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Service Lead - Governance: Karen Shepherd: (01628) 796529

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

YOU ARE HEREBY SUMMONED TO ATTEND the Meeting of the Council of the Royal Borough of Windsor & Maidenhead to be held in the **Grey Room, York House** on **Tuesday, 23 July 2019 at 7.30 pm** for the purpose of transacting the business specified in the Agenda set out hereunder.

Dated this Monday, 15 July 2019



Duncan Sharkey
Managing Director

Rev	Lodge	will	say
prayers		for	the
meeting.			

A G E N D A

PART I

1. APOLOGIES FOR ABSENCE

To receive any apologies for absence

2. COUNCIL MINUTES

To receive the Part I minutes of the meeting of the Council held on 25 June 2019.
(Pages 9 - 32)

3. DECLARATIONS OF INTEREST

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

4. MAYOR'S COMMUNICATIONS

To receive such communications as the Mayor may desire to place before the Council
(Pages 35 - 36)

5. PUBLIC QUESTIONS

a) Ed Wilson of Clewer and Dedworth West ward will ask the following question of Councillor Rayner, Lead Member for Culture and Communities:

Given your manifesto pledge to plant more than 2,000 trees in the Royal Borough, will you please tell us when new trees will be planted to replace those removed from St Andrews Crescent, Testwood Road and Hayse Hill?

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

6. PETITIONS

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

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

7. NICHOLSON'S WALK SHOPPING CENTRE

To consider the above report
(Pages 37 - 46)

8. MEMBERS' QUESTIONS

a) Councillor Larcombe will ask the following question of Councillor Coppinger, Lead Member for Planning:

A survey commissioned by RBWM has exposed significant numbers of 'unauthorised and tolerated' developments in the Datchet, Horton and Wraysbury Ward. What action is being taken to rectify the situation please?

b) Councillor Larcombe will ask the following question of Councillor Cannon, Lead Member for Public Protection:

Fly tipping is an ever-increasing problem in the Datchet, Horton and Wraysbury area as it is elsewhere. How many successful prosecutions for local fly tipping have there been in the last four years?

c) Councillor Hill will ask the following question of Councillor Dudley, Leader of the Council:

Why did you avoid repeated requests to meet Councillors Hill & Taylor to discuss the proposed Vicus Way Car Park?

d) Councillor C. Da Costa will ask the following question of Councillor Johnson, Lead Member for Infrastructure, Transport Policy and Housing:

Is the Member responsible for housing aware that Radian has apparently taken legal action, so that they no longer have to consult with residents regarding setting service charges? If successful there will no cap on what is charged. While I understand Radian is a business, I question the ethics of disempowering those living in social housing, their tenants, our residents.

e) Councillor Knowles will ask the following question of Councillor Johnson, Lead Member for Infrastructure, Transport Policy and Housing:

Will you commit to supporting the resurfacing of Bolton Road, particularly the portion between the junctions with Bolton Avenue and Kings Road as part of your commitment to spend £50m on our roads?

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

9. MOTIONS ON NOTICE

a) By Councillor Stimson

Last month this Council passed a motion to reach a carbon neutral position by 2050, and declared an environmental and climate emergency. We are committed to achieving this target.

That this Council, in the interests of encouraging biodiversity, and with input from ward councillors, agrees to:

i) Less frequent mowing of verges to encourage wildlife friendly grasses and flowers and of parks and open spaces to encourage biodiversity, whilst being

cognisant of health and safety issues insofar as traffic is concerned

ii) The introduction of wildflowers to cheer up targeted barren sites within the Borough

iii) The introduction of drought resistant insect friendly plants in key roadside areas

10. LOCAL GOVERNMENT ACT 1972 - EXCLUSION OF PUBLIC

To consider passing the following resolution:-

"That under Section 100(A)(4) of the Local Government Act 1972, the public be excluded from the remainder of the meeting whilst discussion takes place on items 11-12 on the grounds that it involves the likely disclosure of exempt information as defined in Paragraphs 1-7 of part I of Schedule 12A of the Act"

PRIVATE MEETING

11. MINUTES

To receive the Part II minutes of the meeting of the Council held on 25 June 2019.
(Pages 47 - 48)

(Not for publication by virtue of paragraph 5 of Part 1 of Schedule 12A of the Local Government Act 1972.)

12. NICHOLSON'S WALK SHOPPING CENTRE

To note the Part II appendices to the earlier Part I report.
(Pages 49 - 124)

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

COUNCIL MOTIONS – PROCEDURE

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

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

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

- Amendment to Motion proposed
- Amendment must be seconded BEFORE any debate can take place on it

(At this point, the mover and seconder of original Motion can indicate their acceptance of the amendment if they are happy with it)
- Amendment debated (if required). Members who have spoken on the original motion are able to speak again in relation to the amendment only
- Vote taken on Amendment
- If Agreed, the amended Motion becomes the substantive Motion and is then debated (any further amendments follow same procedure as above).
- If Amendment not agreed, original Motion is debated (any other amendments follow same procedure as above).

- The mover of the Motion has a right to reply at the end of the debate on the Motion, immediately before it is put to the vote.
- At the conclusion of the debate on the Motion, the Mayor shall call for a vote. Unless a named vote is requested, the Mayor will take the vote by a show of hands or if there is no dissent, by the affirmation of the meeting.
- If requested by any **5** Members the mode of voting shall be via a named vote. The clerk will record the names and votes of those Members present and voting or abstaining and include them in the Minutes of the meeting.
- Where any Member requests it immediately after the vote is taken, their vote will be so recorded in the minutes to show whether they voted for or against the motion or abstained from voting

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

Closure Motions

a) A Member who has not previously spoken in the debate may move, without comment, any of the following Motions at the end of a speech of another Member:

- i) to proceed to the next business;
- ii) that the question be now put to the vote;
- iii) to adjourn a debate; or
- iv) to adjourn a meeting.

b) If a Motion to proceed to next business is seconded, the Mayor will give the mover of the original Motion a right of reply and then put the procedural Motion to the vote.

c) If a Motion that the question be now put to vote is seconded, the Mayor will put the procedural motion to the vote. If it is passed he/she will give the mover of the original motion a right of reply before putting his/her motion to the vote.

d) If a Motion to adjourn the debate or to adjourn the meeting is seconded, the Mayor will put the procedural Motion to the vote without giving the mover of the original Motion the right of reply

Point of order

A Member may raise a point of order at any time. The Mayor will hear them immediately. A point of order may only relate to an alleged breach of the Council Rules of Procedure or the law. The Member must indicate the procedure rule or law and the way in which he/she considers it has been broken. The ruling of the Mayor on the matter will be final.

Personal explanation

A Member may make a personal explanation at any time with the permission of the Mayor. A personal explanation may only relate to some material part of an earlier speech by the Member which may appear to have been misunderstood in the present debate. The ruling of the Mayor on the requirement of a personal explanation will be final.

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AT A MEETING OF THE BOROUGH COUNCIL held in the Desborough Suite - Town Hall on Tuesday, 25th June, 2019

PRESENT: Councillors Luxton (The Mayor), Muir (Deputy Mayor) and Baldwin, Baskerville, Bateson, Bhangra, Bond, Bowden, Brar, Cannon, Carroll, Clark, Coppinger, C. Da Costa, W. Da Costa, Davey, Davies, Del Campo, Dudley, Haseler, Hill, Hilton, Hunt, Johnson, Jones, Knowles, Larcombe, McWilliams, Price, Rayner, Reynolds, Sharpe, Shelim, Singh, Stimson, Story, Targowski, Taylor, Tisi, Walters and Werner

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

7. APOLOGIES FOR ABSENCE

None received.

8. COUNCIL MINUTES

RESOLVED UNANIMOUSLY: That the minutes of the meetings held on 23 April 2019 and 21 May 2019 be approved.

9. DECLARATIONS OF INTEREST

Councillor Rayner declared a Disclosable Pecuniary Interest in the item 'Heathrow – The Royal Borough position and ongoing engagement' as her husband's family trust land was part of the area for the Heathrow project. She left the room for the duration of the debate and vote on the item.

Councillor Knowles declared a personal interest in motion 10c as he was an armed forces veteran and Vice Chairman of the Windsor and District Royal British Legion.

10. MAYOR'S COMMUNICATIONS

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

Councillor Dudley congratulated all recipients in the Queen's Birthday Honours list, in particular former Councillor Derek Wilson, who had received an MBE.

11. ORDER OF BUSINESS

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

12. CONSTITUTIONAL AMENDMENTS

Councillor Shelim introduced the report. He explained that during 2018 the council had undertaken a full review of the constitution. This involved a cross-party working group presenting recommendations to full Council. Following a wide variety of recommendations, changes were agreed at the full Council meeting in June 2018, for implementation in May 2019.

One of the agreed changes was to remove the opportunity for a member of the public to ask a supplementary question under the item 'Public Questions'. Following a public question on the proposed change at the full Council meeting in April 2019, the then Lead Member for HR, Legal and IT (former Councillor Lisa Targowska) suggested that the decision be reviewed and a report be brought to full Council on 25 June 2019. Subsequent to that announcement, on 28 May 2019, the council received an e-petition on the subject containing 397 signatories, requesting that the council 'rescind their decision to ban supplementary public questions at council meetings. The recommendation in the report was therefore to reinstate the right for members of the public to ask supplementary questions.

Councillor Werner commented that he welcomed the well-thought through reversal of the previous decision by the Conservative council to stop supplementary questions. He questioned why the change was also not being also proposed for Member questions.

Councillor Jones stated that she supported the recommendation but would also like to see the reversal of the decisions to remove Member supplementary questions. There was often a need for clarification regarding an answer; removing them hindered transparency.

Councillor Dudley explained that the original reason to remove supplementary questions was to ensure Members were able to answer questions in full; there had been a number of occasions when members of the public were sent written responses to their supplementary question as the Member did not have the information to hand at the meeting to be able to respond in full. He was happy for the reinstatement to apply to both members of the public and Councillors.

Councillor Hill commented that he supported the proposals; Lead Members should be on top of their game and able to answer supplementary questions.

Councillor W. Da Costa welcomed both changes. He thanked Andrew Hill who had raised the issue in the first place and helped the public understand the ramifications.

Councillor Shelim agreed to amend the recommendations to include the reinstatement of supplementary questions for Councillors as well as members of the public. However, he highlighted that Councillors did not have to wait until a full Council meeting to ask a Lead Member a question.

It was confirmed that when supplementary questions were responded to in writing, the response was added as an addendum to the minutes of the meeting shown on the council website.

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

RESOLVED UNANIMOUSLY: That Full Council notes the report and:

- i)Agrees to reinstate the opportunity for members of the public to ask supplementary questions under the item 'Public Questions'.**
- ii) Agrees to reinstate the opportunity for Councillors to ask supplementary questions under the item 'Member Questions'**

iii) Delegates authority to the Monitoring Officer to amend the constitution as necessary.

13. PUBLIC QUESTIONS

a) Adam Bermange of Boyn Hill ward asked the following question of Councillor Johnson, Lead Member for Infrastructure, Transport Policy and Housing:

Given that the Council considers Maidenhead Town Moor to be '...a haven for wildlife and part of the Councils aim to preserve biodiversity in the Borough'. Will the Lead Member make a commitment to give environmental and ecological impact concerns top priority in any decision making regarding the proposed link road at this site ?

Councillor Johnson responded that no decision had been made on whether the link road would be progressed; it was still a work in progress. The council was currently considering the concept and whether it would be beneficial to the town and its residents. The issue had been raised with him by Councillors Carroll and Bhangra.

If the scheme were to be advanced, it would require a robust planning consent and a full environmental impact assessment, including wildlife and biodiversity. The council was investing £50m over four years in highways and the link road may or may not be part of this investment.

By way of a supplementary question, Mr Bermange thanked the Lead Member for the encouraging answer. He understood there were a number of statutory obligations council had to adhere to in relation to biodiversity; he was pleased the council would follow these. He asked the Lead Member whether the council would be prepared to go beyond what was statutorily necessary? The Maidenhead Town Moor was part of the Greenway, which was identified as a green corridor by many groups. He asked whether any decision could be deferred until a local nature recovery map was in place?

Councillor Johnson responded that the council would consider going beyond the statutory minimum. The biodiversity and habitats of the borough were very precious to everyone in the council. If the council decided to progress with the scheme, he would be happy to meet with Mr Bermange and discuss the issue further.

14. MOTIONS ON NOTICE - D)

Councillor Clark introduced his motion. He began by thanking the administration for the creation of a Cabinet position for Sustainability. The motion he proposed was possibly the most important motion ever put to the council.

The science was clear and unambiguous in relation to climate change; data and direct observation showed the climate was changing and action was required urgently to limit the rise. The Intergovernmental Panel on Climate Change (IPCC) report had highlighted the impacts of an increase in temperature in excess of 1.5 degrees. In 2015 the UK had signed the Paris Agreement with 178 other countries to limit the rise to 1.5 degrees, which was widely acknowledged as the tipping point which must not be exceeded. The results of global warming were clear including extreme weather patterns and rising sea levels. The detrimental impact of single use plastics was also clear. It was therefore right and proper that the council should debate the issue and declare a climate emergency.

The motion chimed with the recent government announcement that the UK would set a target to become a net zero carbon contributor by 2050. This would make the UK

the first G7 country to do so; the Royal Borough was keen to ensure the UK led the way. To deliver the target would necessitate changes in the borough that would require additional resources and powers from the national government. Delivery of a net zero carbon target was not a political issue but a welfare one. The action plan would need cross-party support. The council had already achieved much including energy use reduction, investment in solar energy and a ban on single use plastics.

The proposed working group would need to look at current usage and identify appropriate targets and to lobby for further funding to accelerate targets. It would be important to lead by example and he therefore hoped all councillors would support the motion.

Councillor Dudley seconded the motion. He thanked all the residents who had lead the initiative to get the council to debate the issue. He had been asked by a resident during campaigning whether or not, if he were re-elected, he would vote to declare a climate emergency. He had stated that he would. It would be important to get cross-party agreement, it was too large an issue for political silos. To meet the targets would require changes in lifestyle; for example 15% of people in the UK took 70% of the international flights. He was grateful that the Prime Minister, who was the constituency MP, had brought forward the legislation in the last month of her prime ministership to set the zero emission target for the UK.

Councillor Davies commented that a number of councillors had signed the e-petition relating to declaring a climate emergency therefore she proposed an amendment to the motion to change the target of '2050' to '2030'. She was delighted that the debate was taking place at her first full Council meeting. This was a unique opportunity to set the agenda for the next generation, not just the next four years. The IPCC had warned that there were just 11 years to avoid exceeding the increase of 1.5 degrees global warming. The greatest impact in the UK would be flooding, water scarcity and extreme weather events. The number of properties in the UK at significant risk of flooding was expected to double by 2030. So far 90 first and second tier councils had joined Parliament in declaring a climate emergency; 60 of these had set a target of 2030 or earlier. There was a need for the council to be more ambitious as it was the single greatest issue facing the country.

Councillor Del Campo seconded the amendment to the motion. Councillor Dudley stated that the administration would not accept the amendment as it would have a cataclysmic financial impact on the council and its residents. Councillor Clark stated that he did not accept the amendment, therefore Members debated the proposed amendment.

Councillor Bowden stated that he felt 2030 was an impossible deadline. Heathrow expansion was not expected to be complete until 2050. None of the machinery to be used would be electric-powered therefore there would be a wave of diesel coming towards the borough. He therefore objected to the change to 2030.

Councillor Hill commented that the administration was putting up a financial barrier which was simply not good enough. A climate emergency was going to cost in terms of lifestyle and money. The majority may not hit the target but everyone should try.

Councillor W. Da Costa asked if Councillor Dudley had undertaken a full assessment of the cataclysmic financial effect to which he had referred?

Councillor Jones highlighted that 60 councils had set a date of 2030. She could see that there might be a financial implication in the future but she still thought the council should set this date. There was no way that the council would allow itself to become financially unstable to meet the target but if it was not set, it would not make the steps needed.

Councillor Clark commented that the aspiration was to reduce usage as quickly as possible but the impact and delivery of a 2030 target was unknown. He had spoken to officers in detail to identify what could be done to achieve 2050; it would not be easy and would require cross-party policies. In his view the council should set an ambitious framework for 2050 and within the working group he would be delighted to listen to reasoned, costed proposals with accountability. Until he had seen this level of detail he could not go against officer advice and set a different target.

Councillor Baldwin commented that he was trying to imagine how different a plan would be if the date of 2050 was changed to 2030. Councillor Clark had stated that he would be prepared to listen to costed and reasonable measures based on the elasticity of what he said, to deliver by 2025. The wording was important because it went to the ambition the council had to reflect the views of its residents.

Councillor Davey commented that in business you had targets and stretch targets and sought to achieve them. Councillor Dudley had said a 2030 target would be cataclysmic; Councillor Davey felt it would be more cataclysmic if the issue was not addressed. He would like to see targets for different aspects with set dates, set in stone.

Councillor Del Campo commented that she welcomed the petition and highlighted that more people had signed a hard copy than the online version. She thanked residents for their passion and commitment. A good number of councillors would still be around in 2050 to see delivery; the children of the borough would be in their 30s and 40s; any children they had would inhabit a very different world. If the existential threat was an asteroid set to hit the world she asked would the council give it thirty years or start work the next day? She asked councillors not to kick the issue down the road; the deadline must be 2030.

Councillor Davies highlighted that 29 councillors had signed the petition with a date of 2030 therefore she wondered why they would have signed if they did not want to accept the amendment.

A named vote was undertaken on the proposed amendment as at least five councillors made such a request, as per Part 2 C17.3.3 of the constitution

18 Councillors voted for the motion: Councillors Baldwin, Baskerville, Bond, Brar, C. Da Costa, W. Da Costa, Davey, Davies, Del Campo, Hill, Jones, Knowles, Larcombe, Price, Reynolds, Taylor, Tisi, and Werner.

23 Councillors voted against the motion: Councillors Bateson, Bhangra Bowden, Cannon, Carroll, Clark, Coppinger, Dudley, Haseler, Hilton, Hunt, Johnson, Luxton, McWilliams, Muir, Rayner, Sharpe, Shelim, Singh, Stimson, Story, Targowski, Walters

The motion therefore fell and Members returned to debating the substantive amendment.

Councillor Stimson commented that she had previously set up a group called Maidenhead Matters. In her role as a councillor she was delighted to be involved in a number of issues such as planning, children and the waterways. She planned to work cross-party to improve the wellbeing of residents. She wanted to highlight a number of practical examples of how to reduce the council's carbon footprint. In terms of planning policy and the Borough Local Plan, the council could ensure development was concentrated in demarcated areas, avoiding pressure on the Green Belt. The council could ensure all development was of high quality, durable, energy efficient, close to transport, amenities etc. It was also important to avoid low-lying areas to avoid flooding and introduce systems to preserve water. The Girls' Policy Forum was focussing on the issue of a climate emergency. Volunteers were helping to clean out the Waterways to get the blue infrastructure in the town for all to enjoy. These might seem like small steps but the council was already doing lots to reduce its carbon footprint. With cross-party working and the involvement of residents the council would endeavour to bring to fruition its goals, but there was a need to be realistic.

Councillor Carroll stated that this was a critical issue. He thanked the lead petitioner who had spearheaded the campaign. He thanked all the children who had written to the council on the motion: 100 letters had been received and all had been read. It was wonderful to see so many young people engaged in democracy. The letters called on central government to provide additional resources and powers to meet the scale of ambition. There was a lot of wisdom in the letters, which called for the council to be confident in what it could achieve but have a clear plan in place. He asked Councillor Clark to report back in relation to the third element of the motion, particularly when he had been able to liaise with central government about the practicalities of setting a more ambitious target. This would then enable the council to take a more informed judgement about 2030 versus 2050.

Councillor Rayner highlighted that the new Braywick Leisure Centre would use 75% less energy because of solar power panels installed on the roof and the provision of electric charging points. The council had expanded the availability of green and open spaces through a number of land purchases. A group had recently been set up called 'Friends of Battlemead Common. The council also worked with the group Friends of Thriftwood.

Councillor Bowden commented that he fully supported the motion. He highlighted the impact of Heathrow expansion in terms of construction which would use all-diesel vehicles and the 740,000 aircraft movements proposed. The council could not stop this but could consult with Heathrow to try to reduce the impact.

Councillor Werner commented that this was one of the most vital motions the council had ever considered. His 8 year old daughter was in attendance for the first time because she thought the issue was so important. The motion should give a message of hope to the next generation. The issue should be taken into account in every single council decision, for example ensuring the environment was put first and foremost in the Borough Local Plan. The council also had huge lobbying power to ensure the government took the issue seriously. He hoped they would back the target of 2030 rather than 2050.

Councillor Hill explained that the lead petitioner had also written a letter to the Maidenhead Advertiser about air pollution from vehicles, particularly toxic fumes from idle vehicles, which was a silent killer. One of the best defences were mature trees as they took up the carbon dioxide. There were traffic jams on the A4, in the town centre and on Braywick Road yet the council had plans to turn the area into a metropolis. There was not enough focus on transport solutions and green open spaces. A conscious decision could be made to protect all mature trees on the golf course site. To do anything else was environmental destruction.

Councillor W. Da Costa asked what was the ultimate aim of the motion? To stop the reduction of biodiversity and mass extinction. The EU's website on Nature and Biodiversity and Biodiversity Strategy said, "species are affected by pollution, climate change and human activities." Tackling the council's carbon footprint and energy use addressed only one of the factors threatening species. The motion was excellent but incomplete. It was not enough to just focus on the current carbon footprint and energy usage. The council must be more aggressive in facing the devastating impact of humans on nature, and therefore the livelihood and wellbeing of future generations. The council also needed to look locally and start to take informed action to protect local species and biodiversity, to address habitat protection, air, water and ground pollution, and chemical and pesticide use to protect the ecosystem and biological diversity locally.

In 2011, the EU adopted an ambitious strategy setting out six targets and 20 actions to halt the loss of biodiversity and ecosystems by 2020. Councillor W. Da Costa explained that he had planned to propose that the motion be amended to include a clause to 'Create a Biodiversity Strategy by 2021, with targets and deadlines set by a Task Force (including local community experts), and promote initiatives, to inter alia; protect species and habitats; maintain and restore ecosystems; achieve more sustainable agriculture and forestry; tackle invasive alien species; and help stop the loss of global biodiversity.' However he had spoken to Councillor Clark before the meeting and he agreed to meet with Councillor W. Da Costa over the next two weeks to present a biodiversity motion to a future Council.

Councillor Baldwin commented that hope was the precursor of ambition. He had heard from Councillor Carroll that it was not possible to set a date, yet essentially that was what the council was doing. He felt the wrong date was being set. In defence of 2050 all that was offered was unsubstantiated claim of economic doom against the reality of environmental disaster. He could not support the motion on this basis.

Councillor Sharpe commented that he had been astounded by the debate and the lack of ideas from people around the table. The debate needed to move on to proper considered suggestions as to how the council could address the situation; whether by 2030 or 2050 was immaterial. As the council could be influential in encouraging people to act, the motion was a step forward as it was a platform to do so. The council could say that every building in the borough needed to have solar panels, a wind turbine and a water container but this would be a huge cost to both the borough and its residents. Doing it immediately would create huge disruption.

Councillor Dudley commented that the administration had a manifesto commitment to plant 2000 trees across the next four years and all new developments would require a planting scheme. He was looking forward to the debate on Heathrow given 18 councillors had voted for a date of 2030.

Councillor Hilton stated that he had signed the petition in recognition of the aspiration, not the intention, of a 2030 date. Declaring a climate emergency would be an important step. He welcomed the government commitment and was pleased that the motion called on central government to give additional resources and powers. The cross-party working group would be key to successful delivery. As Lead Member for Finance he would write to the Chancellor of the Exchequer to ask him to explain the costs and consequences of a 2030 target.

Councillor Jones stated that she supported the idea of a cross-party working group where ideas could be fed in and reviewed with officers who had the knowledge. She supported the motion but wished there had been a bit more ambition as she knew officers would not put the council at risk to meet an earlier target. She requested more detail on how the council had already achieved a 21% reduction in energy use.

Councillor McWilliams had been asked before the meeting whether he would support the amended motion. He had responded that it would depend on how it was explained that delivery could be achieved on a 2030 target; he did not believe this had been clearly set out. However there was no reason why the council would not be able to find solutions to deliver a 2030 target by writing to the relevant ministers. In the meantime the council should by whatever means, including via the local MPs, encourage the big polluters of the world to reduce their energy usage. At the local level the council should use the cross-party working group to undertake a detailed analysis of what policies it could deliver.

Councillor Johnson commented that politics was the ability to generate positive outcomes for the benefit of residents. As the Lead Member for Transport, which covered a significant part of the council's carbon emissions, it would be one of his top priorities to deliver a sustainable transport policy. The key was connectivity and the use of technology. Unfortunately this was not moving as fast as it should to meet the ambition. Technology could be used to deliver a de-carbonised economy, transport network and infrastructure across the borough. Digital connectivity was also important to reduce the number of people who needed to commute every day. It would be important to ensure changes made were realistic and did not impact on the most vulnerable and he had been depressed with the blasé attitude of some in the meeting that there would not be any impacts on the vulnerable if the council pushed hard.

Councillor Jones raised a point of order as she felt it was misleading to suggest the opposition had been blasé about spending.

Councillor Johnson responded that he felt certain members of the opposition were being blasé about how the impact could be mitigated. Technology was the long-term key to the successful delivery of reducing carbon emissions. This needed investment by the private sector as well. The Berkshire LEP would play an integral role in delivering the agenda.

Councillor Davey referred to the manifesto commitment to plant 2000 trees and highlighted that an oak tree was still a teenager at 150 years old. He felt the tree planting comment was just a soundbite. Electric buses were being produced so if this could be extended to diggers and other machinery it would help the Heathrow situation. He emphasised that the date of 2030 was included in the petition and a number of councillors in the room had signed the petition.

Councillor Clark confirmed that between 2013/14 and 2017/18 the council had achieved a 21% reduction in energy usage and a 37% reduction in water usage. These statistics had been presented in detail to the former Sustainability Panel in May 2018. The reductions had been achieved as a result of changes such as the introduction of solar panels and energy efficient street lights. He highlighted that 47% of pollution was from vehicles. The government was phasing out diesel engines by 2040 yet some were calling for a 2030 target. The motion was pragmatic and ambitious.

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

RESOLVED: That this Council:

i) Declares an environmental and climate emergency; whilst noting the council's achievements in reducing its environmental impacts including reducing its energy consumption by 21% and the ambitious ongoing targets to further reduce energy consumption by 10% within four years, adopted in the Energy and Water Strategy 2019-2023;

ii) Welcomes the Government's commitment to net zero carbon emissions by 2050 and calls on them to provide additional powers and resources to ensure the Royal Borough of Windsor and Maidenhead can help deliver on national targets; and

iii) Will establish a Cross-Party Working Group to undertake an in-depth review of the council's current carbon footprint and to formulate, consult and agree on a net Zero Carbon Royal Borough of Windsor and Maidenhead by 2050 Strategy in consultation with local stakeholders and partners with a draft strategy to be brought before Full Council within 12 months.

(A named vote was taken as at least five councillors made such a request, as per Part 2 C17.3.3 of the constitution. 40 Councillors voted for the motion: Councillors Baskerville, Bateson, Bhangra, Bond, Bowden, Brar, Cannon, Carroll, Clark, Coppinger, C. Da Costa, W. Da Costa, Davey, Davies, Del Campo, Dudley, Haseler, Hill, Hilton, Hunt, Johnson, Jones, Knowles, Larcombe, Luxton, McWilliams, Muir, Price, Rayner, Reynolds, Sharpe, Shelim, Singh, Stimson, Story, Targowski, Taylor, Tisi, Walters and Werner voted for the motion. Councillor Baldwin was not present in the room when the vote was taken).

15. PETITIONS

Councillor Hill submitted two petitions. The first petition, signed by 317 people, requested a safe pedestrian crossing be built at the Stafferton Link / Forelease Road Junction and Oldfield / Bray Road Junctions. He had met with officers from the highways team earlier that day, who would look into what options were possible. This was a safe walking route to school but the Stafferton Link road had been so successful people had difficulty crossing. He requested the petition be referred to Cabinet.

The second petition, signed by 90 people, requested an upgrade to the zebra crossing on Stafferton Way due to very real safety concerns. Pedestrians were crossing on a hill and a bend therefore it was difficult to see. There had been numerous close calls.

With a new leisure centre there would be more people crossing therefore it needed attention. He requested the petition be referred to Cabinet.

16. HEATHROW - THE ROYAL BOROUGH POSITION AND ONGOING ENGAGEMENT

Councillor Johnson introduced the report. He highlighted to Members that recommendation i) had two options for consideration.

Councillor Hilton commented that he still found it difficult to believe that the Airport National Planning statement that promoted a third runway at Heathrow had been approved when there were so many negatives. Heathrow expansion would generate greater congestion, put more strain on housing in the surrounding area, generate more noise and air pollution and be challenged to meet the government's own air quality standards.

There were two distinct processes to approving a third runway; firstly the DCO where the consultation process had started. He was delighted that the Borough would make representation to the Planning Inspectorate. The second was the airspace change required to manage the routing of aircraft safely in an out of Heathrow. The Future Airspace strategy set out how Performance Based Navigation, which used GPS systems to accurately fly aircraft on flightpaths should be used to create new capacity in the air. In 2014 Heathrow ran westerly PBN departure trials that saw aircraft flying over Ascot as if on rails concentrating noise on the ground and causing public outrage. As a result, those trials were terminated earlier than planned.

Following that debacle, in early 2015 Heathrow formed its Community Noise Forum and as the council's representative Councillor Hilton now visited Heathrow more frequently than when he flew around the world on business. The represented community groups had formed themselves into a cohesive whole and could speak with one voice. They had been active in seeking facts and had established that so far, because of widespread public outrage, no airport around the world had successfully implemented PBN.

The government's objective was to reduce the number of people significantly affected by noise. With PBN this would be easy to achieve by planning a limited number of departure and arrival routes that would concentrate noise on fewer people but would greatly increase their annoyance levels and attendant health risks. These routes could overfly any ward in the Borough and, if approved, were certain to seriously impact Eton, Windsor, Ascot and the south.

Heathrow proposed multiple departure routes to allow for respite but work carried out by Anderson Acoustics showed that noise needed to be reduced by 9dBm or 8 times before people recognised the change. Heathrow had not demonstrated that this could be achieved.

Heathrow relied upon the Survey of Noise Attitudes which arrived at the conclusion that annoyance started at 54 dBm whereas the WHO in their latest report said it was 45dbm or 8 times less. He was pleased that following presentations and discussions the recently formed Independent Commission on Civil Aviation Noise would be undertaking research to form their own conclusions. When he had met with the DfT they would not commit to work until after the DCO decision had been made.

Although the CAA would approve airspace change associated with a third runway it would be the DCO that agreed environmental and noise envelopes that, through some criteria, would set overall limits on noise rather than a cap on aircraft movements. This increased the importance of the Borough's response to the DCO.

The appointment of Members and officers to the Infrastructure Delivery Group made logical sense. As did endorsing the ongoing commitment of the Royal Borough to the Heathrow Strategic Planning Group (HSPG) as well as engaging Heathrow directly and to submitting a response on its proposals.

Councillor Hilton stated that he hated committing the finance but he felt he had an obligation to the residents he represented in the south of the borough who would be impacted by more aircraft noise, both arrivals and departures. He therefore agreed to continue to support the legal proceedings, by way of an appeal to the outcome of the Judicial Review.

Councillor Bowden highlighted that the 740,000 aircraft movements that would come in with runway three at its maximum did not include the application by Heathrow at this time for an additional 25,000 aircraft movements in the Development Consent Order (DCO). They were going to do this via Independent Parallel Approaches (IPA), Enhanced Time Based Separation between aircraft (TBS) and Performance Based Navigation (PBN). The aircraft would be coming in at different angles at all times and they would be coming in more narrowly because the vortex of the wind would allow a closer separation. They would be putting in 25,000 more aircraft movements before they even get the third runway through. He encouraged people to attend the roadshows. They were well supported by the Back Heathrow campaign which was funded by Heathrow itself. Back Heathrow had stated it was using all green electricity. Councillor Bowden was unsure how they were separating between green and non-green electricity.

Windsor currently experienced 18.5 hours of non-stop landing traffic. The Cranford Agreement had been abolished by government. Heathrow then put their application in for alternate runways. At appeal he spoke on their behalf as it would have reduced the number of flights over Windsor but they chose not to do it for financial reasons, therefore you could not trust Heathrow. The western rail link would cost £1bn. The opposition to Heathrow must continue at all opportunities however Councillor Bowden was reluctant that the borough would have to absorb some of the financial penalties.

Councillor Werner highlighted that the report referred to the working group 'informing the Aviation Forum as required'. He would like to see the Aviation Forum more involved rather than after an event had happened. It would be a bizarre decision to have approved the previous motion and then support Heathrow expansion given the impact on the environment.

Councillor Walters agreed with the last few speakers that the council should continue with its opposition to the expansion of Heathrow. It was a fluid situation as the planning process had not been done and there could be more evidence that came through.

Councillor Davey commented that he was not disputing Councillor Bowden's knowledge in relation to Heathrow; however he was aware there was an electric solution to buses so he hoped that an electric solution could also be found for trucks etc. The general population was reducing the number of flights taken so there may be

less of a need for runways in the future. The plans should be blocked if possible but there needed to be a balance against costs.

Councillor W. Da Costa agreed with Councillor Bowden that the council needed to oppose Heathrow at all costs. There were many effects including more vehicles on the road, a reduction in green spaces and a probable requirement to build on the Green Belt. The proposals affected the health and wellbeing of borough residents. He was concerned that Members of the opposition groups would not have the opportunity to scrutinise the policy being adopted and suggested they therefore be included.

Councillor Knowles agreed with Councillor Hilton's synopsis on aircraft noise. Large aircraft could not turn for three or four miles of taking off or they would fall out of the sky and for the last five miles they had to fly in a straight line therefore they would be flying over the borough. He was conscious of the fact that many airports had turned into shopping malls therefore much of the budget was about increasing the retail footprint. This went against the claims of needing to increase capacity. It had been stated the previous day that Heathrow expansion would lock down development of all other airports in the UK for a number of years. People were starting to notice the side effects. The costs would eventually go onto airfares. BA were therefore starting to get cold feet. He was not yet convinced whether to spend money now or to keep the powder dry for future planning processes might be a better option. He felt an increased frequency of Aviation Forum meetings was needed; for example the consultation ended on 13 September 2019 and the next meeting was in August 2019.

Councillor Hill expressed concern over the expansion of Heathrow but also about the amount of money being spent. The report sought to commit £75,000 when £100,000 had already been spent. With potential legal costs the total amount could be £300,000. Like it or not, the government would get what it wanted. It was becoming a futile crusade as the government would do what it wanted in what it described as the national interest. There were many other areas, including adult social care, the homeless and children's services where the money could be very well used.

Councillor Jones stated that she was completely against the expansion of Heathrow. The A308 in Old Windsor regularly became a car park as soon as there was an issue on the M4 or M25. Further vehicle movements would impact the a-roads in the borough. Councillor Jones questioned the status of the working group within the council structure, particularly as the report referred to it being decision-making. She asked whether it would report to Cabinet or Council and whether it would be cross-party. She would welcome cross-party reporting to Cabinet. As the legal process had been led by the administration she did not have the information that others did to determine whether an investment of £75,000 was worth the risk.

Councillor Sharpe highlighted that £75,000 was needed to protect residents from the biggest change in their lives in the borough. So far £100,000 had been spent over a period of three years therefore he felt it was an incredibly small amount to spend and he supported the proposal to do so.

Councillor Clark stated that he was in support of continuing with the opposition because an ambitious target of 2050 would be compromised by Heathrow expansion.

Councillor Carroll commented that the points made by Councillor Hill were reasonable; there was a need to distinguish between a serious legal action and a futile one. The

air quality point was important in terms of an appeal. Heathrow was currently contravening the law and expansion would probably magnify the issue. In his capacity as Lead Member for Health he had followed this issue closely. The government had published targets to reduce air pollution in a Green Paper. He felt it would be worth one more appeal on the air quality point.

Councillor Dudley explained that the reason to invest in the application at this stage was because the council could not subsequently join. Leave to appeal had not yet been granted; a decision on funding was needed so that work could begin if and when leave was given by the Court of Appeal.

He agreed with Councillor Werner that actions had consequences. Members had debated a climate emergency earlier in the evening and all wanted it dealt with as quickly as possible. Any logical consistency meant something needed to be done about the third runway. There were massive questions that needed to be answered by central government, in particular the Secretary of State for Transport. In terms of candidates to be the new Prime Minister, Jeremy Hunt was supportive of a third runway; Boris Johnson as the local MP for Hillingdon had expressed a more nuanced view. The council's reserves were at a record high therefore it was not a decision as to whether to spend £75,000 on the appeal action or frontline services. He would support option a.

Councillor Johnson commented that it was clear that the mood of the meeting was towards continuing on the path the administration had set. He had objected to Heathrow expansion for over ten years as there were better alternative options. Opposing Heathrow was also an integral part of delivering on the climate change agenda.

Members voted on whether to support option a or b in recommendation i.

RESLOVED: That option a) to continue legal proceedings, by way of an appeal to the outcome of the Judicial Review in March 2019, become the substantive motion in recommendation i.

A named vote was taken as at least five councillors made such a request, as per Part 2 C17.3.3 of the constitution. 38 councillors voted for option a: Councillors Baldwin, Baskerville, Bateson, Bhangra, Bond, Bowden, Brar, Cannon, Carroll, Clark, Coppinger, C. Da Costa, W. Da Costa, Davey, Davies, Del Campo, Dudley, Haseler, Hilton, Johnson, Jones, Knowles, Larcombe, Luxton, McWilliams, Muir, Price, Reynolds, Sharpe, Shelim, Singh, Stimson, Story, Targowski, Taylor, Tisi, Walters and Werner. 2 councillors voted for option b: Councillors Hill and Hunt. Councillor Rayner had left the meeting for the duration of the debate and voting on the item).

Members then voted on recommendations i-iii, as amended.

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

RESOLVED UNANIMOUSLY: That Council notes the report and:

- i) Agree to continue legal proceedings, by way of an appeal to the outcome of the Judicial Review in March 2019**

- ii) **Approve the appointment of members and officers to the Infrastructure Delivery Group, as previously agreed at Cabinet on 28th June 2018. This group, when commissioned, to operate as the appropriate governance structure for strategic aviation decision making; informing the Aviation Forum as required.**
- iii) **Endorse the ongoing commitment of the Royal Borough to the Heathrow Strategic Planning Group (HSPG) as well as engaging Heathrow directly on its proposals through bilateral officer discussions and delegate authority to the Executive Director and Head of Communities Enforcement & Partnerships and Head of Planning to finalise and submit responses to Heathrow Airport Limited by 13th September 2019 in relation to planning proposals for expansion at Heathrow Airport.**

Councillor Rayner had left the meeting for the duration of the debate and voting on the item

17. MEMBERS' QUESTIONS

a) Councillor McWilliams asked the following question of Councillor Rayner, Lead Member for Culture, Communities and Windsor:

Will you commit to supporting the expansion of the Cox Green Community Centre car park, as per the recent petition which gathered almost 500 signatures from local residents?

Councillor Rayner responded that the car park was not part of the Royal Borough estate; it was part of the school site. Although it was recognised as a popular local community centre and youth centre, it was therefore not appropriate for the council to provide funding. In April 2018 officers looked at the options to expand the car park. Since then the school had built 16 more car park spaces which had alleviated pressure at peak times. A figure of £20,000 has been identified in this year's capital budget to enable a detailed feasibility and design study to take place.

By way of a supplementary question, Councillor McWilliams asked whether, following the £20,000 allocated, Councillor Rayner would commit to reconvening the round table to discuss future options.

Councillor Rayner responded that the council would always consider new ideas; following the results of the feasibility the council would determine the next steps.

b) Councillor McWilliams asked the following question of Councillor Johnson, Lead Member for Infrastructure, Transport Policy and Housing

Will you commit to supporting the resurfacing of Cox Green Lane as part of our commitment to spend £50m on our roads?

Councillor Johnson responded that the council had committed to investment in infrastructure and would invest £50m over four years to deliver infrastructure before housing and development. In addition, the council had recently introduced further investment to fix potholes within 24 hours.

With respect to the specifics of Cox Green Lane, the road resurfacing programme for 2019/20 had already been approved. However, he had requested that this road would be added to the reserve programme and resurfaced as soon as possible.

By way of a supplementary question, Councillor McWilliams explained that he and Councillor Haseler had committed to the people of Cox Green to push to expand the resurfacing programme, he therefore asked the Lead Member if he would come on a tour of the ward to see other roads

Councillor Johnson responded that he would be delighted to join ward councillors on a tour.

c) Councillor Larcombe asked the following question of Councillor Cannon, Lead Member for Public Protection:

The Wraysbury Drain is over two miles of ancient and legally protected watercourse that has gone dry. How much RBWM money has been spent on maintaining this channel without actually fixing the problem?

Councillor Cannon responded that in 2014 the Royal Borough commissioned a study of the Wraysbury Drain, and completed work which emerged from the study during 2015. The works included essential ditch clearance and regrading at a number of locations along the Wraysbury and Horton Drains, including the dive centre and The Splash.

The contractor completed 12 weeks work on both the Horton and Wraysbury Drains between September and November 2015. Sections were cleared of vegetation and other sections received silt clearance. In addition debris was cleared at several locations. 30 skips were used to remove the arisings. The work was paid on a 'dayworks rate' for the gang and vehicles

Approximately £125,000 had been invested by the Royal Borough over a number of years. An ongoing commitment to maintenance was required to address a range of inter-connected issues, including the lack of water which had negative ecological and wildlife impacts. In addition, access over private land was often required, which had proved frustrating and had delayed works in some cases.

The current focus of activity was to repair the weir adjacent to, and to the south side of the railway line, approximately 150m upstream of the bridge. This would assist in managing the water levels in the immediate vicinity of Wraysbury. He was pleased to report that work had started and the contractor would continue until all works had been completed. Following completion, the impact on water levels would be evaluated which would inform a further programme of prioritised clearance and maintenance in partnership with the parish council and adjoining landowners.

In parallel the council had sought legal advice to clarify the council's, and riparian owners', responsibilities for the watercourse under the Inclusions Act to ensure that all parties were meeting their obligations.

Councillor Larcombe confirmed that he did not have a supplementary question.

d) Councillor Bond asked the following question of Councillor Dudley, Leader of the Council:

What process was followed when deciding to combine the Lead Member for Children's Services role with the Adult Services and Health portfolios, and will he undertake to publish the results of the 'local test of assurance' to demonstrate 'the focus on outcomes for children and young people will not be weakened or diluted', as per the Department for Education guidance?

Councillor Dudley responded that Councillor Carroll held an undergraduate degree, a Masters and an MBA. The overview and scrutiny structure mirrored the Lead Member portfolio, bringing adults and children's services together. The administration strongly believed that better care and more seamless processes could be created in terms of the migration from children's to adult services. The integration of the Lead Member portfolios would allow oversight of this process, He would be delighted to publish the test of assurance and sit down with Councillor Bond and officers to discuss.

By way of a supplementary question, Councillor Bond commented that he had looked at other council's test of assurance and most had produced a comprehensive report giving their thinking. He asked if the Lead Member had seen examples from other councils?

Councillor Dudley responded that he had seen the borough's report and it was very detailed.

e) Councillor Davey asked the following question of Councillor Hilton, Lead Member for Finance and Ascot:

In last year's budget there was a line "CC52 Clewer & Dedworth Neighbourhood Improvements £350,000". On enquiring how this money was invested officers tell me that £386,943 was spent so there appears to have been a £36,943 or 11% overspend. How was this overspend allowed to happen and can you ensure us that you will not overspend again this year?

Councillor Hilton responded that this was the first time in his long experience that a Councillor has raised, as an issue, the spending of more money in their ward rather than less. However, the Councillor raised a serious issue of budgetary control. New in his role his focus up to now had been on the revenue budget, but when he turned his attention to capital this was exactly the sort of question he would be asking.

There were two projects for the Dedworth area, one termed Pave Dedworth and the other Clewer & Dedworth Neighbourhood Improvement. The total commitment was £450,000 with £70,000 of the Pave Dedworth project slipping into the 2019/20 programme. The most up to date information projected a £56,000 overspend, rather more than the sum in the councillor's question.

He believed that the Clewer & Dedworth Neighbourhood Improvements project was made up of a number of individual parts and it could be that the estimated costs were low. No detailed work had been done but, with the assistance of the Head of Finance, the overspend would be investigated. He suspected capital monitoring could be improved and he had asked the Head of Finance to review the process to identify improvements and take the necessary action to make capital monitoring more robust.

He would write to Councillor Davey when he had more detailed information on the overspend.

By way of a supplementary question, Councillor Davey commented that 14 roads were updated at a cost of £215,000; four paths at a cost of £26,000; £25,000 was spent on Sutherland Grange and £21,000 was spent on Spencer Denny. These were all random amounts, there were no projects as such that capital money could be allocated to, for example a swimming pool, where an overspend would be more expected.

Councillor Hilton responded that if there was a significant project, energy was put into estimating the cost and therefore it was more likely to be accurate. If there was a string of projects there may be a greater risk of error. However he would write to Councillor Davey with what exactly happened.

18. CONTINUATION OF MEETING

At this point in the meeting, and in accordance with Rule of Procedure Part 4A C25.1 of the council's constitution, the Chairman called for a vote in relation to whether or not the meeting should continue, as the time had exceeded 10.00pm.

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

RESOLVED UNANIMOUSLY: That the meeting continue after 10.00pm to conclude the outstanding business on the agenda.

19. MOTIONS ON NOTICE

Motion a)

Councillor Taylor introduced her motion. She stated that she regretted having to bring the motion given the earlier discussions on climate change however the parking issue was real. There was a need for spaces; the question was where.

Parking was a huge issue throughout the borough. However, this car park would not solve the issue of commuters parking in residential streets. Many did this to avoid paying for parking in the first place. When the residents fought Vicus, the digital boards which used to show empty parking spaces said on average 1488 spaces were available each day across the town. Perhaps a better question to ask was if these business spaces were still empty after 10am were they ever being used?

The routes in Oldfield were struggling to cope as it was and whilst the planned improvements to the roundabouts on Stafferton Way/A308 and Oldfield Road/A4 junction were welcome, she questioned whether this was enough to cope with the increase of traffic due. Could the area cope with an extra 1000 car movements a day? Possibly it could. However, could it cope with an extra 7000 car movements a day?

Councillor Taylor explained that this was potentially what could happen as currently around 3061 residential units were either under construction, approved by planning or proposed within St Mary's and Oldfield. Whilst the council considered each individual planning application on its merits, it needed to remember that there was always a cumulative effect.

Vicus Way was in constant use by HGVs and the current roundabout was impossible for them to navigate safely. Once the nearby developments were complete, traffic would increase substantially along the link road and throughout the area. The proposed correction works that Redrow would undertake on the junction were not enough to ensure the safety of both car users and pedestrians if the car park went ahead.

Pedestrian safety was a grave concern here as the route that commuters would need to take from Vicus to the station included two zebra crossings and three pedestrian crossings. Much had been made of the Queen Street right hand turn closure being implemented to ensure the safety of pedestrians. Councillor Taylor therefore suggested that the parking should be put in the town centre where the council could provide safe crossings and traffic control measures to ensure pedestrian safety.

The Maidenhead Forum was advised that originally the replacement Broadway car park was going to be 1300 spaces. However it was thought the bulk would be too great and therefore reduced to 1000. Within the regeneration of the town centre there was the opportunity to design a car park that fitted and complemented the area, whilst providing all the car park spaces needed. The regeneration would not happen overnight and the council must get it right, doing all it could to keep and encourage people into the town. Commuters who could be delayed on trains might stop for a meal in a restaurant or pick up a last minute gift. So logically, why have commuters walking away from the town centre to get back to their cars?

Retail, residential units and the car park could be planned, designed and built to ensure that pedestrian safety was paramount, and that traffic leaving the town centre had the opportunity to take different routes out, rather than being concentrated in one area. Given that the nearby Landing development would have blocks of over 12 stories, Councillor Taylor asked would a car park of this size really look out of place? Doing a review of business parking already allocated and increasing the Broadway back to 1300 spaces would negate the need for Vicus.

A manifesto pledge of the council was “Building affordable homes for our residents” and “to build hundreds of social rented homes over the next four years”. Earlier that day Councillor Dudley had tweeted that there was a housing affordability crisis that required bold action. He was correct. Councillor Taylor asked was this not an opportunity to build small retail units with a mix of social and truly affordable housing above on this piece of land? It would fit with the current landscape and benefit the community, providing employment and new housing. Given the increased footfall in the area once the Waterways project was complete and Braywick Leisure Centre was open. She suggested the area be opened up for local businesses, who maybe could not afford to rent a unit in the town centre.

There was an opportunity to reverse the current feeling that the ward was Maidenhead’s personal construction site, with constant developments being built, which before the boundary review were all in Oldfield. The residents ask that the site be used for something that would benefit and enhance the local community, not something that would forever be a reminder of something that many would rather forget.

Councillor Hill seconded the motion.

Councillor Johnson stated that he would respond on behalf of the administration to reject the motion. The scheme was needed now more than ever in the context of the regeneration. Parking spaces were much needed in the broader delivery of Crossrail and the wider aspirations of the council and the business community to attract and retain blue chip employers and provide a holistic parking strategy that worked for the whole of Maidenhead.

The development already had planning consent and was in the OJEU process to appoint a contractor. The scheme was for four storeys, to be respectful of neighbouring properties, but could have been higher. The 503 spaces were needed following the redevelopment of the station forecourt and anticipated business demand. The scheme had been designed to include necessary infrastructure to allow for a modal shift to electric vehicles. This was part of the wider sustainable transport strategy.

Councillor Dudley stated that he was conscious of the sensitivities of residents in the area. There would be a significant amount of change in the Stafferton way area over the next few years; because it was so close to the railway station it was a sustainable location. Residents would be able to park in the car park for free between 6pm and 9am. One of the inhibitors to electric vehicles was the difficulty in finding charging points therefore the council would ensure the relevant infrastructure was in place. If the council wanted to keep companies such as '3' in the town with the resulting jobs and prosperity it needed to provide parking. The reserve list for business spaces exceeded the capacity of the Vicus Way car park. A report would be presented to Council in July to deal with the Nicholson's car park.

Councillor Werner commented that he had been arguing for more car parking in Maidenhead for some time. However this proposal was not the one to sort out the problem. It was a large piece of land, much more could be done with it. The Borough Local Plan stated that there was insufficient employment land in the area; this would be a perfect location. The design was shocking. There was an absolute need to put chargers into car parks but that was nothing to do with this motion.

Councillor Hill commented that this was a £12m folly. Residents had called the planning process a fiasco. The design was extreme in mass and scale and therefore violated planning policy; it would also generate extra light pollution for those properties it overlooked. Over 1000 traffic movements would be added to an already busy Stafferton Way. In his view it was a waste of public money and the spaces would be better located in the town centre. The land was designated for employment purposes. To get the application through required two heavyweight barristers. Residents could not afford the costs of a Judicial Review. The site should be used for mixed commercial and residential use, especially social housing. If Members wanted to be known for making one of the most abhorrent planning decisions in council history he suggested they should vote against this motion.

Councillor Taylor concluded that this was not a debate about the need for 500 spaces; they were needed but Vicus Way was not the right site

Members voted on the motion.

A named vote was taken as at least five councillors made such a request, as per Part 2 C17.3.3 of the constitution. 18 Councillors voted for the motion: Councillors Baldwin,

Baskerville, Bond, Brar, C. Da Costa, W. Da Costa, Davey, Davies, Del Campo, Hill, Jones, Knowles, Larcombe, Price, Reynolds, Taylor, Tisi, and Werner. 23 Councillors voted against the motion: Councillors Bateson, Bhangra Bowden, Cannon, Carroll, Clark, Coppinger, Dudley, Haseler, Hilton, Hunt, Johnson, Luxton, McWilliams, Muir, Rayner, Sharpe, Shelim, Singh, Stimson, Story, Targowski and Walters.

The motion therefore fell.

Motion b)

Councillor Baldwin introduced his motion. He explained that whatever had contributed to the plight of a homeless person and whatever their weaknesses, the challenges were to be overcome by everyone. To tolerate fellow citizens sleeping in doorways was an affront to human dignity. Over the last eight weeks he had spoken to council officers and partners in the voluntary sector. All told him the same thing, that their clients were once fellow pupils, neighbours or friends. They were all residents of the borough and the council should do what it could to help them. Sadly many things could not be done but his motion was one that could. He asked for a simple act of generosity that would cost nothing in financial terms but the value would double and redouble. Support for the motion would demonstrate the council was serious about practical, affordable steps to create a transition from the street to full re-integration.

Councillor Price seconded the motion. She commented that borough was blessed with many residents who volunteered in many ways. Their value could be shown by supporting the motion. Enabling the dormitory bus to be parked outside John West House would free up the volunteers to spend more time supporting rough sleepers.

Councillor Johnson stated that he would respond on behalf of the administration. The administration was fully committed to tackling the root causes of homelessness which were often beyond the individual's control and surrounded by tragic circumstances. The council was committed to provide a range of intervention measures above and beyond its statutory duty. The council's strategy had been updated in late 2018 following analysis of quantitative and qualitative data and consultation with key partners. The strategy set out the collaborative approach with the voluntary sector and statutory partners. The most affordable way to deal with rough sleeping was prevention and early intervention. The council could not deliver the services required without the support of the third sector therefore he welcomed the element of the motion relating to the creation of a seamless path from the street to full integration. He welcomed innovative thinking but could not support the outcome because of significant and grave impediments in relation to the safeguarding and safety obligations of the council.

To bind the council into entering a service agreement to site a vehicle on land without any consideration of the legal and health and safety requirements and the safeguarding needs of vulnerable users was not acceptable. The site was located near a gas storage tank which had been identified by the Fire Service as an unacceptable risk.

Councillor McWilliams commented that when the council had been putting together the updated strategy, he had been clear on the need to work with partners. Only then did co-ordination support residents. The strategy required the council to strengthen relationships with partners and create clear frameworks and processes between

organisations so no-one fell through the cracks. The strategy also had aftercare at its heart.

Priority 4 of the strategy stated the council would carry out a feasibility study on potential future hostel accommodation. There was a notable need for services after a user was released from public services. Delivering hostel accommodation was not as easy as buying a bus and parking it somewhere. It required location of sites, planning applications and service level agreements with partners. It was a complicated process. Although he appreciated solutions were not easy, they required detailed work to be long-term solutions.

Councillor Carroll stated that homelessness was abhorrent and all should have a shared interest in dealing with it. The reasons for homelessness were extensive and complex. Any motion that sought to alleviate the issue should be taken seriously. Unfortunately the proposal had legal challenges and problems in its current form. From a public health point of view the focus would be on provision of drug and alcohol services, resilience and mental health. The Director of Adult Social Care had advised him of the unavoidable issues relating to safeguarding and health and safety in relation to the motion. Certain liabilities would fall on the council including provision of toilets and staff monitoring. In relation to adult safeguarding any provider would have to offer single gender accommodation to mitigate a number of issues. Despite the good intentions the motion could put people at risk; regrettably he therefore could not support the motion.

Councillor Hill commented that although the motion was not perfect it was a good thing to do and the council should find a way to enable it to happen. He referred to pods for homeless people that comprised a single room with a bed, toilet and shower at a cost of £5000, which had been trialled in Newport. The council kept talking about the issue but needed to act.

Councillor C. Da Costa explained that she was a volunteer and had helped at the Windsor shelter last winter. She had met people with very sad stories. The motion should be supported because there was a very real need to do something. If 120 volunteers and four churches could get together and resolve the safeguarding issues the council should be able to do so also.

Councillor Jones commented that this had been an issue for some time. Neither the Windsor Homeless Project nor the Brett Foundation had a stable place to provide its wonderful service. All she had heard in the debate was negativity rather than 'we can't do this but will look at alternative places to allow them to provide a stable service.' She could see there were obstacles, however she would support the motion unless someone came back and said it could not be done. The council should look into the possibility.

Councillor Stimson explained that as a candidate she had been contacted on Facebook by a homeless resident who was the age of her youngest child. She had talked through with him and a Housing officer the options available. He worked two jobs and spent most of his earnings on the storage of his belongings. He could not stay at John West House any longer as there were specific rules about not sleeping during the daytime. She supported the sentiment of the motion but to put further burden on staff already dealing with issues was not appropriate.

Councillor W. Da Costa agreed with Councillor Jones that if officers said it could not be done for legal reasons then he would accept that, but he agreed with the intent. It would be a small step to show a statement of intent. He agreed with the need for a seamless path to reintegration. Councillor W. Da Costa referred to the night hostel in Windsor. Residents had built up a community over eight weeks; individuals had moved from being fearful of authority and hostile to true friendships. These individuals had been let down because at the end of the 10 week project funded by the churches and contributions of local residents they had to go their separate ways. All of a sudden the seamless transition had gone. Councillor W. Da Costa referred to £3.79m of developer contributions. He had asked the previous year what had been done with this funding. He suggested it could be used to create a venue to support seamless reintegration. He expected the answer would be no.

Councillor Bhangra commented that he was passionate about homelessness; he knew trying to address the issue was a very complex matter. It was a priority area for himself and Councillor Carroll. He had family members involved in various homeless projects. As someone who had seen the homelessness and SWAT facilities, he was aware of the critical safeguarding, health and safety and legal aspects that needed to be taken into account to protect the vulnerable. Unfortunately the motion was therefore not fit for purpose and he could not support it in its current form.

Councillor Baldwin commented that if it was naive to believe something the council could do to immediately alleviate the issue then he was guilty. Everyone he had spoken to had highlighted that unless a way could be found to get people less distrustful of authority and concentrated in one area where services could be delivered, all the high morals on their own would not work. Obstacles to the motion could be overcome with the will to do so.

Councillor Johnson commented what it was naive to bring a motion to council without speaking to the Lead Member beforehand. He would have been happy to have met with Councillor Baldwin in advance and was still willing to do so to explore any area.

Councillor Baldwin asked to be forgiven if it would have been more diplomatic to have discussed the motion with the Lead Member. It was his second month as a councillor. To negate the entire motion was unconscionable because of a breach of protocol.

Members voted on the motion.

A named vote was taken as at least five councillors made such a request, as per Part 2 C17.3.3 of the constitution. 18 Councillors voted for the motion: Councillors Baldwin, Baskerville, Bond, Brar, C. Da Costa, W. Da Costa, Davey, Davies, Del Campo, Hill, Jones, Knowles, Larcombe, Price, Reynolds, Taylor, Tisi, and Werner. 23 Councillors voted against the motion: Councillors Bateson, Bhangra Bowden, Cannon, Carroll, Clark, Coppinger, Dudley, Haseler, Hilton, Hunt, Johnson, Luxton, McWilliams, Muir, Rayner, Sharpe, Shelim, Singh, Stimson, Story, Targowski and Walters.

The motion therefore fell.

Motion c)

Councillor Knowles introduced his motion. He explained that one of the first things he had done as a councillor was to watch the Freedom Parade for the Household Cavalry. For him and his family, and many others, this was a sad occasion as the ties

that bind in the military were strong. He had joined the military aged 17; both his father and grandfather had served in the same regiment. Many officers and Members would have relatives who had served in the military.

The day before had seen the flag raising for Armed Forces Day. There were many misunderstandings about what was meant to happen. The Monday before Armed Forces Day should involve the flag raising; this is what happened in most councils. The Wednesday was the volunteers' day where reservists went to work in uniform. The last Saturday of the month was then Armed Forces Day. The key thing was an event, which could have different permutations such as a ceremonial event or engagement with regular and reservist forces. It should be a celebration of the entire armed forces and veteran community. In recent years events had been billed as the Rotary Club summer fair to which the MoD had sent representatives; the clash of dates made it difficult. However it was not unusual to hold an event on a different day. Councillor Knowles explained that he was involved in an event in a small town similar to the Rotary Club summer fair at a cost of £20,000, of which £10,000 was provided by the MoD. If the council committed to an event in five or six years it could be hosting a national event.

Councillor Jones seconded the motion.

Councillor Rayner proposed an amended motion as follows:

This council will continue to host an annual Armed Forces Flag raising and facilitate and promote an Armed Forces Day every year.

She explained that last year the flag raising had been held on the Monday. On the Saturday an event had taken place at Alexandra Gardens which had been preceded by a march past the Guildhall with 'eyes left'. The event in Alexandra Gardens had included lots of stalls and was attended by reservists, the two regiments and the police. The Armed Forces band had played on the bandstand. The council was keen to continue with this event and was in discussion with the Coldstream Guards. She was also looking forward to welcoming the Welsh Guards to Windsor. Regular meetings with Armed Forces representatives took place through the One Borough Forum. The council's recruitment code was to change to include guaranteed interviews for all veterans.

Councillor Knowles stated that he did not accept the amendment. The event last year was the Rotary summer fair rather than a separate event.

Councillor Dudley seconded the amendment.

Councillor Jones agreed that the flag raising should continue but an Armed Forces Day event was something different.

Councillor Walters commented that he had been in the army. He believed the council was already doing what the motion requested.

Members voted on the amendment.

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

RESOLVED: That the motion be amended to read: ‘This council will continue to host an annual Armed Forces Flag raising and facilitate and promote an Armed Forces Day every year’.

The amendment was approved by a show of hands (23 councillors for the motion; 18 councillors against the motion).

Members then voted on the amended motion.

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

RESOLVED: That this council will continue to host an annual Armed Forces Flag raising and facilitate and promote an Armed Forces Day every year.

A named vote was taken as at least five councillors made such a request, as per Part 2 C17.3.3 of the constitution. 37 councillors voted for the motion: Councillors Baldwin, Baskerville, Bateson, Bhangra, Bowden, Brar, Cannon, Carroll, Clark, Coppinger, Davies, Del Campo, Dudley, Haseler, Hill, Hilton, Hunt, Johnson, Jones, Knowles, Larcombe, Luxton, McWilliams, Muir, Price, Rayner, Reynolds, Sharpe, Shelim, Singh, Stimson, Story, Targowski, Taylor, Tisi, Walters and Werner. 4 councillors abstained: Councillors Bond, C. Da Costa, W. Da Costa and Davey.

20. LOCAL GOVERNMENT ACT 1972 - EXCLUSION OF PUBLIC

RESOLVED UNANIMOUSLY: That under Section 100(A)(4) of the Local Government Act 1972, the public be excluded from the remainder of the meeting whilst discussion takes place on items 13 on the grounds that it involves the likely disclosure of exempt information as defined in Paragraphs 1-7 of part I of Schedule 12A of the Act.

The meeting, which began at 7.30pm, ended at 11.26pm

CHAIRMAN.....

DATE.....

MEMBERS' GUIDE TO DECLARING INTERESTS IN MEETINGS

Disclosure at Meetings

If a Member has not disclosed an interest in their Register of Interests, they **must make** the declaration of interest at the beginning of the meeting, or as soon as they are aware that they have a DPI or Prejudicial Interest. If a Member has already disclosed the interest in their Register of Interests they are still required to disclose this in the meeting if it relates to the matter being discussed.

A member with a DPI or Prejudicial Interest **may make representations at the start of the item but must not take part in the discussion or vote at a meeting.** The speaking time allocated for Members to make representations is at the discretion of the Chairman of the meeting. In order to avoid any accusations of taking part in the discussion or vote, after speaking, Members should move away from the panel table to a public area or, if they wish, leave the room. If the interest declared has not been entered on to a Members' Register of Interests, they must notify the Monitoring Officer in writing within the next 28 days following the meeting.

Disclosable Pecuniary Interests (DPIs) (relating to the Member or their partner) include:

- Any employment, office, trade, profession or vocation carried on for profit or gain.
- Any payment or provision of any other financial benefit made in respect of any expenses occurred in carrying out member duties or election expenses.
- Any contract under which goods and services are to be provided/works to be executed which has not been fully discharged.
- Any beneficial interest in land within the area of the relevant authority.
- Any licence to occupy land in the area of the relevant authority for a month or longer.
- Any tenancy where the landlord is the relevant authority, and the tenant is a body in which the relevant person has a beneficial interest.
- Any beneficial interest in securities of a body where:
 - a) that body has a piece of business or land in the area of the relevant authority, and
 - b) either (i) the total nominal value of the securities exceeds £25,000 or one hundredth of the total issued share capital of that body **or** (ii) the total nominal value of the shares of any one class belonging to the relevant person exceeds one hundredth of the total issued share capital of that class.

Any Member who is unsure if their interest falls within any of the above legal definitions should seek advice from the Monitoring Officer in advance of the meeting.

A Member with a DPI should state in the meeting: ***'I declare a Disclosable Pecuniary Interest in item x because xxx. As soon as we come to that item, I will leave the room/ move to the public area for the entire duration of the discussion and not take part in the vote.'***

Or, if making representations on the item: ***'I declare a Disclosable Pecuniary Interest in item x because xxx. As soon as we come to that item, I will make representations, then I will leave the room/ move to the public area for the entire duration of the discussion and not take part in the vote.'***

Prejudicial Interests

Any interest which a reasonable, fair minded and informed member of the public would reasonably believe is so significant that it harms or impairs the Member's ability to judge the public interest in the item, i.e. a Member's decision making is influenced by their interest so that they are not able to impartially consider relevant issues.

A Member with a Prejudicial interest should state in the meeting: ***'I declare a Prejudicial Interest in item x because xxx. As soon as we come to that item, I will leave the room/ move to the public area for the entire duration of the discussion and not take part in the vote.'***

Or, if making representations in the item: ***'I declare a Prejudicial Interest in item x because xxx. As soon as we come to that item, I will make representations, then I will leave the room/ move to the public area for the entire duration of the discussion and not take part in the vote.'***

Personal interests

Any other connection or association which a member of the public may reasonably think may influence a Member when making a decision on council matters.

Members with a Personal Interest should state at the meeting: ***'I wish to declare a Personal Interest in item x because xxx'. As this is a Personal Interest only, I will take part in the discussion and vote on the matter.***

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MAYOR'S COMMUNICATIONS

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

Meetings

- Mayoral charity meeting with Thames Hospice
- Twinning Committee
- Spoore Merry Rixman Foundation
- Pooles and Rings charity
- Windsor and Eton District Scout Council AGM

Schools/Clubs/Community

- Lord Lieutenant's "At Home"
- Windsor and Eton Rotary Club summer fayre
- Welcomed the "Ellis Journey" to Datchet Green
- Rotary Maidenhead Thames Mighty Maths Year 2 Competition
- Opened the Maidenhead Heritage Centre exhibition "Maidenhead's Inspirational Women"
- Opened All Saints Church Fete, Maidenhead
- Attended Maidenhead Care Commissioning Service
- Presented dictionaries at the Year 6 Leavers Assembly, Wessex Primary School, Maidenhead
- Opened the Boots Opticians refitted store in Windsor
- Started the Relay for Life event in Ascot

Concerts/Show

- Riverside Players summer play
- Royal Free Singers summer concert
- Maidenhead Festival concert

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Report Title:	Nicholson's Walk Shopping Centre
Contains Confidential or Exempt Information?	Yes- Appendices A, B and C - Part II Not for publication by virtue of paragraph 3 of Part 1 of Schedule 12A of the Local Government Act 1972.
Member reporting:	Councillor Dudley – Leader of the Council and Cabinet Member for Maidenhead Regeneration and Maidenhead
Meeting and Date:	Full Council – 23 July 2019
Responsible Officer(s):	Russell O'Keefe – Executive Director
Wards affected:	All

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REPORT SUMMARY

1. In February 2019 Tikehau Capital in partnership with Areli Real Estate completed the purchase of Nicholson's shopping centre. In March 2019 Areli undertook an extensive public consultation to explore options for the comprehensive redevelopment of the shopping centre and presented initial options at a subsequent public meeting.
2. At the Cabinet Meeting on 25th April 2019 approval was given for heads of terms with Tikehau and Areli which will form the basis of a development agreement to include the re-provision of a new town centre car park and the Council's ownerships within a future redevelopment in order to enable the best outcome for the regeneration of Maidenhead whilst ensuring best value is delivered from the sale of Council assets.
3. Following extensive negotiations with Areli and Tikehau and input from surveyors, valuers and solicitors acting on behalf of the Council this report outlines the principle terms to be agreed with Tikehau Capital and Areli Real Estate to sell the Council's freehold interest in Nicholson's Shopping Centre and the freehold of the Central House office building for combined price of £6,000,000

1. DETAILS OF RECOMMENDATION(S)

RECOMMENDATION: That Council notes the report and:

- i) Approves the sale of the freehold interest in the Nicholson's Walk Shopping Centre for £1,000,000
- ii) Approves the sale of the freehold interest of Central House, Maidenhead for a total consideration of £5,000,000.
- iii) Delegates' authority to the Executive Director – Place in consultation with the Leader of the Council and Cabinet Member for Maidenhead Regeneration and Maidenhead to negotiate and agree a contract with Tikehau Capital and Areli for sale of the Council's assets above.

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

- 2.1 Nicholson's Shopping Centre currently provides approximately 190,000 square feet of retail space over 4.5 acres in Maidenhead Town centre.
- 2.2 In line with shopping centres across the country the Nicholson's Shopping Centre has seen a decline in footfall and consumer spending as consumer habits have been changing and consequently seen increasing vacancy levels and declining rental values as it has struggled to attract and retain retailers to an outmoded shopping destination.
- 2.3 Nicholson's Shopping Centre was previously owned by Vixcroft and hedge fund Cheyne Capital. In October 2018 BDO were appointed as receivers with CBRE brought in to sell the centre.
- 2.4 In February 2019 Tikehau Capital in partnership with Areli Real Estate completed the purchase of Nicholson's shopping centre. Tikehau Capital is an asset management and investment group, which manages €22.0 billion of assets (as at 31 December 2018), with shareholders' equity of €2.3 billion (as at 30 June 2018).
- 2.5 Areli Real Estate is a UK based urban regeneration specialist which accompanies Tikehau Capital as an operating partner. The resources and expertise brought by the new owner and their partner provides a tremendous opportunity to regenerate this key town centre location for the benefit of local residents and businesses and is a fundamental part of the overall regeneration of Maidenhead. The new owner carried out a community planning weekend from the 22 – 26 March to give the local community the opportunity to help shape the future of the centre and contribute to shaping a new vision for the area.
- 2.6 Following discussions with the new owner heads of term were agreed and approved at the Cabinet meeting on 25th April which would form the basis for an agreement to include the Council's ownerships within a future redevelopment. The heads of terms are included in Appendix A.
- 2.7 The Council owns circa 50% of the freehold interest of the shopping centre with a lease to the long leaseholders with 117 years remaining. The Council is entitled to 15% of the net rental. However this income is not fixed and varies with the fortunes of the centre. The leaseholder is able to make various deductions from the income under the terms of its lease and where these deductions exceed the rental income the deficit can be carried over to subsequent years. The income over recent years has significantly declined and for a period was zero. The income for 2018/19 was £87,727. In the current retail environment it is highly probable that this could again drop to zero as the loss of only a couple of shops would see income fall and vacant cost rise by enough to remove this income.
- 2.8 The Council also owns Central House, a vacant 1970s office building totalling 38,000 sq ft of unrefurbished office accommodation over 6 floors. Central House sits above the Nicholson's Shopping Centre and is linked to the Broadway Car Park. The Council bought back the long leasehold in 2017 from

its former owners' administrators to facilitate redevelopment of the Broadway car park and the regeneration of the wider area.

- 2.9 The building structure has only 40 years of useful life remaining making a comprehensive refurbishment unviable. The building has been vacant for over 10 years and would require complete redevelopment to bring back into use. The Council is currently incurring the cost of empty business rates and building maintenance. The total purchase cost including SDLT and legal fees etc was £2,505,000.
- 2.10 The adjacent Broadway Car Park which is owned by the Council provides 734 spaces and is the main town centre car park. However, the car park is reaching the end of its lifespan and is in need of complete redevelopment. A replacement car park is essential and provides an opportunity to ensure current and future parking demand is met to support the wider regeneration of the town. As such, in September 2018 Council agreed a total capital budget of £35,313,163 for the development of a new car park.
- 2.11 The previously agreed heads of terms agreed to the re-provision of the Broadway Car Park being included in the wider masterplan to enable the best site layout for Maidenhead and the most efficient layout of the car park itself.
- 2.12 The final position of the car park is still to be identified as the master planning process is underway following the initial public consultation and the first confidential pre-app meeting with the local planning authority took place very recently. Future public consultations will also be held by the developers.
- 2.13 Negotiations have been ongoing with Areli to bring forward the detail required to agree a formal contract that set out the following:
 - Sale Price for the disposal of the Council's freehold interest in the Nicholson's Shopping Centre of £1,000,000 and Central House of £5,000,000 which will provide a capital receipt to the Council of £6,000,000. The sale is subject to Tikehau obtaining planning permission for the redevelopment of the shopping centre and surrounding area. The contract has a long stop date of 28 February 2024 by which Tikehau must serve notice to complete the purchase of Central House and the freehold of Nicholson's Shopping Centre after which the Council can withdraw.
 - The Council transferring the freehold of the Broadway Car Park in exchange for a like for like sized plot of land within the scheme to develop as a new car park to meet the current and future needs of the Town Centre.
 - Areli will procure the design and delivery of the new car park on behalf of the Council at the Council's cost.
 - It is forecast that building the new car park as a standalone building will significantly reduce the capital budget required to build a new car park on the existing Broadway, the saving is driven by the removal of the

requirement to adapt the new structure to the various adjoining buildings and the need to include significant fire protection to the boundary walls. Designing the car park as part of a new masterplan will enable the new car park to be efficiently laid out to maximise the number of parking bays. The exact location of the new car park is still to be determined as Areli's design team are still working up their proposals and have only had confidential pre-app meeting with planning officers. However from the output of the public consultation the most likely location is at the Queen Street end of Broadway. This would enable the car park to be closer to the civic centre and the rest of the town centre whilst removing a major impediment to access routes from the train station and links from the Landing that exiting Broadway car park presents.

- The car park will be built to the Council's specification and will provide a minimum of 1035 car parking spaces. Whilst Areli will deliver the car park the Council will be fully involved in the design process, contractor appointment and selection and will appoint a firm of specialist advisors to act as cost consultant and monitoring surveyors throughout the process. The contract to build the new car park will be fully tendered and will contain the usual provisions to protect the Council's interests such as step in rights, performance bond and full set of main contractor and sub-contractor warranties.

2.14 Lambert Smith Hampton (LSH) have been instructed by the Council as property advisors and valuers to advise on the valuation of the Council's assets. This information is set out in section 4 of the report. The heads of terms agreed between the Council and Areli/Tikehau set out the basis of valuation for each asset.

Table 1: Options arising from this report

Option	Comments
<p>To provide delegated authority to negotiate and agree a contract for the sale of the freehold interest in the shopping, and freehold interest in Central House, to facilitate the delivery of a new town centre master plan</p> <p>Recommended option</p>	<p>This will enable the Council to act swiftly with the new owners to progress the comprehensive regeneration of this key town centre area and generate significant capital receipts.</p> <p>Including the re-provision of the Broadway Car Park within the masterplan will aid the comprehensive regeneration of Maidenhead Town Centre and will significantly reduce the budget required which currently has to provide extensive fire protection measures and a compromised layout in order to link to existing buildings.</p>

Option	Comments
Do nothing This is not the recommended option	The opportunity to deliver the full regeneration of Maidenhead town centre will be lost if the sale of the Nicholson's Shopping Centre's freehold and Central House does not proceed the Council will continue to hold assets with a negative income stream

3. KEY IMPLICATIONS

- 3.1 The Council will sell the freehold of the Nicholson's Shopping Centre and Central House for £6,000,000.
- 3.2 The re-provision of the Broadway car Park as part of the masterplan being developed by Tickehau is expected to reduce cost to the Council, provide a much better located and designed car park and enable the delivery of a much better masterplan for the regeneration of Maidenhead.

3.3 Table 2: Key Implications

Outcome	Unmet	Met	Exceeded	Significantly Exceeded	Date of delivery
To agree a contract with the new owners	Agreements not signed	Final agreement signed within 12 week	N/A	N/A	October 2019

4. FINANCIAL DETAILS / VALUE FOR MONEY

- 4.1 LSH have valued each asset in accordance with this process set out in the agreed heads of terms and considers both the existing use value for each asset and also the development value based on the potential redevelopment value for each site based on known factors such as the Area Action Plan, comparable evidence from similar assets and transactions such as the Landings.
- 4.2 Both Central House and the freehold of the Nicholson's Centre are unusual assets to value and there are a number of variables that impact on their value which are sensitive to the assumptions adopted. LSH have confirmed that their opinion of value of the Nicholson's Freehold is £1,000,000 to £2,000,000 and for Central House £3,500,000 to £5,000,000. A copy of their report is included in Appendix B in Part II of this report.
- 4.3 These figures support the agreed sale price of £6m for the two assets and would meet the requirements of a s.123 report for fair value.

- 4.4 The previous asset valuation for the Nicholson's freehold is £1,950,000 and for Central House is £5,100,000 for net book value. As such the sale price is below the current Net Book Value. The price agreed for Central House is 2% below the current Net Book Valuation undertaken over 12 months ago. The main difference is the reduction in value for the freehold of the Nicholson's Centre. This is largely driven by the continued difficulties in the retail sector and its impact on retail asset values as rental values decline and the rental income falls as the number of vacant unit's increases. This is particularly acute at the Nicholson's Centre and for the Council's income which is much reduced and carries a high probability of declining to zero in the short term and remaining at or close to zero for the foreseeable future. As such any purchaser interest will be limited with the only interest likely to come from parties who would be seeking to "interfere" with the regeneration plans for Maidenhead. However such investors would limit the amount of capital they would be willing to tie up in a non-income producing asset.
- 4.5 The Council bought back the long leasehold in 2017 from its former owners' administrators to facilitate redevelopment of the Broadway car park and the regeneration of the wider area. The total purchase cost including SDLT, legal fees etc. was £2,505,000. Since purchase a further £531,600 have been incurred in vacant rates, surveys and maintenance costs. Holding the property for another year whilst the new owners of the shopping centre pursue the design of their masterplan and obtain planning permission will incur a further £250,000 of costs.

Purchase Costs	£2,505,000
Hold Costs Incurred to Date	£531,600
Future Hold Costs	£250,000
Sale Price	£5,000,000
Profit	£1,713,400

- 4.6 A sale of the asset for £5,000,000 to Takehau Capital on receipt of planning permission for the comprehensive regeneration of the Nicholson's Shopping centre and the surrounding area effectively completes the Council's strategy to acquire the building to facilitate the regeneration of Maidenhead whilst also crystallising a surplus of £1,713,400.
- 4.7 The Council's interests in the Nicholson's centre and Central House produce a negative income for the Council. In 2018/19 that deficit totalled £140,000. A sale of both assets will remove this annual deficit. This deficit will continue until the sale completes.
- 4.8 A copy of the full financial implications including the purchase of Sienna Court is included in Appendix C in the Part II section of the report.

5. LEGAL IMPLICATIONS

- 5.1 Gowling WLG have been appointed to act on behalf of the Council in conducting the necessary due diligence and preparing all required contract documentation. This will include advice on procurement and minimising SDLT involved in the various land transfers.

6. RISK MANAGEMENT

Table 4: Impact of risk and mitigation

Risks	Uncontrolled risk	Controls	Controlled risk
Current owners decide to sell prior to completion of new car park	Low	Contractual protection and covers in the contract including performance bond, LADs and parent company guarantee from contractor	Low
Planning permission not granted for scheme and sale of assets does not proceed	Medium	The assets are retained by the Council and can be redeveloped separately from the Nicholson's Centre.	Low
Planning permission is delayed or not granted and the sale of assets is delayed exposing the Council to the vacant property costs for an extended period	Medium	The Council is exposed to these costs in any event. If the planning process is extended and the longstop date passed the Council can redevelop its assets independently or renegotiate sale terms to reflect hold costs	Low

7. POTENTIAL IMPACTS

- 7.1 There are no equality issues raised by the proposed transactions.
- 7.2 The capital receipts and savings on the costs of building a new car park will support the Council's budget for the benefit of all residents.
- 7.3 No personal data has been processed during this process.

8. CONSULTATION

- 8.1 Heads of Terms for the transactions were approved at Cabinet on 25th April 2019 subject to the detailed financial terms being brought to Council for ratification

9. TIMETABLE FOR IMPLEMENTATION

- 9.1 The full implementation stages are set out in table 5. The future timetable will be developed as part of further discussions with Tikehau Capital and Areli.

Table 5: Implementation timetable

Date	Details
July 2019	Council approval to enter into a development agreement with Tikehau Capital and Areli
July 2019 – September 2019	Detailed negotiation of the development agreement and sales contract with Tikehau Capital for the conditional sale of Nicholson's freehold and Central House and delivery of a new Broadway Car Park to the Council's specification.
July 2019 - January 2020	Tikehau Capital and Areli continue to design regeneration masterplan in consultation with local planning authority and the public ahead of submitting a planning application.
March 2020	Planning application submitted by Tikehau Capital and Areli including the new Broadway Car Park
August 2020	Planning permission granted. Tikehau Capital complete purchase of Nicholson's Freehold and Central House and reimburse cost for the purchase of Sienna Court
January 2021	Tikehau Capital and Areli complete purchase of Nicholson's Freehold and Central House and commence on site with demolition of existing buildings and development of first phase to include the new car park
November 2022	New car park completed and handed over to the Council. There is potential to reduce the construction programme for the car park depending on design

10. APPENDICES

- 10.1 This report is supported by 3 appendices:
- Appendix A - Heads of Terms approved at Cabinet on 25th April 2019 - **Part II Not for publication by virtue of paragraph 3 of Part 1 of Schedule 12A of the Local Government Act 1972**
 - Appendix B - LSH Valuation Report - **Part II Not for publication by virtue of paragraph 3 of Part 1 of Schedule 12A of the Local Government Act 1972.**

- Appendix C - Financial Implications and Development Appraisal - **Part II**
Not for publication by virtue of paragraph 3 of Part 1 of Schedule 12A of the Local Government Act 1972.

11. CONSULTATION (MANDATORY)

Name of consultee	Post held	Date sent	Date returned
Cllr Dudley	Leader of the Council and Lead Member for Maidenhead Regeneration and Maidenhead	14/7/2019	
Duncan Sharkey	Managing Director	14/7/2019	
Russell O'Keefe	Executive Director	14/7/2019	
Andy Jeffs	Executive Director	14/7/2019	
Rob Stubbs	Section 151 Officer	14/7/2019	
Kevin McDaniel	Director of Children's Services	14/7/2019	
Hilary Hall	Acting Director of Adult Social Services	14/7/2019	
Elaine Browne	Interim Head of Law and Governance	14/7/2019	
Nikki Craig	Head of HR and Corporate Projects	14/7/2019	
Louisa Dean	Communications	14/7/2019	
	Other e.g. external		

REPORT HISTORY

Decision type: N/A	Urgency item? No	To Follow item? n/a
Report Author: Chris Pearse, Head of Capital Projects, RBWM Property Company Limited – 01628 796761		

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By virtue of paragraph(s) 5 of Part 1 of Schedule 12A
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