26,483,262 has been funded by S106, other DfE grants (e.g. LCVAP), school funds and other council resources (i.e. the capital programme).
- 4.4 The borough has examined the methodology for the grants allocated for the periods 2015/16 to 2021/22, and has concluded that, over that period, the Basic Need grant is significantly less than the amount required because:
- The grant does not cover sixth form places.
 - The grant assumes a 2% surplus. The borough's policy is for 5% surplus places, and applying this to the government methodology would have provided another £4.8m.
 - The grant does not cover the re-provision of existing places and other abnormal elements of schemes.
 - Places funded by S106 or the Community Infrastructure Levy are deducted from the Basic Need Grant.
 - Places provided by free schools are deducted from the Basic Need Grant.

Value for money

- 4.5 The government wrote to all local authorities on 30 May 2018 setting out their concerns about the wide national variation in the cost of delivering new school places. Based on data the government receives from local authorities via the School Capacity (SCAP) survey, the cost of new primary school places delivered in 2016/17 varied from £4,900 to £19,600. These figures exclude the top and bottom 20%.
- 4.6 The letter set out the support that government was offering local authorities in delivering new school places more efficiently, but also noted that the government would be applying three new conditions to future Basic Need grants for the 2019/20 allocation onwards:
- Requiring local authorities to provide relevant information relating to expenditure on new school places.
 - Requiring local authorities to produce an action plan to improve efficiency of capital spend, where a local authority has been identified as having unjustified high costs.
 - Withholding Basic Need grant where the ESFA has been unable to agree an action plan with a local authority identified as having unjustified high costs.
- 4.7 The ESFA wrote to local authorities in May 2018 where they had concerns about recent/ongoing school expansion and/or school condition projects that seemed to be significantly more expensive than national averages. Although there were initially some questions about two roofing projects in the borough, the ESFA were satisfied with the responses and confirmed that they had no concerns about any of our schemes.
- 4.8 Table 5 sets out the costs, and cost per place, of recent and ongoing school expansions as reported in the 2018 SCAP return. The national cost per place comes from the 2018 National School Project Benchmarking figures⁴, adjusted by a location factor of 1.18 to reflect higher local costs and an inflation factor. The costs of the ongoing projects may change.

Table 5: Cost of recent school expansion projects

Project	Total cost	Cost per place	National cost per place	Difference
Charters School	£4,508,189	£21,468	£18,670	+£2,798
Cheapside Primary	£1,198,190	£12,226	£16,174	-£3,948
Cox Green	£5,800,000	£24,370	£18,670	+£5,700
Dedworth Middle	£4,913,750	£20,474	£18,670	+£1,804
Furze Platt Senior	£8,589,851	£20,452	£18,670	+£1,782
Newlands Girls'	£905,170	£21,552	£18,670	+£2,882
St Peter's CE Middle	£2,700,000	£22,500	£18,670	+£3,830

- 4.9 The cost of secondary school projects in the borough are slightly above the national costs per place. The borough has worked with the schools to develop high quality schemes, built to a good specification. Most of the schemes have involved the demolition and replacement of some existing buildings, with some particularly poor accommodation removed. This strategic approach to school sites has enabled new accommodation to be located where it needs to be for

⁴ Pages 13 and 20, [National School Delivery Cost Benchmarking](#), Hampshire County Council, EFA, February 2018.

the efficient operation of the school and the logical flow of pupils around the buildings. This also ensures the best use of space, and, in turn, provides flexibility to adapt to future demand. On this basis, cabinet approved, in 2016, funding for schemes that were more generous than the national average on a per place cost. Additionally, the budget for the St Peter's scheme includes a significant sum for land purchase and construction of a new drop-off zone, if this is required by planning.

- 4.10 The borough is confident, therefore, that it will comply with the new conditions for receipt of the Basic Need grant set out in paragraph 4.6.
- 4.11 The EFSA letter also highlighted (i) the government's continuing expectation that local authorities should be concentrating expansion at schools rated 'Good' and 'Outstanding' by Ofsted; and (ii) the need to reduce any excessive levels of surplus capacity. Currently, over 88% of borough schools are 'Good' or 'Outstanding', including all eight schools in the secondary expansion programme.

Impact on school revenue budgets

- 4.12 High levels of surplus places can have a negative impact on school revenue budgets, particularly the number admitted to a school is only slightly higher than a full class. A school might, for example, have an admission number of 60, but have only 34 children starting in that year group. A single class of 34 would be larger than a normal class of 30, but the additional four children would not generate sufficient revenue to fund the second teacher.
- 4.13 This is particularly a problem for primary schools, which have to comply with the legal limit of 30 children per class, which covers Reception and Years 1 and 2.
- 4.14 With the transitory nature of the issue, it can take four to seven years for the smaller group to proceed through a school, which may then have to make staffing and class size changes each year to manage the reduced budget available to them. It is likely that more schools will call on the school contingency budget provided by the Schools Forum or risk not balancing their budgets.
- 4.15 The Royal Borough has written to first schools in Windsor (most at risk of a high surplus of places) inviting proposals for temporary reductions in Published Admission Numbers to minimise the risks. Workshops have been arranged for October with the schools to consider strategic ways to collaborate in the coming years.

5. LEGAL IMPLICATIONS

- 5.1 Local authorities are under a statutory duty to ensure that there are sufficient school places in their area. This is set out in the Education Act 1996, Section 14, subsections 1 and 2. The borough receives the 'Basic Need' grant from the government for this purpose, which can be spent on new school places at all types of school (Academy (including free schools), Community, Voluntary Aided and Voluntary Controlled).
- 5.2 There is no legal duty to provide any particular level of surplus places.

6. RISK MANAGEMENT

Table 6: Impact of risk and mitigation

Risks	Uncontrolled risk	Controls	Controlled risk
Accuracy of pupil projections, with the risk that actual demand is significantly different to that expected.	HIGH	Annual production of pupil projections to take account of the latest information, adjusting proposed actions as necessary. Inclusion of a surplus of places in planning, to provide capacity in the system in case projections are lower than actual demand.	LOW
Impact of a high level of surplus places on some school revenue budgets.	HIGH	Temporary reductions in school admission numbers may help reduce the impact on school revenue budgets.	MEDIUM

7. POTENTIAL IMPACTS

- 7.1 There are currently no implications arising from the recommendations in this report with regards to staffing/workforce, sustainability, Equalities, Human Rights and community cohesion, accommodation, property or assets.

8. CONSULTATION

- 8.1 The report will be considered by Children's Service Overview and Scrutiny Panel on 26 September 2018, comments will be reported to cabinet.

9. TIMETABLE FOR IMPLEMENTATION

- 9.1 Not applicable.

10. APPENDICES

Contained in paper copies

- Appendix A: Approved school expansion programme.

Electronic only

- Appendix B: Comparison of accuracy of school projections.

11. BACKGROUND DOCUMENTS

- *Making the most of schools capital*, ESFA, 25th May 2018.
- *Letter from Lord Agnew*, DfE, 30th May 2018.

- *National School Delivery Cost Benchmarking*, Hampshire County Council, February 2018.
- *School Capacity Survey 2018*, Royal Borough of Windsor and Maidenhead, July 2018.
- *Guidance and criteria for local authorities seeking to establish new special or alternative provision free schools*, DfE, July 2018.
- *Assessment of need for additional education infrastructure*, The Royal Borough of Windsor and Maidenhead, January 2018.

12. CONSULTATION (MANDATORY)

Name of consultee	Post held	Date sent	Commented & returned
Cllr Natasha Airey	Lead Member/ Principal Member/Deputy Lead Member	22/08/2018	28/08/2018
Alison Alexander	Managing Director	22/08/2018	28/08/2018
Kevin McDaniel	Director of Children's Services	20/08/2018	22/08/2018
Russell O'Keefe	Strategic Director		
Andy Jeffs	Strategic Director		
Rob Stubbs	Section 151 Officer	22/08/2018	24/08/2018
Nikki Craig	Head of HR and Corporate Projects		
Louisa Dean	Communications	22/08/2018	28/08/2018
	Other e.g. external		

REPORT HISTORY

Decision type: For information	Urgency item? No	To Follow item? Not applicable.
Report Author: Ben Wright, Education Planning Officer, 01628 796572		

Appendix A: Approved school expansion programme

Table A1: Approved school expansion programme sets out the current approved expansion programme.

Table A1: Approved school expansion programme

<i>a</i>	<i>b</i>	<i>c</i>	<i>d</i>	<i>e</i>		<i>f</i>
Area	School	Current PAN	Proposed PAN post expansion	Increase on current PAN		First year of increase (Sept.)
				No.	FE*	
Secondary Phase 1						
Ascot	Charters School	240	270	+30	+1.0	2017
Maidenhead	Cox Green School	176	206	+30	+1.0	2017
	Furze Platt Senior School	193	223	+30	+1.0	2017
Windsor	Dedworth Middle School	120	150	+30	+1.0	2017
	The Windsor Boys' School	230	260	+30	+1.0	2017
	Windsor Girls' School	178	208	+30	+1.0	2017
Ascot Primary						
Ascot	Cheapside CE Primary	16	30	+14	+0.5	2017
Secondary Phase 2						
Maidenhead	Furze Platt Senior School	193	253	+60	+2.0	2018
Windsor	Dedworth Middle School	120	180	+60	+1.0	2018
Secondary Phase 3						
Windsor	St Peter's CE Middle	60	90	+30	+1.0	2019

*FE means Form of Entry. 1 FE = one class of 30 children per year group.

A further 6 places per year group have also been added at Newlands' Girls School. This scheme, funded largely by S106 contributions, is not part of the formal secondary expansion programme but nevertheless increases the number of places available.

These schemes are proceeding as follows:

- Cheapside completed.
- The Windsor Boys' School completed.
- Windsor Girls School completed.
- Charters School completed end of August 2018.
- Cox Green School completed end of August 2018.
- Dedworth Middle School completion due Autumn 2018.
- Furze Platt Senior School completion due August 2019.
- Newlands Girls' School completed end of August 2018.
- St Peter's CE Middle School contractor appointed, scheme being designed.

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Report Title:	RBWM Property Company – Investments Reports
Contains Confidential or Exempt Information?	YES - Part II Appendix A, B & C. Not for publication by virtue of paragraph 3 of Part 1 of Schedule 12A of the Local Government Act 1972.
Member reporting:	Councillor Rankin, Lead Member for Economic Development and Property.
Meeting and Date:	Cabinet - 27 September 2018
Responsible Officer(s):	Russell O’Keefe – Executive Director.
Wards affected:	All

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REPORT SUMMARY

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

1 DETAILS OF RECOMMENDATION(S)

RECOMMENDATION: That Cabinet notes the report and:

- i) **Approves the capital budget spend of £7,059,088 for the three redevelopment projects.**
- ii) **Approves the transfer of the assets, once completed to RBWM Property Co Ltd, for use as affordable housing.**
- iii) **Delegates authority to the Executive Director with the Lead Member for Economic Development and Property to progress the projects including submitting planning applications and appointing contractors.**

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

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

property company a wholly owned subsidiary of the Council and used for the benefit of affordable housing.

Table 1: Options

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

3 KEY IMPLICATIONS

Table 2: Key implications – Mokattam

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

Table 2: Key implications – Riverside

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

Outcome	Unmet	Met	Exceeded	Significantly Exceeded	Date of delivery
site	achieved at all	2019			
Practical completion	Site delayed	July 2020	June 2020	May 2020	July 2020

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

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

4 FINANCIAL DETAILS / VALUE FOR MONEY

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

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

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

- Mokattam, capital budget of £1,704,682, IRR of 8.23% and NPV of £279,384.
- School House, capital budget of £905,863, IRR of 7.1% and NPV of £93,778.

- Ray Mill Road East, capital budget £4,448,543, IRR of 8.98% and an NPV of £750,222.
- 4.3 Once all properties have been completed and transferred to the property company the outstanding capital cost will be converted to a loan which will be repaid to the Council, over 18 years and at an interest rate of 5%.
- 4.4 In the future the Property Company will explore moving completed assets to external financing arrangements to reduce the level of borrowing from the Council.

Table 3: Financial impact of report’s recommendations

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

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

5 LEGAL IMPLICATIONS

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

6 RISK MANAGEMENT

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

Table 4: Impact of risk and mitigation

Risks	Uncontrolled Risk	Controls	Controlled Risk
Planning	High	Pre-application advice, before submission	Medium
Start on site	High	Reschedule programme	Low
Acquisition of third party land	Medium	Alternative scheme if not acquired	Low
Build cost inflation	Medium	Ascertain fixed build cost prior to	Low

Risks	Uncontrolled Risk	Controls	Controlled Risk
		start on site	
Sales values for shared ownership properties	Medium	Regular updated valuations. Monitor the market for other shared ownership schemes.	Low

7 POTENTIAL IMPACTS

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

8 CONSULTATION

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

9 TIMETABLE FOR IMPLEMENTATION

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

Table 5: Implementation timetable

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

- 9.2 Implementation date if not called in: Immediately.

10 APPENDICES

- 10.1 There are three appendices to this report:

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

11 BACKGROUND DOCUMENTS

11.1 Not applicable.

12 CONSULTATION (MANDATORY)

Name of consultee	Post held	Date sent	Commented & returned
Councillor Rankin	Lead Member for Economic Development and Property.	23.8.18	28/8/18
Alison Alexander	Managing Director	23.8.18	28/8/18
Russell O'Keefe	Executive Director	23.8.18	
Andy Jeffs	Executive Director	23.8.18	28/8/18
Rob Stubbs	Section 151 Officer	23.8.18	28/8/18
Nikki Craig	Head of HR and Corporate Projects	23.8.18	06/09/18
Elaine Browne	Law and Governance	23.8.18	06/09/18
Louisa Dean	Communications and Marketing Manager	23.8.18	06/09/18
	Other e.g. external		

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

REPORT SUMMARY

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

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

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

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

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

Background

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

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

Existing and new capacity

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

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

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

2.14 The new proposed car park would provide:

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

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

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

3. KEY IMPLICATIONS

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

4. FINANCIAL DETAILS / VALUE FOR MONEY

4.1 The investment case is provided at Appendix C. An

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

5. LEGAL IMPLICATIONS

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

6. RISK MANAGEMENT

6.1 The risk register is attached at appendix D.

Risks	Uncontrolled Risk	Controls	Controlled Risk
The contractors do not	High	Robust specification and	Low

Risks	Uncontrolled Risk	Controls	Controlled Risk
have the necessary skills to progress the project		procurement process	
The projects exceed the cost envelope or planned timescales	High	Effective development management processes	Low

7. POTENTIAL IMPACTS

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

8. CONSULTATION

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

9. TIMETABLE FOR IMPLEMENTATION

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

10. APPENDICES

10.1 This Part 1 report has two supporting appendices:

- Appendix A – Project brief
- Appendix B – Procurement report (to follow)
- Appendix C - Investment case
- Appendix D – Risk register

11. BACKGROUND DOCUMENTS

11.1 N/A

12. CONSULTATION (MANDATORY)

Name of consultee	Post held	Date sent	Commented & returned
Cllr Jesse Grey	Cabinet Member for Environmental Services	29.08.18	06.09.18

Name of consultee	Post held	Date sent	Commented & returned
Alison Alexander	Managing Director	27.08.18	28.8.18
Andy Jeffs	Executive Director	27.08.18	06.08.18
Rob Stubbs	Section 151 Officer	27.08.18	28.8.18
Nikki Craig	Head of HR and Corporate Projects	27.08.18	06.09.18
Elaine Browne	Law and Governance	27.08.18	06.09.18
Louisa Dean	Communications and Marketing Manager	27.08.18	28.08.18

Broadway Car Park Redevelopment

Project Brief

Project objective

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

Key Considerations

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

Key Stakeholders

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

Key timescales

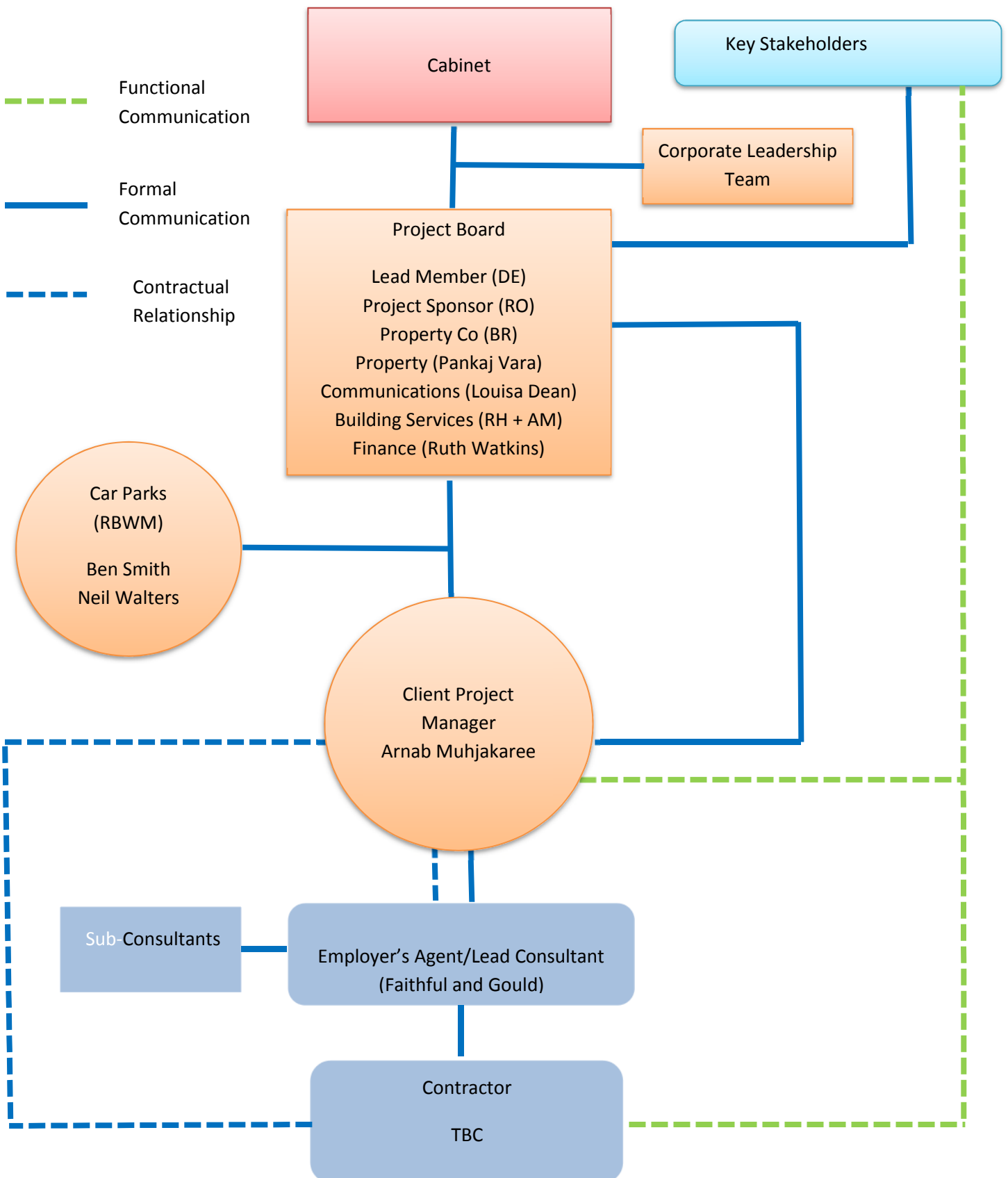
- Planning application submission: October 2018
- Commencement on site: January 2020
- Completion of works : December 2021

Programme Budget

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

6. Project Governance Structure

Governance Arrangements - Communication Lines



Roles

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

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

Client Project Manager (Arnab Muhjakaree)

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

Car Parks (Ben Smith/Neil Walters)

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

Property (Pankaj Vara)

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

Communications (Louisa Dean)

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

- Formulate and management of Comms Plan

Building Services (RH/AM)

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

Finance (Ruth Watkins)

- Ensuring funding release

Broadway Carpark Project

Procurement Report

Royal Borough of Windsor & Maidenhead

29 June 2018

Notice

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

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

This document has 19 pages including the cover.

Document history

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

Client signoff

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

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1. Executive Summary

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

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

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

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

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

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

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

2. Introduction / Background to the Project

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

3. Purpose of this Report

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

Procurement Routes

The procurement routes being considered are as follows:

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

Procurement Mechanisms

The procurement mechanisms being considered are as follows:

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

4. Project Drivers

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

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

5. Procurement Routes

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

5.1. Traditional Single Stage

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

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

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

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

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

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

5.1.1. Advantages and disadvantages of Traditional Single Stage

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

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

5.2. Design & Build Single-Stage

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

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

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

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

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

5.2.1. Advantages and disadvantages of Design and Build Single Stage

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

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

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

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

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

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

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

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

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

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

6. Procurement Route Scoring

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

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

6.1. Procurement Route Recommendation

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

7. Procurement Mechanism Priorities

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

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

8. Procurement Mechanisms

8.1. OJEU Procurement Process

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

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

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

8.1.1. Open Procedure

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

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

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

8.1.2. Restricted Procedure

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

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

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

8.1.3. Competitive Dialogue / Competitive Procedure with Negotiation

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

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

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

8.1.4. Innovative Partnership Procedure

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

8.1.5. Advantages and Disadvantages of an OJEU Procurement Process

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

8.2. OJEU Procurement Process Recommendation

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

8.3. OJEU Compliant Main Contractor Frameworks

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

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

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

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

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

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

9. Procurement Mechanism Scoring

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

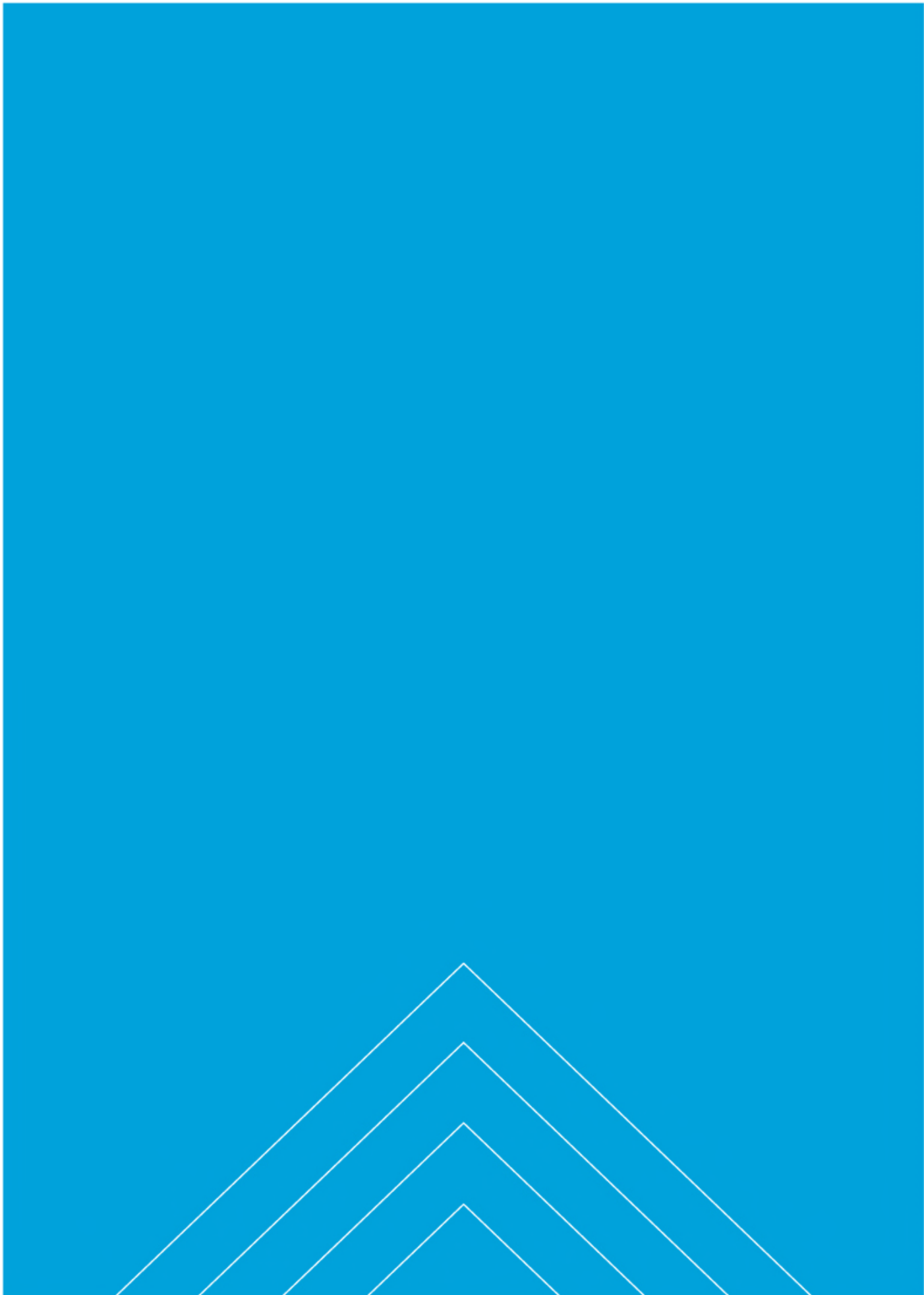
Procurement Mechanism Priorities	Weighting	OJEU Restricted Procurement	OJEU Compliant Framework	OJEU Restricted Procurement	OJEU Compliant Framework
		Scores (1-3)		Weighted Score	
Effect on Cost	30%	3	2	0.9	0.6
Effect on Programme	20%	1	3	0.2	0.6
Risk of Challenge	15%	2	3	0.3	0.45
Value for Money	15%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

9.1. Procurement Mechanism Recommendation

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

10. Conclusion

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



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Broadway Car Park – Risk Register

		Date of Update: 24 th August 2018					Overall Programme RAG Status			
		Provided by: Barbara Richardson								
Ref:	Programme Area	Likelihood 1 = Rare 2 = Unlikely 3 = Possible 4 = Likely 5 = Very Likely	Impact 1 = Insignificant 2 = Minor 3 = Moderate 4 = Major 5 = Catastrophic	Risk	Sub Risks	Controls Currently in Place	Assurance External or Internal	Quarterly Update	Improvements to be made	Lead
Legals										
L01	Ownership & Title (MSCP)	3	3	9	- Satisfactory Title	- Report On Title Completed (Gowlings)	- Most title issues should be able to be resolved, but could add to costs.	-	-	BR
L02	Ownership & Title (Adjoining Side Car Park)	3	3	9	- Satisfactory Lease arrangements, and termination clauses - Moral & Reputational need to relocate up to 30 business users, during demo/construction.	- Report on Title Completed (Gowlings) - Make an additional allowance without temporary car parking provision, including costs.	- Ability to terminated head lease and redevelop. - Although a risk that re-provision of up to 30 spaces for local business will have to be accommodated, with associated costs.	- Contingency for costs needs to be clear on any costs associated with re-provision.	- Checking all head lease and sub-lease terms, as these have not previously been checked.	RL/BR
L03	Existing Tenants within the land ownership, or development area of MSCP.	2	3	6	- William Hill – tenant of 2 units, situated within development area. - William Hill – Holding Over under the Landlord & Tenant Act - Court Proceedings likely. - Financial Costs to be incorporated in Investment Case.	- Lease End Date was 19/5/09. - S.25 notice was served 5/7/17 – in order to end tenancy 10/1/18.	- Gowlings appointed to deal with s.25 notice and court proceedings. - Property Services Team dealing with this under Asset Management.	- STC terms have been agreed with William Hill to surrender the lease for compensation payment plus an additional £50k. - Compensation payment will be £45k. Total payment of £95k. - This compares with a court case which could cost £65K plus compensation payment, and time delays to the project.	- Tenancy at Will to be offered for the interim period.	BR
L04	Existing Tenants within the land ownership, or development area of MSCP.	3	1	3	- Brett Foundation – tenant of 2 units, situated within development area.	- Potential relocation required - Tenancy at Will in place	- No Court Proceedings required. - Only requires 1 days' notice.	- Communication with this group to keep them informed of potential SOS dates, in order to give as much notice as possible.	-	RL/BR

LO5	Sub Stations Electrical (No 5.)	3	3	9	- Relocation & New Provision required - Termination of Lease is required – unknown if tenant is holding over. (this work has not been actioned to date)	-	-	- Further investigation is required to ascertain if tenant is holding over, and what action needs to be taken for termination and re-provision.	-	RH/ML
LO6	Sub Stations Electrical (No 6.)	3	2	6	- Lease expires 2073	- 6 month termination period required.	-	- Needs to be incorporated on the programme chant chart.	-	RH/ML

Ref:	Programme Area	Likelihood 1 = Rare 2 = Unlikely 3 = Possible 4 = Likely 5 = Very Likely	Impact 1 = Insignificant 2 = Minor 3 = Moderate 4 = Major 5 =Catastrophic	Risk	Sub Risks	Controls Currently in Place	Assurance External or Internal	Quarterly Update	Improvements to be made	Lead
Planning										
PO1	RIBA Stage 3 – Concept Scheme	4	3	12	- Pre-Application feedback negative, on both height, massing, and elevation treatment	- Additional Pre-Application required, with redesign of elevation.	- Professional team to re look at planner's comments and solutions.	- Moved up to Stage 3 - Changed from 1,320 spaces to 1,371 new spaces	-	RH/ML
PO2	Planning Submission Target Date – October 2018.	3	3	9	- Height & Massing – to address this will require a reduction in number of spaces.	- Book into diary regular pre-application meetings for the next 4 months.	- PPA to be entered into.	- Changed the planning submission date from September to October, in order to submit after Cabinet and Council approval.	-	RH/ML
PO3	Location & Relationship to neighbouring buildings.	3	3	9	- Effect of height & massing on neighbouring buildings.		- Regular meetings with planners to discuss, the impact with adjoining existing buildings and new applications.	- Planners would welcome a building of slightly lower height, ideally 1 -2 floors lower. - Various elevation treatments being discussed, in order to give reassurance that the building can work within its existing environment at G+8 floors.	-	RH/ML
PO4	Highways Requirements	3	4	12	- Changes required to road system in and out, to accommodate extra traffic flow, from	- Discussion with Highways team, and Architect to redesign, entrance and exit to	- Architects have adjusted reconfiguration without any loss of car parking spaces.	- Cost Consultants updating costs schedule to show any variance this has on potential build costs.	-	RH/ML

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

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

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

Quantum of Risk (March 2018)

Extreme

5. Catastrophic					
4. Major			FO1		
3. Moderate		LO6,CO2,S05	LO1,L02,L05,PO2,PO3,CO3,CO4,CO6,CO7,CO8,CO9, S01	P01, P04, C05, S02	SO4
2. Minor		CO1,	L03, S03		
1. Insignificant			L04		
<i>Insignificant</i>	1. Rare	2. Unlikely	3. Possible	4. Likely	5. Very Likely

LIKELIHOOD

Significant/Extreme Risks:	

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

Risk Definitions & Action

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

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Agenda Item 8

By virtue of paragraph(s) 1, 2, 3, 4, 5, 6, 7 of Part 1 of Schedule 12A of the Local Government Act 1972.

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