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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 **Council Chamber - Town Hall, Maidenhead** on **Tuesday, 24 September 2019 at 7.30 pm** for the purpose of transacting the business specified in the Agenda set out hereunder.

Dated this Monday, 16 September 2019



Duncan Sharkey
Managing Director

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

PART I

1. APOLOGIES FOR ABSENCE

To receive any apologies for absence

2. COUNCIL MINUTES

To receive the Part I minutes of the meeting of the Council held on 23 July 2019.
(Pages 11 - 24)

3. DECLARATIONS OF INTEREST

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

4. MAYOR'S COMMUNICATIONS

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

5. PUBLIC QUESTIONS

No questions were received by the deadline.

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. ELECTION OF LEADER

To consider the above report.
(Pages 29 - 30)

8. COMMUNITY GOVERNANCE REVIEW PROCESS

To receive a presentation on the process for a Community Governance Review.
(Pages 31 - 34)

9. CONSTITUTIONAL AMENDMENTS - TOWN FORUMS

To consider the above report
(Pages 35 - 42)

10. APPOINTMENT OF SCRUTINY OFFICER

To consider the above report
(Pages 43 - 46)

11. HOARDING & SCAFFOLDING FEES & CHARGES - BUDGET

To consider the above report
(Pages 47 - 54)

12. TRANSPORT FOR THE SOUTH EAST - DRAFT PROPOSAL TO GOVERNMENT

To consider the above report
(Pages 55 - 84)

13. MODERN WORKPLACE PROJECT

To consider the above report
(Pages 85 - 90)

14. TREASURY MANAGEMENT STRATEGY OUTTURN 2018/19

To consider the above report
(Pages 91 - 98)

15. MEMBERS' QUESTIONS

a) Councillor Price will ask the following question of Councillor Carroll, Lead Member for Adults, Children and Health:

At the June Council meeting Cllr Carroll responded to the Motion re parking the Brett Bus on Council land. Will he clarify that his response was a list of issues needed to be considered SHOULD the bus be parked on Council Land, and in no way implied that the current operation of the bus was deficient in any regard.

b) Councillor Davey will ask the following question of Councillor Shelim, Lead Member for HR, Legal and IT:

What strategies and policies are in place to improve transparency across council departments by increasing the use of the very excellent Neighbourhood Maps that can be used by residents to see what RBWM is planning next and what work has been done?

c) Councillor Davey will ask the following question of Councillor Johnson, Lead Member for Infrastructure, Transport Policy, Housing and Property:

Every week another concerned resident is asking questions about Maidenhead Road, in person and on social media. The LEP have made funding available for the A308 Corridor Review. When will the review take place and when will the results be ready for public consultation?

d) Councillor Haseler will ask the following question of Councillor Copping, Lead Member for Planning:

Given the unanimous refusal by the Maidenhead Area Development Management Panel of the 5 Claires Court & Berkeley Homes Planning applications for Cannon Lane, College Avenue and Ray Mill Road. Will the Royal Borough of Windsor & Maidenhead undertake to robustly defend this decision at any appeal by the applicants to the Planning Inspectorate or Secretary of State?

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

Many residents work extremely hard in their gardens each year and look forward to us judging their efforts in the Garden In Bloom Awards. This year has seen cutbacks by not issuing medals and certificates to the winners, this has caused disappointment. Will you please reconsider at least the awarding of certificates to the winners of Garden In Bloom Awards?

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

The answer to my question about lack of water in Wraysbury Drain at our Council Meeting on 25th June revealed that £125,000 had been invested in maintenance and that further works were required. The weir near Wraysbury Station was repaired in July. What is the present situation please?

g) Councillor Singh will ask the following question of Councillor Coppinger, Acting Leader of the Council:

The Landing site is progressing well with the demolition and hoarding constructed along King Street. I am disappointed to see at least two large freshly planted planters now blocked in behind the hoarding along with several hanging baskets, could you let me know if there is a plan to rescue these and reposition elsewhere?

h) Councillor Singh will ask the following question of Councillor Johnson, Leader Member for Infrastructure, Transport Policy, Housing and Property:

Regarding the St Marks Road DYL and permit parking scheme; my understanding is that the original scheme was not supported by residents and businesses at consultation however after stripping back business owners' comments from the consultation it gained approval at 52%. Is this the case and if so why was the scheme implemented without taking business owners' comments into consideration?

i) Councillor Jones will ask the following question of Councillor Hilton, Lead Member for Ascot and Finance:

Can the Lead Member confirm that Cipfa have been brought in to assess RBWM finances and also clarify to all members what their findings were.

j) Councillor Jones will ask the following question of Councillor Coppinger, Acting Leader of the Council:

Will the change in Leader of the Council bring about a more collegiate attitude from the administration and result in having respect for the scrutiny role, due regard to transparency and working together for the benefit of the council and residents.

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

What is the procedure used to decide whether or not Members of an Area Development Management Panel need to conduct a site visit prior to determining a planning application?

l) Councillor W. Da Costa will ask the following question of Councillor Johnson, Leader Member for Infrastructure, Transport Policy, Housing and Property:

Does the administration believe that the outsourcing of highways engineers has been a success and do the services provide good value for money?

m) Councillor Knowles will ask the following question of Councillor Johnson, Leader Member for Infrastructure, Transport Policy, Housing and Property:

Can you confirm that the list of highway work has been arrived at by assigning priority of need, that is for the road surface balancing condition and time since last full repair; and that there has been no bias towards Conservative voting wards?

n) Councillor W. Da Costa will ask the following question of Councillor Hilton, Lead Member for Ascot and Finance

Councillors recently granted planning permission for the £15m Oaks leisure centre against the recommendation of officers. Can the Lead Member advise us how this will be funded and what impact it will have on reserves?

o) Councillor C. Da Costa will ask the following question of Councillor Carroll, Lead Member for Adults, Children and Health:

Could the Lead Member update us as to whether the change in operations with Optalis will affect our residents in the RBWM?

p) Councillor C. Da Costa will ask the following question of Councillor Carroll, Lead Member for Adults, Children and Health:

Recent figures published on child property have shown a substantial rise in the Borough. Maidenhead's child poverty is at 22.1% and Windsor's at 20.7%. Can the Lead Member explain what measures have been put in place to support these families?

(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 one minute to put the supplementary question)

16. MOTIONS ON NOTICE

a) By Councillor Davey

Since June ward councillors and a number of officers put a great deal of energy into making plans for a trial removal of Sutherland Grange Recycling Centre. This plan was pulled at the very last minute by Conservative Lead members. We will get back on track. However my issue is with the energy wasted before Lead Members voiced their thoughts.

This Council:

- i) Should enhance its project management steps, ensuring a more efficient use of council time, officers and councillors alike.
- ii) Agrees that Lead Members should make their thoughts known within the first few weeks of a project's planning so that answers can be found to address their concerns before energy is wasted on bringing a plan together.

b) By Councillor McWilliams:

The ambition of this council is to be as accessible as possible to residents. This Council asks the Lead Member for Communications:

- i) To look at innovative ways to involve residents in council forums, such as Maidenhead/Windsor Town Forums, via social media.
- ii) To invest in new cameras and more effective microphone equipment to better live stream important council meetings across social media and for subsequent use.

c) By Councillor Tisi

The three Maintained Nursery Schools in RBWM make an outstanding contribution to Early Years Education; particularly their impact on social mobility and support for children with Special Educational Needs and Disabilities (SEND) and the role that they play in raising the standard of other Early Years providers locally. All three nurseries are Ofsted Outstanding.

This Council:

- i) Recognises the higher costs faced by maintained nursery schools compared to other early years providers due to:
 - Higher staff qualification levels than private nurseries and childminder settings - Maintained nursery schools are required to employ qualified early years teachers and NNEB trained assistants.
 - Statutory requirements to employ a qualified Headteacher and Special Educational Needs and Disabilities Coordinator (SENDco)
 - Being subject to business rates (unlike charity registered preschools) and higher utilities than home-based childminders;
 - and that securing guaranteed funding beyond 2020 is necessary to avoid their closure.
- ii) Supports the 'Save Our Nursery Schools' campaign and will write to the Secretary of State for Education, Gavin Williamson, urging him to guarantee funding beyond 2020 for state funded nursery schools.
- iii) Recognises that Maintained Nursery Schools have at least the same statutory roles and staffing qualification requirements as maintained Primary and Secondary schools and should be treated in parity with those schools and therefore, resolves to introduce ongoing/permanent business rate relief for Maintained Nursery Schools within RBWM.

17. LOCAL GOVERNMENT ACT 1972 - EXCLUSION OF PUBLIC

To consider passing the following resolution:-

"That under Section 100(A)(4) of the Local Government Act 1972, the public be excluded from the remainder of the meeting whilst discussion takes place on item 18-19 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

18. MINUTES

(Not for publication by virtue of Paragraph 3 of Part I of Schedule 12A of the Local Government Act 1972)

To receive the Part II minutes of the meeting of the Council held on 23 July 2019.
(Pages 99 - 102)

COUNCIL MOTIONS – PROCEDURE

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

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

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

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

(At this point, the mover and seconder of original Motion can indicate their acceptance of the amendment if they are happy with it)
- Amendment debated (if required). 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 Grey Room, York House, Windsor on Tuesday, 23rd July, 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, 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, Russell O'Keefe, Karen Shepherd, Barbara Richardson, Chris Pearse and Maddie Pinkham.

22. APOLOGIES FOR ABSENCE

Apologies for absence were received from Councillor Hill.

23. COUNCIL MINUTES

RESOLVED UNANIMOUSLY: That the Part I minutes of the meeting held on 25 June 2019 be approved, subject to the following amendment:

Page 29 , paragraph 2 to read: ‘.....The Director of Adult Social Care *and the Assistant Director of Statutory Care* had advised him of the unavoidable issues relating to safeguarding and health and safety in relation to the motion.....’

24. DECLARATIONS OF INTEREST

Councillor McWilliams declared a personal interest on Item 7 as he owned a property in Kings Walk. He had taken legal advice and was able to take part in the debate and voting on the item.

Councillor Hunt declared a personal interest in Item 7 as she owned a property in the town centre. She had taken legal advice and was able to take part in the debate and voting on the item.

Councillor Dudley placed on record his thanks, on behalf of the council, to the Maidenhead constituency MP Theresa May for her just over three years as Prime Minister. He also congratulated Jo Swinson MP on her election as Leader of the Liberal Democrats and Boris Johnson MP on his election as Leader of the Conservative and Unionist Party.

25. ORDER OF BUSINESS

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

26. 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.

27. PUBLIC QUESTIONS

a) Ed Wilson of Clewer and Dedworth West ward asked 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?

Councillor Rayner responded that she was pleased to be able to confirm that as part of the pledge to plant 2,000 trees over the next four years, the trees removed which Mr Wilson had referred to would, where feasible, be replanted during the next tree planting season, which was between November 2019 – February 2020.

The trees in St Andrews Crescent were in terminal decline with extensive dieback of the crowns and decay evident. The Silver maple in Testwood Road had a defective stem union. All had been removed for health and safety reasons. There was no recent record of tree removal at Hayse Hill but there were some small vacant planting pits adjacent to the narrow path between Hayse Hill and Maidenhead Road, indicating where trees may have grown previously.

Six new trees were due to be planted in St Andrews Crescent and the council was assessing the constraints concerning the planting of a tree in Testwood Road and trees at Hayes Hill. The latter would require the widening out of the pits to provide a sufficient rootable volume to allow the trees to successfully establish. Alternative sites would be found close by, if planting could not be achieved there.

She was also delighted that 7,000 new tree whips would be planted in Thriftwood over the next three years. This was being funded by a £35,000 grant from Network Rail. Support had already been given by business partners including Smart Motorways, Mars Chocolate and Husband and Wife Cleaning Company. This would exceed the pledge of 2,000 trees across the Royal Borough, and help support the achievement of the net zero carbon 2050 target recently adopted by full Council. There was also a commitment to expand the tree stock in other parts of the borough.

Native trees supported many more species in the natural woodland and therefore the plans would support the council's aim to increase biodiversity across the borough. The new trees would also enhance the existing tree stock, which contributed so positively to the borough's look and feel. The borough was very fortunate that this would help sustain the green and pleasant feel of the Royal Borough of Windsor and Maidenhead for generations to come. There was also an Adopt a Tree scheme on the borough website.

By way of a supplementary, Mr Wilson commented that not many people knew about the pledge to plant 2000 trees therefore he asked for something to be put on the website to explain and allow residents to suggest areas to be planted.

Councillor Rayner responded that she would be happy to take this up; the council positively welcomed suggestions for tree planting.

28. PETITIONS

No petitions were submitted.

29. MEMBERS' QUESTIONS

a) Councillor Larcombe asked 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?

Councillor Coppinger responded that he assumed the question referred to the RBWM Gypsy and Traveller Accommodation Assessment (GTAA), which was produced for the Council by consultants arc4 and published in 2018.

The study included a review of all types of existing sites and used this to estimate the future needs for Traveller accommodation in the borough. The study defined terms such as authorised sites, unauthorised development and tolerated sites.

The study showed that there were, in addition to two authorised permanent council sites, six authorised permanent private sites, two temporary private sites and 16 tolerated private sites. Authorised meant sites that had planning permission. Tolerated sites in the borough were mostly those that had existed in excess of 10 years and were immune from enforcement action.

It was recognised there was a relatively high proportion of Traveller pitches and plots in the Datchet, Horton and Wraysbury area. This existing uneven distribution of Traveller sites in the Borough was addressed in the Traveller Local Plan Issues and Option paper, where one of the questions specifically asked was whether there should be a more even distribution across the Borough. The planning policy team was currently analysing the responses received.

By way of a supplementary question, Councillor Larcombe asked if it would be helpful if he supplied the Lead Member with a list of unauthorised and tolerated sites in the ward?

Councillor Coppinger responded that he hoped that these would already have been put forward by the ward councillor but if there were any missing he welcomed further input.

b) Councillor Larcombe asked 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?

Councillor Cannon responded that fly-tipping was an ever increasing problem; it was illegal and anti-social and the council was committed to reducing the activity across the Royal Borough through various initiatives.

Prosecution was part of that, which could be used. He was aware of seven prosecutions over the last four years: five had related to asbestos, one to household waste and one to a taxi driver throwing waste out of a vehicle. All seven had led to successful prosecution and fines.

In addition, the council had been proactive by:

- deploying mobile CCTV at vulnerable sites to act as a visible deterrent; this was not publicised for obvious reasons
- installed signage and made physical changes to specific locations
- removed facilities which had previously attracted fly-tipping (for example recycling centres in Ascot and Eton Wick)
- sought to collect evidence from fly-tipping which had been cleared by Royal Borough contractors, to recover costs and potentially result in prosecutions

Reducing fly-tipping was a key priority. It formed part of the suite of key performance measures which were reported quarterly and was showing an improving trend.

Councillor Larcombe confirmed he did not have a supplementary question

Councillor Hill had sent his apologies for the meeting therefore he had asked for his question (c) to be deferred to the next meeting in September 2019.

Councillor C. Da Costa confirmed that she had withdrawn her question (d) as she would be working with the Lead Member to resolve the issue for residents.

e) Councillor Knowles asked 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?

Councillor Johnson responded that the council was committed, over the next four years, to invest £50m to deliver infrastructure before housing development. In addition, the council had committed to a 24 hour pothole fix.

With respect to the specifics of Bolton Road, he was pleased to confirm that a patching programme for the area of Kings Road had been agreed which would be completed in August 2019. In addition, the section of Bolton Road (between Kings Road and the TA centre) had been assessed and highlighted for resurfacing the following year. This would be subject to approval by Cabinet when considering the full resurfacing programme for 2020/21. In addition, he understood that officers had been in discussions directly with Councillor Knowles regarding resurfacing treatment types and the methodology for technical assessments.

By way of a supplementary question, Councillor Knowles commented that he was unsure about the longevity of some treatment types such as surface dressing and believed they had largely been consigned to history.

Councillor Johnson responded that Councillor Knowles was correct that there had been some historical issues with surface dressing, particularly in the Bray ward. Volkers were due to redo this work with a slightly modified treatment, which would then be assessed by officers. If it was considered to be above satisfactory then the council would consider re-adopting surface dressing as a mainstream highways technique.

30. MOTIONS ON NOTICE

Councillor Stimson introduced her motion. She commented that she was thrilled that her maiden motion was on such a life enhancing topic. The great Sir David Attenborough had said "*plants capture energy from the sun, and all life on land, directly or indirectly, depends on them*". Her motion looked to tackle just one aspect of biodiversity: to address the way verges, open spaces and barren sites were managed.

Biodiversity was the technical term for life on earth. It was a scientific measure of the variety of habitats and ecosystems across the planet. It was essential for human existence. As well as underpinning the food that was eaten and the air that was breathed, humans depended on biodiversity for protection from other threats, like pollution, flooding and climate breakdown.

Last month Council had declared an environment and climate emergency, and passed a motion to reach carbon neutrality. Councillors were increasingly aware that almost everything the council did had implications for sustainability. As the Chairman of the planning panel she felt a great responsibility for this. The previous Wednesday the panel had passed four applications totalling 200 residential dwellings on brownfield sites, all with perfectly good reasons for approval, and all of which would most likely win on appeal if turned down by the panel. The borough was vulnerable until it had approved its borough local plan. The onus was therefore on the council to do as much as it could to ensure that the properties built were sustainable and that more steps were taken to mitigate against the development that council had to, and should, continue with.

Councillor Stimson proposed three action steps towards improving biodiversity in the borough:

Firstly, to allow the grasses on verges to grow long enough to get through their lifecycle of grow, flower and seed each year. Over 700 species of wildflowers grew on verges, which was nearly 45% of the total flora.

The council would have to be mindful of health and safety by keeping the grass short where sight lines mattered, or along paths where children walked to school. She thanked Councillor Jones for her input in this regard, and also for suggesting that ward councillors get involved as they had intimate knowledge of their own wards. Councillors could also draw on skilled officers such as the Countryside Manager and Ecologist.

Some of the borough parks and open spaces already benefitted from selective mowing. Parts of Town Moor had longer swaths of grasses, for example, and was alive and buzzing for much of the year. Councillor Stimson thanked Councillor Baskerville for his motion relating to bees that the council had passed many years previously. She would like to aim for borough parks to have 10% of their area given

over to biodiversity. It was more complicated than mowing everything, but the benefits were more than worth it. Frequently trodden paths across an open park might be more neatly clipped, or the shape of a football field where children were known to play, but elsewhere biodiversity should be encouraged. For the last six years, a local farmer, Jim Headington, had managed the perennial grasses and wildflowers that ran alongside his fields. Today they were full of orchids, ox-eye daisies, self-heal, yellow rattle, lady's bedstraw and the sight was breath-taking. Maidenhead was going to go through a tricky period with regeneration, and the council needed to do everything it could to make it attractive in other ways.

Secondly, she proposed the sowing of annual wildflowers to cheer up targeted sites within the borough. One of her friends at Wild Cookham had already mentioned that her language, such as 'cheer up' devalued the purpose, which was about saving life on the planet, and that cheerfulness was a by-product. He was of course correct.

Councillor Stimson asserted that this was something that needed to be tackled on a ward by ward basis. In St Mary's, for example, residents had notified her of areas that were in need of love, and had asked for help. That would be replicated throughout the borough. Wildflowers would grow in sunny areas until first frosts. Other areas might need different treatment. It would not be solved overnight.

Thirdly, Councillor Stimson wanted to introduce more insect friendly and drought resistant plants into key areas where biodiversity was currently lacking. The council would look at ways of introducing succulents, such as sedums, which were great drought resistant plants. Their compact heads oozed nectar during the late summer and were loved by bees and other pollinating insects. She had spoken to the council's window box supplier and they were happy to introduce hairy plants which were good at trapping air pollution from traffic.

The council needed to start doing things differently. It would be messier, and it may be more difficult, but it was clear that if business as usual continued, the loss of habitats posed as much a danger to life on the earth as climate change did.

Councillor Rayner seconded the motion. She stated that it was incredibly important as it raised a great awareness of biodiversity and how the council was and continued to make changes in the Royal Borough to address this.

The borough's fantastic parks and highways were valued by the residents and the aim was to keep high standards. Currently verges were cut three times a year and sometimes twice if suitable for long grass growth. With wildflowers the management was very similar with two operations: a cut in the spring, and cut and collect in the late summer after the plants had shed seeds.

The borough would like to trial the wildflowers in some high profile areas across the Borough: the A308 entry into Maidenhead where there was a wide central reservation; in Windsor on the Royal Windsor Way and some roundabouts; and in Ascot on a wide verge near the War Horse roundabout. These areas would still need to maintain highway safety therefore cuts would be maintained at 1m or 0.5m for vision. Yellow rattle was known as the most important plant needed to establish a wildflower meadow, there were also fantastic seed mixes with grasses which would be used across many of the sites. Plants like this would set their own seeds so would continue to multiply. The areas would need refreshing every three or four years. The

wildflowers and native plants attracted bees and butterflies and other pollinators and wildlife; 30% of food directly depended on pollinators.

The trial was important as this would be as much about understanding residents' expectations. There was a balance with managing this, therefore the council would introduce signs on the trial areas which showed the reason for the long grass and a webpage on the website.

There were already over 300 acres across the Royal Borough in parks that were promoting biodiversity and bee pollinators, including Cooleys Meadow in Eton Wick, Braywick nature reserve, Ockwells, Thriftwood, Battlemead, Sutherland Grange, Allan's Field, Deerswood and Trinity Park

Another idea was to trial seedham flower roofs on bus-stops. This planting had been very successful in Utrecht, Holland and was improving air quality as well as biodiversity.

Councillor W. Da Costa stated that he applauded Cllr Stimson's maiden motion especially as a local bee keeper. It was good to continue the debate about enhancing biodiversity being threatened with extinction due to human activity and climate change, after all it was an emergency but, the council really should be looking at creating a Biodiversity Strategy which would cut across all areas of council operation especially planning, highways, transport, parks and green spaces, energy, construction and home building, procurement and disposal strategies, but would also apply to education, adult services, social services and more.

There were different options in looking at a strategy. The council could take the EU option of aiming for:

- Enhanced implementation of nature legislation i.e. implementing the full force of the new NPPF and the Town & Country Act
- Restored ecosystems
- Established green infrastructure
- Sustainable agriculture and forestry
- Sustainable fisheries or, with the River Thames and the Jubilee River, aquatic life
- Combatting alien invasive species
- Contributing to averting global biodiversity loss

Or the council could consider the UK approach of:

- A more integrated large-scale approach to conservation on land and at sea
- Putting people at the heart of policy
- Reducing environmental pressures
- Improving our knowledge
- Monitoring, reporting and reinventing

Or the council could also layer in the forward thinking approach of the National Assembly of Wales which included green infrastructure, a nature based approach, a

circular economy, and a place based approach. This strategy included five ways of working, and nine principles of sustainable management for each area of activity.

It was important that the council create an evidence based biodiversity strategy that cut across all areas of the council's activities and responsibilities. It could:

- Set a target date for creation of 2021
- Prepare and issue regular audits and status reports of borough ecosystems and biodiversity
- Collaborate with experts and residents such as Wild Maidenhead and Wild Windsor
- Set up a Task Force to ensure completion and implementation
- Ensure carbon neutral buildings in RBWM both new and retrofitted
- Improve education for children and adults
- Facilitate residents becoming greener
- Create schemes to help businesses become green
- Empower and release residents and businesses in Green Action Networks which were already being set up by forward thinking residents in the borough
- Require reports on progress and successes including KPIs at all Overview and Scrutiny Panels, Cabinet, full Council and on the website
- Reimagine environments by bringing the countryside into the towns
- And of course, create a greener borough by planting verges

The strategy must take the word emergency seriously. This will also allow an opportunity to improve the wellbeing of residents, reduce air, ground and water pollution, limit the effect of alien and invasive species, reimagine urban spaces, improve the happiness index and save money and as well as saving local biodiversity and planting green verges. Piecemeal resolutions might actually hamper biodiversity; evidence based strategies and activities were needed. Equally, the borough should not continue to fall behind other areas in the UK and the world. The council must work collaboratively and put some high energy, intent and resourcing into the declared emergency and resolve to create a Biodiversity Strategy fit for royalty, that husbanded the ecosystem and one that would be an asset for future generations. Councillor W. Da Costa stated that he would support the motion but the council needed to aim higher.

Councillor Dudley stated that he supported the motion but would like to see the council's plans to be more ambitious and avoid symbolism. When looking at public open spaces he suggested an opt-out type of approach. He therefore requested a report back to full Council on what the council was doing, to include the default opt-out approach.

Councillor Coppinger explained that at this year's annual councillor visit to a local farm, Members had been shown a field that had been planted with wildflowers to increase biodiversity and ultimately improve crops. He asked that all seeds used on borough land be from native species.

Councillor Jones stated that she completely supported the motion. Wildflower planting already happened in Old Windsor on Crimp Hill Road. Officers had arranged for it to be appropriately managed. A lot of open spaces were managed by parish councils

therefore she asked that communications be made with parish councils to encourage them to take up the plans on behalf of residents.

Councillor Davies commented that to gain maximum benefit it would be important to ensure there was no loss in translation of implementation. She therefore suggested the motion should include a schedule for both rural and urban areas and specify native species.

Councillor Stimson responded that she would prefer for the motion to be approved as written rather than to go into detailed changes. A working party could look at a detailed framework. Councillor Dudley reiterated his suggestion for a report to full Council including a detailed action plan.

Councillor Knowles echoed the comments of Councillor Jones. During the recent Garden in Bloom competition he had seen some wonderful wildflower gardens; it would be good to mobilise these residents. Certain flowers that were considered weeds were important for the food chain and love by bees, for example dandelions.

Councillor Cannon commented that the motion focused on urban areas yet the majority of verges were in rural areas. He highlighted that rural areas were also taking action and groups already existed such as Wraysbury Gardeners and Wild Datchet. Joined up work with these groups and parish councils was needed.

Councillor Davey highlighted the need to ensure no alien species were introduced. Residents should be encouraged to seek advice before taking action.

Councillor Clark thanked both Councillor Stimson and Councillor W. Da Costa for the wide variety of aspirations that had been expressed in relation to biodiversity and the climate emergency. It would be important to be guided by science and expert advice. Work undertaken after the initial support of the motion would look scrupulously at how the council could best deliver the aspirations including guidance to be given to parish councils and residents, the application of resources and monitoring of payback.

Councillor Tisi commented that natural wild verges would support 1400 species of insects. If non-native plants were introduced only 40 species of insects could be supported. If the council wanted the residents to believe it was not simply 'greenwashing' it would be important to get the message across.

Councillor Bowden highlighted the use of green walls in central London which could be extended to roofs. He also commented that Heathrow had set aside funding to offset their own carbon footprint.

Councillor Bateson commented that it would be important to include schools as young people were very much involved in the green movement.

Councillor Baskerville explained that his motion relating to bees had been agreed by Council in 2008. The motion on biodiversity built on the earlier motion. He commented that at the 50th Anniversary of the moon landing, one of the big features had been the sight of Earth from the moon, gleaming like a precious jewel but also vulnerable. It had brought home the importance of being stewards of the Earth.

Councillor Del Campo commented that meadows in Oaken Grove Park had been cut down in their prime and had yet to recover. Officers and residents were working to restore them. She hoped lessons had been learnt. She also highlighted the importance of locally-sourced plants, possibly from donor meadows.

Councillor Stimson thanked all Members for supporting the motion and making it more ambitious for both urban and rural areas of the borough. The idea of a report back to full Council including all the ambitions was very important.

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

RESOLVED UNANIMOUSLY: 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

Councillor Baldwin left the meeting at 8.25pm

The meeting adjourned at 8.25pm and reconvened at 8.30pm.

31. NICHOLSON'S WALK SHOPPING CENTRE

Members considered sale of the council's freehold interest in Nicholson's Shopping Centre and the freehold of the Central House office.

Councillor Dudley introduced the report. He explained that Nicholson's shopping centre covered 4.5 acres in the middle of Maidenhead and had originally opened in 1964. In February 2019 Tikehau Capital, in partnership with Areli Real Estate, had acquired the shopping centre from the administrators. In March 2019 they had undertaken extensive public consultation on their proposals. In April 2019 Cabinet gave approval for Heads of Terms with Tikehau and Areli to form the basis of a development agreement including the re-provision of the town centre car park and redevelopment of the shopping centre. At the time the Cabinet report included a delegation to officers and himself as Leader of the Council to finalise the development agreement and commercial terms. However there had been some concern from Members about the breadth of that delegation therefore he had agreed to bring it to full Council. Extensive negotiations had been undertaken between the architect and the RBWM Property Company as detailed in the Part II appendices.

The Part I report detailed three elements relating to the transaction. The council owned 55% of the freehold of the shopping centre on a very long term lease. Over time the financial return to the council had reduced significantly. The projected income in the Medium Term Financial Plan was zero given the challenging nature of the retail environment.

Councillor Dudley explained that the second element related to Central House, which the council had acquired a few years previously. The building had a structural life of 40 years therefore it could not be refurbished as an office building. It was therefore proposed that it also be sold to Areli. Areli would then bring forward a comprehensive

planning application. The transfer of title and freehold would be dependent on a successful planning application including long-stop dates for submission.

The third element concerned the redevelopment of the car park. The council had approved a budget of £35m for a new car park. However the proposal was now for a land swap for an equivalent footprint of land for the building of a new car park at a significantly lower cost. The cost would be greater on the current site because of linked buildings.

Councillor Werner stated that all welcomed the excellent proposals for Nicholson's Walk. He noted there would be no sale until planning permission had been agreed. He welcomed the change of plan ensuring the current car park would not be knocked down until a new one was built. However the problem he had identified was that the council would no longer had a freehold interest in the enterprise. Strategic oversight of the sites meant the council was in the game and could ensure commitments made in the consultation would be met. He referred to the Landing development which was given a number of planning permissions with increasing heights of building and less of a community hub element. The council needed to be careful in monitoring its strategic ownership. When the waterway under the Colonnade needed to be increased to allow larger boats the council had had to go to the developer with cap in hand. If the council had been part of the partnership the process would have been much easier. The detail would be in the contract yet the contract was not due to come back to full Council but was to be decided by the Leader and Councillor Johnson.

Councillor Jones commented that the Opposition were not as close to the detail or the conversations as the administration but the feeling was that the proposals would be a good thing for the town. However, there were concerns that there was no detail as to how the proposals fitted with the wider strategy and vision for Maidenhead. She wanted to understand how the changes would impact on the original vision and needed reassurance that it fitted into Maidenhead as whole.

Councillor C. Da Costa highlighted the need for adequate disabled parking given the change in location of the car park.

Councillor Hilton commented that it was a sad fact that the shopping centre had been forced into receivership in October 2018 but this was a golden opportunity to remodel a significant part of the town centre and move the regeneration forward. A consequence of the changing retail environment meant the proposal was for mixed use. Councillor Hilton explained that he had been involved in the Ascot regeneration project since 2012. In Ascot the proposal was for new retail with a double-sided high street and was predicated on new development on an adjacent site. The viability of the retail element was to a great extent dependent on the footfall from the new developments. In a similar way, the success of the Nicholson's centre would to some extent be dependent on those living in the area. Councillor Werner had spoken of a lack of control; in Ascot the council had no levers, just the borough local plan and a development brief. In comparison in Maidenhead there would be contractual arrangements and relationships had been built.

Councillor Reynolds stated that he was concerned that the proposal was selling off both the council's rights and the opportunity for its voice to be heard. It should not be about an income for the council but about having a seat at the table and a voice in the debate about the future of Maidenhead.

Councillor Knowles commented that his concerns were with the tendering process as it looked like a closed situation with the developer getting a free run at building. A councillor who was absent had asked him to raise the suggestions that increased parking capacity could be included to reduce the need for Vicus Way car park.

Councillor Davey explained that he had read the previous minutes of Cabinet and full Council and had a few concerns. He understood if a local company wanted to undertake the works they would need three years' accounts, a positive track record and could only bid for the project up to 30% of turnover. Areli had only been incorporated in 2018 therefore it had not been around that long even if its Directors had. He asked if the council was happy to give a line of credit on borrowing? He understood that in the corporate property world no entity wanted to lose its asset base and therefore set up a brand new company to minimise any potential financial risk, it was however a shame that SME businesses in the borough would not have the same breaks and were prevented from potentially life changing contracts such as this by bureaucracy and red tape. The cost of building the Broadway car park had originally been £8.51m but was later revised to £35m. Areli could reduce costs by 10% because of the individual build. Vicus Way was showing on the website as a tender of approximately £10m for 500 spaces. The new Broadway car park was estimated to cost £31m for 1333 spaces, or 1035 which was the figure in an earlier set of minutes. He therefore questioned if the value should be dropped by 22% to £24m? Could the new car park have 1500 spaces thereby negating the need for Vicus Way?

Councillor Targowski commented that the nature of the retail environment was constantly changing. The council could not expect to be an expert at retail but could use its assets to enable experts to come in. He was happy the council could manage the contractual relationship. It would be important for good lawyers to draw up the contracts rather than Members at full Council.

Councillor McWilliams commented that this was a huge opportunity to rebuild a key part of the town centre. The architect's plans were very exciting. The key was control over the planning application. He referred to the Joint Venture sites which represented high quality development with affordable housing. He asked what the consequences would be if there were a downturn in the economy and the developer did not deliver a planning application.

Councillor Coppinger commented that the council had the opportunity to be at the birth of a new Maidenhead. The problem was that most councillors did not know what it should look like. The younger generation had a better idea. At one of the workshops recently held he had sat next to a young lady who commented that the group did not understand what younger residents wanted. They did not want a house with two parking spaces; instead they wanted a flat within walking distance of restaurants and entertainment venues.

Councillor Dudley responded to questions raised during the debate. He explained:

- A change of control consent mechanism would be included in the contract to deal with a situation where the developer wanted to sell on the development in the event of an economic downturn.

- The counterparty from a credit perspective for the developer's financial obligations was Tikehau capital, which had assets under management of 22bn Euros.
- Car park building costs were affected by factors such as ground conditions therefore there was not a uniform per parking space cost.
- The current figure in the capital programme was based on a very complex site therefore a different location would be more straightforward.
- The council would retain complete control of the new car park, which would supplement what was being provided at Vicus Way. The approximate size was 1030 spaces; the council would ensure it was the right size.
- More blue badge spaces would be available in the new car park. The location would be closer to civic facilities such as the Town Hall.
- The developer had successfully brought about the redevelopment of the Battersea power station site. The council was in a fortunate position that there were people who wanted to invest in Maidenhead and would bring their expertise. There was a commercial imperative to create a beautiful place.
- A piece of work was being undertaken on ensuring the new proposals fitted with the wider vision for the town centre. Areli had been instrumental in this.
- The council retained control as the Local Planning Authority. Pre-application advice was being provided by skilled planning officers.

At this point the debate moved into Part II, to enable Members to debate the Part II information before making any decisions.

During the Part II debate, Members agreed to minute the resolutions relating to the Part I report in Part I:

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

RESOLVED: That Council notes the report and:

- Approves the sale of the freehold interest in the Nicholson's Walk Shopping Centre for £1,000,000**
- Approves the sale of the freehold interest of Central House, Maidenhead for a total consideration of £5,000,000.**
- 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.**
- Agrees to minute recommendations i-iii in Part 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. 31 Councillors voted for the motion; 2 Councillors voted against the motion; 6 Councillors abstained:

Nicholson's Walk Shopping Centre (Motion)	
Councillor Andrew Johnson	For
Councillor David Cannon	For
Councillor Wisdom Da Costa	For
Councillor Julian Sharpe	For
Councillor Sayonara Luxton	For

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Councillor David Hilton	For
Councillor Leo Walters	For
Councillor Maureen Hunt	For
Councillor John Bowden	For
Councillor Gerry Clark	For
Councillor David Coppinger	For
Councillor Gary Muir	For
Councillor Samantha Rayner	For
Councillor Christine Bateson	For
Councillor Stuart Carroll	For
Councillor Simon Dudley	For
Councillor Lynne Jones	For
Councillor Ross McWilliams	For
Councillor Shamsul Shelim	For
Councillor John Story	For
Councillor Simon Werner	Abstain
Councillor John Baldwin	No vote recorded
Councillor Clive Baskerville	Abstain
Councillor Gurpreet Bhangra	For
Councillor Simon Bond	Against
Councillor Mandy Brar	Against
Councillor Catherine del Campo	Abstain
Councillor Carole Da Costa	For
Councillor Jon Davey	For
Councillor Karen Davies	Abstain
Councillor Phil Haseler	For
Councillor Neil Knowles	For
Councillor Ewan Larcombe	Abstain
Councillor Helen Price	For
Councillor Joshua Reynolds	For
Councillor Gurch Singh	For
Councillor Donna Stimson	For
Councillor Chris Targowski	For
Councillor Helen Taylor	For
Councillor Amy Tisi	Abstain
Carried	

32. 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 11-12 on the grounds that they involve the likely disclosure of exempt information as defined in Paragraphs 1-7 of part I of Schedule 12A of the Act.

MEMBERS' GUIDE TO DECLARING INTERESTS IN MEETINGS

Disclosure at Meetings

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

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

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

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

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

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

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

Prejudicial Interests

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

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

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

Personal interests

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

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

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MAYOR'S COMMUNICATIONS

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

Meetings

- Windsor and Maidenhead Community Forum AGM
- Maidenhead Talking Newspaper AGM and tea party

Schools/Clubs/Community

- Visited Dormy House, Sunningdale
- Opened Maidenhead Beer and Cider Festival
- Welcomed the 1st Battalion Welsh Guards to Windsor
- Attended the Slough Windsor and Maidenhead Initiative street showcase in Windsor
- Citizenship Ceremonies
- Attended the media launch of the Lions sculpture trail in Windsor
- Visited the 20th anniversary open day at Frogmore Court (Look Ahead), Maidenhead
- Visited the Ascot Horticultural Society Summer Show
- Chertsey Show
- Attended the official handover of new fire engine in Windsor
- Presented prizes at Hurley Regatta
- Visited Timbertown in Maidenhead
- Presented trophies at the Windsor and Maidenhead Community Forum Cricket Tournament
- Visited Littlewick Show
- Maidenhead Camera Club 130th anniversary exhibition
- Attended the welcome service for the new Methodist clergy in the Thames Valley circuit
- Hosted return steam train trip from Windsor and Eton Riverside to London Waterloo in aid of Thames Hospice
- Led the flagraising for Merchant Navy Day
- Attended the High Sheriff's reception
- Assisted with the launch of the public fundraising appeal for Thames Hospice "Raise the Roof" in both Windsor and Maidenhead
- Old Windsor Handicraft, Produce and Horticultural Society Annual Show
- Toured the course for the Windsor Lions Sponsored Obstacle Horseride
- Attended the Private View for the Cookham and Maidenhead Art Trail
- Visited the Royal Borough's twin town of Goslar, Germany for the 50th anniversary of twinning celebrations and participated in the itinerary of events
- Led the Battle of Britain Civic Service
- Opened Maidenhead Town Show
- Presented trophies and welcomed the Bionic Challenge Charity Bike Ride to Cookham from Holland
- Welcomed the Maidenhead Women's Group for European Friendship and their visitors from Frascati, Italy to the Mayor's Parlour, Town Hall, Maidenhead for viewing of civic insignia

- Windsor Slough Chrysanthemum Fuchsia Pelargonium Society Chrysanthemum Dahlia and Vegetable Show
- Attended the cheese and wine fundraising evening for the Berkshire Community Foundation and the Me2Club

Concerts/Show

- Windsor Festival: Lucy Worsley – talk on Queen Victoria

Report Title:	Election of Leader
Contains Confidential or Exempt Information?	No - Part I
Officer reporting:	Duncan Sharkey, Managing Director
Meeting and Date:	Council 24 September 2019
Wards affected:	All

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REPORT SUMMARY

1. Councillor Simon Dudley resigned as a councillor and as Leader of the Council on 12 September 2019, with immediate effect.
2. Full Council is therefore required to consider the election of a new Leader of the Council.

1. DETAILS OF RECOMMENDATION(S)

RECOMMENDATION: That full Council notes the report and elects a Leader of the Council.

2. FINANCIAL DETAILS / VALUE FOR MONEY

- 2.1 The Special Responsibility Allowance (SRA) for the Leader of the Council is £24,428 per annum; funding for the SRA is contained within the Members' allowance budget.

3. LEGAL IMPLICATIONS

- 3.1 The Council operates an Executive/Leader model under the Local Government Act 2000. The power of full Council to elect a Leader is contained within Part 2A, paragraph 1.1 of the council constitution:

“Only the full Council will exercise the following functions:

.....

5. Appointment of Leader at the Annual Council following the local elections, or following the death or disqualification or resignation, or if removed from office by resolution at any other Council meeting”.

4. POTENTIAL IMPACTS

- 4.1 Equalities. No impacts identified
- 4.2 Climate change/sustainability. No impacts identified

4.3 Data Protection/GDPR. No impacts identified

5. CONSULTATION

5.1 Not applicable

6. TIMETABLE FOR IMPLEMENTATION

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

Table 4: Implementation timetable

Date	Details
24 September 2019	Full Council considers election of Leader

7. APPENDICES

7.1 This report has no appendices

8. BACKGROUND DOCUMENTS

8.1 This report is supported by one background documents:

- [Council constitution](#)

9. CONSULTATION (MANDATORY)

Name of consultee	Post held	Date sent	Date returned
Duncan Sharkey	Managing Director	13/9/19	16/9/19
Russell O'Keefe	Executive Director	13/9/19	
Andy Jeffs	Executive Director	13/9/19	
Rob Stubbs	Head of Finance	13/9/19	
Mary Severin	Monitoring Officer	13/9/19	13/9/19
Nikki Craig	Head of HR and Corporate Projects	13/9/19	13/9/19
Louisa Dean	Communications	13/9/19	13/9/19
Kevin McDaniel	Director of Children's Services	13/9/19	16/9/19
Hilary Hall	Deputy Director of Commissioning and Strategy	13/9/19	15/9/19

REPORT HISTORY

Decision type: N/A	Urgency item? No	To Follow item? No
Report Author: Karen Shepherd, Service Lead – Governance, 01628 796529		

Report Title:	Community Governance Review Process
Contains Confidential or Exempt Information?	No - Part I
Meeting and Date:	Council 24 September 2019
Responsible Officer(s):	Elaine Brown, Interim Head of Law and Governance
Wards affected:	All

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REPORT SUMMARY

1. The creation of a new parish or town council is governed by the community governance review process and is undertaken by principal councils. A community governance review assesses a number of varying parish electoral arrangements including the establishment of new parish or town councils, the abolition and regrouping of existing parishes, alterations to parish boundaries and the number of elected representatives of the parish.
2. It is the decision of principal councils as to whether to make changes to parish arrangements within the local authority area. The community governance review process is used to assist the principal council in its decision-making and to evidence the decisions made as the outcome of the review.

1. DETAILS OF RECOMMENDATION(S)

- 1.1 This report is for information only, to ensure Members are aware of the process for undertaking a Community Governance Review.

2. BACKGROUND

- 2.1 The responsibility for administering reviews of parish electoral arrangements transferred from the Electoral Commission's Boundary Committee to principal councils in 2007, brought into effect by the Local Government & Public Involvement in Health Act (LG&PIHA). The transfer of responsibility was expected to streamline and simplify the decision-making process by instating it at local government level.
- 2.2 The powers transferred via the LG & PIHA allow principal councils to undertake a review of any part of the principal council's area at any time (Section 82 LG&PIHA 2007). There is also a duty to conduct a review in response to a valid community governance review petition by local government electors (Section 83(2) LG&PIHA 2007.) A petition will be considered valid where at least 10% of the local government electorate in the area have signed the petition where the electorate is more than 2,500 electors; at least 250 electors have signed where the electorate is between 500 and 2,499; and at least 50% of the electorate have signed where the electorate is fewer than 500 electors.
- 2.3 Members will be aware that two e-petitions have recently been opened, requesting the creation of town councils in both [Windsor](#) (deadline for signatories 27 December 2019) and [Maidenhead](#) (deadline for signatories 11

October 2019). Officers are aware that alongside the e-petitions, hard copy petitions are also being used to gather signatures. The lead petitioners for both petitions have been advised that they need to ensure all signatures are from residents living within the area proposed to be covered by the new town councils and that signatories from addresses outside the area would be discounted. Once the petitions are formally submitted to the council, officers will review the signatories to determine the number of valid signatories and therefore whether this triggers the duty to conduct a review.

- 2.4 Government guidance states that principal councils should continually keep their area under review and that it is good practice for a principal council to consider conducting a review every 10-15 years, except in areas with a low population. The council has not undertaken a full review of parish councils in the area since the powers to do so were transferred to principal councils in 2007.

3. DETAILS

- 3.1 The council can decide to undertake a community governance review of its own accord or to await receipt of a valid petition which would automatically trigger a review of a specific area. Where the council decides to undertake a community governance review, the scale of the review (a review of a definitive number of parishes or full-parish review) and the scope of the review (amendments to ward boundaries and/or number of elected representatives for example) would need to be defined.
- 3.2 Section 82 of the LG&PIHA requires the principal council to draw up terms of reference for its review and to ensure that community governance within the review area reflects the identities and interests of the community in that area and is effective and convenient. The terms of reference published by the principal council will outline the remit of the review (i.e. define the proposal for change and the area affected), who will be consulted as part of the review, and a timeframe for undertaking the review. The review must be completed within twelve months of publication of the terms of reference.
- 3.3 The terms of reference should also set out the financial implications of any proposed change (e.g. the cost of establishing a new parish council) and any anticipated consequential effects of such change. It is therefore a requirement that the principal council carries out research to collect this information by liaising with the council tax and finance departments to calculate costs of a new parish precept for the affected area.
- 3.4 The principal council has a duty to encourage anyone with a vested interest in the review (such as local government electors and/or community groups, local organisations who operate in the affected area) to make representations and comments on the proposals for change made by the principal council and will consult with them directly. A comprehensive and far-reaching public engagement strategy would be needed in order to ensure maximum engagement with the review process.
- 3.5 The principal authority is required to publish draft and final recommendations as part of the review which acknowledge any evidence or views submitted by consultees during the public consultation period. It should be noted, however, that the principal authority is not duty-bound to reflect the views of consultees in

its final decision on the outcome of the review if it does not deem the evidence or points of view expressed to reflect convenient and effective local government.

4. TIMETABLE FOR IMPLEMENTATION

- 4.1 After having published its final recommendations and where the outcome of the review is to endorse change to parish electoral arrangements (for example, create a new town council), the principal authority is required to make a Reorganisation of Community Governance Order. If no changes to the existing structure of the review area are recommended, then a Reorganisation Order is not necessary.
- 4.2 Following the making of a Reorganisation Order, the new electoral arrangements would take effect at the next scheduled local government elections. The earliest point at which amendments could be made to current parish councils, including the first elections to any new town council, would be Thursday 4 May 2023.

5. RISK MANAGEMENT

- 5.1 If the statutory provisions for undertaking a community governance review are not adhered to by the principal authority, there is a risk that the outcome of the review could be challenged which would bring about reputational damage and undermine electoral arrangements at all levels.

6. LEGAL IMPLICATIONS

- 6.1 The responsibility for administering reviews of parish electoral arrangements is set out in the Local Government & Public Involvement in Health Act (LG&PIHA).
- 6.2 When conducting a community governance review, the principal council must comply with a range of duties and must have regard to guidance issued by the Secretary of State and the Local Government Boundary Commission for England.

7. FINANCIAL IMPLICATIONS

- 7.1 Modest costs would be incurred in the administration of any review when consulting with members of the public and individuals interested in the review, these would be met from within existing resources.
- 7.2 The financial implications of the creation of a new town council relate to the parish precept. There are 14 parish/town councils within the borough (and one parish meeting). The parish/town councils are allocated a considerable amount of funding every year, via the precept, which is reviewed on an annual basis. For the 2019/2020 financial year, the total precept for all parish councils (including unparished areas) was £2,541,241.
- 7.3 If town councils were created in both Windsor and Maidenhead, it would not be unreasonable for the precept for these areas (currently collected as unparished areas: Windsor = £671,067.14; Maidenhead = £423,325.29) to be transferred

to these bodies, although the town councils would be able to set their own precepts. This would mean a loss of income to the council of approximately £1.1 million, as the council would no longer be able to raise a precept for unparished areas. However the council would then aim to pass delivery of functions (such as play areas, allotments etc.) to the town councils, of an amount equivalent to the loss of the non-parish recharge.

- 7.4 There would also be an implication for the allocation of the Community Infrastructure Levy (CIL). Currently 15% (or 25% in areas with Neighbourhood Plans) of CIL is allocated to parishes which they are able to spend on local priorities. Where there is no parish, town or community council, the council retains the levy receipts and is responsible for engaging with the communities where development has taken place and agreeing with them how best to spend the neighbourhood funding. If a new town council was created then the Neighbourhood CIL funding would be allocated to that body for decisions on spending. The current amount of Neighbourhood CIL available for Maidenhead is £169,312.53 and for Windsor £82,853.42.

Report Title:	Constitutional Amendments – Town Forums
Contains Confidential or Exempt Information?	No - Part I
Member reporting:	Councillor Shelim, Lead Member for HR, Legal and IT
Meeting and Date:	Council - 24 September 2019
Responsible Officer(s):	Mary Severin, Monitoring Officer
Wards affected:	All

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REPORT SUMMARY

1. This report proposes that the frequency of Town Forum meetings be increased to six times per annum.
2. In addition, the report proposes increasing the membership of both Forums to 11 Members to allow representation from all relevant wards.

1. DETAILS OF RECOMMENDATION(S)

RECOMMENDATION: That full Council notes the report and:

- i) **Agrees to increase the membership of both Maidenhead Town Forum and Windsor Town Forum to 11 Members.**
- ii) **Agrees to increase the frequency of Windsor Town Forum and Maidenhead Town Forum meetings to six times per annum.**
- iii) **Delegates authority to the Monitoring Officer to amend the constitution as detailed in Appendix A.**
- iv) **Agrees the following meeting dates for the remainder of the 2019/20 municipal year:**
 - **Maidenhead Town Forum: 4 November 2019, 20 January 2020, 25 March 2020, 12 May 2020.**
 - **Windsor Town Forum: 27 November 2019, 13 January 2020, 19 March 2020, 18 May 2020**

2. REASON(S) FOR RECOMMENDATION AND OPTIONS CONSIDERED

- 2.1 The terms of reference for both the Maidenhead and Windsor Town Forums state a meeting frequency of three times per annum. Given the increasing profile of issues being discussed at these meetings, including the impact of regeneration in Maidenhead, it is proposed that the frequency of meetings be increased to six times per annum. This would allow for increased resident interaction and greater transparency of local issues.
- 2.2 The programme of meetings for 2019/20 was agreed by full Council in February 2019. Meeting dates for both Town Forums for the remainder of the municipal year are therefore already scheduled for November 2019 and March 2020.

- 2.3 The Maidenhead Town Forum is currently scheduled to meet on 5 November 2019; at the last meeting attendees requested this meeting date be moved due to the number of community events that are likely to take place on 5 November. It is therefore proposed that the date of the next Maidenhead Town Forum be moved from Tuesday 5 November 2019 to Monday 4 November 2019, as there are currently no other council meetings scheduled for that evening.
- 2.4 To increase the frequency of both Town Forums to every two months for the remainder of the 2019/20 municipal year, it is proposed to schedule additional meetings as follows:
- Windsor Town Forum: 13 January 2020, 18 May 2020
 - Maidenhead Town Forum: 20 January 2020, 12 May 2020
- 2.5 The programme of meetings for 2020/21 will be considered by full Council in February 2020; this schedule will include 6 meetings per annum for both Town Forums.
- 2.6 The terms of reference for the Windsor Town Forum were amended to include Old Windsor ward following agreement by full Council in May 2019. This change was agreed to reflect the fact that some central Windsor areas previously covered by the forum, including Home Park and the Boltons, were now located in Old Windsor ward following the Boundary Review.
- 2.7 Given the current political balance of the council, the current Windsor Town Forum membership of 7 Members does not allow for all relevant wards to be represented, therefore it is proposed to increase the membership to 11. The political balance would be maintained with a membership as follows: 6 Conservative, 2 Liberal Democrat, 3 Local Independents. Group Leaders would be requested to nominate Members to vacant positions created as a result of this increase.
- 2.8 To maintain parity, it is also proposed to increase the membership of Maidenhead Town Forum to 11 Members, with political balance being maintained with a membership as follows: 6 Conservative, 3 Liberal Democrat, 2 Local Independents. Group Leaders would be requested to nominate Members to vacant positions created as a result of this increase.

Options

Table 1: Options arising from this report

Option	Comments
Approve the changes detailed in Appendix A and additional meeting dates for both Town Forums	This addresses the desire for an increased frequency of meetings to encourage more resident interaction and greater transparency, and widens Ward Member representation on both Town Forums
Recommended option	
Do not approve the changes detailed in Appendix A and additional meeting dates for both Town Forums	This would not address the desire for an increased frequency of meetings to encourage resident interaction and greater transparency,

Option	Comments
	and would not widen Ward Member representation on both Town Forums

3. KEY IMPLICATIONS

Table 2: Key Implications

Outcome	Unmet	Met	Exceeded	Significantly Exceeded	Date of delivery
Increased frequency of Town Forum meetings	Changes not agreed and frequency of town forums remains three times per year	The constitution is amended and the frequency of town forum meetings increases	n/a	n/a	25 September 2019 onwards
Increased membership of both Town Forums	Changes not agreed and membership of both Town Forums remains at 7 Members	The constitution is amended and the membership of both Town Forums increases to 11 Members	n/a	n/a	25 September 2019 onwards

4. FINANCIAL DETAILS / VALUE FOR MONEY

- 4.1 The increased frequency of Town Forum meetings and increased membership on both Town Forums can be managed within relevant service area budgets.

5. LEGAL IMPLICATIONS

- 5.1 The recommendations within this report comply with the political balance requirements of the Local Government and Housing Act 1989 supplemented by the Local Government (Committees and Political Groups) Regulations 1990.

6. RISK MANAGEMENT

- 6.1 Given the increasing profile of issues discussed at Town Forum meetings and subsequent resident interest, recent Town Forum meetings have lasted over three hours. Increasing the frequency of these meetings will improve agenda management and allow for more focussed and in-depth debate of key issues for the borough.

7. POTENTIAL IMPACTS

- 7.1 Equalities - None
- 7.2 Climate change/sustainability – None.
- 7.3 Data Protection - None

8. CONSULTATION

- 8.1 Attendees at recent Town Forum meetings have requested an increased frequency of meetings.
- 8.2 Ward Members for Old Windsor have raised with officers the lack of representation from the Ward on the Windsor Town Forum.

9. TIMETABLE FOR IMPLEMENTATION

- 9.1 Implementation date: Immediately. Proposed additional meeting dates are detailed in paragraphs 2.3-2.4.

10. APPENDICES

- 10.1 This report is supported by one appendix:
 - Appendix A: Extract from Part 6 of the council constitution – tracked changes version

11. BACKGROUND DOCUMENTS

- This report is supported by one background document: The council constitution.

12. CONSULTATION (MANDATORY)

Name of consultee	Post held	Date sent	Date returned
Cllr Shelim	Lead Member for HR, Legal and IT	15/8/19	11/9/19
Cllr Story	Chairman of the Constitution Sub Committee	15/8/19	11/9/19
Cllr Singh	Chairman of Maidenhead Town Forum	15/8/19	15/8/19
Cllr Bowden	Chairman of Windsor Town Forum	15/8/19	15/8/19
Duncan Sharkey	Managing Director	14/8/19	14/8/19
Mary Severin	Monitoring Officer	12/8/19	13/8/19
Russell O’Keefe	Executive Director	15/8/19	
Andy Jeffs	Executive Director	15/8/19	16/8/19
Rob Stubbs	Section 151 Officer	15/8/19	16/8/19
Elaine Browne	Interim Head of Law and Governance	12/8/19	14/8/19

Name of consultee	Post held	Date sent	Date returned
Hilary Hall	Deputy Director of Commissioning and Strategy	15/8/19	15/8/19
Kevin McDaniel	Director of Children's Services	15/8/19	
Nikki Craig	Head of HR and Corporate Projects	15/8/19	6/9/19
Jenifer Jackson	Head of Planning	15/8/19	
David Scott	Head of Communities, Enforcement and Partnerships	15/8/19	16/8/19
Louisa Dean	Communications	15/8/19	19/8/19

REPORT HISTORY

Decision type: N/A	Urgency item? No	To Follow item? No
Report Author: Karen Shepherd, Service Lead – Governance, 01628 796529		

APPENDIX A – extract from Part 6 of the council constitution

D1 Area Forums

D1.1 Purpose

The Royal Borough has established two Area Forums:

- Windsor Town Forum covering issues concerning the following wards:
 - Clewer & Dedworth East
 - Clewer & Dedworth West
 - Clewer East
 - Eton & Castle
 - Old Windsor

- Maidenhead Town Forum, covering issues concerning the following wards:
 - Belmont
 - Boyn Hill
 - Furze Platt
 - Riverside
 - Oldfield
 - Pinkneys Green
 - St Mary's

These Area Forums will provide a means whereby the Council can consult with local communities and, potentially, devolve some decision-making.

The Area Forums are given the power to spend money as delegated by Cabinet resolution; to direct neighbourhood budget expenditure in unparished areas and to send reports with recommendations to Cabinet. The Area Forums will report any such expenditure to Cabinet at least annually. In order to facilitate these roles, Area Forums will be able to work with the local residents, businesses, organisations, including public and private sector, and with other representative organisations such as Parish Councils, Chambers of Commerce, Residents' Associations, etc., any of whom may be invited to attend and contribute to the discussions of the Area Forum. The Area Forums will be politically balanced wherever possible and the Members should represent a Ward within the areas of responsibility set out above.

The Area Forums may consider areas such as:

- Local Policing
- Local planning consultation
- Local youth services
- Local transport issues, including car parking
- Repair and maintenance of local highways
- Local library and information services
- Local leisure, heritage and arts
- Local environmental initiatives

APPENDIX A – extract from Part 6 of the council constitution

D1.2 Membership

Windsor Town Forum - ~~7~~11 Members; Maidenhead Town Forum - ~~7~~11 Members

D1.3 Quorum:

~~2~~3 Members

D1.4 Frequency:

~~Three~~Six times per annum.

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Report Title:	Appointment of Statutory Scrutiny Officer
Contains Confidential or Exempt Information?	No - Part I
Member reporting:	Councillor Dudley, Leader of the Council
Meeting and Date:	Full Council - 24 September 2019
Responsible Officer(s):	Elaine Browne, Interim Head of Law and Governance
Wards affected:	None specifically

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REPORT SUMMARY

Section 9FB of the Local Government Act 2000 (as amended by the Localism Act 2011) places a duty on county and unitary councils to designate an Officer to act as the council's Statutory Scrutiny Officer.

1. DETAILS OF RECOMMENDATION(S)

RECOMMENDATION: That Full Council notes the report and appoints David Cook – Democratic Services Team Manager, as the council's Statutory Scrutiny Officer.

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

- 2.1 In line with Section 9FB of the Local Government Act 2000, county and unitary authorities are required to designate an Officer to undertake the following statutory functions:
- Promote the role of the Council's Overview and Scrutiny Committees
 - Provide support to the Council's Overview and Scrutiny Committees and the members of those bodies
 - Provide support and guidance to Members and Officers of the Council and the Executive on the functions of its Overview and Scrutiny Committees
- 2.2 Following the resignation of the Democratic Services Officer designated as the council's Statutory Scrutiny Officer, it is necessary for the council to make a new appointment.
- 2.3 A successful recruitment process for the Democratic Services Officer post has been undertaken but the incoming post-holder does not have sufficient background in scrutiny to undertake the statutory role at this stage. Training will be provided in scrutiny with a view to the individual being appointed as Statutory Scrutiny Officer in the future. In the meantime, it is considered appropriate that this statutory role should reside with the Democratic Services Team Manager.

Options

Table 1: Options arising from this report

Option	Comments
Appoint David Cook as the council's Statutory Scrutiny Officer This is the recommended option	The council will have complied with the requirement in Section 9FB of the Local Government Act 2000
Do not appoint David Cook as the council's Statutory Scrutiny Officer	The council will not have complied with the requirement in Section 9FB of the Local Government Act 2000

3. KEY IMPLICATIONS

3.1

Table 2: Key Implications

Outcome	Unmet	Met	Exceeded	Significantly Exceeded	Date of delivery
Statutory Scrutiny Officer appointed	Statutory Scrutiny Officer not appointed	Statutory Scrutiny Officer appointed	n/a	n/a	24 September 2019

4. FINANCIAL DETAILS / VALUE FOR MONEY

4.1 There are no financial implications as a result of the recommendation in this report.

5. LEGAL IMPLICATIONS

5.1 Originally introduced by the Local Democracy, Economic Development and Construction Act 2009, the requirement for councils to appoint a Statutory Scrutiny Officer can now be found at Section 9FB of the Local Government Act 2000 (following amendment pursuant to the Localism Act 2011).

5.2 The Statutory Scrutiny Officer cannot be the council's Head of Paid Service, Chief Finance Officer or Monitoring Officer.

6. RISK MANAGEMENT

6.1

Table 3: Impact of risk and mitigation

Risks	Uncontrolled risk	Controls	Controlled risk
Insufficient support of the Overview and	MEDIUM	Appointment of appropriate officer as Statutory Scrutiny Officer	LOW

Risks	Uncontrolled risk	Controls	Controlled risk
Scrutiny function			

7. POTENTIAL IMPACTS

- 7.1 Equalities - None
- 7.2 Climate change/sustainability – None.
- 7.3 Data Protection - None

8. CONSULTATION

- 8.1 N/A

9. TIMETABLE FOR IMPLEMENTATION

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

Table 4: Implementation timetable

Date	Details
24/9/19	Appointment of Statutory Scrutiny Officer

10. APPENDICES

- 10.1 There are no appendices to this report.

11. BACKGROUND DOCUMENTS

- 11.1 This report is supported by three background documents:

- Local Democracy, Economic Development and Construction Act 2009
- Local Government Act 2000
- Localism Act 2011
- Council's Constitution

12. CONSULTATION (MANDATORY)

Name of consultee	Post held	Date sent	Date returned
Cllr Shelim	Lead Member for HR, Legal and IT	10/9/19	12/9/19
Duncan Sharkey	Managing Director	23/8/19	23/8/19
Rob Stubbs	Section 151 Officer	10/9/19	12/9/19
Elaine Browne	Interim Head of Law and Governance	23/8/19	12/9/19
Mary Severin	Monitoring Officer	23/8/19	27/8/19

Name of consultee	Post held	Date sent	Date returned
Nikki Craig	Head of HR and Corporate Projects	23/8/19	3/9/19
Louisa Dean	Communications	10/9/19	

REPORT HISTORY

Decision type: N/A	Urgency item? No	To Follow item? No
Report Author: Karen Shepherd, Service Lead - Governance, 01628 796529		

Report Title:	Hoarding & Scaffolding Fees & Charges – Budget
Contains Confidential or Exempt Information?	No - Part I
Member reporting:	Councillor Johnson, Lead Member Infrastructure, Transport Policy, Housing and Property
Meeting and Date:	Council – 24 September 2019
Responsible Officer(s):	Hilary Hall: Interim Director of Adult Services and Deputy Director Strategy and Commissioning and Ben Smith: Head of Commissioning – Communities
Wards affected:	All

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REPORT SUMMARY

1. The approved budget includes fees and charges which relate to scaffolding and hoarding for commercial development which is placed on the public highway.
2. The fee structure has been in place for a number of years and was implemented to minimise the impact of scaffolding and hoarding on the public highway which causes obstruction; inconvenience and environmental impact to highway users.
3. The original intent remains sound. However, the Royal Borough is committed to regeneration; supporting business and delivering more homes and there is currently significant construction activity. The fee structure has greatest impact on large, long-term development and it is important to achieve the correct balance.
4. Benchmarking and review of current charges has been undertaken and a new suite of fees and charges is proposed to support major development whilst protecting highway users. In recognition of the declared 'Climate Change Emergency' the fee structure promotes a living / green wall (or similar) as an alternative to traditional hoarding as fees will be waived if this option is progressed.

1. DETAILS OF RECOMMENDATION(S)

RECOMMENDATION: That Council notes the report and:

- i) Recommends that the approved fees and charges are amended to***

Duration	Minor road less than 50m2	Minor road more than 50m2	Major road less than 50m2	Major road more than 50m2
0 to 2 months	£495	£2,430	£990	£4,865
3 to 4 months	£825	£2,655	£1,655	£5,310
5 to 6 months	£1,195	£3,020	£2,390	£6,040

Note: if a living / green wall (or similar) is created as an alternative to traditional hoarding fees will be waived.

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

- 2.1 The approved budget includes fees and charges which relate to scaffolding and hoarding for commercial development which is placed on the public highway. Existing charges are set out in Table 1.

Table 1: Fees & Charges 2019/20 – Extract

	Licence Fee	Weekly Additional Charge	Highway Occupation Fee
Scaffolding	£466	£38	£11m2 per week
Hoarding	£466	£38	£11m2 per week

Note:

- A licence for residential development is £153 with no weekly charge or occupation fee
- The occupation fees reduces by 50% from week 27
- Fees only apply to scaffolding and hoarding which is placed on the public highway

- 2.2 The fee structure has been in place for a number of years and was implemented to minimise the impact of scaffolding and hoarding on the public highway which causes obstruction; inconvenience and environmental impact to highway users. Fees have been set consciously at a high level to support this principle.
- 2.3 In essence, scaffold and hoarding that occupies the public highway incurs increasing costs the longer that it remains and the larger the area that is occupied. Current fees have greatest impact on large, long-term development and it is important to achieve the correct balance.
- 2.4 The original intent remains sound. However, the Royal Borough is committed to regeneration; supporting business and delivering more homes and there is currently significant construction activity.
- 2.5 Comparative charging levels for other local authorities are set out in Table 2.

Table 2: Benchmarking

Local Authority	Scaffolding & Hoarding Fees
Slough Borough Council	£290 (Initial Licence) plus £245 renewal (each 12 weeks)
Bracknell Forest Borough Council	£172 application fee
Reading Borough Council	£177.50 - 4 weeks / £355 - 8 weeks / £532.50 - 12 weeks
Buckinghamshire County Council	£215 - valid for a month / £36 per calendar month renewal (can be done twice, then new application)
Wokingham Borough Council	£188 - valid for a month / £117 for each subsequent month
Surrey Heath	£110 per calendar month
London Borough of Kingston	£275 - valid for one month / £275 for each subsequent month
London Borough of Hammersmith & Fulham	Up to 15m, £296.60 (first month) then £193.60 subsequent months Over 15m £618.60 (first month) then £257.90 subsequent months

Local Authority	Scaffolding & Hoarding Fees				
City of Westminster	Duration	Minor road less than 50m2	Minor road more than 50m2	Major road less than 50m2	Major road more than 50m2
	0 to 2 months	£494.50	£2,432.25	£989.00	£4,863.35
	3 to 4 months	£826.85	£2,653.05	£1,653.70	£5,307.25
	5 to 6 months	£1,194.85	£3,021.05	£2,390.85	£6,040.95

2.6 Benchmarking shows that whilst the Royal Borough fees for non-commercial (ie. residents) are lower than the benchmarked authorities, commercial rates are significantly higher and there are no other benchmarked comparators charging an occupation fee. However, fees in for the London Borough of Hammersmith and Fulham and the City of Westminster increase dependent upon the length or area of scaffolding.

2.7 With due consideration for the benchmarking data; legal advice and a pro-development approach, it is prudent to review the fee structure.

2.8 There are many variances available to create a new fee structure. However, the changes in Table 3 are recommended which removes the occupation fee and introduces a sliding scale based on area and duration. This mirrors the approach of the City of Westminster and delivers the following benefits:

- Incentive to minimise the impact on the public highway reduced but retained.
- Strengthened legal position.
- Reduced financial impact on large scale, long-term development supporting regeneration.
- Protects non-commercial development.

2.9 The recommended new charging structure is set out in table 3.

Table 3: Recommended charging structure

Duration	Minor road less than 50m2	Minor road more than 50m2	Major road less than 50m2	Major road more than 50m2
0 to 2 months	£495	£2,430	£990	£4,865
3 to 4 months	£825	£2,655	£1,655	£5,310
5 to 6 months	£1,195	£3,020	£2,390	£6,040

2.10 Note: in recognition of the declared 'Climate Change Emergency' if a living / green wall (or similar) is created as an alternative to traditional hoarding, fees will be waived.

Options

Table 4: Options arising from this report

Option	Comments
Amend the approved fees and charges as recommended This is the recommended option	This option achieves a balance between protecting highway users whilst supporting development
Retain the currently approved fees and charges. This is not recommended	This option does not positively offer support for major development and is not aligned with other authorities or legal advice
Develop and approve an alternative structure of fees and charges This is not recommended	The recommended structure offers a balance between supporting major development; protecting highway users; is aligned with benchmarking data and in line with legal advice. Any alternative proposal would need to achieve these outcomes.

3. KEY IMPLICATIONS

3.1 The key implications are set out in table 5.

Table 5: Key Implications

Outcome	Unmet	Met	Exceeded	Significantly Exceeded	Date of delivery
Fees and charges support major development whilst protecting the public highway for all users	Major development continues and the impact on the public highway is minimised				1 st October 2019

4. FINANCIAL DETAILS / VALUE FOR MONEY

4.1 Income received from highway licence income pertaining to scaffolding and hoarding in 2018/19 was £185,000. The impact of implementing the new charging regime is projected at approximately £30,000 annually based on analysis of trend data.

4.2 The new charging structure will benefit long-term, large scale development and support the regeneration programme. However, there may be marginal increases for smaller scale, commercial development – details of licences previously issued are being reviewed to understand the impact. It should be noted that there is no change for non-commercial development.

5. LEGAL IMPLICATIONS:

5.1 Section 177 of the Highways Act 1980 restricts the construction of buildings over highways without a licence granted by the highway authority.

Section 177(3) expressly provides that *no fine, rent or other sum of money is payable in respect of a licence granted under this section except (a) a reasonable sum in respect of legal or other expenses incurred in connection with the grant of the licence; and (b) an annual charge of a reasonable amount for administering the licence; and any sum payable by virtue of paragraph (a) above is recoverable from the applicant for the licence and any sum payable by virtue of paragraph (b) is recoverable from the owner of the building.*

5.2 The act is clear that the only items which may be charged for in connection with the issue of such a licence will be an initial fee for cost incurred in connection with the granting of the licence and the annual inspection fee thereafter. However, commentary in the Encyclopaedia of Highways Law and Practice that a charge may not be made for a licence, but if the authority owns the highway it may charge for the use of the air space.

5.3 In respect of highways maintainable at the public expense, commonly referred to adopted highways, the highway vests in the authority by virtue of section 263 of the Highways Act 1980. However whilst the vesting extends to the sub-soil beneath the surface of the highway and into the airspace above the highway, such vesting applies only to the extent required for the exercise of the authority's powers and the performance of its statutory duties.

5.4 In conclusion therefore, it is only in respect of those highways where the Council owns the land beneath it, that an occupation charge may be levied in addition to the items specified in section 177(3)(a) and (b) of the 1980 Act.

5.5 Additionally, it should be noted that in principle, income should not exceed the cost of managing and administering the scheme.

6. RISK MANAGEMENT

Table 6: Impact of risk and mitigation

Risks	Uncontrolled risk	Controls	Controlled risk
Revenue from hoarding licences will be reduced	High	The proposed fees and charges are appropriate to meet policy objectives whilst retaining a financial incentive to minimise the impact on the public highway. In turn, this minimises the impact on revenue	Medium

7. POTENTIAL IMPACTS

Equalities:

The impact of hoarding on the public highway adversely impacts users. The recommended charging structure⁵¹ retains the incentive to minimise impact which protects all users, including those with mobility or sight impairments.

Climate change/sustainability.

The recommended charging structure includes waiving of fees if a living / green wall (or similar) is created as an alternative to traditional hoarding fees.

Data Protection/GDPR: Not applicable

8. CONSULTATION

8.1 Due to the operational nature of this report, consultation has been predominantly internal, albeit that benchmarking has been undertaken.

9. TIMETABLE FOR IMPLEMENTATION

9.1 Implementation date if not called in: 1st October 2019.

Table 7: Implementation timetable

Date	Details
1 st October 2019	New fees and charges become active

10. APPENDICES

10.1 There are no appendices

11. BACKGROUND DOCUMENTS

11.1 There are no background documents.

12. CONSULTATION (MANDATORY)

Name of consultee	Post held	Date sent	Date returned
Cllr Johnson	Lead Member for Infrastructure, Transport Policy, Housing and Property	11/09/19	13/09/19
Duncan Sharkey	Managing Director	11/09/19	
Russell O'Keefe	Executive Director	11/09/19	
Andy Jeffs	Executive Director	11/09/19	13/09/19
Rob Stubbs	Head of Finance	11/09/19	
Elaine Browne	Interim Head of Law and Governance	11/09/19	16/9/19
Nikki Craig	Head of HR and Corporate Projects	11/09/19	13/09/19
Louisa Dean	Communications	11/09/19	
Kevin McDaniel	Director of Children's Services	11/09/19	
Hilary Hall	Deputy Director of Commissioning and Strategy	07/09/19	09/09/19

REPORT HISTORY

Decision type:	Urgency item?	To Follow item?
Key decision: 24 th July 2019	No 52	No

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Report Title:	Transport for the South East – Draft Proposal to Government
Contains Confidential or Exempt Information?	No - Part I
Member reporting:	Cllr Johnson, Lead Member for Infrastructure, Transport Policy, Housing and Property
Meeting and Date:	Full Council – 24 September 2019
Responsible Officer(s):	Hilary Hall: Interim Director of Adult Services and Deputy Director Strategy and Commissioning and Ben Smith: Head of Commissioning - Communities
Wards affected:	All

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REPORT SUMMARY

1. This report seeks to secure the Council’s support for a draft proposal to Government agreed by the Transport for the South East (TfSE) Shadow Partnership Board in March 2019, setting out the powers that TfSE wishes to secure should it be offered statutory status.
2. Subsequently, the previous Secretary of State for Transport, wrote to all shadow Sub-National Transport Bodies (STBs), informing them that he was not minded to grant statutory status to any shadow STBs for the foreseeable future.
3. However, the letter clearly stated that Department for Transport will continue to take account of TfSE’s views in developing national transport policy and investment decisions regardless of any formal status.
4. The report seeks to delegate powers to the Interim Director of Adult Services and Deputy Director Strategy & Commissioning in conjunction with the Lead Member for Infrastructure, Transport Policy, Housing and Property to agree final changes to the TfSE proposal in the event that it is submitted to Government at a future date.

1. DETAILS OF RECOMMENDATION(S)

RECOMMENDATION: That Full Council notes the report and:

- i) **Agrees to support the consultation draft of the Proposal to Government (Appendix 1) including the powers and responsibilities requested by TfSE and the proposed governance arrangements; and**
- ii) **Agrees to delegate any final changes to the TfSE proposal submitted to Government to the Interim Director of Adult Services and Deputy Director Strategy & Commissioning in conjunction with the Lead Member for Infrastructure, Transport Policy, Housing and Property**

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

- 2.1 TfSE provides an opportunity to support and deliver growth plans across the region through the development of a long-term strategic programme of transport measures to facilitate economic growth and make the South East more competitive. It will complement the work of the Local Enterprise Partnerships (LEPs) and will support delivery of Local Plans.
- 2.2 It will enable the council to influence the prioritisation of investment by the major national transport agencies such as Highways England and Network Rail in a way that has not been possible in the past. TfSE will seek to address some of the barriers to growth of the economy that have been held back by transport infrastructure shortcomings, notably those affecting strategic road and rail networks. It will enable the council, to more directly influence the priorities and programmes of these agencies, so helping to secure delivery of long-standing transport infrastructure ambitions.
- 2.3 The options considered are set out in Table 1 below.

Table 1: Options arising from this report

Option	Comments
To support the draft proposal to Government as agreed by the TfSE Shadow Partnership Board and delegate powers to agree the final changes to the proposal to the Lead Member for Infrastructure, Transport Policy, Housing and Property. This is the recommended option	This will allow TfSE to seek statutory status promptly in the event that Government seeks to formalise STBs. Even as an informal body, TfSE would provide a constructive way for local authorities across the South East to speak with a single voice to Government on transport issues.
To seek significant amendments to the draft proposal agreed by the TfSE Shadow Partnership Board.	This is not recommended, since the proposal has been developed over months of careful negotiation with all constituent local authorities and Local Enterprise Partnerships. Significant changes at this late stage would most likely be resisted. The Council has previously been consulted directly and through the Thames Valley Berkshire Local Transport Body (TVBLTB).
Not to support the draft proposal agreed by the TfSE Shadow Partnership Board and to discontinue membership of TfSE.	This is not recommended as it would leave the Council isolated and would weaken its negotiating position with key stakeholders such as Network Rail and Highways England. It could also result in a loss of funding for strategic, cross-boundary transport schemes, including funding for scheme on the Major Roads Network.

3. KEY IMPLICATIONS

3.1 The key implications are set out in Table 2.

Table 2: Key Implications

Outcome	Unmet	Met	Exceeded	Significantly Exceeded	Date of delivery
TfSE submits a formal proposal seeking statutory status to Government	No proposal submitted	Proposal to be submitted by November 2019	-	-	Decision expected from the Secretary of State within 3 to 6 months

4. FINANCIAL DETAILS / VALUE FOR MONEY

4.1 TfSE has established an annual subscription of £58,000 per county and £30,000 per unitary. The six Berkshire Unitary Authorities have previously chosen to act together and join TfSE via the Thames Valley Berkshire Local Transport Body (BLTB). Therefore, for the purposes of subscriptions, BLTB has been treated as a county council. Slough BC, acting as the lead authority for the joint committee has paid the 2019/20 subscription and collected a one-sixth share from each unitary (£9,667 each).

4.2 DfT has recently settled a one-off grant of £1,000,000 towards the cost of the development of the Transport Strategy for the South East. There is a reasonable expectation that DfT will allocate some core revenue funding for TfSE once it has achieved statutory status, on the basis that the constituent authorities will continue to make contributions. TfSE will also seek further capital funding from the DfT to take forward its technical work programme.

Table 3: Financial Impact of report's recommendations

REVENUE COSTS	2019/20	2020/21	2021/22
Additional total	£0	£9,667	£9,667
Reduction	£0	£0	£0
Net Impact	£0	£9,667	£9,667

CAPITAL COSTS	2019/20	2020/21	2021/22
Additional total	£0	£0	£0
Reduction	£0	£0	£0
Net Impact	£0	£0	£0

5. LEGAL IMPLICATIONS

5.1 The statutory basis for sub-national transport bodies is set out in Part 5A of the Local Transport Act 2008, as amended by the Cities and Local Government Devolution Act 2016, which says that "the Secretary of State may by regulations establish a sub-national transport body for any area in England

outside Greater London” (s102E(1)) and it goes on to set the conditions and limits for such arrangements.

- 5.2 To achieve statutory status, TfSE is required to develop a Proposal to Government which will need to demonstrate the strategic case for the creation of a sub-national transport body and set out how TfSE will fulfil the statutory requirements for such a body as outlined in the enabling legislation.
- 5.3 The draft proposal will also need to identify the types of powers and responsibilities that the sub-national transport body will be seeking, as well as identifying the proposed governance structures
- 5.4 The legislation requires a new sub-national transport body to be promoted by, and have the consent of its constituent authorities, and that its Proposal to Government has been the subject of consultation within the area and with neighbouring authorities. TfSE undertook formal consultation from 3 May to 31 July 2019 in order to meet this condition.

6. RISK MANAGEMENT

- 6.1 There are few risks to the council connected with TfSE; the proposal sets out key strategy, influencing and consultative roles for the new body. None of these activities are inherently risky. There are opportunities that by joining together across the South East there are better outcomes for the council through the influence of TfSE.

7. POTENTIAL IMPACTS

- 7.1 **Equalities:** This paper relates to a procedural matter which will not in and of itself have an impact on people with protected characteristics. As and when the work of TfSE leads to the delivery of schemes and interventions in the Royal Borough of Windsor & Maidenhead, the Council will have opportunity to assess impacts on people with protected characteristics and take these into account when consenting to, implementing, or influencing TfSE operations.
- 7.2 **Data Protection:** There will be no processing of personal data as a result of implementing the recommendations of this report and it is therefore the view of officers that there are no data protection implications that need to be considered in order to satisfy the requirements of the Data Protection Act 2018.
- 7.3 **Climate Change / Sustainability:** The recommendations of this report do not have any direct implications for climate change or sustainability. However, there may be indirect benefits should TfSE be successful in securing funds for to schemes that achieve modal shift from private car to public transport, or tackle congestion bottlenecks on the strategic highway network.

8. CONSULTATION

- 8.1 Between 3 May and 31 July 2019, TfSE asked a range of stakeholders to give their views on the draft proposal by completing a short questionnaire.

- 8.2 More than 90 organisations and individuals responded to the consultation including partner organisations, local authorities in neighbouring regions, environmental groups, transport operators and more. The Berkshire local authorities issued a joint response through the Thames Valley Berkshire Local Transport Body.
- 8.3 The consultation results will be analysed and reported to the TfSE Shadow Partnership Board in the autumn. At that meeting, they will consider any changes to the proposal in response to consultation feedback received and will decide on how and when to proceed with the application for statutory status.

9. TIMETABLE FOR IMPLEMENTATION

- 9.1 Immediately

10. APPENDICES

- 10.1 This report is supported by two appendices:

- Appendix 1 - TfSE Contextual Information
- Appendix 2 - TfSE Proposal to Government (Draft for Consultation)

11. BACKGROUND DOCUMENTS

- 11.1 This report is supported by the following background documents:

- Agenda and Minutes, Thames Valley Berkshire Local Transport Body, 18 July 2019;
- Agenda and Minutes, Thames Valley Berkshire Local Transport Body, 14 March 2019;
- Agenda and Minutes, Thames Valley Berkshire Local Transport Body, 19 July 2018;
- Agenda and Minutes, Thames Valley Berkshire Local Transport Body, 16 November 2017;
- Agenda and Minutes, Thames Valley Berkshire Local Transport Body, 16 March 2017.

12. CONSULTATION (MANDATORY)

Name of consultee	Post held	Date sent	Date returned
Cllr Johnson	Lead Member for Infrastructure, Transport Policy, Housing and Property	11/09/19	13/09/19
Duncan Sharkey	Managing Director	11/09/19	
Russell O'Keefe	Executive Director	11/09/19	
Andy Jeffs	Executive Director	11/09/19	13/09/19
Rob Stubbs	Section 151 Officer	11/09/19	

Name of consultee	Post held	Date sent	Date returned
Elaine Browne	Interim Head of Law and Governance	11/09/19	16/9/19
Nikki Craig	Head of HR and Corporate Projects	11/09/19	13/09/19
Louisa Dean	Communications	11/09/19	
Kevin McDaniel	Director of Children's Services	11/09/19	
Hilary Hall	Interim Director of Adult Services and Deputy Director Strategy and Commissioning	07/09/19	08/09/19

REPORT HISTORY

Decision type: Key decision: Added to Forward Plan 23 July 2019	Urgency item? No	To Follow item? No
Report Author: Ben Smith: Head of Commissioning Communities (07802) 338170		

Appendix 1 – TfSE Contextual Information

1. Background

- 1.1 A Strategic Transport Body (STB) is a body corporate, which may only be established by the Secretary of State if it is considered that:
- its establishment would facilitate the development and implementation of transport strategies for the area; and
 - the objective of economic growth in the area would be furthered by the development and implementation of such strategies.
- 1.2 Sixteen upper tier authorities in the South East have been working together since 2016 to develop a proposal for an STB to be known as Transport for the South East. They are:
- Bracknell Forest;
 - Brighton and Hove;
 - East Sussex;
 - Hampshire;
 - Isle of Wight;
 - Kent;
 - Medway;
 - Portsmouth;
 - Reading;
 - Slough;
 - Southampton;
 - Surrey;
 - West Berkshire;
 - West Sussex;
 - Windsor and Maidenhead; and
 - Wokingham.
- 1.3 The Shadow Partnership Board also includes arrangements for involving:
- the five Local Enterprise Partnerships (Coast to Capital, Enterprise M3, Solent, South East, Thames Valley Berkshire);
 - two National Park Authorities (South Downs and New Forest);
 - 44 Boroughs and Districts in East Sussex, Hampshire, Kent, Surrey and West Sussex; and
 - the transport industry and end user voice in its governance.
- 1.4 These efforts have been acknowledged by the Department for Transport, and a grant of £1m was awarded to TfSE to fund the development of the emerging Transport Strategy for the South East.
- 1.5 To achieve statutory status, TfSE is required to develop a Proposal to Government which will need to demonstrate the strategic case for the creation of a sub-national transport body and set out how TfSE will fulfil the statutory requirements for such a body as outlined in the enabling legislation.

Appendix 1 – TfSE Contextual Information

- 1.6 The draft Proposal will also need to identify the types of powers and responsibilities that the STB will be seeking, as well as identifying the proposed governance structures.
- 1.7 The legislation requires that a new sub-national transport body will be promoted by, and have the consent of, its constituent authorities, and that the proposal has been the subject of consultation within the area and with neighbouring authorities.
- 1.8 A full public consultation ran for 12 weeks between 3 May and 31 July. It was made available on the TfSE website and was circulated to relevant stakeholders.

2. The Draft Proposal to Government

- 2.1 At its meeting on 18 March 2019, the TfSE Shadow Partnership Board approved a draft Proposal to Government for formal consultation. During the consultation, there was ongoing dialogue with key partners and stakeholders about the content of the proposal. A joint response to the consultation from the Berkshire authorities was agreed at the Thames Valley Berkshire Local Transport Body meeting on 18 July.
- 2.2 A final proposal will be recommended to the Shadow Partnership Board meeting in September 2019 and it is proposed that this will be submitted to Government in November 2019. At this point formal consent will be required from all constituent authorities to signal their support for the creation of TfSE as a statutory body.
- 2.3 Once the Government has received the proposal from TfSE, there will be a period of three to six months while the Secretary of State considers the request from TfSE. The Secretary of State will then formally respond to the TfSE proposal setting out the powers and responsibilities that have been granted to TfSE. Work will then begin on drafting the Statutory Instrument which will be laid before Parliament. All constituent authorities will be required to give their consent to the creation of the statutory body following the formal response from the Secretary of State.
- 2.4 The draft proposal has the following headings:
 - Executive Summary
 - Transport for the South East
 - The Ambition
 - Strategic and Economic Case
 - Constitutional Arrangements
 - Functions

Appendix 1 – TfSE Contextual Information

3. Constitutional Arrangements

- 3.1 Each constituent authority will appoint one of their elected members or their elected mayor as a member of TfSE on the Partnership Board.
- 3.2 The Berkshire authorities have agreed to act collectively and have elected Cllr Tony Page to represent them on the Partnership Board. Each authority is still entitled to a vote, but only Cllr Page will attend the meetings. This arrangement entitles the Berkshire authorities to a reduced subscription equivalent to one sixth of a county council.
- 3.3 It is intended that the regulations should provide for the appointment of persons who are not elected members of the constituent authorities to be co-opted members of the TfSE Partnership Board. Currently two LEPs, a representative from the Boroughs and Districts, the Chair of the TfSE Transport Forum and a representative from the protected landscapes in the TfSE area have been co-opted onto the Shadow Partnership Board.
- 3.4 A number of voting options were considered to find a preferred option that represents a straightforward mechanism, the characteristics of the partnership and which does not provide any single authority with an effective veto. The starting point for decisions will be consensus, and if that can't be achieved then decisions will require a simple majority of those Constituent Bodies who are present and voting. Where consensus cannot be achieved the following matters will require enhanced voting arrangements:
- The approval and revision of TfSE's Transport Strategy;
 - The approval of TfSE's annual budget;
 - Changes to TfSE's constitution.
- 3.5 Decisions on these issues will require both a super-majority, consisting of three quarters of the weighted vote in favour of the decision, and a simple majority of the constituent authorities. The details of the proposed weighting voting system are set out in Section 5 of the draft Proposal to Government set out in Appendix 2.

4. Functions

- 4.1 The specific functions that TfSE is seeking as part of its Proposal to Government are set out in Section 6 of the Proposal. The proposed powers will operate concurrently and with the consent of the constituent authorities. In outline these include the following:
- General STB functions relating to the preparation of a Transport Strategy, advising the Secretary of State and co-ordinating transport functions across the TfSE area (with the consent of the constituent authorities).
 - Being consulted on rail franchising and setting the overall objectives for the rail network in the TfSE areas.
 - Jointly setting the Road Investment Strategy (RIS) for the TfSE area.

Appendix 1 – TfSE Contextual Information

- Obtaining certain highways powers which would operate concurrently and with the consent of the current highways authority to enable regionally significant highways schemes to be expedited.
- Securing the provision of bus services, entering into quality bus partnership and bus franchising arrangements.
- Introducing integrated ticketing schemes.
- Establish Clean air zones with the power to charge high polluting vehicles for using the highway.
- Power to promote or opposes Bills in Parliament.
- Incidental powers to enable TfSE to act as a type of local authority.

Proposal to Government

Draft for consultation

May 2019

1. Executive summary

- 1.1 Transport for the South East is a sub-national transport body (STB) established to speak with one voice on the strategic transport priorities for the South East region.
- 1.2 Our aim is to support and grow the economy through the delivery of our transport strategy – a programme of integrated transport projects and programmes to unlock growth, boost connectivity and speed up journeys while improving access to opportunities for all and protecting and enhancing our region’s unique environment.
- 1.3 By operating strategically across the South East on transport infrastructure – a role that no other organisation currently undertakes on this scale – we will directly influence how and where money is invested and drive improvements for the travelling public and for businesses in a region which is the UK’s major international gateway.
- 1.4 Already we are commanding the attention of government, facilitating greater collaboration between South East local authorities, local enterprise partnerships (LEPs) and government to shape our region’s future.
- 1.5 Our next step is to become a statutory body. This draft proposal will be subject to a public consultation from May to July 2019 before being submitted to Government by the end of 2019 for consideration.
- 1.6 Our draft proposal has been developed in partnership with TfSE’s members and stakeholders and represents a broad consensus on the key issues facing the region and the powers required to implement our transport strategy.
- 1.7 The constituent authorities and LEPs have steered the development of the proposal, with input from members of our Transport Forum, which brings together representatives of transport operators, transport users and other interest groups.
- 1.8 Our members and stakeholders are clear that a statutory sub-national transport body for the South East is vital if we are to successfully:
 - Increase our influence with Government and key stakeholders;
 - Invest in pan-regional strategic transport corridors;
 - Enable genuinely long-term planning; and
 - Support the delivery of jobs, housing and growth.
- 1.9 We have only proposed those powers for TfSE which are proportionate and will be effective in helping us achieve our strategic aims and objectives, complementing and building on the existing powers of local authorities.
- 1.10 These powers would enable us to deliver significant additional value at regional level through efficient and effective operational delivery, better coordination of pan-regional schemes and the ability to directly influence and inform national investment programmes.

2. The Ambition

“The South East is crucial to the UK economy and is the nation’s major international gateway for people and businesses.

“We will grow the South East’s economy by facilitating the development of a high quality, integrated transport system that makes the region more productive and competitive, improves access to opportunities for all and protects the environment.”

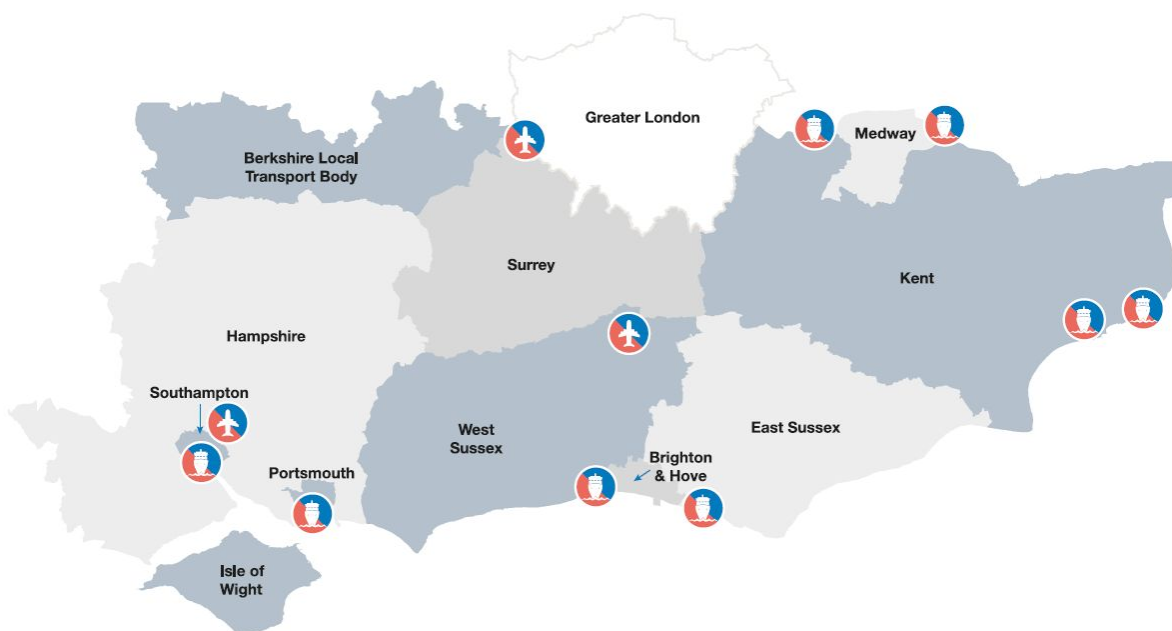
Transport for the South East vision statement

- 2.1 Transport for the South East (TfSE) was established in shadow form in June 2017. In the short period since, we have emerged as a powerful and effective partnership, bringing together 16 local transport authorities, five local enterprise partnerships and other key stakeholders including protected landscapes, transport operators, district and borough authorities and national agencies to speak with one voice on the region’s strategic transport needs.
- 2.2 Our shared vision is to ensure the delivery of a high quality, sustainable and integrated transport system that:
 - Supports increased productivity to grow the South East and UK economy and compete in the global marketplace;
 - Works to improve safety, quality of life and access to opportunities for all; and
 - Protects and enhances the South East’s unique natural and historic environment.
- 2.3 Our transport strategy, which covers the period to 2050, will form the basis for achieving that vision. It will be supported by a targeted investment plan which will identify how we can grow the GVA of the South East to £500 billion by 2050 and create almost three million additional jobs.
- 2.4 TfSE has already, in shadow form, added considerable value in bringing together partners and stakeholders to work with Government on key strategic issues, securing positive outcomes for the region in the Roads Investment Strategy 2 and Major Road Network consultation, influencing rail franchising discussions and providing collective views on schemes such as southern and western rail access to Heathrow.
- 2.5 The requirements within our draft proposal seek to provide TfSE with the initial functions and powers to move to the next stage of our development – to begin delivering the transport strategy and realising the benefits that a high quality, sustainable and integrated transport system can unlock for people, businesses and the environment.
- 2.6 We are clear that we only seek those powers and functions which are necessary to deliver our strategy and achieve our vision. Our requirements differ from those of other STBs and reflect the different geographic, economic, political, social and environmental characteristics of our region and the strategic objectives of TfSE and its partners.

3. The Strategic and Economic Case

The Transport for the South East area

- 3.1 The South East is already a powerful motor for the UK economy, adding more than £200 billion to the economy in 2015 – second only to the contribution made by London and more than Scotland, Wales and Northern Ireland combined.
- 3.2 It is home to 7.5m people and 329,000 businesses including some of the world's biggest multinationals as well as a large number of thriving, innovative SMEs. It is a world leader in knowledge intensive, high value industries including advanced engineering, biosciences, financial services and transport and logistics.
- 3.3 The South East area includes both of the nation's busiest airports in Heathrow and Gatwick, a string of major ports including Southampton, Dover and Portsmouth, many of the country's most vital motorways and trunk roads and crucial railway links to London, the rest of Britain and mainland Europe.

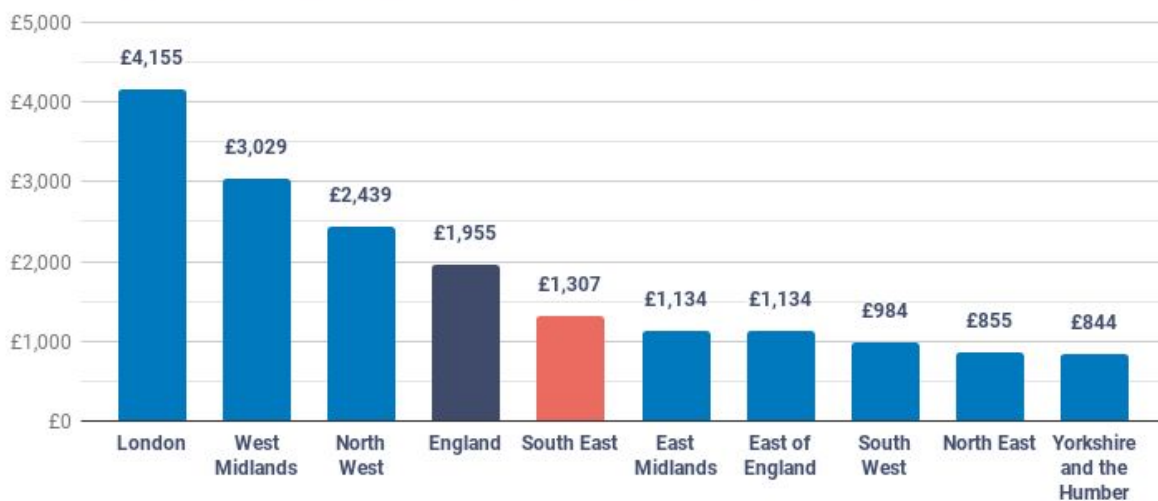


- 3.4 The South East's international gateways support the economic wellbeing of the whole of the UK. As we withdraw from the European Union, they will be integral to supporting a thriving, internationally facing economy.
- 3.5 Half of all freight passing through Dover going on to other parts of the country. Southampton sees £71 billion of international trade each year and Portsmouth handles two million passengers a year. More than 120 million air passenger a year use Gatwick, Southampton and Heathrow airports.
- 3.6 Our people and infrastructure are not our only assets. With two national parks, numerous areas of outstanding natural beauty and much of the region allocated as green belt, the South East draws heavily on its unique and varied natural environment for its success. It offers outstanding beaches, historic towns, dynamic cities and unparalleled links to London, the UK, Europe and the rest of the world. It is, in short, an amazing place to live, work and visit.

The scale of the challenge and why change is needed

- 3.7 But we face a real challenge. Despite these enviable foundations – and in some cases because of them – our infrastructure is operating beyond capacity and unable to sustain ongoing growth.
- 3.8 Despite the economic importance of the region to the UK economy, contributing almost 15% of UK GVA (2015), the South East has seen continued underinvestment in transport infrastructure with a per capita spend that is significantly below the England average and a third of that in London.

Planned transport infrastructure spending per head



Source: IPPR North analysis of planned central and local public/private transport infrastructure spending per capita 2017/19 onwards (real terms 2016/17 prices)

- 3.9 So while transport links to and from the capital are broadly good, elsewhere connectivity can be poor – even between some of our region’s major towns and cities. Train journey times between Southampton and Brighton (a distance of around 70 miles) are only marginally less than the fastest train journeys between London and Manchester. The corresponding journey on the A27 includes some of the most congested parts of the South East’s road network.
- 3.10 Underinvestment in road and rail infrastructure is making life harder for our residents and businesses. New housing provision is being hampered by the lack of adequate transport infrastructure. In our coastal communities, lack of access to areas of employment and further education and higher education are major contributors to high unemployment and poor productivity.
- 3.11 These are challenges that extend beyond administrative and political boundaries. They require TfSE to have the powers to effectively join up transport policy, regulation and investment and provide clear, strategic investment priorities which will improve connectivity into and across the region, boost the economy and improve the lives of millions.

The powers to achieve our vision

- 3.12 To enable us to achieve our vision through the efficient and effective delivery of the transport strategy, we propose that a range of functions exercisable by a local transport authority, passenger transport executive or mayoral combined authority are included in the regulations to establish TfSE on a statutory footing.
- 3.13 We have only sought those powers which we believe are proportionate and will be effective in helping us achieve our strategic aims and objectives, complementing and building on the existing powers of local authorities. The powers will be sought in a way which means they will operate concurrently with – and only with the consent of – the constituent authorities.
- 3.14 These powers would enable us to deliver significant additional value at regional level in three key areas:
- **Strategic influence:** Speaking with one voice and with the benefit of regional scale and insight to influence the development of national investment programmes; a trusted partner for government, Network Rail and Highways England.
 - **Coordination:** Developing solutions which offer most benefit delivered on a regional scale; working with partners and the market to shape the development of future transport technology in line with regional aspirations.
 - **Operational:** Accelerating the delivery of schemes and initiatives which cross local authority boundaries, ensuring strategic investment happens efficiently and that the benefits for residents and businesses are realised as soon as possible.

The benefits of establishing TfSE as a statutory body

- 3.15 **One voice for strategic transport in the South East**
TfSE will provide a clear, prioritised view of the region's strategic transport investment needs. We already offer an effective mechanism for Government to engage with local authorities and LEPs in the region; statutory status would take that a step further, enabling us to directly inform and influence critical spending decisions by Government and key stakeholders including Highways England and Network Rail.
- 3.16 **Facilitating economic growth**
The transport strategy will facilitate the delivery of jobs, housing and growth across the South East and further build on our contribution to UK GVA. Implementation of strategic, cross-boundary schemes, particularly investment in the orbital routes, will connect economic centres and international gateways for the benefit of people and businesses, regionally and nationally. TfSE also offers a route to engage with other sub-national transport bodies and Transport for London on wider cross-regional issues.
- 3.17 **Delivering benefits for the travelling public**
TfSE can support the efficient delivery of pan-regional programmes that will offer considerable benefits to the end user – for example, integrated travel solutions

combined with smart ticketing will operate more effectively at a regional scale and can best be facilitated by a regional body than by individual organisations.

3.18 **Local democratic accountability**

Our transport strategy will be subject to public consultation and will, in its final form, provide a clear, prioritised view of investments agreed by all the South East's local transport authorities and with input from passengers, businesses and the general public. Delivery of the strategy will be led by the Partnership Board, comprising elected members and business leaders with a direct line of accountability to the people and organisations they represent.

3.19 **Achieving the longer term vision**

Securing statutory status offers TfSE the permanence and security to deliver the transport strategy to 2050, providing a governance structure that matches the lifecycle of major infrastructure projects. It will provide confidence to funders, enable us to work with the market to ensure the deliverability of priority schemes and support development of the skills needed to design, build, operate and maintain an improved transport network.

4. Constitutional arrangements

Requirements from legislation

Name

- 4.1 The name of the sub-national transport body would be 'Transport for the South East ("TfSE")' and the area would be the effective boundaries of our 'constituent members'.

Members

- 4.2 The membership of the STB is listed below:

Bracknell Forest Borough Council
Brighton and Hove City Council
East Sussex County Council
Hampshire County Council
Isle of Wight Council
Kent County Council
Medway Council
Portsmouth City Council
Reading Borough Council
Royal Borough of Windsor and Maidenhead Council
Slough Borough Council
Southampton City Council
Surrey County Council
West Berkshire Council
West Sussex County Council
Wokingham Borough Council

Partnership Board

- 4.3 The current Shadow Partnership Board is the only place where all 'constituent members' are represented at an elected member level¹. Therefore this Board will need to have a more formal role, including in ratifying key decisions. This would effectively become the new 'Partnership Board' and meet at least twice per annum. The Partnership Board could agree through Standing Orders if it prefers to meet more regularly.
- 4.4 Each constituent authority will appoint one of their councillors / members or their elected mayor as a member of TfSE on the Partnership Board. Each constituent authority will also appoint another one of their councillors / members or their elected mayor as a substitute member (this includes directly elected mayors as under the Local Government Act 2000). The person appointed would be that authority's elected mayor or leader, provided that, if responsibility for transport has been formally delegated to another member of the authority, that member may be appointed as the member of the Partnership Board, if so desired.

¹ The six constituent members of the Berkshire Local Transport Body (BLTB) will have one representative between them on the Partnership Board.

- 4.5 The Partnership Board may delegate the discharge of agreed functions to its officers or a committee of its members in accordance with a scheme of delegation or on an ad hoc basis. Further detail of officer groups and a list of delegations will be developed through a full constitution.

Co-opted members

- 4.6 TfSE proposes that governance arrangements for a statutory STB should maintain the strong input from our business leadership, including LEPs and other business representatives. The regulations should provide for the appointment of persons who are not elected members of the constituent authorities but provide highly relevant expertise to be co-opted members of the Partnership Board.
- 4.7 A number of potential co-opted members are also set out in the draft legal proposal. Co-opted members would not automatically have voting rights but the Partnership Board can resolve to grant voting rights to them on such issues as the Board considers appropriate, for example on matters that directly relate to co-opted members' areas of interest.

Chair and vice-chair

- 4.8 The Partnership Board will agree to a chair and vice-chair of the Partnership Board. The Partnership Board may also appoint a single or multiple vice-chairs from the constituent members. Where the chair or vice-chair is the representative member from a constituent authority they will have a vote.

Proceedings

- 4.9 It is expected that the Partnership Board will continue to work by consensus but to have an agreed approach to voting where consensus cannot be reached and for certain specific decisions.
- 4.10 A number of voting options were considered to find a preferred option that represents a straightforward mechanism, reflects the characteristics of the partnership and does not provide any single authority with an effective veto. We also considered how the voting metrics provide a balance between county and other authorities, urban and rural areas and is resilient to any future changes in local government structures.
- 4.11 The steering group considered these options and preferred the population weighted option based on the population of the constituent authority with the smallest population (the Isle of Wight with 140,000 residents).
- 4.12 This option requires that the starting point for decisions will be consensus; if that cannot be achieved then decisions will require a simple majority of those constituent authorities who are present and voting. The decisions below will however require both a super-majority, consisting of three quarters of the weighted vote in favour of the decision, and a simple majority of the constituent authorities appointed present and attending at the meeting:
- (i) The approval and revision of TfSE's transport strategy;
 - (ii) The approval of the TfSE annual budget;

(iii) Changes to the TfSE constitution.

The population weighted vote would provide a total of 54 weighted votes, with no single veto. A table showing the distribution of votes across the constituent authorities is set out in Appendix 1. This option reflects the particular circumstances of TfSE, being based on the population of the smallest individually represented constituent member who will have one vote, and only a marginally smaller proportionate vote. It is considered that this option is equitable to all constituent authority members, ensures that the aim of decision making consensus remains and that smaller authorities have a meaningful voice, whilst recognising the size of the larger authorities in relation to certain critical issues.

4.13 The population basis for the weighted vote will be based on ONS statistics from 2016 and reviewed every ten years.

4.14 The Partnership Board is expected to meet twice per year. Where full attendance cannot be achieved, the Partnership Board will be quorate where 50% of constituent members are present.

Scrutiny committee

4.15 TfSE will appoint a scrutiny committee to review decisions made or actions taken in connection with the implementation of the proposed powers and responsibilities. The committee could also make reports or recommendations to TfSE with respect to the discharge of its functions or on matters relating to transport to, from or within TfSE's area.

4.16 Each constituent authority will be entitled to appoint a member to the committee and a substitute nominee. Such appointees cannot be otherwise members of TfSE including the Partnership Board.

Standing orders

4.17 TfSE will need to be able to make, vary and revoke standing orders for the regulation of proceedings and business, including that of the scrutiny committee. This will ensure that the governance structures can remain appropriate to the effective running of the organisation.

4.18 In regards to changing boundaries and therefore adding or removing members, TfSE would have to make a new proposal to Government under Section 102Q of the Local Transport Act 2008 and require formal consents from each constituent authority.

Miscellaneous

4.19 It may be necessary that certain additional local authority enactments are applied to TfSE as if TfSE were a local authority, including matters relating to staffing arrangements, pensions, ethical standards and provision of services etc. These are set out in the draft legal proposal.

4.20 TfSE also proposes to seek the functional power of competence as set out in section 102M of the Local Transport Act 2008.

- 4.21 TfSE will consider options for appointing to the roles of a Head of Paid Service, a Monitoring Officer and a Chief Finance Officer whilst considering possible interim arrangements.

Funding

- 4.22 TfSE will work with partners and the Department for Transport to consider a sustainable approach to establishing the formal STB and effectively and expeditiously as possible, bearing in mind the considerable support among regional stakeholders for TfSE's attainment of statutory status.

Governance: Transport Forum and Senior Officer Group

- 4.23 The Partnership Board will appoint a Transport Forum. This will be an advisory body to the Senior Officer Group and Partnership Board, comprising a wider group of representatives from user groups, operators, District and Borough Councils as well as Government and National Agency representatives.
- 4.24 The Transport Forum will meet quarterly and be chaired by an independent person appointed by the Partnership Board. The Transport Forum may also appoint a vice-chair for the Transport Forum, who will chair the Transport Forum when the chair is not present.
- 4.25 The Transport Forum's terms of reference will be agreed by the Partnership Board. It is envisaged that the Transport Forum will provide technical expertise, intelligence and information to the Senior Officer Group and the Partnership Board.
- 4.26 The Partnership Board and Transport Forum will be complemented by a Senior Officer Group representing members at official level providing expertise and co-ordination to the TfSE programme. The Senior Officer Group will meet monthly.

5. Functions

TfSE's proposal is to become a statutory sub-national transport body as set out in section part 5A of the Local Transport Act 2008.

General functions

- 5.1 Transport for the South East proposes to have the 'general functions' as set out in Section 102H (1) including:
- a. to prepare a transport strategy for the area;
 - b. to provide advice to the Secretary of State about the exercise of transport functions in relation to the area (whether exercisable by the Secretary of State or others);
 - c. to co-ordinate the carrying out of transport functions in relation to the area that are exercisable by different constituent authorities, with a view to improving the effectiveness and efficiency in the carrying out of those functions;
 - d. if the STB considers that a transport function in relation to the area would more effectively and efficiently be carried out by the STB, to make proposals to the Secretary of State for the transfer of that function to the STB; and
 - e. to make other proposals to the Secretary of State about the role and functions of the STB. (2016, 102H (1))5.
- 5.2 The general functions are regarded as the core functions of a sub-national transport body and will build on the initial work of TfSE in its shadow form. To make further proposals to the Secretary of State regarding constitution or functions, Transport for the South East will need formal consents from each 'constituent member'.
- 5.3 Transport for the South East recognises that under current proposals the Secretary of State will remain the final decision-maker on national transport strategies, but critically that the Secretary of State must have regard to a sub-national transport body's statutory transport strategy. This sets an important expectation of the strong relationship Transport for the South East aims to demonstrate with Government on major programmes like the Major Road Network and Railway Upgrade Plan.

Local transport functions

- 5.4 Initial work has identified a number of additional powers that Transport for the South East may require that will support the delivery of the transport strategy. The table below provides an assessment of these functions.
- 5.5 The powers which are additional to the general functions relating to STBs will be requested in a way that means they will operate concurrently and with the consent of the constituent authorities.

Table 1: Proposed powers and responsibilities

POWER	RATIONALE
General functions	
<p>Section 102 H of the Local Transport Act 2008</p> <p>Prepare a transport strategy, advise the Secretary of State, co-ordinate the carrying out of transport functions, make proposals for the transfer of functions, make other proposals about the role and functions of the STB.</p>	<p>This legislation provides the general powers required for TfSE to operate as a statutory sub-national transport body, meeting the requirements of the enabling legislation to facilitate the development and implementation of a transport strategy to deliver regional economic growth.</p> <p>Government at both national and local level recognises that the solutions required to deliver regional economic growth are best identified and planned for on a regional scale by those who best understand the people and businesses who live and work there.</p>
Rail	
<p>Right to be consulted about new rail franchises</p> <p><i>Section 13 of the Railways Act 2005 – Railway Functions of Passenger Transport Executives</i></p>	<p>We are seeking the extension of the right of a Passenger Transport Executive to be consulted before the Secretary of State issues an invitation to tender for a franchise agreement.</p> <p>The right of consultation is significant to TfSE as it confirms our role as a strategic partner, enabling us to influence future rail franchises to ensure the potential need for changes to the scope of current services and potential new markets identified by TfSE are considered.</p> <p>TfSE is uniquely placed to provide a regional perspective and consensus on the priorities for rail in its area. This would benefit central government as a result of the vastly reduced need for consultation with individual authorities.</p> <p>We recognise that changes to the current franchising model are likely following the Williams Review; regardless of these changes, TfSE is clear that it should have a role in shaping future rail service provision.</p>
<p>Set High Level Output Specification (HLOS) for Rail</p> <p><i>Schedule 4A, paragraph 1D, of the Railways Act 1993</i></p>	<p>TfSE requires a strong, formal role in rail investment decision making over and above that which is available to individual constituent authorities. We act as the collective voice of our constituent authorities, providing an evidence-based regional perspective and consensus on the priorities for investment in our rail network.</p> <p>This power would enable TfSE to act jointly with the Secretary of State to set and vary the HLOS in our area, ensuring TfSE's aspirations for transformational investment in rail infrastructure are reflected in the HLOS and enabling an integrated approach across road and rail investment for the first time.</p>

Highways	
<p>Set Road Investment Strategy (RIS) for the Strategic Road Network (SRN)</p> <p><i>Section 3 and Schedule 2 of the Infrastructure Act 2015</i></p>	<p>TfSE requires a strong, formal role in roads investment decision making over and above that which is available to individual constituent authorities. We act as the collective voice of our constituent authorities, providing an evidence-based regional perspective and consensus on the priorities for roads investment.</p> <p>This power would enable TfSE to act jointly with the Secretary of State to set and vary the RIS in our area, ensuring TfSE's aspirations for transformational investment in road infrastructure are reflected in the RIS and enabling an integrated approach across road and rail investment for the first time.</p>
<p>Enter into agreements to undertake certain works on Strategic Road Network, Major Road Network or local roads</p> <p><i>Section 6(5) of the Highways Act 1980, (trunk roads) & Section 8 of the Highways Act 1980 (local roads)</i></p>	<p>We are seeking the power that local highway authorities currently have to enter into an agreement with other highway authorities to construct, reconstruct, alter, improve or maintain roads.</p> <p>These powers, operated concurrently with the local authorities, will enable TfSE to promote and expedite the delivery of regionally significant cross-boundary schemes that otherwise might not be progressed. They would overcome the need for complex 'back-to-back' legal and funding agreements between neighbouring authorities and enable us to reduce scheme development time and overall costs.</p>
<p>Acquire land to enable construction, improvement, or mitigate adverse effects of highway construction</p> <p><i>Sections 239,240,246 and 250 of the Highways Act 1980</i></p>	<p>This power, exercisable concurrently and only with the consent of the relevant highway authority, would allow preparations for the construction of a highways scheme to be expedited where highway authorities are not in a position to acquire land.</p> <p>Land acquisition by TfSE could facilitate quicker, more efficient scheme delivery, bringing forward the economic and broader social and environmental benefits.</p>
<p>Construct highways, footpaths, bridleways</p> <p><i>Sections 24,25 & 26 of the Highways Act 1980</i></p>	<p>The concurrent powers required to effectively promote, coordinate and fund road schemes are vital to TfSE. Without them, we would not be able to enter into any contractual arrangement in relation to procuring the construction, improvement or maintenance of a highway or the construction or improvement of a trunk road.</p> <p>Granting of these powers would enable TfSE directly to expedite the delivery of regionally significant road schemes that cross constituent authority boundaries that otherwise might not be progressed.</p>

Make capital grants for public transport facilities	
<p>Make capital grants for the provision of public transport facilities</p> <p><i>Section 56(2) of the Transport Act 1968</i></p>	<p>This concurrent power would enable TfSE to support the funding and delivery of joint projects with constituent local authorities, improving deliverability and efficiency.</p> <p>Constituent authorities would benefit from the granting of this concurrent power as they may, in future, be recipients of funding from TfSE to partly or wholly fund a transport enhancement within their local authority area.</p>
Bus service provision	
<p>Duty to secure the provision of bus services</p> <p><i>Section 63(1) Transport Act 1985</i></p>	<p>Local transport authorities and integrated transport authorities have a duty to secure the provision of such public passenger transport services as it considers appropriate and which would not otherwise be provided.</p> <p>Travel-to-work areas do not respect local authority boundaries. TfSE is seeking to have this duty concurrently with the local transport authorities in our area, enabling us to fill in identified gaps in bus service provision within our geography or secure the provision of regionally important bus services covering one or more constituent authority areas which would not otherwise be provided.</p>
<p>Quality Bus Partnerships</p> <p><i>The Bus services Act 2017 Sections 113C – 113O & Sections 138A – 138S</i></p>	<p>TfSE is seeking powers, currently available to local transport authorities and integrated transport authorities, to enter into Advanced Quality Partnerships and Enhanced Partnership Plans and Schemes to improve the quality of bus services and facilities within an identified area. These powers would be concurrent with the local transport authority in the area.</p> <p>This would allow us to expedite the introduction of partnership schemes covering more than one local transport authority area which otherwise might not be introduced.</p>
<p>Bus service franchising</p> <p><i>The Bus Services Act 2017</i></p>	<p>This power, currently available to Mayoral Combined Authorities, would enable TfSE to implement bus service franchising in its area with the consent of the affected local transport authorities.</p> <p>We believe extending this power to STBs is consistent with the intention of the legislation in terms of delivering passenger benefit across travel-to-work areas and could enable a level of bus provision which otherwise would not exist. It would only be implemented with the consent of the local transport authority.</p>

Smart ticketing	
<p>Introduce integrated ticketing schemes</p> <p><i>Sections 134C- 134G & Sections 135-138 Transport Act 2000</i></p>	<p>We are seeking powers concurrently with local transport authorities to enable TfSE to procure relevant services, goods, equipment and/or infrastructure; enter into contracts to deliver smart ticketing and receive or give payments.</p> <p>This would enable us to expedite the introduction of a cost effective smart and integrated ticketing system on a regional scale which would dramatically enhance the journey experience and increase access to transport to support jobs and education.</p>
Air quality	
<p>Establish Clean Air Zones</p> <p><i>Sections 163-177A of the Transport Act 2000 – Road User Charging</i></p>	<p>Local transport authorities and integrated transport authorities have the power under the Transport Act 2000 to implement road charging schemes.</p> <p>TfSE is seeking this general charging power as a mechanism for the introduction of Clean Air Zones, enabling reduced implementation and operating costs across constituent authority boundaries. This will be subject to the consent of the local transport authority.</p> <p>Transport is a major contributor to CO2 emissions and poor air quality; these are increasingly critical issues which our transport strategy will seek to address.</p>
Other powers	
<p>Promote or oppose Bills in Parliament</p> <p><i>Section 239 Local Government Act 1972</i></p>	<p>Local authorities have the power to promote or oppose Bills in Parliament; granting the power concurrently to TfSE reflects the devolution agenda of which STBs are a key part.</p> <p>Under the Transport and Works Act 1992, a body that has power to promote or oppose bills also has the power to apply for an order to construct or operate certain types of infrastructure including railways and tramways.</p> <p>Granting of this power would enable TfSE to promote, coordinate and fund regionally significant infrastructure schemes, accelerating delivery of cross-boundary schemes which might otherwise not be progressed.</p>
<p>Incidental amendments</p> <p><i>Local Government Act 1972, Localism Act 2011, Local Government Pension Scheme Regulations 2013</i></p>	<p>A statutory STB requires certain incidental amendments to enable it to operate as a type of local authority, with duties in respect of staffing, pensions, monitoring and the provision of information about TfSE.</p> <p>The incidental amendments sought are listed below in Appendix 2.</p>

Powers and responsibilities not being sought

5.6 Transport for the South East does not propose seeking the following functions/powers:

POWER	RATIONALE
Set priorities for local authorities for roads that are not part of the Major Road Network (MRN)	TfSE will only be responsible for identifying priorities on the MRN
Being responsible for any highway maintenance responsibilities	There is no intention of TfSE becoming involved in routine maintenance of MRN or local roads
Carry passengers by rail	There are no aspirations for TfSE to become a train operating company
Take on any consultation function instead of an existing local authority	Local authorities are best placed to seek the views of their residents and businesses
Give directions to a constituent authority about the exercise of transport functions by the authority in their area	Constituent authorities understand how best to deliver their transport functions to meet the needs of their residents and businesses

5.7 The Williams Review, to which TfSE have submitted a response, could recommend significant changes to the structure of the rail industry, including the role of STBs in both operations and infrastructure enhancement. As a result, we will keep the following functions under review pending the Williams recommendations and subsequent White Paper.

POWER	RATIONALE
Act as co-signatories to rail franchises	There are no current aspirations for TfSE to become involved in this area.
Be responsible for rail franchising	

6. Summary of support and engagement

- 6.1 This draft Proposal was shaped and endorsed by the TfSE Shadow Partnership Board in March 2019 prior to the launch of the consultation.
- 6.2 During the consultation process, the draft Proposal will be made available on the TfSE website and feedback sought via social media and other promotional activity. Meetings will be held with key stakeholders such as Network Rail, Highways England, Transport for London, England's Economic Heartlands and the Transport Forum.
- 6.3 Following the consultation period, TfSE will update the draft Proposal and publish a summary of the comments received.
- 6.4 TfSE will seek consent from its constituent authorities and the final draft Proposal will be endorsed by the Shadow Partnership Board in autumn 2019.
- 6.5 The final Proposal will include a summary of engagement activities, including a list of the organisations engaged in the process and an appendix with a number of letters of support from key organisations and businesses.

Appendix 1: Distribution of votes

TfSE constituent authorities	Population ²	Number of votes ³
Brighton and Hove City Council	287,173	2
East Sussex County Council	549,557	4
Hampshire County Council	1,365,103	10
Isle of Wight Council	140,264	1
Kent County Council	1,540,438	11
Medway Council	276,957	2
Portsmouth City Council	213,335	2
Southampton City Council	250,377	2
Surrey County Council	1,180,956	8
West Sussex County Council	846,888	6
<i>Bracknell Forest Council</i>	<i>119,730</i>	
<i>Reading Borough Council</i>	<i>162,701</i>	
<i>Royal Borough of Windsor & Maidenhead</i>	<i>149,689</i>	
<i>Slough Borough Council</i>	<i>147,736</i>	
<i>West Berkshire Council</i>	<i>158,576</i>	
<i>Wokingham Borough Council</i>	<i>163,087</i>	
Berkshire Local Transport Body (total)	901,519	6
Total	7,552,567	54

² Population as per ONS 2016 estimates

³ Number of votes = population/140,000 (the population of constituent authority with the smallest population, this being the Isle of Wight)

Appendix 2: List of incidental powers sought

This appendix sets out the incidental amendments that will be needed to existing legislation. They include areas relating to the operation of TfSE as a type of local authority with duties in respect of staffing, pensions, transparency, monitoring and the provision of information about TfSE.

(1) Section 1 of the Local Authorities (Goods and Services) Act 1970 has effect as if TfSE were a local authority for the purposes of that section.

(2) The following provisions of the Local Government Act 1972 have effect as if TfSE were a local authority for the purposes of those provisions—

- (a) section 101 Arrangements for discharge of functions by local authorities
- (b) section 111 (subsidiary power of local authorities);
- (c) section 113 (secondment of staff)
- (d) section 116 (member of TfSE not to be appointed as officer);
- (e) section 117 (disclosure by officers of interests in contracts);
- (f) section 135 (standing orders for contracts);
- (g) section 142(2) (provision of information);
- (h) section 222 (power to investigate and defend legal proceedings);
- (i) section 239 (power to promote or oppose a local or personal Bill).

(4) Sections 120, 121 and 123 of that Act (acquisition and disposal of land) have effect as if—

- (a) TfSE were a principal council;
- (b) section 120(1)(b) were omitted;
- (c) section 121(2)(a) were omitted.

(5) Section 29 of the Localism Act 2011 (registers of interests) has effect as if—

- (a) TfSE were a relevant authority, and
- (b) references to “the monitoring officer” were references to an officer appointed by TfSE for the purposes of that section.

(6) In the Local Government Pension Scheme Regulations 2013—

- (a) in Schedule 2 (scheme employers), in Part 2 (employers able to designate employees to be in scheme), after paragraph 14 insert—
“15. Transport for the South East.”;
- (b) in Schedule 3 (administering authorities), in the table in Part 2 (appropriate administering authorities for categories of scheme members), at the end insert—

“An employee of Transport for the South East	East Sussex County Council”
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(7) The Local Authorities (Arrangements for the Discharge of Functions) (England) Regulations 2012 have effect as if TfSE is a local authority within the meaning of s 101 Local Government Act 1972.

Report Title:	Modern Workplace Project
Contains Confidential or Exempt Information?	No - Part I
Member reporting:	Councillor Shelim, Lead Member HR, Legal & IT
Meeting and Date:	Council - 24 September 2019
Responsible Officer(s):	Andy Jeffs, Executive Director
Wards affected:	None

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REPORT SUMMARY

1. The current thin client desktop environment has been in place for over 7 years. It has come to the end of its useful life and system availability for staff has been impacted over recent months due to this.
2. Capital funding of £69,000 for a pilot to replace the current environment was approved by Corporate Leadership Team (CLT) under its delegated authority on 16 January 2019, and this approval was subsequently noted by Cabinet on 31 January 2019.
3. The original total estimated project cost to fully replace the current hardware and software was £530,000 (pilot 2018/19 - £69,000, year 1 2019/20 - £321,000, year 2 2020/21 - £140,000). Full Council on 26 February 2019, approved the year 1 and year 2 capital cost as part of the council's capital programme.
4. A detailed analysis of the council's specific requirements has now been completed as part of the pilot. This work has identified that the estimated cost of the project has increased by £405,000 (£354,000 devices and peripherals/£51,000 project and resource costs). This is due to a higher specification of device being required, a smaller number of suitable devices than estimated being re-useable, Optalis now being in scope, and an increase in device cost over recent months.
5. In addition there is a requirement to bring forward £140,000 of the 2020/21 capital funding approved at Council in February to 2019/20. This allows the roll-out of all devices before 1 April 2020, when the Microsoft enterprise licence agreement is renewed and the mobile devices require a more cost effective license than the current thin clients.
6. As well as improving system availability, replacing the current desktop infrastructure will realise significant benefits by enabling the council's workforce to carry out duties flexibly, use new functionality such as conference/video calling and instant messaging, and provide efficiencies in terms of minimising pressure on support resources by implementing more robust and fully supported IT solutions.
7. A rolling device replacement programme will be built into future capital budgets to ensure that the technology used by the council remains fit for purpose.

1. DETAILS OF RECOMMENDATION(S)

RECOMMENDATION: That Council notes the report and:

- i) Agrees to the bringing forward £140,000 of capital funding from 2020/21 to 2019/20.**
- ii) Approves additional capital funding of £405,000 in 2019/20.**
- iii) Delegates to the Executive Director, in agreement with the Lead Member approval to award a contract for the supply of the new equipment.**

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

2.1 The current thin client desktop environment has been in place for over 7 years. It has come to the end of its useful life and system availability for staff has been impacted over recent months due to this.

2.2 Deployment of Modern Workplace devices will realise benefits by enabling the council's workforce to carry out duties flexibly including conference/video calling and instant messaging. In this respect the Modern Workplace project will support the ongoing accommodation project which has a dependency on ensuring that staff can hot desk and work from alternative locations with ease. There will also be efficiencies in terms of minimising pressure on support resources by implementing more robust and fully supported IT solutions.

2.3 The original Modern Workplace project costs were estimated on a particular specification of device that was thought to be sufficient to future proof them. A small 'proof of concept' group has been assessing these laptop devices over the last quarter to gain feedback. Feedback in connection with the original, lower specification devices, has confirmed that size and quality of screen resolution was not as anticipated plus that the battery life was poor.

2.4 The original project costs were also based on approximately 100 existing devices being capable of being upgraded and re-used. Following a detailed analysis being completed in respect of the devices that are already in the organisation, it is recommended that only 30 of the 100 existing devices are re-built and re-used due to the unsuitability of the other devices.

2.5 In addition, the original project budget did not include Optalis staff. They are now in-scope and the associated cost for devices, peripherals, a project resources have been included.

2.6 It should further be noted that since the original request to Council for capital the price of hardware has increased by approximately 30%, due to some issues with the supply of processors.

2.7 The Microsoft Enterprise Licence is due to be renewed on 1 April 2020, and the cost of these licenses will be considerably more expensive for the thin clients than the mobile devices. Therefore, the roll-out needs to be completed by 31 March 2020, rather than later in the year as previously planned. A need to draw down £140,000 in capital in 2019/20 rather than the approved 2020/21 is necessary.

Options

Table 1: Options arising from this report

Option	Comments
<p>To approve £405,000 in additional capital funding and bring forward £140,000 in capital funding from 2020/21.</p> <p>This is the recommended option</p>	<p>Enables procurement to commence followed by a roll out of the improved specification Modern Workplace devices (larger screen; HD resolution; 16Gb memory and touch down workstation) to be issued to all in scope users: 495 laptops, 72 desktops and 468 monitors.</p> <p>The Council has also implemented many of the Office 365 suite of applications and, the new devices will allow council staff to benefit from using these.</p>
<p>To continue with original laptop specification</p> <p>This is not the recommended option.</p>	<p>Smaller screen; non HD resolution; reduced memory (8Gb). Mobile device not future proofed.</p>
<p>Do nothing</p> <p>This is not the recommended option</p>	<p>This option is not feasible as the organisation needs to ready itself with Windows 10 enabled devices as the current operating system, Windows 2008 R2, will be out of support from January 2020 and no further updates will be available. Also the cost of the Microsoft Licenses will be significantly more expensive.</p>

3. KEY IMPLICATIONS

3.1 Key implications are shown in Table 2.

Table 2: Key Implications

Outcome	Unmet	Met	Exceeded	Significantly Exceeded	Date of delivery
RBWM users moved onto new devices	<400	480	520	567	31/3/2020

4. FINANCIAL DETAILS / VALUE FOR MONEY

4.1 The total estimated project costs to fully replace the current hardware and software at the time of the original request was £530,000 (pilot 2018/19 £69,000, year 1 2019/20 £321,000, year 2 2020/21 £140,000).

4.2 CLT approved the pilot cost of £69,000 under its delegated authority on 16 January 2019, and full Council on 26 February 2019, approved the year 1 and year 2 £461,000 capital cost as part of the council's capital programme.

4.3 New capital budget approval is requested for £405,000 as outlined in Table 3.

Table 3: Additional capital requirement

Category of Spend	Original budget for	New Estimate	Additional capital required	Reasons
Pilot	£69,000	£69,000	£0	N/A
Devices and peripherals	£249,400	£603,400	£354,000	<ul style="list-style-type: none"> Improved future proofed device specification 30% increase in price Original budget based on 100 current devices being re-built, now 30 Optalis now in-scope
Project costs	£211,600	£262,600	£51,000	<ul style="list-style-type: none"> Optalis now in-scope
Total	£530,000	£935,000	£405,000	

4.4 The additional revenue related to the cost of borrowing £405,000 over 10-years and the capital required to deliver the Modern Workplace project are outlined in Table 4.

Table 4: Additional revenue and capital requirement

REVENUE COSTS	2019/20	2020/21	2021/22
Additional total	£9,072	£9,072	£9,072
Reduction	£0	£0	£0
Net Impact	£9,072	£9,072	£9,072

CAPITAL COSTS	2019/20	2020/21	2021/22
Additional total	£405,000	£0	£0
Reduction	£0	£0	£0
Net Impact	£405,000	£0	£0

5. LEGAL IMPLICATIONS

None.

6. RISK MANAGEMENT

6.1 The following risks have been identified.

Table 5: Impact of risk and mitigation

Risks	Uncontrolled risk	Controls	Controlled risk
Decision made not to implement a	<ul style="list-style-type: none"> Increased pressure on existing IT 	Implement same device	Reduced pressure on IT

Risks	Uncontrolled risk	Controls	Controlled risk
consistent, single device	support resources <ul style="list-style-type: none"> • If existing hardware fails then organisation unable to work • Increased costs associated with Microsoft licence 	(laptop/desktop) across the council	support resources
Increased budget not approved and reduced specification laptops implemented	<ul style="list-style-type: none"> • Pressure on existing resources (support). • Does not 'future proof' organisation – may lead to earlier replacement of devices and increased costs 	Procure higher specification devices	Reduced pressure on support resources. Better longevity of devices

7. POTENTIAL IMPACTS

7.1 The Modern Workplace initiative will affect the entire council workforce including Optalis. An Equalities Impact Assessment has been completed.

7.2 All redundant equipment will be disposed of appropriately, giving due consideration to environmental impact and re-use of components where possible.

8. CONSULTATION

None.

9. TIMETABLE FOR IMPLEMENTATION

9.1 The full implementation stages are set out in table 6.

Table 6: Implementation timetable

Date	Details
24 September, 2019	Full Council
w/c 22 October, 2019	Award contract to supplier and contracts signed

10. APPENDICES

10.1 There are no supporting Appendices.

11. BACKGROUND DOCUMENTS

None

12. CONSULTATION (MANDATORY)

Name of consultee	Post held	Date sent	Date returned
ClIr Shelim	Lead Member for HR, Legal and IT	02/09/19	02/09/19
Duncan Sharkey	Managing Director	04/09/19	04/09/19
Russell O'Keefe	Executive Director	04/09/19	04/09/19
Rob Stubbs	Section 151 Officer	04/09/19	04/09/19
Elaine Browne	Interim Head of Law and Governance	04/09/19	04/09/19
Nikki Craig	Head of HR and Corporate Projects	04/09/19	04/09/19
Louisa Dean	Communications	04/09/19	04/09/19
Kevin McDaniel	Director of Children's Services	04/09/19	04/09/19
Hilary Hall	Interim DASS and Deputy Director of Strategy and Commissioning	04/09/19	04/09/19

REPORT HISTORY

Decision type:	Urgency item?	To Follow item?
Non-key decision	No	No
Report Author: Andy Jeffs, Executive Director, 01628 796527		

Report Title:	Treasury Management Strategy Outturn 2018/19
Contains Confidential or Exempt Information?	No – Part I
Member reporting:	Councillor Hilton, Lead Member for Finance and Ascot
Meeting and Date:	Full Council - 24 September 2019
Responsible Officer(s):	Duncan Sharkey, Managing Director & Rob Stubbs, Deputy Director and Head of Finance (s151 Officer)
Wards affected:	All

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REPORT SUMMARY

1. This report sets out the Annual Treasury Management Outturn for 2018/19 in accordance with the Council's treasury management practices. It is a regulatory requirement for this outturn report to be presented to Council by the 30 September each year.
2. Treasury management comprises:
 - managing the Council's borrowing to ensure funding of the Council's future capital programme is at optimal cost;
 - investing surplus cash balances arising from the day-to-day operations of the Council to obtain an optimal return while ensuring security of capital and liquidity.
3. The report complies with CIPFA's Code of Practice on Treasury Management, and covers the following:

Review of the Council's investment portfolio for 2018/19 to include the treasury position as at 31 March 2019.

 - Review of the Council's borrowing strategy for 2018/19.
 - Review of compliance with Treasury and Prudential Limits for year to 2018/19.
 - An economic update in relation to Treasury Management.
4. The Council has complied with all elements of the Treasury Management Strategy Statement (TMSS).

1. DETAILS OF RECOMMENDATION

RECOMMENDATION: That Council notes the annual treasury management strategy report and final outturn for 2018/19.

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

2.1 Investments

- 2.1.1 The Council's policy objective is the prudent investment of balances to achieve optimum returns on investments, subject to maintaining adequate security of

capital and a level of liquidity appropriate to the Council's projected need for funds over time.

2.1.2 The table below provides a breakdown of investments, together with comparisons for the previous financial year end.

	Opening Balances	Deposits and subscriptions	Maturities and redemptions	Closing Balances
	31/03/2018			31/03/2019
	£'000	£'000	£'000	£'000
INVESTMENTS				
Fixed Term Deposits				
RBWM Trading Companies	1,764	-	(100)	1,664
Revolving Credit Facility				
Achieving For Children	4,810	5,850	(4,576)	6,084
Cash equivalents				
Money Market Funds	2,900	61,000	(49,600)	14,300
Cash deposit accounts	4,900	284,640	(289,540)	-
TOTAL INVESTMENTS	14,374	351,490	(343,816)	22,048

2.1.3 Liquid balances are managed through Money Market Funds providing same day liquidity.

2.1.4 The Bank of England reduced the Base Rate in August 2016. However, since the latter half of 2017, rates have steadily improved. This is due to the November 2017 and August 2018 Bank of England base rate increases.

2.1.5 Average investment balances during 2018/19 were £19.7m and generated investment income of £210,000. This equates to an average interest rate of 1.06% compared to the average benchmark (Bank of England base rate plus 25 basis points) during 2018/19 of 0.92%.

2.1.6 The Council also prepaid its LGPS pension contributions to The Royal County of Berkshire Pension Fund. The return on the prepayment of Pension Fund contributions for 2018/19 was £226,800. This amount is not included in the investment return reported above but it contributes towards budget targets, which were achieved in 2018/19.

2.1.7 The Following tables show the interest earned on investments and the interest paid on borrowing in the financial year to 31st March 2019 compared to the financial year to 31st March 2018:

	Interest earnt	Interest earnt
	2017/18	2018/19
INTEREST EARNT	£'000	£'000
Fixed Term Deposits		
RBWM Trading Companies	74	71
Revolving Credit Facility		
Achieving For Children	20	54
Cash equivalents		
Money Market Funds	47	50
Cash deposit accounts	20	34
TOTAL INTEREST EARNT	160	210

2.2 Borrowing

2.2.1 At £102m, Council borrowing was well within the Prudential Indicator for external borrowing, namely, that borrowing should not exceed £172m in 2018/19.

2.2.2 Actual borrowing is set out in the table below:

	Opening Balances	New Borrowing	Maturities	Closing Balances
	31/03/2018			31/03/2019
	£000	£000	£000	£000
Long Term Borrowing				
PWLB	44,049	-	-	44,049
LOBO	13,000	-	-	13,000
Short Term Borrowing				
Local authorities	20,000	63,000	(38,000)	45,000
Total Borrowing	77,049	63,000	(38,000)	102,049

2.3 Interest Paid on Borrowing

2.3.1 The table below compares borrowing paid on borrowing in 2018/19 compared to 2017/18.

	Interest paid	Interest paid
	2017/18	2018/19
	£'000	£'000
PWLB	2,187	2,198
LOBO	545	545
Short Term Borrowing		
Local authorities	2	69
TOTAL INTEREST PAID	2,734	2,812

2.4 Compliance with Treasury Limits and Prudential Indicators

2.4.1 During the financial year to 31 March 2019, the Council operated within the Treasury Limits and Prudential Indicators set out in the TMSS approved by Council as part of the budget report of 20th February 2018 and is set out below.

Indicator	Limit	Actual
Authorised limit for external debt 2018/19	£172m	£102m
Operational boundary for external debt 2018/19	£152m	£102m
Ratio of financing costs to net revenue stream - loan financed 2018/19	6.1%	5.8%

2.4.2 Borrowing was well within both the Authorised Borrowing Limit and the Operational Boundary.

2.4.3 The Authorised Limit is a level for which the external borrowing cannot be exceeded without reporting back to Full Council. It therefore provides sufficient headroom such that in the event that the planned capital programme required new borrowing to be raised over the medium term, if interest rates were deemed favourable and a thorough risk analysis determined, the cost of carry was appropriate, this borrowing could be raised ahead of when the spend took place.

2.4.4 The Operational Boundary is set at a lower level and should take account of the most likely level of external borrowing. Operationally, in accordance with CIPFA best practice for Treasury Risk Management, a liability

2.4.5 The average rate on the fixed interest borrowing is 4.79% with an average redemption period of 21 years. This reflects the historical legacy of borrowing taken out some years ago by Berkshire County Council which is now higher than PWLB interest rates for comparable loans if they were taken out now. Officers have considered loan refinancing but premiums for premature redemption are prohibitively high making this option poor value for money.

2.4.6 The Council’s borrowing portfolio contains £13m of Lender Option Borrower Option loans (LOBOs). These are long-term loans of up to 47 years. The lender option to increase interest rates has been removed and, as such, the rates are comparable with loans for similar durations provided by the PWLB.

2.5 The Economy and Interest Rates

2.5.1 After weak economic growth of only 0.2% in quarter one of 2018, growth picked up to 0.4% in quarter 2 and to a particularly strong 0.7% in quarter 3, before cooling off to 0.2% in the final quarter. Given all the uncertainties over the UK’s departure from the European Union, this weak growth in the final quarter was as to be expected. However, some recovery in the rate of growth is expected going forward. The annual growth in Q4 came in at 1.4% y/y, confirming that the UK was the third fastest growing individual country in the G7 in quarter 4.

2.5.2 After the Bank of England Monetary Policy Committee (MPC) raised the Bank Rate from 0.5% to 0.75% in August 2018, it is little surprise that they have abstained from any further increases since then. We are unlikely to see any further action from the MPC until the uncertainties over Brexit are clear. If a

disorderly exit resulted, it is likely that the Bank Rate would be cut to support growth.

- 2.5.3 Nevertheless, the MPC does have concerns over the trend in wage inflation which peaked at a new post financial crisis high of 3.5% (excluding bonuses) in the three months to December 2018 before falling marginally to 3.4% in the three months to January 2019. UK employers ramped up their hiring at the fastest pace in more than three years in the three months to January 2019 as the country's labour market defied the broader weakness in the overall economy as Brexit approached. The number of people in work surged by 222,000, helping to push down the unemployment rate to 3.9%, its lowest rate since 1975. Correspondingly, the total level of vacancies has risen to new highs.
- 2.5.4 As for CPI inflation, this has been on a falling trend, reaching 1.8% in January 2019 before rising marginally to 1.9% in February 2019. However, in the February 2019 Bank of England Inflation Report, the latest forecast for inflation over both the two and three-year time horizons remained marginally above the MPC's target of 2%.
- 2.5.5 The rise in wage inflation and fall in CPI inflation is good news for consumers as their spending power is improving in this scenario as the difference between the two figures is now around 1.5%, i.e., a real terms wage increase. Given the UK economy is very much services sector driven, an increase in household spending power is likely to feed through into providing some support to the overall rate of economic growth in the coming months.
- 2.5.6 The probability of a General Election in 2019 has increased over recent weeks and this could result in a potential loosening of monetary policy and therefore medium to longer dated gilt yields could rise on the expectation of weak Sterling and concerns around inflation picking up.

2.6 BACKGROUND

- 2.6.1 The Local Government Act 2003 requires the Council to 'have regard to' the Prudential Code and to set Prudential Indicators for the next three years to ensure that the Council's capital investment plans are affordable, prudent and sustainable. These are contained within this report.

2.7 Options

Table 1: Options arising from this report

Option	Comments
N/A	The Local Government Act 2003 requires the Council to set out its Treasury Strategy for borrowing and to prepare an Annual Investment Strategy.

3. KEY IMPLICATIONS

Table 2: Key Implications

Outcome	Unmet	Met	Exceeded	Significantly Exceeded	Date of delivery
N/A					

4. FINANCIAL DETAILS / VALUE FOR MONEY

4.1 The financial implications are contained in the body of this report.

5. LEGAL IMPLICATIONS

5.1 The Local Government Act 2003 requires the Council to set out its Treasury Strategy for borrowing and to prepare an Annual Investment Strategy. This sets out the Council's policies for managing its investments and for giving priority to the security and liquidity of those investments. This report assists the Council in fulfilling its statutory obligation under the Local Government Act 2003 to monitor its borrowing and investment activities.

6. POTENTIAL IMPACTS

6.1 Equalities. No impact

6.2 Climate change/sustainability. Not applicable.

6.3 Data Protection/GDPR. Not applicable.

7. TIMETABLE FOR IMPLEMENTATION

7.1 Implementation date: Immediately.

8. BACKGROUND DOCUMENTS

8.1 This report is supported by the following document:
Treasury Management – Annual Strategy for 2018/19, including Prudential indicators and statutory borrowing determinations

9. CONSULTATION (MANDATORY)

Name of consultee	Post held	Date sent	Date returned
Cllr Hilton	Lead Member for Finance and Ascot	16/9/19	16/9/19
Cllr Coppinger	Acting Leader of the Council	16/9/19	
Duncan Sharkey	Managing Director	16/9/19	
Russell O'Keefe	Executive Director	16/9/19	
Andy Jeffs	Executive Director	16/9/19	

Name of consultee	Post held	Date sent	Date returned
Nikki Craig	Head of HR and Corporate Projects	16/9/19	
Elaine Browne	Interim Head of Law and Governance	16/9/19	
Louisa Dean	Communications	16/9/19	
Kevin McDaniel	Director of Children's Services	16/9/19	
Hilary Hall	Deputy Director of Commissioning and Strategy	16/9/19	
	Other e.g. external		
Peter Robinson	CIPFA Associate	16/9/19	

REPORT HISTORY

Decision type: For information	Urgency item? No	To Follow item? No
Report Author: Rob Stubbs, Deputy Director and Head of Finance, 01628 796222		

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

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