

Head of 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 as a **Virtual Meeting** ([online access](#)) on **Tuesday, 23 June 2020 at 6.15 pm** for the purpose of transacting the business specified in the Agenda set out hereunder.

Dated this Monday, 15 June 2020



Duncan Sharkey
Managing Director

Rev Lodge will say prayers for the meeting.

A G E N D A

PART I

1. APOLOGIES FOR ABSENCE

To receive any apologies for absence

2. COUNCIL MINUTES

To receive the minutes of the meeting of the Council held on 25 February 2020, and the Extraordinary meetings of the Council held on 18 March 2020 and 26 May 2020.

(Pages 13 - 82)

3. DECLARATIONS OF INTEREST

To receive any declarations of interest

(Pages 83 - 84)

4. MAYOR'S COMMUNICATIONS

To receive such communications as the Mayor may desire to place before the Council

(Pages 85 - 86)

5. PUBLIC QUESTIONS

- a) Ed Wilson of Clewer and Dedworth West ward will ask the following question of Councillor Hilton, Lead Member for Finance and Ascot:**

Can the Lead Member advise if the RBWM is still paying interest on LOBO loans and if so what rate of interest is being paid?

- b) Ed Wilson of Clewer and Dedworth West ward will ask the following question of Councillor Johnson, Leader of the Council:**

Will the Leader of the Council advise the approximate value of the Royal Borough's assets including those held within the RBWM Property Company?

- c) Maria Evans of Riverside ward will ask the following question of Councillor Stimson, Lead Member for Environmental Services, Climate Change, Sustainability, Parks and Countryside:**

The council has declared its directly controlled annual carbon footprint is only 0.7% of the Borough's production emissions; let alone accounting for the Borough's consumption emissions. What is your strategy to engage with other stakeholders to play their part in reducing the Borough's footprint to net-zero?

- d) Andrew Elder of Eton and Castle ward will ask the following question of Councillor Stimson, Lead Member for Environmental Services, Climate Change, Sustainability, Parks and Countryside:**

2019 was the warmest year on record in Europe; 1.2 degrees above the reference period. 1.5 degrees is the recommended limit to avoid catastrophic climate change. Can you demonstrate that the strategy for the borough will enable actions to be fast enough? And if not, why not?

- e) Deborah Mason of of Riverside ward will ask the following question of Councillor Johnson, Leader of the Council:**

Can you explain how this represents a consultative and collaborative approach to local democracy when critical documents relating to the Climate Strategy were not made available to the public before the question submission deadline?

- f) Fiona Hewer of Bisham and Cookham ward will ask the following question of Councillor Stimson, Lead Member for Environmental Services, Climate Change, Sustainability, Parks and Countryside:**

Does the Council consider the Phase 1 Habitat Survey conducted by Wild Maidenhead in 2017 a suitable baseline for measuring improvements to biodiversity in the Climate Strategy and, if not, what do you propose?

- g) Mike Copland of Bisham and Cookham ward will ask the following question of Councillor Stimson, Lead Member for Environmental Services, Climate Change, Sustainability, Parks and Countryside:**

Unmanaged access to sensitive habitats, for example for dog-walking and

watersports, is likely to decrease biodiversity. Can the Lead Member reassure me of the Council's commitment to implementing an Environment and Climate Emergency strategy by giving examples of when and how expert advice on biodiversity protection has taken precedence over such 'business as usual' activities?

h) Mike Copland of Bisham and Cookham ward will ask the following question of Councillor Stimson, Lead Member for Environmental Services, Climate Change, Sustainability, Parks and Countryside:

Given that the Council has, in declaring the Emergency, recognised the existential threat we face can the Lead Member confirm that commitments or assumptions made before the Emergency was declared will be subject to review and that addressing climate change and enhancing biodiversity and our natural capital will take priority unless there are other exceptional considerations?

i) Andrew Hill of Boyn Hill ward will ask the following question of Councillor Coppinger, Lead Member for Planning and Maidenhead:

The LPA informed me that it was not mandatory for planning panels to be presented with factually correct information *provided* any falsehoods were given "in good faith". What process is followed to determine "good faith" where falsehoods are subsequently identified, and why aren't such matters returned automatically to the Member panel for reconsideration with the corrected known facts?

j) Andrew Hill of Boyn Hill ward will ask the following question of Councillor Johnson, Leader of the Council:

Given Deloitte's finding that the valuation of Council assets and RBWM Property Company Limited assets are being "commissioned and conducted" under just one set of shared instructions, can you explain why this company is no longer acting as an arms-length trading company, and state whether that company's MD is formally considered an officer of RBWM itself?

k) Jennifer Shaw of Belmont Ward will ask the following question of Councillor Johnson, Leader of the Council:

We are now emerging from a slow onset, extensive crisis into another - Climate Change. What specific actions to address the environment and climate emergency will you commence now to capture the gains made, practical and behavioral, during the Covid-19 crisis?

l) Dave Scarbrough of Belmont ward will ask the following question of Councillor Stimson, Lead Member for Environmental Services, Climate Change, Sustainability, Parks and Countryside:

In order to reach net-zero in the Borough and in the whole country by 2050, do you agree that we need to leave all fossil fuels in the ground and all new electricity generation must be by renewable means?

m) Clare Taylor of Eton and Castle ward will ask the following question of Councillor Stimson, Lead Member for Environmental Services,

Climate Change, Sustainability, Parks and Countryside:

Understanding that the financial situation of the council has been made even worse by the Covid-19 emergency, will the Council contract work on a biodiversity action plan (and other work to implement the strategy) to local voluntary groups who will likely be able to take the work forward at low or no cost?

- n) Sarah Scarbrough of Belmont ward will ask the following question of Councillor Stimson, Lead Member for Environmental Services, Climate Change, Sustainability, Parks and Countryside:**

The interim strategy lacks detail and input from RBWM's CEC. What do you expect will be gained from a public consultation on the interim strategy as it stands?

- o) Georgina Ellis of Datchet, Horton and Wraysbury ward will ask the following question of Councillor Stimson, Lead Member for Environmental Services, Climate Change, Sustainability, Parks and Countryside:**

Does the Lead Member agree with me that lack of good biodiversity action planning leads to food insecurity, poorer health and increased flood risk? Can the Council explain why a biodiversity action plan has not been a priority for RBWM despite repeated offers from voluntary groups to help with the implementation of this vital element of the Climate Strategy?

- p) Sarah Bowden of Boyn Hill ward will ask the following question of Councillor Coppinger, Lead Member for Planning and Maidenhead:**

Given that the inspection of the Borough Local Plan will not now happen until Autumn, will the Council commit to immediately draft and put in place in 2020 a Supplementary Planning Document that stipulates the actions required to prevent making the Environment and Climate Emergency situation any worse?

- q) Rachel Cook of Boyn Hill ward will ask the following question of Councillor Coppinger, Lead Member for Planning and Maidenhead:**

Given that it is an important part of the National Planning Policy Framework, why have biodiversity measures such as ecological appraisal and habitat connectivity been omitted from the Borough Wide Design Guide SPD, and will you commit to including those amendments suggested by Wild Maidenhead?

- r) Emily Tomalin of Bisham and Cookham ward will ask the following question of Councillor Clark, Lead Member for Transport and Infrastructure:**

Ghentrification for Cyclists! Can RBWM copy the simple, bold, low cost strategy of Ghent, where traffic was discouraged from town centres with filters on side roads that stopped cars, allowed bicycles, reducing speed limits to 20 mph and giving cyclists clear priority? Motor vehicles could still access all areas but only by travelling outside the town and in again, between segments.

- s) Emily Tomalin of Bisham and Cookham ward will ask the following question of Councillor Coppinger, Lead Member for Planning and**

Maidenhead:

Would the Council consider a new planning designation to encourage local organic food production? Many areas are poorly used agriculturally in the hope that houses could be built. Instead could the Council find a way to encourage small holdings or allotments?

t) Adam Bermange of Boyn Hill ward will ask the following question of Councillor Coppinger, Lead Member for Planning and Maidenhead:

The BLP under examination will increase carbon emissions by 22.5%. The Inspector now asks whether the proposed additional Policy SP2 is effective in meeting the requirements, under Section 19(1A) of the Planning and Compulsory Purchase Act, to include policies securing that development contributes to the mitigation of, and adaptation to, climate change. How does the Lead Member propose to respond?

u) Adam Bermange of Boyn Hill ward will ask the following question of Councillor Hilton, Lead Member for Finance and Ascot:

Is the Lead Member satisfied that the Cabinet invested sufficient time in challenging the deliverability, from a legal and compliance standpoint, of the incremental residents' parking permit income as well as the other opportunities and savings relied upon in setting a balanced budget for 2020/21?

v) Susy Shearer of Clewer East Ward will ask the following question of Councillor Stimson, Lead Member for Environmental Services, Climate Change, Sustainability, Parks and Countryside:

'The greenest building is the one already standing.' Recycling existing buildings including heritage assets takes maximum advantage of already utilised energy and materials. Furthermore, re-using those with even average energy performance consistently offers immediate climate change impact reductions as compared with more energy-efficient types of new construction. How will these principles be reflected in the Climate Strategy?

w) Susy Shearer of Clewer East Ward will ask the following question of Councillor Stimson, Lead Member for Environmental Services, Climate Change, Sustainability, Parks and Countryside:

An estimated 25% of car journeys in the Borough are under 2 miles yet are a major contributor to CO₂, NO₂ and noise pollution and community severance. What specific measures will be included in the Climate Strategy to shift these journeys away from cars and towards walking, cycling and public transport?

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

6. PETITIONS

To receive any petitions presented by Members on behalf of residents.

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

7. REFERRALS FROM OTHER BODIES

To consider referrals from other bodies (e.g. Cabinet)

i) CLIMATE STRATEGY

To consider the above report
(Pages 87 - 122)

ii) FEES AND CHARGES REPORT 2020/21 - ADDITION

To consider the above report
(Pages 123 - 128)

8. CONSTITUTIONAL AMENDMENTS

To consider the above report
(Pages 129 - 360)

9. APPOINTMENT OF PANEL CHAIRMAN

To consider the following appointments:

RECOMMENDATION: That:

- i) Councillor Cannon be appointed as Vice Chairman of the Royal Borough Development Management Panel
- ii) Councillor Bhangra be appointed as Chairman of the Licensing Panel

10. HORTON AND WRAYSBURY NEIGHBOURHOOD PLAN - FORMAL MAKING OF THE PLAN

To consider the above report
(Pages 361 - 368)

11. BANK RECONCILIATION REPORT

To consider the above report
(Pages 369 - 374)

12. URGENT DECISION REPORT

To consider the above report
(To Follow)

13. MEMBERS' QUESTIONS

a) Councillor Davey will ask the following question of Councillor Johnson, Leader of the Council:

At Corporate Overview & Scrutiny Panel Councillor Johnson said he was "curious" why the opposition had challenged Cabinet's decision to give Maidenhead United many acres of Braywick Park for zero consideration. How else would he suggest we challenge Cabinet decisions that do not have the required detail to ensure the decision is in the best interests of council and residents?

b) Councillor Hill will ask the following question of Councillor Johnson, Leader of the Council:

Why after the COVID-19 Crisis has shown that much office space and some retail space will most likely never be used again and is highly likely to be converted into private dwellings are we as a Borough still proposing to develop Maidenhead Golf Club for housing?

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

What is the current total of the RBWM River Thames Scheme partnership funding contributions required to ensure that Channel 1 through Datchet, Horton and Wraysbury is progressed?

d) Councillor Brar will ask the following question of Councillor Stimson, Lead Member for Environmental Services, Climate Change, Sustainability, Parks and Countryside.

The Tyndall Climate Centre has produced a report for RBWM. It is available online. It shows a target of approximately 5Mtons of CO2 not 10 Mtons as in the Climate Strategy document. Why was this scientific advice declined and not mentioned in the strategy especially when the RBWM targets go against the Paris Climate agreement of 1.5 degrees warming?

e) Councillor Baldwin will ask the following question of Councillor Rayner, Lead Member for Resident and Leisure Services, HR, IT, Legal, Performance Management and Windsor:

Despite concerns voiced by opposition members over many years about the sorry state of corporate governance within RBWM we are still routinely issued with agendas lacking crucial reports. It appears the date of the meeting has become the disclosure deadline, making proper preparation impossible. What assurances can the lead member give us that these long-term deficiencies are being addressed?

f) Councillor Jones will ask the following question of Councillor Johnson, Leader of the Council:

The RBWM 2018/19 Audit issued a 'qualified' conclusion with concerns

regarding inadequate resourcing of key governance functions: weaknesses in arrangements of financial sustainability and resilience, ultra vires spend, inadequate reports to council and a culture that discouraged individuals to challenge. Concerns echoed by Cipfa and the Peer Review. What impact have these failures had on the council as an organisation?

g) Councillor Reynolds will ask the following question of Councillor Stimson, Lead Member for Environmental Services, Climate Change, Sustainability, Parks and Countryside:

Currently RBWM only has the capacity to power 1% of our homes via renewable energy. To simply keep pace with other local authorities we need 13X more. How will RBWM do this?

h) Councillor Del Campo will ask the following question of Councillor Coppinger, Lead Member for Planning and Maidenhead:

The inspector's response to the latest version of the Borough Local Plan suggests that even this version is far from "legally compliant and sound". With eleven areas of concern, some fundamental, and hundreds of questions for clarification, and in light of the climate emergency we declared, has the lead member considered starting the process again? If not, why not?

(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)

14. MOTIONS ON NOTICE

a) By Councillor Hill

This Council agrees to reduce the number of signatures required for a petition to be debated at Full Council from 1500 to 1000 in the interests of democracy by allowing residents to more easily get direct access to their elected representatives on issues of importance to them.

b) By Councillor Werner

This Council;

i) Offers a vote of thanks to the residents of the Royal Borough, the vast majority of whom, whilst facing very difficult personal sacrifices and restrictions to liberty, have diligently followed both letter and the spirit of the emergency legislation brought in to protect public health during the Covid-19 global pandemic;

ii) Acknowledges the extraordinary courage and commitment to community shown by many thousands of residents, individually, through neighbourhood groups and with our charitable partner organisations, throughout this terrible time;

iii) Also, publicly recognises the skill, dedication and tenacity with which our officers have co-ordinated these efforts and the Council's own activities, for the

benefit of all.

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.