

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, 28 July 2020 at 6.15 pm** for the purpose of transacting the business specified in the Agenda set out hereunder.

Dated this Monday, 20 July 2020



Duncan Sharkey
Managing Director

Rev Drake 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 23 June 2020.
(Pages 11 - 66)

3. DECLARATIONS OF INTEREST

To receive any declarations of interest
(Pages 67 - 68)

4. MAYOR'S COMMUNICATIONS

To receive such communications as the Mayor may desire to place before the Council
(Pages 69 - 70)

5. PUBLIC QUESTIONS

a) Adam Bermange of Boyn Hill ward will ask the following question of Councillor Johnson, Leader of the Council:

Does the Leader of the Council believe he owes a fiduciary duty to the Secretary of State for Housing, Communities and Local Government in relation to the latter's powers under Schedule 1, Sub-Paragraph 2(5)(c) of the Housing and Regeneration Act 2008 and, if so, will he urgently write to the Ministry to disclose fully the findings of the CIPFA investigation?

b) Adam Bermange of Boyn Hill ward will ask the following question of Councillor Cannon, Lead Member for Public Protection and Parking

Would the Lead Member confirm the current legal and contractual basis for parking enforcement within self-administered Residents' Parking Zones and whether it is the Council's intention to withdraw enforcement in those streets that decline to become designated as Council-administered schemes? If so, when?

c) Ed Wilson of Clewer and Dedworth West ward will ask the following question of Councillor Rayner, Lead Member for Resident and Leisure Services, HR, IT, Legal, Performance Management and Windsor

Will the Lead Member provide details of the demise of the Legacy Leisure Trust and outline the governance arrangements of Leisure Focus.

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

For the sake of transparency will the Royal Borough provide the terms of reference for the review of financial governance that it requested from CIPFA?

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

Why were Members not informed in the Council report of July 2019 that surveyors Knight Frank had, in March 2019, given an Existing Use Value (EUV) for the Nicholson Shopping Centre (excluding hope value) of £18m?

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

During any pre-application meetings for major developments, is it standard protocol for officers to advise applicants that the approved tall building policy in the Maidenhead Area Action Plan (para 3.40) limits maximum building heights to 12 storeys in order "to respect the size and compact nature of Maidenhead and respect visibility from the surrounding countryside to the existing level"?

*(The Council will set aside a period of **30 minutes** to deal with public questions, which may be extended at the discretion of the Mayor in exceptional circumstances.*

The Member who provides the initial response will do so in writing. The written response will be published as a supplement to the agenda by 5pm one working day before the meeting.

The questioner shall be allowed up to one minute to put a supplementary question at the meeting. The supplementary question must arise directly out of the reply provided and shall not have the effect of introducing any new subject matter. A Member responding to a supplementary question will have two minutes to respond).

6. PETITIONS

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

(Notice of the petition must have been given to the Head of Governance not later than noon on the last working day prior to the meeting. A Member submitting a Petition may speak for no more than 2 minutes to summarise the contents of the Petition).

7. REFERRALS FROM OTHER BODIES

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

i) 2019/20 ANNUAL REPORTS FROM THE OVERVIEW AND SCRUTINY PANELS

To consider the following recommendation:

RECOMMENDATION: That full Council notes the 2019-20 annual reports of the four Overview and Scrutiny Panels.

(The results analysis of the January 2020 Member survey on Overview and Scrutiny is attached for background information as this was used to inform Panel discussions when developing annual reports)

(Pages 71 - 98)

ii) COUNTERPARTY LIST ADDITION

To consider the above report (To Follow)

8. CONSTITUTIONAL AMENDMENTS - AUDIT AND GOVERNANCE COMMITTEE

To consider the above report
(Pages 99 - 208)

9. COMMUNITY GOVERNANCE REVIEW - WINDSOR TOWN COUNCIL

To consider the above report (Pages 209 - 224)

10. JOINT CENTRAL AND EASTERN BERKSHIRE MINERALS & WASTE PLAN - PROPOSED SUBMISSION

To consider the above report
(Pages 225 - 476)

11. MEMBERS' QUESTIONS

- a) Councillor Larcombe will ask the following question of Councillor Rayner, Lead Member for Resident and Leisure Services, HR, IT, Legal, Performance Management and Windsor**

What procedural changes will be made to ensure that Members are able to put their questions (including a supplementary if required) and receive answers at Council Meetings?

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

When did the Flood Liaison Group last report to the Council?

- c) Councillor Hill will ask the following question of Councillor Johnson, Leader of the Council:**

On Saturday 14th March 2020 at the Weir Opening you gave a public commitment that the Waterways project would be completed. A4 Underpass, Chapel Arches access and boat storage, Chapel Arches lowering the hard invert, Library Boat Launching Ramp & GWR Sewer Crossing are yet to be scheduled. Can you inform council when these matters will be addressed.

- d) Councillor Davey will ask the following question of Councillor Coppinger, Lead Member for Planning and Maidenhead:**

With finances under incredible pressure, if all the projects in Maidenhead town centre were generating CIL and 106 revenues, what would the future revenues for those properties given planning permission be? Also the Nicholson Centre, should it be given permission?

- e) Councillor Davey will ask the following question of Councillor Stimson, Lead Member for Environmental Services, Climate Change, Sustainability, Parks and Countryside:**

How much extra is it costing RBWM each month to go back to weekly bin collections and how does this fit with the aims of the climate strategy?

- f) Councillor L. Jones will ask the following question of Councillor Rayner, Lead Member for Resident and Leisure Services, HR, IT, Legal, Performance Management and Windsor:**

Can the Lead Member clarify the role of the 'Chair' of Full Council (the Mayor) in ensuring 'full and effective debate and decision making by the Council with the

overriding aim of promoting confidence in the council by the public.’

g) Councillor Knowles will ask the following question of Councillor Clark, Lead Member for Transport and Infrastructure:

In 2019 the then Leader of the Council announced a trial of streetside EV charging points involving 3 units which were to be placed on Alma Road in Windsor along with a number of free trial EV for use by residents. When can we expect the results of this trial to be published?

h) Councillor Bond will ask the following question of Councillor Johnson, Leader of the Council.

Will the pension fund governance review mentioned in the CIPFA report and 2019/20 audit plan be made available in advance of an action plan (as has happened with the CIPFA report itself) to help RBWM’s Pension Fund committees comply with s106 (1) (b) of the LGPS (Amendment) Regulations 2015 to “ensure the effective and efficient governance ... of the Scheme”?

*(The Council will set aside a period of **30 minutes** to deal with Member questions, which may be extended at the discretion of the Mayor in exceptional circumstances.*

The Member who provides the initial response will do so in writing. The written response will be published as a supplement to the agenda by 5pm one working day before the meeting.

The questioner shall be allowed up to one minute to put a supplementary question at the meeting. The supplementary question must arise directly out of the reply provided and shall not have the effect of introducing any new subject matter. A Member responding to a supplementary question will have two minutes to respond).

12. MOTIONS ON NOTICE

a) 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.

b) By Councillor McWilliams

This Council:

- i) Commits to upholding the highest standards of public office
- ii) Encourages all Members, officers and residents alike to avoid unkind, rude and personal attacks and comments against anyone
- iii) Given recent global events, recognises the Office for Democratic Institutions and Human Rights' statement on racism & xenophobia:

"Prejudice or hostility towards a person's race, colour, language, nationality, or national or ethnic origin. While some communities are particularly vulnerable, any ethnic group can be the target of racism. Intolerant discourse in the media or from politicians can lead to increased racist sentiments towards migrants and other minorities, including in the form of scapegoating."

c) By Councillor Knowles

As a council we've had a very disrupted schedule of meetings this year due to Covid 19. Recent meetings have demonstrated that there is too little time in the current schedule of full Council meetings leading to frustration and overlong meetings. When you have too much business to fit into a meeting it makes sense to have more meetings.

This Council amends the calendar of council meetings to establish monthly full Council meetings from this meeting forward until further notice. If there is insufficient business to transact those monthly meetings may be cancelled if required.

d) By Councillor Taylor

This Council:

- i) Recognises the need to promote local businesses and think of inventive ways to help them as well as bringing much needed footfall into our Town Centres.
- ii) Agrees the possibility of a new Artisan Street Market will be pursued, with the view to holding quarterly if successful. This will include local businesses from around the borough.
- iii) If successful, we will extend this idea to Windsor, with the view to create a unique shopping experience in each town centre.

e) By Councillor Sharpe

This Council has no confidence in the Chairman of the Infrastructure Overview and Scrutiny Panel.

(A maximum period of 30 minutes will be allowed for each Motion to be moved,

seconded and debated, including dealing with any amendments. At the expiry of the 30-minute period debate will cease immediately, the mover of the Motion or amendment will have the right of reply before the Motion or amendment is put to the vote).

COUNCIL MOTIONS – PROCEDURE

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

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

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

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

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

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

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

Closure Motions

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

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

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

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

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

Point of order

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

Personal explanation

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