

Public Document Pack

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Recording of Meetings – In line with the council's commitment to transparency the Part I (public) section of the virtual meeting will be streamed live and recorded via Zoom. By participating in the meeting by audio and/or video, you are giving consent to being recorded and acknowledge that the recording will be in the public domain. If you have any questions regarding the council's policy, please speak to the Democratic Services or Legal representative at the meeting

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, 27 April 2021 at 6.15 pm** for the purpose of transacting the business specified in the Agenda set out hereunder.

Dated this Monday, 19 April 2021



Duncan Sharkey
Managing Director

*Reverend Canon Sally 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 23 February 2021 and the Extraordinary meeting of the Council held on 2 March 2021.
(Pages 9 - 74)

3. **DECLARATIONS OF INTEREST**

To receive any declarations of interest
(Pages 75 - 76)

4. **MAYOR'S COMMUNICATIONS**

To receive such communications as the Mayor may desire to place before the Council (Pages 77 - 78)

5. PUBLIC QUESTIONS

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

How will the Royal Borough take advantage of the Government's Changing Places initiative to improve or introduce larger accessible toilets for people who cannot use standard disabled toilets?

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

Highways improvements conducted under the Clewer & Dedworth Improvement Programme were assessed by officers to form a prioritised programme approved by Cabinet. None of these items were prioritised prior to the budget as the council was approving an area improvement scheme not a set of specific highways improvements. Should the CIPFA Report commissioned by this council have mentioned this point?

- c) Adam Bermange of Boyn Hill ward will ask the following question of Councillor Stimson, Lead Member for Climate Change, Sustainability, Parks and Countryside:**

With reference to the governance arrangements included in the Environment and Climate Strategy, please could the Lead Member indicate when the current interim board will be replaced by a full Stakeholder Advisory Board, meeting on a bi-monthly basis as stipulated, and will she provide details of the stakeholder organisations to be represented on the Board?

- d) Adam Bermange of Boyn Hill ward will ask the following question of Councillor Clark, Lead Member for Transport and Infrastructure:**

Would the Lead Member please indicate whether those Active Travel Measures proposals that did attract public support through consultation, including installing a zebra crossing on Boyn Hill Road, will be prioritised and go ahead as part of the 2021/22 Capital Programme and will these projects be eligible for Department for Transport grant funding?

- e) Andrew Hill of Boyn Hill ward will ask the following question of Councillor Coppinger, Lead Member for Planning, Environmental Services and Maidenhead:**

The Wider Area Growth Study part2 was due for delivery last year. Its remit was to "look at supply, capacity and constraints... to identify specific locations within its boundary where housing development could be deliverable and sustainable." Has RBWM received any drafts of this document, and have you now identified which sites could be deliverable and sustainable for housing development?"

- f) Andrew Hill of Boyn Hill ward will ask the following question of Councillor Hilton, Lead Member for Finance and Ascot:**

The demolition of the Nicholson centre was projected to commence as early as July, and will presumably lead to a significant loss of business rate income for several years. What is the estimated loss of income to RBWM during the construction phase, and how will any such losses be balanced in the budget?

(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. PETITION FOR DEBATE - RIVER THAMES SCHEME FUNDING

The Constitution provides for a maximum time of 30 minutes to debate petitions; this can be overruled at the Mayor's discretion.

In accordance with the Constitution, the order of speaking shall be as follows:

- a) The Mayor may invite the relevant officer to set out the background to the petition issue.
- b) The Lead Petitioner to address the meeting on the petition (5 minutes maximum)
- c) The Mayor to invite any relevant Ward Councillors present to address the meeting. (5 minutes maximum each)
- d) The Mayor to invite the relevant officer to provide any further comment.
- e) The Mayor will invite all Members to debate the matter (Rules of Debate as per the Constitution apply)
(Pages 79 - 86)

7. PETITIONS

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

(Notice of the petition must be 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).

8. REFERRALS FROM OTHER BODIES

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

- i) Finance Updates including referrals from Cabinet
- ii) Code of Conduct

9. PROPOSAL FOR THE INTRODUCTION OF TWO NEW PUBLIC SPACES PROTECTION ORDERS (PSPO) IN WINDSOR, MAIDENHEAD AND ASCOT TO ADDRESS DOG FOULING, DOG CONTROL AND CYCLING PROHIBITION AREAS IN MAIDENHEAD AND WINDSOR TOWN CENTRES

To consider the above report
(Pages 153 - 178)

10. CONSTITUTIONAL AMENDMENTS

To consider the above report
(Pages 179 - 234)

11. URGENT DECISION

To consider the above report
(To Follow)

12. MEMBERS' QUESTIONS

No Member questions were submitted.

(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).

13. MOTIONS ON NOTICE

a) By Councillor Bond

The motion is proposed in response to the recently published government white paper on health & social care '[Integration and Innovation](#)'.

This Council:

- i) Notes approvingly that in putting the Integrated Care Systems (ICSs) on a statutory footing and encouraging cooperation rather than competition, it is essentially an evolutionary change rather than a top down reorganisation of the NHS.
- ii) Considers that the following should be part of the development and implementation of the proposals:
 - a. The ICSs should encompass a range of stakeholders including doctors (GPs) to continuing to give them a voice, and local authorities to reflect peoples' 'place-based' experience of health and care services
 - b. Besides continuing to improve collaboration across health and

social care, that decision-making bodies recognise the importance of effective prevention & public health, addressing the social determinants of health and wellbeing, and of mental health services.

iii) Looks forward to the government's proposals on the funding of social care.

b) By Councillor Rayner:

The provision in legislation allowing council meetings to take place virtually ceases on 6 May 2021. High Court proceedings are being pursued to seek confirmation that councils can continue with virtual meetings post 6 May. If this is unsuccessful, to ensure Annual Council can take place in a COVID-safe environment, it is proposed to amend the date of the meeting.

This Council:

- i) Agrees to amend the date of Annual Council from 25 May 2021 to 4 May 2021; and as a result:
- ii) Agrees an Extraordinary meeting of full Council be held on 29 June 2021 to consider the Development Management Review.
- iii) Agrees that for the municipal year 21/22 only, the requirement in the constitution for each Overview and Scrutiny Panel to meet within 30 days of Annual Council be waived (noting all O&S Panels already have a meeting scheduled in June 2021)

c) By Councillor Johnson

This Council believes that all Members should, under Regulation 13 of the (LA Members Allowances) Regs 2003 and as detailed in the RBWM Members' Allowances Scheme, give notice in writing to the Head of Governance that they wish to forgo the indexation applied in 21/22 in relation to the Basic Allowance and any Special Responsibility Allowances they receive.

d) By Councillor Hill

This Council agrees that in the interests of full and open debate all time-limits on debates at full Council meetings be removed and the prerogative for the duration of debates be given solely to the Mayor

(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.

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Public Document Pack Agenda Item 2

COUNCIL - 23.02.21

AT A MEETING OF THE BOROUGH COUNCIL held as a Virtual Meeting on Tuesday, 23rd February, 2021

PRESENT: The Mayor (Councillor John Story), The Deputy Mayor (Councillor Gary Muir)

Councillors John Baldwin, Clive Baskerville, Christine Bateson, Gurpreet Bhangra, Simon Bond, John Bowden, Mandy Brar, Catherine Del Campo, David Cannon, Stuart Carroll, Gerry Clark, David Coppinger, Carole Da Costa, Wisdom Da Costa, Jon Davey, Karen Davies, Phil Haseler, Geoff Hill, David Hilton, Andrew Johnson, Greg Jones, Lynne Jones, Neil Knowles, Ewan Larcombe, Sayonara Luxton, Ross McWilliams, Helen Price, Samantha Rayner, Joshua Reynolds, Julian Sharpe, Shamsul Shelim, Gurch Singh, Donna Stimson, Chris Targowski, Helen Taylor, Amy Tisi, Leo Walters and Simon Werner

Officers: David Cook, Emma Duncan, Louise Freeth, Hilary Hall, Kevin McDaniel, Duncan Sharkey, Adele Taylor, Andrew Vallance, Karen Shepherd and Adrien Waite

ONE MINUTE SILENCE

A one minute silence was held in memory of former Councillor John Fido who had passed away recently.

STATEMENT FROM COUNCILLOR BALDWIN

Councillor Baldwin made the following statement:

At full Council on the 15th of December 2020 I was heard to make what appeared to some Members to be an outburst directed at Councillor McWilliams.

That was not my intention at all. I had unmuted my microphone to raise a point of order just as the study door was opened to let in the family dog, Tito. The angry comments you may have heard were aimed at the two and four-legged miscreants within the Baldwin household and not to Council.

I would like to take this opportunity to apologise directly to Councillor. McWilliams for improperly cutting across his remarks as well as to any other Member who took exception.

The necessary remedial measures have been taken, i.e. a latch on the study door and I can assure Council that there will no repetition of this unfortunate and embarrassing event. Thank you.

76. APOLOGIES FOR ABSENCE

None received

77. COUNCIL MINUTES

RESOLVED UNANIMOUSLY: That:

- i) **The minutes of the Annual meeting held on 15 December 2020 be approved**
- ii) **The minutes of the ordinary meeting held on 15 December 2020 be approved.**

78. DECLARATIONS OF INTEREST

Councillor Price declared a personal interest in relation to item 8i as she was a member of Maidenhead Golf Club. She was advised by the Monitoring Officer that although there was a financial element, the decision on item 8 did not directly relate to the potential payment to members of the golf club. She should however request a dispensation as appropriate for future related decisions.

Councillor C. Da Costa declared a personal interest in item 8i as her son was a Community Warden.

Councillor W. Da Costa declared a personal interest in item 8i as his step-son was a Community Warden.

Councillor Baldwin declared a personal interest in relation to item 8i as he part-owned a property located close to the golf course.

79. 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 had been limited due to COVID-19. These were noted by Council.

80. PUBLIC QUESTIONS

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

If RBWM want to increase their reserves beyond those required to deal with its residual risks could this not be achieved through deferring loan repayments to HM Treasury et al rather than reducing services to residents?

Written response: Any deferral of loan payments would have to be by agreement with HM Treasury which we do not believe is possible according to their terms and conditions of loans. Even if we were to secure agreement, according to the lending terms of the Public Works Loan Board (PWLB) any late payments are potentially liable for interest payments from the date they are due and therefore this would add to our revenue costs overall. This would therefore not be prudent and in fact achieves the converse impact to the one that is trying to be achieved.

By way of a supplementary question, Mr Wilson asked if the Lead Member could advise which schemes he had considered that would increase the reserves of the borough without reducing discretionary services?

Councillor Hilton responded that every issue, discretionary or otherwise, had been considered in detail and there was nothing in the budget that he would choose to change. The approach to arrive at sustainable finances would continue to tackle the issues head on.

b) Sharon Bunce of St Mary's ward asked the following question of Councillor Carroll, Lead Member for Adult Social Care, Children's Services, Health and Mental Health:

Budget Saving #49 will cut £200k from supported living packages. How many adult residents with Learning Disabilities are in supported living within the Borough vs outside the Borough and how many are waiting for a supported living place?

Written response: The savings proposed in adult social care are aligned with the already published adult social care transformation strategy, which was unanimously agreed through the cross-functional Health and Well-being Board and with NHS colleagues, and which is being implemented within the context of the Care Act and the core purpose of adult care and support is to help people to achieve the outcomes that matter to them in their life. The saving proposed is based on a full analysis of those packages to determine the appropriate level of need and funding required. They are not cuts but savings as part of transformation. The council will continue to meet its statutory responsibilities to meet people's assessed and eligible care needs, whilst embracing best practice and emerging evidence on how best to deliver services. Overall, the council is spending more on adult social care in future so whilst there are some savings from existing packages, there is also funding to pay for increased packages if that is what the assessed need is. There are 85 residents with learning disabilities in supported living accommodation, 68 in the Royal Borough and 17 outside of the borough. At the current time, there is no one in immediate need of a placement.

Ms Bunce was not present at the meeting but had submitted a supplementary question in advance, which was read out by the clerk:

Just 85 Adults with Learning Disabilities in the borough are in Supported Living and will be affected by the budget saving of £200,000. Your response to my written question states "The saving proposed is based on a full analysis of those packages to determine the appropriate level of need and funding required." Has this analysis been completed and how many of the 85 are budgeted to have a cheaper package of support?

Councillor Carroll responded that the analysis had been fully completed. He would need to defer on the specific question to the Director of Adult Social Care. He would ensure that the detail would be duly followed up and he would write to Ms Bunce with the additional clarity.

c) Sharon Bunce of St Mary's ward asked the following question of Councillor Carroll, Lead Member for Adult Social Care, Children's Services, Health and Mental Health:

Budget Saving #50 will cut £200k from community / home care packages. How many adult residents with Learning Disabilities currently have a community / home care package and how many are waiting to be assessed for such a package?

Written response: The savings proposed in adult social care are aligned with the already published adult social care transformation strategy, which was unanimously agreed through the cross-functional Health and Well-being Board and with NHS colleagues, and which is being implemented within the context of the Care Act and the core purpose of adult care and support is to help people to achieve the outcomes that matter to them in their life. The saving proposed is based on a full analysis of those packages to determine the appropriate level of need and funding required. They are not cuts but savings as part of transformation. The council will continue to meet its statutory responsibilities to meet people's assessed and eligible care needs, whilst embracing best practice and emerging evidence on how best to deliver services. Overall, the council is spending more on adult social care in future so whilst there are some savings from existing packages, there is also funding to pay for increased packages if that is what the assessed need is. There are 68 residents with learning disabilities with community/homecare packages, 54 in the Royal Borough and 14 outside of the borough. At the current time, there is no one in immediate need of a placement.

Ms Bunce was not present at the meeting but had submitted a supplementary question in advance, which was read out by the clerk:

There are 68 Adults with Learning Disabilities in the borough who have care packages enabling them to live at home or in the community. Saving £200,000 from this budget works out at just under £3,000 per person. What reassurances can you give these adults and their families that a reduction in the care offer will not reduce their safety or wellbeing?

Councillor Carroll responded that the important initial point to make was that no care order was being reduced; this was about transformation and hence why there was a saving to pull through from the transformation. The other vital consideration was that the council had a duty of care that was not just an ethical consideration but a legal requirement under the Care Act to ensure that service user's needs were duly met. On all those levels a very firm and clear assurance could be provided. He would be happy to speak with any individual with concerns to provide additional reassurance.

d) Lisa Hughes of Furze Platt ward asked the following question of Councillor Carroll, Lead Member for Adult Social Care, Children's Services, Health and Mental Health:

Budget Saving #47 halves the spend on Day Services for Adults with Learning Disabilities: Only one English council ranks lower than RBWM in the NHS Digital Adult Social Care Outcomes Framework measure for the percentage of adult social care users who have the amount of social contact they would like. How will RBWM ensure this doesn't worsen?

Written response: The council currently spends £2.3m on day and other care for people with learning disabilities so the saving represents just over 10% of the total

spend. We will continue to meet the needs of all clients who have been assessed as requiring day service support; however, the proposal in relation to the day centres is part of a wider programme to transform the day opportunities offer in the borough. Our aim is to ensure that there are things on offer that appeal to everyone and meet their individual needs, not a one size fits all approach. This is an imperative emerging evidence and independent best practice is encouraging. The only choice that people currently have is to go to a day centre or not go – we want people to have more choices than that. Feedback from clients over the last 12 months has shown that many users of our day services are interested in accessing a wider range of activities, including the opportunity to learn new skills and have new experiences. The new Community Lives day service programme incorporates a blend of traditional services and alternative offers, including an Out and About service which will offer customers a wide range of stimulating new activities as soon as it is safe to do so. We will match the service offer for each customer to their particular needs. We absolutely recognise that there will be a need for some people to have building based services and where needed, that will be provided but on a smaller scale as many of the people currently using the day centres do not need to be building based. What is recognised nationally is that a blend of building-based services, community opportunities including volunteering and leisure, along with direct payments for people who want them, is considered best practice and through our transformed offer, we expect to significantly improve the percentage of adult social care users who have the amount of social contact they would like.

By way of a supplementary question, Ms Hughes stated that people with the most profound and complex learning difficulties any changes to routine such as the closure of Oakbridge day centre would be extremely traumatic. How would each such person's transition to another location be managed to minimise any distress?

Councillor Carroll responded that as part of the proposal there would be a full open 12 week public consultation. Under the ethical and legal framework the council followed on these matters, it would speak with each individual and their family and carers. He would also be happy to speak with any individual or their family should they wish to have additional assurance about that process and next steps.

e) Lisa Hughes of Furze Platt ward asked the following question of Councillor Carroll, Lead Member for Adult Social Care, Children's Services, Health and Mental Health:

Budget Saving #48 will cut £200k from residential care for adults with Learning Disabilities: How many Adults with Learning Disabilities have a residential care place in the Borough vs outside the Borough and how many are waiting for a place?

Written response: *The savings proposed in adult social care are aligned with the already published adult social care transformation strategy, which was unanimously agreed through the cross-functional Health and Well-being Board and with NHS colleagues, and which is being implemented within the context of the Care Act and the core purpose of adult care and support is to help people to achieve the outcomes that matter to them in their life. The saving proposed is based on a full analysis of those packages to determine the appropriate level of need and funding required. They are not cuts but savings as part of transformation. The council will continue to meet its statutory responsibilities to meet people's assessed and eligible care needs, whilst*

embracing best practice and emerging evidence on how best to deliver services. Overall, the council is spending more on adult social care in future so whilst there are some savings from existing packages, there is also funding to pay for increased packages if that is what the assessed need is. There are 58 residents with learning disabilities in residential placements, 11 in the Royal Borough and 47 outside of the borough. At the current time, there is no one in immediate need of a placement.

By way of a supplementary question, Ms Hughes stated that £200,000 was a lot of money to save from the 58 residents with learning disabilities who lived in residential care. 8 of them were already accommodated outside of the borough. As the aim of the budget saving was to deliver value for money, how likely was it that some people would be moved further away from Windsor and Maidenhead if cheaper residential care places were identified elsewhere?

Councillor Carroll responded that the short answer was that they would not be moved further away. There would be a commitment under the framework outlined earlier to ensure that their package of care remained within the borough. The council would work through that with individuals and their carers to ensure the best package of care was provided. This would be subject to consultation and discussion and based on the needs of the individuals.

f) Andrew Hill of Boyn Hill ward asked the following question of Councillor Hilton, Lead Member for Finance and Ascot:

Given the admission by RBWM that the CTRS consultation was unlawful (CO/1251/2020), why wasn't a public paper brought to Cabinet or Council under paragraph 7.2(b) of the Part 5 Scheme of Delegation to Officers, **before the reconsultation**, informing Members and the public of this unlawful act, in order to scrutinise and inform the reconsultation process?

Written response: There was no requirement for the Monitoring Officer to prepare a report because the decision of Full Council made on 25 February 2020 had already been implemented (Council Tax Bills were issued 11 – 13 March 2020) and the Council was subsequently bound by the Consent Order dated 9 July 2020.

By way of a supplementary question, Mr Hill commented that in the written Councillor Hilton appeared to claim that councillors need not expect a formal scrutiny meeting in such circumstances. This did not come from scrutiny, and perhaps that had contributed to the hurried paper that was reissued just a few hours ago. He asked Councillor Hilton to explain in his own words what he understood to be the fundamental things that went wrong when conducting last year's CTRS consultation?

Councillor Hilton responded that he personally did not think anything went wrong. When the council was invited to take it to Judicial Review, at the time, rather than fight the case and spend more council money than was necessary it decided to concede and accept the view that the consultation was unlawful. That did not change the fact that the council was proceeding with the process of the decision made in council to change the discount level.

g) Andrew Hill of Boyn Hill ward asked the following question of Councillor Hilton, Lead Member for Finance and Ascot:

Why has RBWM continued to take the elevated sum (20%) from CTRS recipients, after admitting that the necessary **statutory precondition** for changing the taxation rate - namely, a lawful mandatory consultation by March 11th 2020 - was in fact unmet?

Written response: *The decision of Full Council made on 25 February 2020 had already been implemented and Council Tax Bills had already been issued. The Consent Order did not quash the decision of Full Council and it did not require the fresh consultation and subsequent re-making of the decision to be carried out within a particular timescale.*

The cost of a re-billing exercise in year would be in excess of £50k.

By way of a supplementary question, Mr Hill asked Councillor Hilton to state whether the council tax reduction scheme consultation last year was, in his view, lawful or unlawful? If unlawful could he explain why RBWM considered it fair to continue to collect the elevated tax from those residents with least when he knew the council had not complied with all the statutory preconditions? Was it lawful and was it fair?

Councillor Hilton responded that the question of whether it was lawful or unlawful was irrelevant because it was accepted by officers at the time that it was unlawful. However that did not change the consent order which did not require the council to change the decision. The consent order required the council to reconsult, produce a new Equalities Impact Assessment and remake the decision, with no set time period in which to do that.

h) Alan Gass of Eton and Castle ward asked the following question of Councillor Johnson, Leader of the Council:

How many people:

a) in receipt of CTRS benefit and

b) not in receipt of CTRS benefits

were posted a full paper copy of the consultation including the questions and associated explanatory information?

Written response: *One copy was requested; the person requesting the full paper copy declined to confirm whether they were or were not in receipt of CTRS benefits.*

Mr Gass was not present in the meeting to ask a supplementary question.

i) Alan Gass of Eton and Castle ward asked the following question of Councillor Johnson, Leader of the Council:

Why did RBWM not post a complete paper copy of the consultation including the questions and associated explanatory information to all recipients of CTRS benefits?

Written response: *There was no legal requirement to post a complete paper copy of the consultation. Please see Paragraph 8 of the Council Tax Reduction Scheme report for further details of the various methods used in promotion of the consultation.*

Mr Gass was not present in the meeting to ask a supplementary question.

j) Craig McDermott of Riverside ward asked the following question of Councillor Hilton, Lead Member for Finance and Ascot:

In what way do the budget proposals meet the demands of the council's Environment and Climate Strategy and will they change to reflect the fact that, to avoid climate and environmental catastrophe, the borough will need to reach zero carbon emissions by 2030, as recognised by Slough Council, Wokingham Council and numerous other administrations around the globe?

Written response: When the Environment and Climate Strategy was approved by Cabinet in December 2020 it was made clear that it would be delivered across the council and could only be achieved if everyone worked together from individual residents, to businesses, community groups, as well as external organisations and central government.

Therefore, delivery of the strategy is spread across both our revenue and capital budgets. Some examples include changing the way that waste is collected to help increase recycling rates and supporting investment in digital and transport infrastructure to reduce emissions from transport. We have secured external funding to reduce carbon emissions and energy use from our own estate, investigating alternative approaches to providing heat and will be showing leadership in reducing single use plastics from the council's own activities.

We are committed to the borough being net zero by 2050 at the latest with a credible plan to reduce emissions. The advice prepared by the Climate Change Committee to Government in May 2019 indicated that whilst some sectors could be net zero before 2050, for most sectors the earliest credible date would be 2050. We will continue to review the science and technical advice to make sure that our targets are ambitious and credible.

Our strategy adopts a trajectory of carbon emissions reductions developed by the Tyndall Centre for Climate Change Research. The approach is derived from the commitments within the Paris Agreement, informed by the latest science on climate change. This will accelerate reductions in carbon emissions with a 50% reduction by 2025 and 75% by 2030 and 94% reduction by 2040.

By way of a supplementary question, Mr McDermott asked how much money had been allocated in the budget to tackle climate change?

Councillor Hilton responded that £570,000 had been included in the budget.

k) Mike Copland of Bisham and Cookham ward asked the following question of Councillor Stimson, Lead Member for Climate Change, Sustainability, Parks and Countryside:

Under the proposed budget proposals, will the overall number of Tree officers be maintained, and will the overall number of Planning officers be maintained? This is important to clarify in light of the increasing number of tree-related applications coming forward and the nature of consents required combined with the Council's stated policy to sustain the tree cover.

Written response: *The proposal is to reshape the service to deliver efficiency savings and focus on high priority work. As set out within appendix 1 of the budget report on the agenda, delivery of the saving would involve a reduction in posts.*

By way of a supplementary question, Mr Copland explained that he was speaking on behalf of the seven 'Wild' Groups. There appeared to be an increasing number of applications involving trees and no let-up in the cases of trees being cut down in contravention with planning conditions. Given the intention to focus on high priority work which must risk inadequate oversight in less priority situations, could the Lead Member say what new steps would be taken to ensure those who undertook unapproved 'act first, pay later' destruction of trees were punished to the maximum.

Councillor Stimson responded that work was currently taking place on the tree function. It would move across from planning so ecology, sustainability and planning would all be working together to make the most efficient model and ensure best practice. She therefore did not have the answer immediately as the team had not yet been created. She would therefore ask the Head of Planning to come back to Mr Copland at a later date.

I) Mike Copland of Bisham and Cookham ward asked the following question of Councillor Stimson, Lead Member for Climate Change, Sustainability, Parks and Countryside:

What steps are being taken, in line with the Council's Environment and Climate Strategy, to accelerate specific arboricultural as well as ecology training of Planning officers who, following these cuts, would be responsible for caring for our trees?

Written response: *The responsibility for trees within the borough is currently shared by a number of services, teams and officers, including planning officers, who work collaboratively to deliver outcomes and the proposals would not alter these existing responsibilities. A significant number of planning officers have already attended training courses and webinars in relation to the habitat regulations, ecological issues and biodiversity net gain in the autumn of 2020. Planning officers currently work collaboratively with the trees team to deliver the right outcomes and the proposal would not change this, however if a need for additional training is identified it will be provided.*

By way of a supplementary question, Mr Copland suggested that the council should ring fence payments made in relation to tree protection order conditions so that they could be devoted to maintenance of trees. This would give further reassurance that the council was genuinely concerned about the issue.

Councillor Stimson responded that she thought it was an excellent suggestion and she would put it forward to the tree team, Head of Sustainability and Head of Planning as they planned their new function.

81. PETITIONS

No petitions were submitted.

82. COUNCIL TAX REDUCTION SCHEME

Members considered consultation feedback on a proposal to change council tax reduction levels to bring them into line with other neighbouring authorities and the administration arrangements adopted for Housing Benefit and Universal Credit.

The Monitoring Officer explained that following issues being raised over the lawfulness of the proposed decision, she had sought counsel's advice on the report. Counsel's advice was that the consultation scheme and the decisions proposed were lawful. On the basis of that advice a number of amendments and one correction were made to the published report to clarify the position for Members in reaching their decision at the meeting.

Councillor Baldwin stated that he was very reassured that the intention was to give Members some grounding that what they were being asked to act in a lawful manner. The CTRS Amendment England Regulations 2017 set in law 11 March of the financial year preceding the one in which the proposed revisions would take effect as the deadline for making such a decision. Notwithstanding the Consent Order, Councillor Baldwin questioned why Members were being asked to make the decision for 2020/21 348 days after the statutory deadline.

The Monitoring Officer confirmed that the terms of the Consent Order required the council to remake the decision.

Councillor Hilton introduced the report. He explained that following a challenge in the courts the council accepted that the consultation relating to the 2020/21 CTRS did not meet the required standard and was considered by the judge in the Consent Order to be unlawful. The judge required the council to undertake a fresh consultation, draft a fresh Equalities Impact Assessment (EqIA) and remake the decision in relation to the 2020/21 scheme. As directed, councillors had been provided with the outcome of the refreshed consultation and EqIA, so the council had met all of the conditions of the Consent Order. This was detailed in paragraph 1.8 of the updated report.

The proposal made last year to change the CTRS to a 20% contribution was proposed to continue in 2021/22. As was shown in the table in paragraph 1.11 this level of payment was aligned with the most generous of the six Berkshire unitary authorities where contributions ranged from 35% to 20%. It was not the percentage discount that was important but the actual sum that claimants would pay. The Royal Borough had the lowest council tax outside of London and by far the lowest in Berkshire and the payments that would be made by claimants were therefore lower than the other Berkshire Authorities. The table in paragraph 1.12 showed the level of council tax levied by the Berkshire authorities at band D in 2020/21 and what a claimant on maximum assistance would pay per year. In the Royal Borough it was £278.52, or £62.15 less than the next lowest, and £161.73 less than the average, and he suspected amongst the lowest in the country.

Paragraph 6.2 explained that unlike some, the council retained existing protection for vulnerable customers within the scheme. However, where an affected customer believed they have suffered financial hardship as a result of these changes, the council had existing powers under S13A(1)(c) of the 1992 Act to reduce the amount which a council tax payer was liable to pay, so a safety net was also provided.

Councillor Hilton explained that nothing he had said had changed from the 2020/21 budget. What had changed was the new and more extensive consultation which was

described in paragraph 8 of the report. Additional activities included: a paper flyer on all current consultations that was delivered to all households; a newspaper advert on all live consultations placed with the local press; emails issued to 303 community groups and an email with a copy of the leaflet was sent to over 10,000 council tax payers being the number of email addresses held. The consultation ran for a full 12 weeks. It had solicited 191 responses, 50 more than the previous year. Not surprisingly most of the respondents (58%) did not agreed with the reduced discount. In making the decision Members must conscientiously take into account the feedback from the consultation process.

Councillor Hilton commented that the other ways in which people had proposed to save the money included cutting councillor allowances (13), cutting staff and salaries of senior management (7), and 35 had suggested a council tax increase. The last suggestion was not possible because it would take the council tax above the cap.

Councillor Price stated that she was against the increase as it was unfair that the most vulnerable residents were having to generate £300,000 a year to shore up the books. She was going to look back over the last year as to what had happened and what in her opinion should have happened. Over a year ago in January 2020 the proposal to significantly increase the council tax paid by the poorest residents was considered at the Overview & Scrutiny Panel but as the consultation had not yet been completed the debate, and hence scrutiny, was severely limited. The paper was considered last February at Council and she had spoken then, warning that she feared the consultation was unlawful. Her concerns were dismissed. She had been informed by the Leader that “the consultation had been thorough and robust”.

Council had approved the increases with the poorest residents facing on average a doubling of their council tax. Then COVID hit. Central government had issued a hardship fund “to reduce the...council tax bills of ... people receiving Local Council Tax Support.” She doubted that central government even contemplated that after the application of this fund some poor residents would still be facing an increase, which was what happened in the Royal Borough. The EQIA claimed this was used as mitigation but she questioned what would be used as mitigation when the fund was withdrawn by central government in future years. She also questioned whether it was right for local government to use central funds to mitigate discrimination.

The council decision was challenged in the High Court and a Consent Order was made in July 2020 where the Royal Borough accepted it had failed to carry out a lawful consultation. The Members should had been informed that they had made a decision based on an unlawful consultation. They were not, and were also not informed that this had cost £40,000 in legal costs. If Members had been informed the consultation was unlawful, she suggested they would have examined why to ensure the same mistakes were not repeated and agreed the relevant Scrutiny Panel should look at it in detail. Members were told that the consultation was to be rerun and it would be taken to the Scrutiny Panel, but it was not. She questioned who decided it would not be scrutinised and why.

Members had learned that evening that CTRS recipients were not posted individual letters informing them of the consultation despite the Consent Order stating the Borough “will undertake a fresh consultation in which it consults those persons likely to have an interest in the CTRS”. She felt that meant, without fail, the council should make every effort to consult with each CTRS recipient, but it had not. The council had found the money to post information on the budget consultation (a non-statutory

optional consultation) to 10,000 households, but not for 2,600 of the poorest residents, when this was a mandatory statutory consultation.

Only 27 out of the 2,600 CTRS recipients had responded, which represented 1% (compared to just under 1% the previous year). Councillor Price felt that something must have gone wrong with the consultation to elicit such a low response. A higher response rate than 1% should be expected on something that was going to have such a negative financial impact. Only a total of 191 responses were received, which was incredibly low. According to her calculation, 79% of respondents said no to the increase, a higher proportion than a year ago.

The Consent Order stated that the council would “remake the decision ... in light of the fresh consultation and the fresh EIA”. It had been claimed in the last few weeks that the administration listened and that consultations were held to hear the views of residents, which were valued. Councillor Price commented that their views had been ignored a year ago and if the proposal was approved that evening, residents would be ignored again. Respondents gave their reasons for disagreeing and suggestions for saving money. In both cases she suggested they should these be analysed into key themes. She questioned whether residents’ ideas had been taken on board in the budgeting process

In conclusion, Councillor Price commented that she feared the council had got it wrong again. If the proposal was approved she feared it would be inevitable that the council would be challenged again. The claim from the administration that this was a budget protecting the vulnerable was pure spin. It was not right to place the burden on the poorest residents, and she feared once again for the reputational harm to the Royal Borough. Given the fact that only 1% of CTRS recipients responded she asked the Monitoring Officer to advise gain why the report has not been withdrawn.

Councillor Brar commented that the first consultation had been flawed and the decision challenged in the High Court. The council had accepted it was not lawful. As a councillor she had not been informed of this or how much the legal proceedings had cost. The second consultation had run from 14 October 2020 – 8 January 2021. The total response rate had been 191 versus 141 the previous year. Whether 59% or 79%, the majority were against the proposal.

Councillor Davey referred to the previous comments that the borough had the lowest council tax, particularly in comparison to its neighbours. He had calculated that it was between 22%-42% lower but he questioned whether those councils were better equipped to look after the most needy in the community.

Councillor Hill recalled the brief time he was the lead member for the relevant portfolio. He had deliberately set the amount those with the least ability to pay at 10% as he had felt this was only fair. He questioned why the council had continued to ask them to pay during and post-COVID.

Councillor Johnson stated that it was clear from the report and Councillor Hilton’s comments that it had been recognised that the consultation had not been right the first time. However this had been rectified and Counsel’s opinion was that the reconsultation was legally robust. Overall he believed the proposal was the right thing to do. The council’s positive legacy of a low council tax meant those who had to pay a proportion had to pay less than in other Berkshire authority and most other local

authorities across England. A 20% figure still put the borough in the lowest quartile in Berkshire. Councillor Johnson questioned the suggestion that the council would inevitably be challenged again given the QC opinion. However, if a challenge came it would be dealt with appropriately.

Councillor Hilton concluded the debate. He explained that there was an error in the original report in relation to the percentage of people who did not agree. The correct figure was 59% rather than 79%, with 42% supporting. The margin between the two views was therefore narrower. At the same time as the consultation, 1800 responses were received on libraries which set in perspective the number of people who saw it as an important issue. In the current year, the government had provided £564,000 of funding to support a council tax hardship fund. This was a prescribed scheme of £150 additional reduction in council tax. In the coming year the council would receive £599,000 for a scheme that the council could devise itself. The council planned to replicate the same scheme but it would need to take into consideration the number of people who may be affected. If all else failed, the council had existing powers to reduce the amount a council tax payer was liable to pay and that safety net remained. This should give all Members reassurance if there was a significant requirement it would be supported.

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

RESOLVED: That Council notes the report and in particular notes the feedback from the consultation and:

- i) Approves the existing 20% contribution level for the 2020/21 Council Tax Reduction scheme with effect from 1 April 2020.**
- ii) Approves the continuation of the 20% contribution level for the 2021/22 Council Tax Reduction scheme with effect from 1 April 2021.**
- iii) Re-approves the associated changes to the Council Tax Reduction scheme to align them to rules governing Housing Benefit and Universal Credit.**

Council Tax Reduction Scheme (Motion)	
Councillor John Baldwin	Against
Councillor Clive Baskerville	Against
Councillor Christine Bateson	For
Councillor Gurpreet Bhangra	For
Councillor Simon Bond	Against
Councillor John Bowden	For
Councillor Mandy Brar	Against
Councillor Catherine del Campo	Against
Councillor David Cannon	For
Councillor Stuart Carroll	For
Councillor Gerry Clark	For
Councillor David Coppinger	For
Councillor Carole Da Costa	Against
Councillor Wisdom Da Costa	Against
Councillor Jon Davey	Against
Councillor Karen Davies	Against
Councillor Phil Haseler	For

COUNCIL - 23.02.21

Councillor Geoffrey Hill	Against
Councillor David Hilton	For
Councillor Andrew Johnson	For
Councillor Greg Jones	For
Councillor Lynne Jones	Against
Councillor Neil Knowles	Against
Councillor Ewan Larcombe	Against
Councillor Sayonara Luxton	For
Councillor Ross McWilliams	For
Councillor Gary Muir	For
Councillor Helen Price	Against
Councillor Samantha Rayner	For
Councillor Joshua Reynolds	Against
Councillor Julian Sharpe	For
Councillor Shamsul Shelim	For
Councillor Gurch Singh	Against
Councillor Donna Stimson	For
Councillor John Story	For
Councillor Chris Targowski	For
Councillor Helen Taylor	Against
Councillor Amy Tisi	Against
Councillor Leo Walters	For
Councillor Simon Werner	Against
Carried	

83. REFERRALS FROM OTHER BODIES

i) Budget 2021/22

Members considered the recommendations on the 2021/22 budget from Cabinet.

Mr Ed Wilson, lead petitioner, addressed the meeting. Mr Wilson stated that he was presenting the petition on behalf of 3352 residents who would be holding councillors to account on the matter. The petition requested the council to invest in waste collection services, look after the people who delivered the services and keep the weekly black bin collection. Mr Wilson explained that in 2020 nearly 5000 people signed a petition to return the weekly bin collection post-COVID-19. The council stopped this petition when it had confirmed the return to weekly bin collections. Following that promise in July, there were issues with the collections in August and September. The council had apologised for the shambles in October and told residents in December that they did not need weekly black bin collections after all. He asked if it was any wonder that residents were now calling out the actions of their councillors. Moving to fortnightly black bin collections was a major change to a core service. The majority of councillors had been elected on a clear and unambiguous promise to keep weekly bin collections. Residents had not asked for the change. Councillors therefore had no mandate for the change.

Mr Wilson argued that if the local authority wanted to make the change, it should formally reassess the situation, review the policy and consult on a new one. None of this had happened. The Lead Member has said the council should have changed its policy in the previous year but he had had no mandate to make the change then and he had no mandate to make the change now. There was no policy document, it had just come out drip by drip. Apparently the council was still going to send a bin lorry down each street every week. If there were blue bins half full they would be collected

and if there were black bins overflowing they would be left. If you lived in a flat above shops you would see no change to your service but if you live in houses next door your service would be reduced. If you lived in a block of flats with a communal bin, no change to your service; if you lived in a block with wheelie bins your service would be reduced. If you were unhappy with all that you would get a lecture on recycling, but some of the most ardent recyclers in the borough had signed the petition. Many had said that fortnightly collections would make no difference to their recycling habits whatsoever. RBWM had produced no evidence to prove it would. The council had said that there was no evidence that fortnightly collections would reduce landfill waste so Mr Wilson questioned why councillors were trying to make the proposal out to be a great recycling initiative. Residents would have to put up with three months of turbulence to make this unwanted change according to council staff. After everything that residents had been through in the last year, he questioned if RBWM really wanted to give £4m of new taxes, lectures about recycling and another three months of turbulence. Mr Wilson felt it was just a cost saving in search of a policy. The council was claiming to have consulted residents on the new policy. He did not understand how that could be claimed without a formal policy document or resorting to voodoo. In December councillors told residents that the change had nothing to do with money and that people should take part in the budget consultation. Mr Wilson commented that people could not see what they were being consulted on, could not leave comments or make alternative suggestions. By any standard, no attempt had been made to undertake a clear and fair consultation on such a major change to a core service.

Councillor Hilton thanked Directors and officers across the council, particularly the finance team, for their professionalism and the way they had worked with their respective Cabinet Members. Councillor Hilton explained that the difficult decisions taken in the previous year to correct the cultural and governance issues of the previous leadership, which CIPFA identified, had enabled the council to set aside £3m to reduce the impact on savings this year.

COVID-19 had had the biggest financial impact on local authority finances for decades, pushing some to the point of seeking Government support. It was a testimony to the council's increased financial capability that it would manage the £9.25m impact of COVID-19 in 2021/22 and deliver a balanced budget that set the council on a path to true financial sustainability. Through sound financial planning he was presenting a budget that increased support to the most vulnerable residents and made a significant investment into the borough's local economic recovery post-COVID. This was a budget that continued the transformation and modernisation programme that would ensure the sustainability of crucial frontline services, harness the power of new technology and latest expert thinking, and put the needs of residents at the heart of everything the council did to create a community-centric and data-driven organisation. The council would continue technological innovation in Adult Social Care to improve the quality of life of people leaving hospital through re-enablement so they could remain in their homes and live happy, sustainable lives. The council had strengthened its housing service to ensure that residents sleeping rough or facing homelessness were provided with the best possible help and support. Digital technology would become increasingly important in the delivery of council services. The introduction of Robotic Process Automation, software that could manage routine tasks, would free up staff time so they may have a greater focus on residents.

The council's response to the climate change emergency was part of the transformation. The council wished to encourage recycling rates to rise and it would

change the municipal waste collection to a bi-weekly service. In December Cabinet approved the updated Environment and Climate Strategy. The strategy was created with residents at the centre, not only would they hold the council to account but they would help the council achieve its shared ambitions. To move the strategy into the delivery phase, the budget included £570,000 funding for district heat networks and solar projects as well as to deliver against schemes in the cycle action plan. In support of the strategy in March the Pension Panel would adopt a responsible investing policy and would join with the Local Authority Pension Fund Forum in raising climate change as an issue with the companies with whom it was invested.

Councillor Hilton stated that the budget would continue to support the most vulnerable residents with almost £50m million committed to Adults, Health & Commissioning. It proposed to spend £24m in support of Children's Services, an increase of £1.2m. In such difficult times the council should applaud the success of the Children's Services and Youth Offending Team in achieving an OFSTED rating of good and welcome the £1.5m secured to continue supporting residents facing homelessness.

The budget invested in the future of the borough by taking measures to support the local economic recovery post-COVID through an ambitious capital programme: £35m in new, modern, more environmentally friendly car parking; £16m to support Maidenhead's regeneration, which was crucial to the financial health of the whole borough; £2.3m into ensuring Windsor continued to be a destination post-COVID; and £1.6m into ensuring borough roads were well-maintained.

The budget would maximise the social and financial value of the commercial portfolio. Examples were the refurbished and highly successful York House in Windsor which delivered £680,000 a year in rental income and the plans to invest £11.5m to develop a number of council-owned sites to deliver 56 affordable homes and generate a financial return to the council. The council had made a commitment to regenerate Maidenhead and it welcomed Areli Real Estate's £300m Nicholson Quarter proposals which would transform an ageing town centre into a modern mixed-use space adding bars, cafes, restaurants, homes and flexible working space. The council's joint venture schemes, the Watermark and St Clouds Way, were progressing well and would deliver 653 much needed homes with 33% as affordable including new socially rented homes.

Councillor Hilton commented that the level of development activity in Maidenhead had not happened by chance. The council's determination to regenerate the town, its dynamic property company and pro-growth policies such as a zero rate of Community Infrastructure Levy continued to attract investments. The inward investment would regenerate the town, energise businesses and revitalise the local economy which would be needed more than ever to help recover from COVID-19. The council also had ambitious capital plans for Windsor including working on a £2.3 million plan to improve the public realm and support the visitor, retail and hospitality economy, which did so much to support vital public services.

Working with the LEP the council had secured funding for a review of the A308 from Maidenhead to Old Windsor. A review of Ascot High Street had been completed; the bid made for funding was ranked second in a priority list that could deliver £6m. The council would build on its relationship with the LEP and anticipate opportunities to secure future big highways infrastructure funding packages. The Oaks Leisure Centre remained a key administration priority. In addition, the council was committed to working with the Environment Agency to identify and progress affordable and deliverable flood alleviation schemes that would protect residents' homes from flooding in Datchet and Wraysbury.

Councillor Hilton concluded that the robust budget was agreed only after careful

consideration of all of the options. The leaders of the opposition groups had been asked by the Director of Resources if they wished to table amendments; tellingly none were forthcoming. The council saw it as a duty to continue to support the most vulnerable in the community, particularly during the global pandemic. It would invest in the local economic recovery as people were losing their jobs, their livelihoods and facing difficult economic times. The council was here to say "we are on your side" and use all the levers available to ensure the borough continued to thrive after the pandemic had passed. The council had established a path to financial sustainability and would fulfil its duty to be prudent with taxpayers' money. For next year, it was proposing a Council Tax increase of 1.99% together with a 3% Adult Social Care Precept. Councillor Hilton was confident that residents would not begrudge the additional average £1 a week they would pay to support the most vulnerable residents and to support the council staff. The Royal Borough would still have the lowest council tax in the country outside of London, over £350 less than the Berkshire average. COVID-19 had demonstrated how quickly its officers could successfully adapt to new circumstances. It would not go back to old ways of working but would capitalise on learnings from the past year and continue transformation with innovation, opportunity and financial responsibility at its heart. He commended the budget to Council.

Councillor Johnson thanked the 800 residents, partners businesses and stakeholders who had taken the time to take part in the budget consultation. He noted that no alternative proposals had been submitted by the opposition. He thanked those who made contributions during the scrutiny process.

Councillor Baldwin raised a point of order, quoting Part 9C 3f. The Mayor ruled that this was not a point of order.

Councillor Johnson referred to the budget meeting in 2020 when a difficult budget had been set, a budget to reset the financial trajectory of the council. This was overtaken by the COVID-19 pandemic however had it not been for this the council would have been well on the way to achieving what the budget had been set out to achieve. The opposition had made bold statements in February 2020 that by January 2021 the council may have had to issue a section 114 notice. In fact, last month had ended with a £3m underspend. Councillor Johnson turned to the proposed budget which he stated was a credible and deliverable plan for the borough. It was a plan that would deliver a balanced budget for 2021/22 and the stabilisation of the council's finances during a time when some of the council's neighbours were requesting a government bailout. The budget proposed some difficult decisions and it would be wrong to claim otherwise. It was not a budget that would be proposed in normal times. The administration was proposing a fully costed, consulted upon and balanced budget which continued to see investment in the key areas of adult and children's services, infrastructure and economic growth whilst still retaining the status of one of the lowest levels of council tax in England. This was more important than ever given the financial difficulties many households were facing.

The budget mapped out the long term future of the borough and how it could maximise the economic opportunities of the future. The budget also set out the council's commitment to tackling climate change. The budget would facilitate record sums of investment into the borough for regeneration. It was a budget built on solid principles of low tax yet efficient and well-run services. Of course all would not agree but genuine alternatives should be put forward rather than opposition for opposition

sake. Councillors had a duty to work together in a time of crisis and to promote the borough's interest in the post-pandemic world.

Councillor Bhangra raised a point of order that Councillor Baldwin had deliberately misused the constitution in his earlier point of order. The Mayor ruled this was not a point of order.

Councillor Jones, Opposition Spokesperson, commented that before Members was a comprehensive document detailing the budget proposed for the coming year. She thanked the finance team for providing the more detailed information and officers across the council for their efforts to minimise the drastic cuts proposed that affected council operations and services to residents.

In the report it stated: 'Unlike many other councils, low levels of reserves and the lowest Council Tax in the country outside London, coupled with increasing levels of borrowing, have made the RBWM financial position more challenging'.

The administration had continually said that if it were not for COVID the council would be in a much better place, and what a wonderful success their financial strategy had been in 20/21 with a £3m underspend. In 2020/21 the council had used its £8m contingency therefore the £3m underspend was really just the contingency brought forward.

COVID did affect both costs and Income figures so it was not possible to look at a true comparison to the budget but luckily, central government had ensured that any costs or income losses throughout the year had been fully compensated. So COVID had not affected the council's finances this year. The financial challenge was set out in paragraph 13.2: 'A key risk for the Council is that its finances are not sustainable in the long term and it doesn't have enough reserves to enable it to effectively manage the financial risk it faces in the Medium Term.' Despite the assumption that the council would continue to increase council tax by the maximum allowed for the next 5 years at least, the council was still having to implement £23m of cuts by 2025. Even with all the cuts to services and increases in charges, residents paying a Band D council tax would pay 12.5% more in 2024. In 2020 Councillor Hilton had highlighted the administration's aim to 'future-proof the borough, allow it to protect the vulnerable while supporting the discretionary services enjoyed by residents.' It was clear from the equality impact statement and from the public questions that the vulnerable would be impacted by the cuts.

In relation to discretionary services, Councillor Jones highlighted closing day-centres while reducing the service budget by half was not supporting services in her book. The library service saw a cut to their budget of £265,000 in the current year, another cut of £121,000 was proposed next year and a consultation was out asking to cut the libraries budget of another £292,000 in the future. These were reductions in hours across the borough and closures of the village and community libraries. That was a total of £638,000 pounds from an original budget of just over £2m, a third of the budget gone in two years.

Community wardens was another service applauded by all councillors and at the heart of borough communities. In March 2018 the Cabinet committed to increasing the wardens to 25, last year the cuts to services reduced the number of wardens to 19 but, according to the Lead Member the core aims of the warden team was 'remaining unchanged, namely to build community cohesion and to provide a visible deterrent to crime'. A further cut to community wardens and community safety was proposed of

£300,000. The budget included cuts proposed to day centres, arts centres, community programmes, libraries, bin collections, youth services, council tax discounts, community wardens, and flower displays. There had been increased charges for parking permits, green waste and services to schools. The promised review of discounted resident parking had not seen the light of day and more severe cuts were to follow.

In 2019 Councillor Hilton had stated 'several other councils' compared unfavourably to RBWM and were 'struggling to make ends meet'.... 'proposing cuts to arts funding, road maintenance, libraries, weekly bin collection, while using reserves to support their budget'. It sounded like that RBWM had entered that select group. The reserves were just above the minimum at an estimated £6.7m at the end of the year; just 'adequate' to cover known risks. Recently the River Thames was approximately 30cm away from reproducing the floods of 2014 but there was no budget for emergency response so it would have to come out of reserves and so take the council below the minimum required.

In 2019 the Lead Member at the time stated that the council would be 'debt free, including the pension deficit, in the medium term future'. There was zero chance of that happening, as the council debt in 2024 would hit £250m and the pension deficit was currently over £80m. Last year Councillor Hilton stated that 'The Oaks Leisure Centre remained a borough priority and, in addition, the council was committed to supporting the Lower Thames Scheme that would protect residents' homes from flooding.' Looking at the Capital cashflow in Appendix 4, there was only £10m of the promised £50m expenditure detailed for the River Thames Scheme and there was no mention of the Oaks Leisure Centre despite the report going out to 2035.

Councillor Jones explained that she had asked at Cabinet whether there was a priority list for removal of savings should there be a further underspend. This was not answered so she had assume the answer was 'no'. This was a failure to plan, a failure during the last administration to provide a Corporate Plan that was more than a selection of vote winning proposals. There was still no Corporate Plan for the future and no priorities. The administration had failed in their obligation to set a direction. Due to there being no priority list if there were additional 'one off' funds available during the year she asked for the cuts to community wardens to be postponed to undertake a full review as to the impact on the council and its engagement with communities, of reducing the wardens further and whether there could be a merger of some of the DECO role.

Councillor Jones stated that the decisions the council needed to take were difficult but it should not be in the position of reducing services so far that it would be delivering statutory services only. If Cabinet really wanted to work collegiately then she requested transparency, not a vote for the savings proposals and then a public campaign against them as had been seen in recent weeks which she felt was duplicitous and misleading for the residents. The next couple of years were going to be challenging, the council was not in a good position at the start of the pandemic and it was obvious it did not have the reserves to absorb any negative effect of COVID next year. There were some large assumptions made to balance the budget, including £1m of COVID mitigation from government for Quarter 2. This was not yet guaranteed and may have to be found from the contingency. She questioned whether parking income would start to return to previous levels. It may take time, and it may not ever recover to the same level. The administration was warned about the rising demand on

social care and waste, about officer redundancies and the hollowing out of the core of the council, that excessive borrowing without a cohesive repayment plan was opening the council up to extensive borrowing costs. The warnings were ignored. If the warnings had been heeded, the council would not be in the current situation but it was and it was left with no options as the council was cut to the bone. The administration had failed the electorate and it was now down to the officers, the professionals, to put the council on a firmer footing.

Councillor Jones concluded that cuts were being made to services because there was no choice, and the budget indicated service cuts would continue for the next five years unless there was an increase in funding and a focus on providing a different direction and strategy. Councillor Jones stated that she agreed with the need to increase council tax by the maximum allowed given the financial situation the council was in, there was no choice. She did not agree with the savings proposals as no priorities were set. The administration had been led by opportunists and politicians without any thought as to the consequences of their actions on the council or the residents. Voting for the budget appeared to be comparable to investing in a company without a business plan. To residents this was a 'pay more for less services' budget.

The Head of Governance explained that the petition item at number 6 on the agenda allowed Members to hand in a petition on behalf of residents if notification was given in advance. There was no debate on such petitions. However the council's petition scheme allowed for petitions relating to an item already listed on an agenda to be considered as part of that debate. The petition referred to at the start of the item related to the budget proposals. The lead petitioner therefore had the opportunity to address the meeting. Members should take the petition and the lead petitioners' comments into account during the debate and in the final vote.

Councillor Werner commented that the development of the budget had been interesting, starting with the financial crisis at the council, followed by the damning CIPFA report and followed again by the horrors of COVID and lockdown, which had made it the toughest budget had had ever experienced. It could have been a great opportunity to open up collegiate working but sadly the administration did not take the chance. Every alternative suggestion was rubbished, with the opposition being told they were being negative and playing politics. Councillor Werner felt it was not playing politics to try and save the libraries, the community wardens and the grants to Norden Farm, the Old Court and the SMILE program. It was actually called doing what was promised. He and his colleagues had stood for the council not to play party politics but because they believed in their communities. The council had a duty and a responsibility to be at the centre of the community, to show leadership. That was why they had been attacked so much, because they disagreed and had different world views. However thus was good as it was what democracy was about. Councillor Werner feared that the budget was based on an ideological belief in the small state. The council removing itself from the community, being invisible, left everything to market forces. The medium term financial plan outlined that there were least 5 more years of savage cuts to communities. There was a need to break out of the spiral of decline.

The opposition had positive alternatives that it had proposed over the last year as a way out of the spiral of decline.:

COUNCIL - 23.02.21

- Insourcing – there was a need for resource analysis and bidding properly to prove it would be taken seriously.
- CIL in Maidenhead Town Centre – it was ridiculous that this was currently zero rated
- Service partnership – using the council's gold standard services to sell to other councils
- Invest to earn - not selling off council assets cheaply but turning them into revenue raising initiatives

All these suggestions were either ignored or not resourced. Councillor Werner commented that he presented them again in the hope that you would be treated more responsibly.

Councillor Werner presented what he felt the council would look like with a Liberal Democrat budget. He took Members through the streets of the borough, passing the bin lorries having saved a fortune taking them in-house. Shows were being put on at the Old Court and Norden Farm; both were thriving. Electric cars could be parked in the new car park kitted out properly with electric points, with the electricity produced by a mixture of exciting energy creation projects which were also providing a revenue stream. The town centres were thriving again after COVID with a proper mix of entertainment, independent shops, education facilities and a residents parking discount. Friends could be visited in one of the council's social housing projects, again a social good and a revenue producer

Councillor Werner referred to the fact that he had in recent years given each budget a name. The gamblers budget was one example, the next year was the titanic budget. This year he named it the 'Spiral of Decline' budget or the 'small state' budget'. He requested that the positive alternatives given by the opposition be taken.

Councillor Coppinger referred to the petition relating to waste collections. The proposal to move black bin collections to fortnightly was not about saving money nor was it about making the lives of residents more difficult. It was one of the many steps the council would make in the efforts to achieve Carbon neutrality by 2050 and he sincerely hoped it could be achieved before then. As an added benefit the change would save money through the difference in costs. The change was being made to encourage greater recycling and specifically the use of the food waste bins. It was already known that the government intended to bring in targets for recycling and it was understood that these would be 55% in 2025 and 65% by 2035. Last year 46.8% was achieved although when the services moved to fortnightly collections because of COVID recycling went up to 51%. Overall, the borough was good at recycling and the amount collected in blue bins placed it alongside the top councils although the amount of waste in the black bins put it in the bottom third. It was interesting to look at other councils: 80% collected black bins every two weeks with Bracknell moving to 3 weeks in April. Of the 26 Councils across the country run by Liberal Democrats, 10 did not collect food waste at all, 23 collected waste fortnightly and only 11 collected recycling weekly. There would be a full programme of communication and education before the change happened in June. There was also a large stock of food waste bins available now. This was essential because only a third of all households actually used their food waste bins.

Councillor Coppinger explained that not every property would move to a fortnightly collection. There were 64,000 properties in the borough and 18,000 would stay on a

weekly collection. These included 14,000 who had communal bins and 4,000 with no space for wheeled bins. The council would also continue to collect clinical waste weekly. For a large family of 6 people, the new smaller black bin can be provided with the previous design and of course the council would provide additional blue and food waste bins if necessary. Public health had confirmed that there was no risk with nappies, incontinence wear or dog waste as long as they were in sealed bags.

Councillor Coppinger recognised that the administration did promise to keep a weekly bin collection, but all had learnt so much more about the planet and what each person could do to save it. It was a sign of good governance to be nimble and adapt to changing circumstances. He therefore proposed that the council continue with the change without modification because all knew it to be the right thing to do.

Councillor Coppinger then referred to the issues of CIL and S106 in Central Maidenhead. Developers wanted to build on greenfield sites, not an existing town centre. A site which had ease of access, no demolition problems with high costs, no compulsory purchases orders, low land values and a short build programme. The inward investment that Maidenhead had attracted was estimated at just under £1.4bn. It was important to remember that was not council or ratepayer's money, but for a town that was showing its age and was very tired. In addition were the business rates, council tax income, new homes bonus, and the expenditure that the construction workers would make in the town. Introducing CIL was not just a policy decision. Under the regulations the council could only introduce CIL if it would not make development unviable. Not only did the Inspector not support CIL, the council also had to remove a proposed charge on office development as there was insufficient evidence to support one. The council had of course been able to collect S106 and charged CIL in Maidenhead but outside the centre to a value of almost £3 million.

Councillor Rayner commented that the proposed budget would bring the residents and the local economy to a strong position as it recovered from the pandemic. The investment in services and infrastructure by transforming and modernising would deliver a resilient and agile council taking into account priorities such as governance, climate change and people plans. The priorities were reflected in her portfolio areas. There was still considerable investment in the arts and community of £170,000 which would allow the delivery of services that helped enrich and provide support to residents in relation to loneliness, mental health and education. The museum and tourism information team would be strengthened by sharing premises and help the recovery from COVID. As the museum reopened it would help provide resources and be a destination. The tourism team was vital for the local economy that directly and indirectly benefitted from the huge range of tourism officers in the borough including Windsor Castle, Windsor and Eton Brewery tours, Stanley Spencer Gallery, and Ascot Racecourse. The sector would be critical in the economic recovery.

In relation to IT, Councillor Rayner highlighted the £1.4m investment in Modern Workplace 1 and 2 had created a workforce equipped for Transformation across the council. There was a further £272,000 in the capital budget to strengthen these resources. The library team had released its transformation strategy to show how it would be front facing throughout the borough, meeting the needs of climate change, economic recovery, mental health and digital resources and skills. The consultation would help develop a roadmap of what residents and businesses wanted from their libraries. The budget was also about investing in staff who had brilliantly protected residents, helped businesses and provided essential services during the pandemic. The staff were the best resource in the council and their dedication to residents had

been amazing. She was delighted that the budget included a recommendation for a 2% increase. The administration would bring to April council a motion that councillors should forgo indexation that applied to all allowances.

As Lead Member for Windsor, Councillor Rayner was delighted at the continued investment. In the current year the Clewer Memorial Park project had been completed at a cost of £400,000 which added extra provision for to the local community facilities. Windsor had now achieved Plastic Free status which was a great example how the council was using its resources and engaging with residents to deliver their expectations and vision. The pandemic had opened everyone's eyes to ways to transform communities. One such project was the asset based community project in Clewer and Dedworth. The Castle Hill public realm project of £2.4m continued the work of the Hostile Vehicle Mitigation project which had cost £1m. The scheme was the beginning of a project to give a better look to this area of Windsor, increase footfall and encourage people to 'shop local' and enjoy the huge range of offers. The investment by the council showed external investors that the council meant to support and take part in shaping the future of the inevitable change in town centres. The newly-formed Windsor Board was focussing on joint communications, strategy and resilience.

Councillor Bond paid tribute to the work of the community wardens. He explained that he had been on the Community Action Group for north Maidenhead for about ten years and had been impressed by the depth of local knowledge of the wardens and the neighbourhood police, so essential for dealing with crime and anti-social behaviour. The wardens and police each had their particular role and worked well together, they were always very helpful. He was worried about the effect of the proposals and hoped as much of their work as possible could be retained.

Councillor bond commented that it seemed only recently that the library at Boyn Grove had been opened, when it gave the Conservatives something of a populist headline along the lines of "Look, we're keeping Council Tax down and we're opening a new library". Libraries had a symbolic importance in the relationship between community and government, perhaps even reflected by Margaret Thatcher in a speech to the Royal Academy in the 1980s on her government's support for libraries and the arts. Boyn Grove was accessible on foot or bike from the whole of western Maidenhead. One resident had told him of visiting with a grandchild for the excellent collection of children's books. When it opened, someone had written, "Best thing to come to Maidenhead until Crossrail". Just six years after the official opening the council was proposing to cut its hours and consulting on closing it altogether, even before Crossrail had opened. Another resident had told Councillor Bond that he thought it was a wonderful idea to open the library, adjacent to the play area as a quiet and calm place and that it would be a great shame to close any local library, especially at a time when children would probably need calm places to borrow books for learning as the UK faced a gradual return to normal. The resident could not understand the proposed closure given the investment over the last six years. Councillor Bond stated that he remained open to working with anyone across the community to see if there was a way to keep it viable and open, and he appealed to members of the public who wanted to be actively involved to come forward and give something back to their community.

Councillor Del Campo commented that it may not be known exactly what the borough towns and communities were going to look like post pandemic, but for certain, they would be different. There would be less emphasis on retail and more emphasis on

places where people could meet, connect, eat, drink, learn and share ideas. Places where people could overcome loneliness, something that was particularly acute at the moment. The borough parks, cafés, libraries, arts centres and sports clubs offered residents a vital lifeline, and would help improve mental and physical wellbeing as the borough recovered from the crisis. Councillor Del Campo saw libraries as being central to that recovery. Boyn Grove library was less than seven years old. It was advertised as being dementia friendly on launch and having a sensory room for people with disabilities. It sounded fabulous then and indeed it was fabulous, but it was facing closure.

Councillor Del Campo referred to clause 9.13 of the new Libraries consultation, which said: "Whilst many residents use the library service extensively, few have knowledge of the wide range of services available. This must be improved." On page 1 of the transformation savings proposals, usage of Datchet Library dropped when car-parking charges were introduced and the library was not well used by people in the 'vulnerable' demographic. These pieces of information looked pretty poor when taken in isolation but taken together, they added up to a damning indictment of the attitude of this and previous administrations to the borough's libraries and its most vulnerable residents. Families and early education providers could help a child set out on a reading journey, but for some people, only a library could sustain it. The late, great Sir Terry Pratchett spoke of how he used to walk home from his library laden with books. He wanted to devour the whole library and claimed it taught him more than school ever did. Mary O'Hara, journalist and author had said "Having a library within walking distance of home was a way for a young girl from a poor background to access the same breadth of reading material as anyone else – at no expense. It stripped away at least some of the disadvantage that came with being from a low-income family."

Councillor Del Campo had recently heard a lead member describe the borough's finances as having been cut to the bone. She agreed. The council finances were a Christmas turkey that has been plucked, roasted, carved, and boiled for soup. Now, just as it was fit for the food bin, residents were told it could be 'transformed' into a swan. She did not buy that claim and nor did residents. The budget was a disaster for residents and the borough's communities.

Councillor Tisi commented that the pandemic lockdowns had had a devastating effect on many people with disabilities, older people with dementia and their families. Constant uncertainty over when day services would reopen and the disruption to routines had had a huge impact on mental health. The impact of caring for relatives during the pandemic without respite should not be underestimated. Many people had been shielding loved ones and caring round the clock with much reduced support. She paid tribute to them. They needed to be given a break, which was one reason why day services such as The Oakbridge Centre and Windsor Day Centre in her ward were so valued. She had received many emails from residents who has been in turmoil following the draft budget announcements to close these centres. One of her residents said that the centre had given their relative with dementia a real boost, the staff were so kind and caring. It had also been a huge help to their family, knowing that she was safe and cared for. Families like these were fearful that the services they enjoyed and relied on would be lost with no clear replacement currently set out.

The Lead Member repeated the phrase 'transformation is not a dirty word' so often, Councillor Tisi commented that she wondered if he was trying to convince himself as well as residents. The parents of a young adult in her ward with severe learning disabilities did not want trendy buzzwords. They feared a drastic reduction in the

quality and quantity of provision. Whatever dazzling language was used to present it in consultation questionnaires, the stark reality was that the day services budget would be halved. Councillor Carroll's reassurances that the transition to new services would be carefully managed may be received with scepticism by families who, just before finding out about the proposed closure, had been told in a leaflet 'the sky's the limit; just say it, we'll do it'.

Councillor Tisi did not disagree that there were wide scale improvements to be made to some adult services in RBWM that residents had described as rigid, restricted and outdated. It was important that people with learning disabilities were able to access personalised services that supported them with socialising and health, and for some, employment and building links within their community. However, for some people, the best option may be a day centre experience, delivered by specialist staff in purposely designed buildings like the Oakbridge centre which was only revamped in 2016.

The Equality Impact Assessment acknowledged this need but that it could be delivered in various locations. Councillor Tisi questioned at what further cost was this to the council? Would these smaller buildings have suitable facilities for personal hygiene and other technologies that might be needed to support people with severe learning disabilities. Families had also suggested to her that without suitable day services, they would be more likely to turn to residential care, at greater cost to the council in the long run.

Members had been assured that the voluntary sector would step in to offer a different kind of day service. She sincerely hoped that this would be possible but charities and other community organisations were also having their support removed. With traditional fundraising on hold for now, she questioned how many other community groups were at risk.

It was right that the council looked at the gaps in provision of supported living for young adults with disabilities in RBWM, but it was a huge blow to families that losing day centres seemed to be the price that must be paid to provide this accommodation. It was not a huge group of people but they were being asked to shoulder the biggest burden when according to the Equality and Human Rights Commission, adults with learning disabilities were already in the most disadvantaged group. The budget disproportionately affected the most vulnerable as children with special needs, people with disabilities and older people would bear 90% of the cuts. No meaningful amendment would change that reality and she commented that frankly it would be like putting lipstick on a pig. Therefore she was minded to vote against the budget.

Councillor Davies commented that the budget contained 80 pages of cuts, some of which may benefit the environment and some of which may lessen the borough's capacity to address the climate emergency, yet there was no sense that either of these outcomes was central to the planning. The council was rapidly approaching two years since it unanimously declared a Climate Emergency, and actions spoke louder than words. Whilst this vital area of activity was not explicitly included in the cuts, it was not included in the revenue budget allocations either. The council badly need a joined-up, forward-thinking approach so that short-term financial decisions did not prevent the council from achieving its medium and long term aims, or store up more problems for the whole community down the line.

Councillor Davies commented that as had been recently seen with the Low Traffic Neighbourhood proposals which were resoundingly rejected by residents in Clewer and Dedworth, one-off central government grants tended to come with very specific criteria and may not, as a community, be wanted. The council needed to offer more residents 'carrots' as well as 'sticks', for example the 'sticks' of increased parking charges had not been matched by the 'carrots' of frequent local bus services to encourage their use. Achieving carbon neutrality would not just be a lifestyle choice for the affluent. The council needed to invest to earn if it was to be able to increase the borough's renewable energy generation capacity tenfold by 2025. It needed to leverage the Royal Borough's name in offering group buying schemes for green energy, for solar panels and batteries and for rainwater harvesting. These schemes were being rolled out by other councils across the country. Becoming carbon neutral could be self-funding or could generate income in the long term, but the council needed to plan for that to happen.

Councillor Carole Da Costa commented that she understood that transformation was needed in an ever changing world. She embraced the plan to extend the return to home from hospital provision with the focus on enabling residents to choose the best physical rehabilitation by using intensive community based support services. This would in turn reduce the long term costs of residents who had failed to meet their full physical potential post hospital stay. However, there were concerns around other cuts in the budget. Having worked in maternity services for 20 years, Councillor C. Da Costa agreed that the proposed change in the health assisting service was the least harmful option. If money were not an issue the change to the antenatal visits by the health visitor may or may not have been subject to efficiency scrutiny. Sadly the luxury of analysis and an evidence based decision was not possible.

Councillor C. DaCosta was also concerned about the closure of the two day centres, partly about the provision of support for adults with learning disabilities. A key element should be the quality of life as people should be treated with dignity and respect, kept safe, and supported to take positive risks whilst protected from harm. People should have choice and control over their health and care services. Support and intervention should always be provided in the least restrictive manner. Equitable outcomes compared with the general population should be achieved by addressing health inequalities. With these key factors in mind, she agreed with seeking better life-enriching activities that were provided under than the 'one size fits all' care that day care services provided. However in some cases a day care centre was what was needed. She was concerned that although the proposed changes were in the adult social care transformation programme for March 2022, by moving it forward to April 2021, none of the strategies had been piloted or tested for the availability and quality of alternative services. Councillor C. Da Costa questioned who would provide the activities and the cost and longevity of such services. She also asked what would happen in the transferring period between day care closure and community based activities starting. Individuals using such services needed time to understand and adjust to changes. Short tester sessions with trusted carers walking them through pathways of change were needed which required time and investment in the human element of the transformation. She was concerned that the full time would not be available. A focus on finance could mean the full human cost and investment needed was not documented. Her fear was that the change would not be based on local pilots and therefore not evidence based and the borough could be accused of changes being finance driven rather than best practice based.

Councillor Reynolds commented that one of the main ways members of the public knew about changes that were being proposed in the budget was through the Maidenhead Advertiser. There had been two recent articles on the subject, one from the view of the Opposition and one from the view of the Leader of the Council. Councillor Johnson had commented that he was worried about the level of negativity of the opposition. Councillor Reynolds disagreed with this; as the opposition they were not being negative, rather they were being realistic and showing him what residents really thought. The opposition were being really positive about Windsor and Maidenhead because they loved the area. Twelve months previously when councillors had been asked to put in capital bids, he had put in a bid for capital funding for a new library in Furze Platt. The opposition were positive about their love of community wardens. The community warden in Furze Platt had had an amazing impact on the lives of so many residents who valued her work. The opposition had proposed an alternative way forward for Maidenhead town centre through an invest to earn programme. Councillor Reynolds stated that a difference in opinion was not being negative, or scaremongering. As councillors they had each been elected on a manifesto; the opposition was trying to put forward their vision for the borough.

Councillor W. Da Costa stated that there was a climate emergency. To tackle the climate emergency the council must change the way it thought and change the paradigm. There was a need to 'put money where our mouth is' and also empower people, just as other councils had done. In this new paradigm, the economy was the environment and the environment was the economy, offering the chance to save the planet whilst generating millions of pounds and thousands of jobs in RBWM. The headline summary in the report noted "the Council recognises its commitments with regard to climate resilience and its overall environmental impact." Climate change was listed amongst the key priorities. If the council's focus was truly on saving the planet, and playing its part, then from now on it must focus on achievement in every report. Every report, every investment decision, every budget must be framed in terms of climate change, climate change resilience and biodiversity restoration.

The budget papers showed £165,000 for capital schemes; nothing extra for day to day costs; nothing for River Thames Scheme. Wokingham had a capital budget of £71m over the next 3 years. They were striving to empower all residents. Councillor W. Da Costa highlighted that 100% of Carbon emissions were from the collective activity of all: councils, businesses, and residents. Wokingham were dealing with the key issues and the urgency needed by: investing £14m in alternative transport; £18m in clean energy generation and £19m in carbon reduction. There was also an extra revenue budget to support climate change staffing of £26,000. Cornwall had an annual spend of £2m to climate change, plus a capital budget of £52m over 3 years. They even had a Development Planning Document to guide who can build what, where and how, focusing on carbon reduction, climate change resilience and biodiversity restoration. The money was there if the council was serious from Public Works Loan Board funding, specialist funds, green bonds and funding from residents, businesses and government. The economy was the environment and the environment was the economy. The council had the chance to be in the vanguard and become entrepreneurs in the multi-billion pound green building industry, creating thousands of jobs, generating millions pounds of needed revenue for RBWM and restoring the environment.

This could be achieved by setting the highest standards possible in planning documents for building materials, building methods and always zero Carbon targets,

climate change resilience and biodiversity restoration. Cornwall had started with a Development Planning Document, a headline planning guide that ranked equal to a good Local Plan. The council would need to show ability, vision and guile to lead the way. The council must create schemes that empowered all citizens to quickly achieve zero carbon transport and zero carbon heat and energy sources, climate resilience and biodiversity restoration.

The council must create a development planning document to ensure that every building and development was carbon neutral, built with zero carbon methods based on a borough-wide Biodiversity Action Plan. Councillor W. Da Costa challenged the council to stop failing on the environment. This was what the public expected of the council because there was a climate emergency.

Councillor Price explained that Members were being asked to approve the budget, she did not believe that this would be done knowing how the eye-watering cuts would impact the lives of residents, particularly the vulnerable residents. Despite employing an outside agency to undertake the budget consultation the process only managed to generate responses from 800 or so residents, and yet this was deemed by Cabinet members to be really good. The 800 was far less than the numbers generated in various petitions objecting to the cuts, and yet despite this small response rate Members were told in a press release that this had shaped the budget. The budget was drawn up well before the results were known. She therefore questioned how had the budget changed in light of these results. At Cabinet there were two changes: an increase in funding for the arts and the removal of charges in rural car parking. Due to an error Councillor Price had pointed out, but not admitted publicly, residents were never asked about cuts to the arts funding, so she felt to claim the consultation influenced the change was just spin. The issue of cuts to rural car parks came fifth in the consultation. The first four areas of concern had just been ignored, which included bin collections, community wardens, children's and adult services. Councillor Price therefore commented that to claim the voice of residents was being listened to was just spin.

In relation to the voice of community groups, the paper said just three out of the hundreds and hundreds of voluntary groups had responded despite the Leader saying he was pleased at the number of residents and community groups that had responded. The Leader gave an assurance that the voluntary sector would be consulted, and yet they weren't approached until 15 January, after Councillor Price had alerted officers they were being ignored. The questionnaire was designed for residents not organisations, and whilst engagement sessions were held with staff and businesses none were held with the voluntary sector. They were told to fill in the questionnaire which had been designed for residents and households, not organisations. Members therefore just did not know the impact of the proposed cuts on the voluntary sector and the vulnerable communities they supported.

The impact of the cuts on residents could also be judged through the Equality Impact Assessments. Councillor Price questioned where was the evidence to make such judgements. Scant facts and figures had been provided, with predominantly stage 1 initial screenings. The public questions laid bare the gap in knowledge. In order to demonstrate the council had adhered to the Equality Duty there was clear guidance to public bodies to adhere to six principles. The council had to have 'real consideration'. The EQIAs should not be just a box ticking exercise. Councillor Price suggested that many of the EQIAs were bereft of evidence. The council also had to have 'sufficient evidence'. There was little evidence, facts and figures in the stage 1 screenings to

show the impact of the cuts on vulnerable residents. In her opinion, the council was laying itself open to the charge that it had not adhered to the Equality Duty.

Councillor Price highlighted that if the council did not know the scale of the impact on vulnerable residents, how could it eradicate or, at worst, mitigate the harm of these cuts. The funds were found to stop the charging at the rural car parks, which would have had a negligible negative impact, so she asked why this was prioritised over decisions which would have a high negative impact. Councillor Price concluded that to pretend that the budget would protect the vulnerable was spin.

Councillor Davey highlighted that 5% of Royal Borough residents had tested positive for COVID-19. Members had been told the administration's interim key priority was COVID-19 and top of the Medium Term Financial Strategy list was "Impact of COVID-19", yet one of the biggest budget cuts was to be the RBWM community wardens, potentially reducing the public facing team by over 50%. The decision did not make any logical sense as the community wardens had had a huge positive impact helping residents throughout COVID. Councillor Davey had submitted a budget proposal to the Lead Member but had heard nothing to date. At the very least, the council needed to find funding until a proper impact assessment on losing them had been done.

The Lead Member at the last Cabinet meeting stated that the police were comfortable with the budget plans to lose a significant number of the wardens. He felt it would help Members to see the letter to appreciate the context. Councillor Davey asked who did residents call when they need one to one help; who did the police call when they needed some local backup support and who did councillors call when they needed a resolution to a problem. The answer was the RBWM community warden. Rural parking suddenly got removed at the last Cabinet meeting with the Lead Member saying "our experts in finance will find a way". It turned out the funding was taken from the anticipated underspend when Members were being told money needed to go into reserves. Councillor Davey commented that whichever words were chosen, it was less than transparent.

Community wardens helped the most vulnerable residents, who tended not to be digitally savvy. Community wardens helped residents with neighbour disputes and with local COVID related issues. The community wardens were the council team on the frontline on day one of COVID.

Councillor Davey commented that libraries needed to be treated with much more respect. Budgets were reduced year on year when they could actually evidence they generated 700% added value from every £1 they were given. Telecom companies were putting up 5G masts all over the area which could have added over £200,000 to the budget but apparently they did not have to pay for putting up 20m masts, which did not feel right.

Councillor Davey highlighted that at any moment in time there was only one PC on duty for the whole of Windsor with 3 or 4 PCSOs. Community wardens helped the police with COVID tasks, with County Lines, with community relations. They were the main team on standby to deal with potential flood waters. He understood the £7m for Vicus Way Car Park could be moved to fund the River Thames Scheme Infrastructure Project if there was a willingness to do so. Braywick Leisure Centre, promised only months ago to come out cost neutral, was currently showing a £10m loss. He had

asked for more information on the £4.5m for affordable housing at the start of February from the Lead Member but he was still waiting.

Councillor Davey commented that community wardens had helped him with intel and problem solving. He gave the example of drivers ignoring road closed signs on Dedworth Road. He had alerted highways, the police, lead members, lead officers and others, but it was the community wardens who had responded and found solutions. Councillor Davey felt the £3m parking loss was rather a round figure, laying the ground for the 22/23 budget PR machine to jump into action as tourists flocked to Windsor during the summer, lockdown or no lockdown.

Councillor Davey stated that he felt the council should save the libraries and the community wardens and add an extra £600,000 to the parking losses. In line with the World Economic Forum's strategy to encourage Global Leaders to make the most of the COVID opportunity for a global reset, he suggested announcing a referendum on the council tax. The council simply needed more income and there were only so many financial instruments that could be created before the administration would need to be honest and admit previous administrations had got it wrong and call a referendum. It was not possible to keep cutting services to balance the budget, there was a need to increase income.

Councillor Brar commented that withdrawal of the SMILE programme was another nail in the coffin for vulnerable residents. The scheme had been set up by her in conjunction with former Councillor Pam Proctor in 2004. It made a difference to the lives and wellbeing of residents especially those who were isolated. It was a popular programme that had grown all over the borough. Councillor Brar stated that she would not be able to support the budget as it was just all about cuts.

Councillor Knowles commented that it was the administration who had asked in the budget consultation to raise the council tax above the cap and said they were lobbying Government to have the cap raised; it was detailed in the MTFP.

Capital budgets were set for things as an easy descriptor and not for services, usually financed by borrowing and serviced from revenue budget, the interest payments. Capital profits could become revenue. It followed that the more you borrowed the more it cost to service the debt, not to repay it but to pay down the interest and charges. Repayment came when the project realized profit. The treasury management advisors set 0.6% as the interest rate for all calculations. As a guide an increase in interest rates of 1% added £2.5m to the cost of capital finance for the council's current level of debt. The portion of the reserve risk in the revenue budget was £517,000 which was an increase of just 0.4%. The margins were very small so it would not take much movement to become a problem.

The council's borrowing would reach £218m in the next year requiring repayment of £5,606m next year out of the revenue budget which was 7.05% of the total council tax income, or about £315,000 per tax household, for the scale. As the need to develop and invest in the borough was easily funded through this, if managed properly it should not be a problem, but within this year's capital program a large number of projects had slipped because of COVID, either directly or indirectly. Given the costs of short term borrowing via the Public Works Loan Board were currently being revised, the costs may change soon.

Slippage for the start of or project completion normally had a knock on effect on all the other projects either directly or indirectly connected however there was not a detailed per program risk matrix attached to the annex. There was a summary of the risks based around financial risk but nothing to identify which specific projects they affected or the many other factors affecting project completion or if they were interlinked with other schemes. This struck Councillor Knowles as an omission as knowing the higher risk items and how they worked together helped understand the whole picture and was normal in a publicly funded program management.

Paying down the debt was set out in the Treasury plan. Peak interest payments were £7.868m in 28/29 and the peak income coming in from 24/25 for a few years, if the slippage did not push it further to the right. This delay could adversely affect projected income from projects as well as other spending and increase the borrowing. Section 4.6 in the capital plan stated “disposals of council assets are used to repay short term debt”. He hoped it would not be a fire sale if it all slipped too much.

Councillor Knowles welcomed the move to look at other investment vehicles outlined in the treasury management plan as diversity and revisiting existing arrangements was always good practice. He suggested introducing an element of sustainable investment to complement the climate emergency and plan.

No one was saying borrowing to fund investment was bad, but that there was little deep dive information on the risk and assumptions. The world was changing very fast and risk needed to be on everyone’s mind and published for transparency. That there was a commitment to only adding schemes that were essential and that the council did not make any further substantial investments which were not funded from future receipts, 106, CIL or LEP money. The problem with the latter was the need to borrow part of the funding. Comfort in the control of the process should be provided by the new Capital program board but this needed to be more transparent as they were the gatekeepers of the programme.

Councillor Stimson explained that the development of the budget had been a huge task. Cabinet had been really involved and had to make some difficult choices. The administration also treasured the areas the opposition had referred to but there was a need to balance the budget and be fiscally aware. In relation to her climate change and sustainability portfolio. There had been a concern about the budget for this work so the council had sought more funding. The creative team had secured grants of over £900,000 from central government. Two thirds would be spent on decarbonisation and retro-fitting. Communication of the successes would be undertaken soon. When Councillor Stimson had presented her area at Cabinet she had emphasised that the climate change and sustainability aspect would percolate through each area of the council and this had been the case. For example planning had produced an interim position statement on sustainability and energy efficiency design and would come before Cabinet later that week for approval. If approved, it would be published as guidance and afforded material weight in the planning process. Employee and Member training on carbon literacy would be provided. The library service was leading the way in terms of sustainability and best practice would be shared. A recycling awareness campaign was planned. Should the budget be approved the council would already be heading towards an improved rate of recycling. The fact that bi-weekly collection of residual waste drove up recycling rates was undisputed. The lead petitioner’s rhetoric was damaging to sustainability. There were a number of

inaccuracies in the speech and Councillor Stimson highlighted that no waste in the borough went to landfill.

Councillor Baskerville echoed the comments of Councillor Brar in relation to the SMILE programme which had been set up to reduce the number of trips, falls and strokes that were putting a strain on social services. The scheme had had a significant impact given the small amount of funding therefore closing it was a false economy.

Councillor Cannon was pleased to speak in support of the proposed budget, which despite a uniquely challenging year, secured the council's finances in a much better position than could have possibly been expected earlier in the year and setting the foundations for further sound financial management for the years ahead. There had been a full public consultation on the proposed 21/22 budget and, far as he was aware, none of the opposition councillors or their party leaders, had presented a single funded alternative. Councillors had been given plenty of time to contribute this year, which was the excuse used in recent years for not doing so. However residents had an administration with a coherent vision and a clear plan to manage delivery competently.

The budget included a rationalisation of parking charges to maximise future revenue from tourists post COVID, whilst providing affordable parking for residents in borough car parks, benchmarked against private competition and comparable local shopping destinations. Through consultation with residents, the self-administered residents parking schemes had been converted through residents' choice, to either bring their charges in line with the existing RBWM administered residents parking schemes or returning to unrestricted parking. This would provide equity across all residents benefiting from residents parking schemes. Due to the current finances aggravated by the COVID impact, he had not yet been able to bring in a new residents discount parking scheme as planned but he remained committed to introducing one as soon as it was financially responsible to do so.

Councillor Cannon explained that the budget also included a proposal to reorganise the community warden team and community safety provision into a leaner model, to enable the council to deliver a community-focused, demand-led service, working with partners in supporting the residents. He had been surprised to hear from the opposition the suggestion to adjust Environmental Services Enforcement officers provision to prevent review of the community wardens. This had only been raised today, as an uncosted idea instead of providing a proper proposal in an amendment to the budget.

The borough had remained committed to the Environment Agency River Thames Scheme since the Council decision in 2017 and the administration had demonstrated its commitment to the flood alleviation by retaining the £10 million of funded borrowing in the budget for Thames Flood Alleviation between Black Potts and Bells Weir, to help protect the communities of Datchet, Horton, Wraysbury and Old Windsor. Last summer a responsible fiscal decision was made by the Director of Finance, that the council could not currently commit to be able to afford to borrow a further £43 million, due to the government not yet providing sufficient reassurance that the enabling legislation for a flood levy would be forthcoming, to allow for repayment of such borrowing. This lack of reassurance was despite lobbying of government ministers by the Leader of the Council and Councillor Cannon and considerable lobbying by the local MP Adam Afriyie. This resulted in the Director of Finance being unable to issue a

letter of confirmation to the RTS Sponsorship Group and their subsequent decision to exclude Channel 1 Datchet to Bells Weir from the project, despite the borough wishing to remain committed, whilst continuing to exploring funding.

The Cabinet and Council remained committed to flood alleviation to protect borough communities and this still could be through a future Environment Agency standalone equivalent to Channel 1 but in the interim, the council was working with the EA to identify other deliverable flood alleviation schemes

Councillor Bhangra commented that the budget was presented against a very severe global pandemic which had had a huge impact on council finances as many other councils across the whole country. It was a budget of necessary decisions, but was a budget which balanced the priorities and kept as much money in the pockets of residents as possible. The administration was taking responsibility and had the credibility and expertise under the steadfast leadership of Councillor Johnson to steer the council through the difficult and unprecedented times. It was a remarkable achievement that the council's financial position had been notably improved despite the challenging climate. The administration and officers should be wholeheartedly congratulated for bringing a balanced budget to Members for approval.

Councillor Bhangra commented that the leader of the opposition has said in the Maidenhead Advertiser the previous week that "Norden Farm and Old Court will be taken down to nothing". This was complete misinformation as the council had actually kept the funding for the current year, providing £64,000 as part of the current SLA and an additional £16,000 from an additional pot of £50,000. There was £80,000 for the current year as part of their share in the following year 2021/22 which they would also share and source additional funding with Old Court in Windsor. This was a significant support package that had been put in place in the context of a crippling pandemic and given all local authorities were being financially pummelled. It showed the council's commitment to the arts despite severe pressures. The total package included a minimum £80,000 which could increase with ongoing match funding and other options being actively pursued. In addition, the council would be providing increased support to Norden Farm in terms of marketing, advertising, assistance with financial and commercial offerings, and wider input into Norden Farm Board Meetings. This was a wider economic contribution in terms of time and resources to help Norden Farm.

The council had also supported Norden Farm in securing an arts grant fund of £351,000 by Arts Council England from the Department of Culture, Media and Sport's £1.57bn Culture Recovery Fund including through letters, advocacy and direct campaigning. NHS partnerships with Norden Farm and also the Big Lottery fund applications to assist their funding and ability to be self-sufficient were also being considered. Local businesses partnerships and sponsorship options would also be looked at.

Norden Farm was an important community asset and had a great team. The council would continue to work with the team to allow Norden Farm to become self-sufficient and sustainable. Residents wanted to see a strong and independent Norden Farm. Furthermore, the council would continue to lobby the local MPs and argue to government that a COVID contingency fund for the arts and culture, including libraries, should also be made available to help the arts and culture survive through the pandemic and beyond. The burden could not fall on beleaguered local authorities indefinitely and needed a central government funding solution.

Councillor Bhangra explained that he had jointly contributed £500 from personal allowances at Christmas towards Norden Farm's Ark Appeal. He thanked Councillor Rayner in continuing the funding for arts and culture in the borough by supporting Old Court in Windsor and Norden Farm in Boyn Hill. It was important to continue funding and provide wider support which he and Councillor Carroll would continue to do using areas of personal business and commercial expertise.

Councillor Larcombe stated that he wanted to clarify some facts on the River Thames Scheme. The borough had the Jubilee River built in 2002. The council did not put a penny into it although it cost about £100m. It protected Windsor, Eton and Maidenhead and dumped water further downstream in his ward. The River Thames Scheme had been on the cards since 2003. In 2010 it was proposed with partnership funding. At every stage the borough had spoken about support of the scheme. Councillor Larcombe referred to Appendix 3 section 246 which referred to the EA scheme. The scheme was first agreed by full Council in 2015 at a cost of £10m. A budget provision of £9.55m over the next three financial years was set. However this section did not reference that the cost of the whole scheme was now £640m and the borough's partnership was about £53m and that most of the scheme was going ahead. It was only Channel 1 that was not going ahead, which affected Old Windsor and Runnymede. The other channels, weir widening and other improvements were being funded by Surrey County Council which had borrowed £270m. He did not understand why the borough on one hand said it supported the project whilst on the other hand failing to fund it.

Councillor Singh commented that a 'Borough of Innovation and Opportunity' was a catchy slogan. It was plastered everywhere except within the budget where innovation was sorely lacking, and opportunity had been culled to the point of extinction. The opposition had tried to contribute with fresh ideas, new thinking, and a positive vision. To date the administration had been closed and selfish, determined to pursue its own course. Too proud and too conceited to rely on the experience and expertise within the opposition.

Councillor Werner had reminded him of a time when borough officers used their expertise to raise revenue with favourable cross-authority agreements. The government had recently expanded permitted development rights. In part the changes were aimed at increasing housing opportunities in existing developed areas to help meet the housing needs. If successful, it would ease the need for Green Belt developments which was a particularly thorny issue for the Royal Borough. Householders needed to be aware of the new possibilities. They needed a one stop shop that could tell them what was possible for their property, help them with plans, costings and to find reliable contractors. Someone was going to provide this service so Councillor Singh suggested it could be the council. The borough used to have a duty planning officer, offering a drop-in service to residents. Of course, it used to be free but that was not possible after fourteen years of neglect. However, a price point that made the council more attractive than private architects for small projects was surely possible. It might even be able to run it through the existing RBWM Property Company.

Climate emergency and carbon neutrality also offered an arena in which to raise revenues. An officer or two advising small businesses as they emerged from

lockdown restrictions on energy efficiency, noise pollution and water saving. The council was doing it anyway, for free, through the blunt instrument of enforcement.

Councillor Baldwin commented that for him the genesis of the tragic budget was the shocking revelation in September 2019 that the 19/20 budget overspend forecast had increased from £451,000 to £4.179m overnight. This was long before COVID-19. The policies of Conservative administrations from 2007 had left the council with an artificially low council tax, pathetic reserves and few revenue generating assets to fall back on. The council had a legal requirement to deliver a balanced budget. Cabinet had therefore out of dire necessity put before council a budget with life-altering outcomes for many and reduced services and opportunities for all. If his party had been leading the budget process it would have ensured that residents were given the clearest signal that the proposals represented the sum of the least bad options and that every possible mitigation had been applied. His party would have wanted to show that the pain was equitably shared geographically, socially, economically and culturally. To do this they would have involved all appropriate members of the opposition in every meeting during which alternatives were discussed so that no one could harbour any doubts about the transparency of the process or be in any doubt that this was the least worst option. Had this course been taken no one could have voted against the recommendations.

Councillor Baldwin commented that this resulted in the unedifying sight of lead members voting for the budget and then the following week trying to avoid the cuts falling in their wards. The Head of Finance had said the savings would only be achieved if library transformation was implemented in full.

Councillor Hill commented that in February 2018 he had called the budget insanely speculative, for which he had been mercilessly chastised. The proposed budget balanced but he questioned at what cost. The borough was about to lose libraries, day centres, valuable community support services, coupled with sneaky taxes like parking charges for parents dropping children off at the kiss & drop in Braywick park.

The debt pile was the size of Everest and growing. By the end of the financial year, the forecast debt pile was £211m with interest payments of £5.24m per annum. By 2023/24 this pile was forecast to reach £251m with interest payments of £7.8m per annum. The plan was to pay this down by 2035/36 to a mere £34m. Councillor Hill commented that a cynic might say this would be achieved either via a fire sale of public assets or the disposal of the publicly owned Maidenhead Golf Club or both. If it was the sale of Maidenhead Golf Club then the budget was potentially fatally flawed as the sale had been concluded with the Golf Club as yet nor had the Inspector delivered a verdict on the Borough Local Plan.

Councillor Hill commented that for him the budget demonstrated clearly the failings of the administration and their inability to change course, think creatively and build the borough for the future. It was still speculative as the capital receipts forecasted in the Treasury Management Report were by no means certain. He asked for more real collaboration, understanding and to take on board suggestions from the opposition groups.

Councillor Carroll highlighted that the budget was formulated on the back of a far reaching and wide ranging consultation. A number of bizarre metaphors had been

used by the opposition but in his view the elephant in the room was that no amendments or solution had been put forward by the opposition.

At the heart of the budget were plans to protect vulnerable people and furthering service excellence exemplified by the budget for adult social care and health and commissioning going up by £2m. The Children's Services budget would be going up by £1m. Councillor Carroll thanked all the officers who continued to provide excellent services even during the difficult times of the pandemic. He provided the example of the DASH charity. Domestic abuse had increased in the pandemic therefore the council had decided to put in additional funding to enable DASH to receive the same level of funding. In relation to opportunity and innovation the proposals would help to maximise life chances, health outcomes and independence. Transformation was a very positive word. There was a need to embrace technological change, best practice and evidence to further the vital services. In terms of day centres, the council was looking at the evidence for the need for a more blended approach. Councillor Carroll thanked Councillor C. Da Costa for her constructive comments. He reassured on the need to undertake consultation which was required by law under the Care Act but also underpinned the council's ethical principles. There was also a need to look at better commissioning. There was so much in the budget about young people including continued resourcing of youth services, schools, and an ambitious mental health strategy. Young people focussed on the issue of climate change. This was a mandate and a responsibility as young people mattered.

Councillor McWilliams commented that the budget intended to take sensible financial decisions, support vulnerable people and invest in the future and economic recovery of the borough.

He welcomed the £1.5m of support to people facing homelessness. The officers would continue to look for additional grant funding over the next year to build on the success of the current year. The last year had been one of the most challenging for any housing service. Councillor McWilliams highlighted the important work on transformation over the last three years. This had helped to set out a clear set of values, strong management and talented officers putting residents at the heart of everything the council did using modern technology. Last year 168 people had been helped to avoid homelessness, 92 people were prevented from becoming homeless and 76 received relief support. £1.4bn of inward investment to Maidenhead was an astonishing amount. He had grown up in Maidenhead and highlighted that the regeneration was now taking place.

In relation to communications, Councillor McWilliams stated that the council was on a transformative cultural journey. The Leader's approach was to open the council up and be more transparent. For the first time a public consultation on the budget had been held using all manner of technology available. Over 800 people had responded. This compared to just under 100 in other boroughs and just over 1000 in the much larger unitary Bucks Council. The consultation had been a success that would be built upon.

Councillor Bateson highlighted that the opposition did not like the budget and had used phrases such as 'eye-watering', 'not realistic', 'living in another world' and 'nail in the coffin'. However they had not given alternatives. Residents did not want a high council tax as after a mortgage council tax was the next biggest outgoing for a home owner.

Councillor Clark commented that he had hoped for a more positive debate. The opposition seemed to be divided into two camps – either ‘Private Frasers’ saying ‘we’re all doomed’ or fairy-tale tellers waiting for a good fairy to wave a magic wand. He suggested Councillor Werner’s budget could be called a fairy-tale budget. The budget had to by law be balanced and had to protect the vulnerable at a very difficult time. It also had to deliver the borough onto a path to recover from COVID.

Councillor Hilton responded to comments made earlier in the debate. He commented that he had inherited a budget in 2007 from the previous Liberal Democrat administration. Two weeks into the role officers had told him that there was a £1m hole in the budget and just £4.8m in reserves. Reserves were low then and had stayed lower than they should have been. He did not blame Councillor Werner as reserves were the responsibility of the Section 151 officer. Section 25 of the Local Government Act 2003 stated that the Section 151 Officer was required to assess the reserves and state they were adequate. This was a legacy issue that would be resolved. In reference to Councillor Jones’ comment that COVID was not the council’s problem Councillor Hilton commented that it was true that in the current year COVID costs had been mitigated by government funding but a £3m underspend had also been achieved. Councillor Jones also seemed to think that the implications of COVID would cease on 1 April but this was not the case. The Section 151 officer had highlighted in the report that there was a £9.25m impact in the following year. She had lauded the officers but not so in 2021/22, which could be considered an insult.

Councillor Hilton referred to Councillor Werner’s suggestion to raise CIL in Maidenhead when this was not possible. If it had have done it would not have led to the £1.3bn of investment in the town. He had said that the council should not sell off assets but invest in revenue generating assets. Councillor Hilton referred to three projects that would do just that: York House, Vicus Way car park and affordable housing. He commented that Councillor Werner was in attendance at a meeting when the issues of insourcing were discussed. The council had asked CIPFA to undertake an independent review of both Optalis and AfC. The recommendation was to retain both contracts.

The ability to spend more money on services relied on an administration with competence and capability to resolve the COVID problems. The administration had put the CIPFA issued behind it, recruited staff to help build a better financial future and demonstrated the leadership and competence to set the council on the path to sustainable finances.

Councillor Jones requested a personal explanation as she had been named and words were put in her mouth that she had not said. She stated that she would never insult an officer and her comments had been taken out of context.

Councillor Werner requested a personal explanation as everything he said had been misrepresented. He had put forward a series of proposals to enable the council to escape from its spiral of decline. Some of his suggestions had been called fantasies but many other councils had implemented them successfully. He had also proposed how his suggestions could be financed including insourcing, CIL and invest to save.

Councillor Hilton responded that he recognised that Councillor Jones would not have overtly set out to offend the Director of Resources and he therefore apologised. He

also commented that COVID would be an issue in the following year, an issue that Councillor Jones seemed to deny.

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

RESOLVED: That Council considers and:

Appendix 1 – Revenue Budget

- i) Approves the 2021/22 Net Budget of £105.725m, consisting of:**
 - a. The proposed new growth in service budgets of £3.124m as set out in Annex D to Appendix 1;**
 - b. The proposed Covid-19 growth in service budgets of £9.251m as set out in Annex E to Appendix 1;**
 - c. The proposed new savings opportunities of £5.630m as set out in Annex F to Appendix 1;**
 - d. The associated contribution from Earmarked Reserves of £3.170m as set out in paragraph Error! Reference source not found., and the level of contingency as £2.812m as set out in paragraph Error! Reference source not found.;**
- ii) Approves the calculations for determining the Council Tax Requirement for 2021/22, in accordance with the Local Government Finance Act 1992, as set out in Annex G1 to Appendix 1, consisting of:**
 - a. A Council Tax Requirement of £79.470m.**
 - b. A Band D charge of £1,131.17 for the Royal Borough of Windsor and Maidenhead in 2021/22, reflecting an overall increase of 4.99%, based on:**
 - i. A 1.99% increase in base Council Tax taking the charge to £1,003.39 for 2021/22;**
 - ii. An additional 3% to reflect an increase in the Adult Social Care Precept which is proposed as £127.78;**
 - c. The Special Expenses Precept reducing to £33.90 for 2021/22 for the unparished areas of Windsor and Maidenhead in accordance with Section 35 of the Local Government Finance Act 1992, as set out in Annex G2 to Appendix 1;**
- iii) Notes the following Precepts by partner organisations:**
 - i. The Police and Crime Commissioner for Thames Valley – £231.28, as set out in Annex G3 to Appendix 1**
 - ii. The Royal Berkshire Fire Authority – £68.95 as set out in Annex G3 to Appendix 1;**
 - iii. Parish Precepts as set out in Annex G3 to Appendix 1, as notified by the individual Parish Precepts;**
- i) Approves the allocation of the £133.918m Dedicated Schools Grant as set out in Annex H to Appendix 1, and delegated authority be given to the Director of Children’s Services and S151 officer in consultation with the Lead Members for Finance and Adult Social Care, Children’s**

and Health Services to amend the total schools' budget to reflect the actual Dedicated Schools Grant levels once received.

- ii) Approves delegated authority to the Grants Panel to award community grants for the 2021/22 annual round and publish the decisions following the Grants Panel.

Appendix 2 – Fees and Charges

That Council considers and approves:

- i) The Fees and Charges for 2021/22 as set out in Annex A to Appendix 2.
- ii) Delegated authority is extended to the Director for Adults, Health and Commissioning, in liaison with the Lead Member for Adult Social Care, Children's and Health Services, to set the Direct Payments Standard Rate (p20 of Annex A to Appendix 2).

Appendix 3 – Capital

That Council considers and approves:

- i) The Capital Strategy 2021/22 – 2023/24 as set out in Annex A to Appendix 3 of this report.
- iii) The consolidated Capital Programme for 2020/21 – 2022/23, including previously approved schemes, proposed new schemes and forecast slippage from 2020/21 into 2021/22 as set out in Annexes B1 – 6 to Appendix 3 of this report.
- ii) The capital variances and forecast slippage recommended by Cabinet at its meeting on 28 January 2021, as included within the Finance Update report.

Appendix 4 – Treasury Management

That Council considers and approves:

- i) The Council's Treasury Management Strategy for 2021/22 as set out in Appendix 4 of this report, including
 - a. The proposed Lending Counterparty Criteria;
 - b. The continuation of the current Minimum Revenue Provision Policy for 2021/22.
- iv) The Council's Treasury Management Policies as set out in Annex A to Appendix 4 of this report;
- v) The Council's Prudential Indicators as set out in Annex B to Appendix 4 of this report

Appendix 5 – Pay Policy Statement

That Council considers and approves:

- i) The Council’s updated Pay Policy Statement Strategy for 2021/22 as set out in Appendix 5 of this report, noting that Sections 2.9, 3.3, 3.4, 4.2, 4.3 and 4.5 of that appendix will be updated following Council’s decision regarding the 2021 staff pay award.

Appendix 6 – Proposed Pay Award

That Council considers and approves:

- i) The Council’s proposed Pay Award for 2021/22 as set out in Appendix 6 of this report.
- vi) Approves a revision to the Council’s pay structure, with a new minimum pay point of Grade 2, point 20 at a rate of £10 per hour at a cost of £18,382. This would equate to a minimum increase of 2.14% for those paid less than £10 per hour.
- vii) Approves a pay award of 2% to those not impacted by the £10 per hour increase, with effect from 1 April 2021 at an estimated cost of £431,426.
- viii) Approves the increase in the apprentice rates from April 2021, retaining the current differentials between employees who are under 18 and aged 20.
- ix) Approves an increase in Members’ Allowances of 2% in line with the employee pay award, as required by Section 17 of the Members’ Allowances Scheme and agreed by Council in October 2020.

Appendix 7 – Feedback from Overview and Scrutiny Panels / Public Consultation

- i) That Council considers, and has due regard to, the contents of Appendix 7.

2021/22 budget (Motion)	
Councillor John Baldwin	Against
Councillor Clive Baskerville	Against
Councillor Christine Bateson	For
Councillor Gurpreet Bhangra	For
Councillor Simon Bond	Against
Councillor John Bowden	For
Councillor Mandy Brar	Against
Councillor Catherine del Campo	Against
Councillor David Cannon	For
Councillor Stuart Carroll	For
Councillor Gerry Clark	For
Councillor David Coppinger	For
Councillor Carole Da Costa	Against
Councillor Wisdom Da Costa	Against
Councillor Jon Davey	Against
Councillor Karen Davies	Against

COUNCIL - 23.02.21

Councillor Phil Haseler	For
Councillor Geoffrey Hill	Against
Councillor David Hilton	For
Councillor Andrew Johnson	For
Councillor Greg Jones	For
Councillor Lynne Jones	Against
Councillor Neil Knowles	Against
Councillor Ewan Larcombe	Against
Councillor Sayonara Luxton	For
Councillor Ross McWilliams	For
Councillor Gary Muir	For
Councillor Helen Price	Against
Councillor Samantha Rayner	For
Councillor Joshua Reynolds	Against
Councillor Julian Sharpe	For
Councillor Shamsul Shelim	For
Councillor Gurch Singh	Against
Councillor Donna Stimson	For
Councillor John Story	For
Councillor Chris Targowski	For
Councillor Helen Taylor	Against
Councillor Amy Tisi	Against
Councillor Leo Walters	For
Councillor Simon Werner	Against
Carried	

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AT AN EXTRAORDINARY MEETING OF THE BOROUGH COUNCIL held as a Virtual Meeting on Tuesday, 2nd March, 2021

PRESENT: The Mayor (Councillor John Story), The Deputy Mayor (Councillor Gary Muir)

Councillors John Baldwin, Clive Baskerville, Christine Bateson, Gurpreet Bhangra, Simon Bond, John Bowden, Mandy Brar, Catherine Del Campo, David Cannon, Stuart Carroll, Gerry Clark, David Coppinger, Carole Da Costa, Wisdom Da Costa, Jon Davey, Karen Davies, Phil Haseler, Geoff Hill, David Hilton, Maureen Hunt, Andrew Johnson, Greg Jones, Lynne Jones, Neil Knowles, Ewan Larcombe, Sayonara Luxton, Ross McWilliams, Helen Price, Samantha Rayner, Joshua Reynolds, Julian Sharpe, Shamsul Shelim, Gurch Singh, Donna Stimson, Chris Targowski, Helen Taylor, Amy Tisi, Leo Walters and Simon Werner

Officers: David Cook, Emma Duncan, Suzanne Martin, Kevin McDaniel, Barbara Richardson, Duncan Sharkey, Adele Taylor, Karen Shepherd and Adrien Waite

84. APOLOGIES FOR ABSENCE

None received

85. DECLARATIONS OF INTEREST

Councillor Rayner declared a personal interest in the item 'Petition for Debate – Maidenhead Golf Course/Great Park' as several of the sites listed in Appendix 2 were owned by her family. She would not participate in the debate or vote on the item.

Councillor Price declared an interest in the item 'Petition for Debate – Maidenhead Golf Course/Great Park' as she was a member of the golf club. The Monitoring Officer confirmed that as Councillor Price's interest was a potentially prejudicial interest, she had granted Councillor Price a dispensation to enable her to speak on the item as a local member to facilitate the debate.

86. PUBLIC QUESTIONS

a) Alison Carpenter of Eton and Castle ward asked the following question of Councillor Hilton, Lead Member for Finance and Ascot:

I am concerned that the tone of the funding section of the leaflet is unreasonably focussing on potential costs to residents rather than the potential benefits. Can it be amended to show competencies will be tailored towards the available budget e.g., there is no precedent, as highlighted in section 6.36 for WTC to take on responsibility for street lighting?

Written response from Councillor Cannon (Vice Chairman on behalf of the Community Governance Review Working Group) as per Part 2 C9.2 of the council constitution: *Both the draft recommendations document and the consultation leaflet for the second stage consultation on the potential for a Windsor Town Council have been drafted by the cross-party Member Working Group following detailed*

consideration of the responses to the first round of consultation and research undertaken into establishing a town council.

Whilst it is recognised that many respondents to the first round of consultation were supportive of the concept of a Windsor Town Council, some respondents raised concerns and questions about the potential costs of an additional layer of local government. The Working Group felt it was important to include in the draft recommendations a detailed explanation of how a town council is funded, the administrative costs of running a town council and the potential impact on the precept for services provided by a town council. Aside of the precept other opportunities for revenue raising are not guaranteed and therefore cannot be relied upon to meet the funding needs of the town council. Table 5 in the draft recommendations document lists the precept for a number of other town councils in Berkshire providing a realistic comparison of potential costs.

The aim of the leaflet is to raise awareness of the consultation and encourage people to respond, having considered all the information in the draft recommendations document which will be published on the website if approved by full Council. The leaflet includes a section on potential costs but also includes a section on the benefits of a town council therefore presents a balanced approach to the issue.

By way of a supplementary question, Ms Carpenter Alison Carpenter asked what did the panel envisage in terms of other services that the principal council might look at transferring in the first year? What safeguarding was there to protect a Town Council from the borough offloading competencies and costs?

Councillor Cannon responded that the Working Group would be working with officers to understand what were the appropriate services to transfer to equate to the Special Area Expense that paid for the precept. The only service definitely being transferred was allotments as that was a statutory requirement. After the second consultation period, these would come back to the full Council to decide if they were appropriate.

b) John Webb of Clewer and Dedworth East ward asked the following question of Councillor Hilton, Lead Member for Finance and Ascot:

Why is panel proposing to set YR1 precept at £34.31 when staff/overhead costs plus the cost of allotments (the only service that can be mandated for WTC initially) adds up to far less than £470k raised by precept?

Surely precept MUST only be set based on known costs and any additional competencies can ONLY be negotiated by elected town councillors/RBWM?

Written response from Councillor Cannon (Vice Chairman on behalf of the Community Governance Review Working Group) as per Part 2 C9.2 of the council constitution: *If a Windsor Town Council were to be established, elections would take place in May 2023. However the precept would need to be set as part of the overall council tax in February 2023. As no town councillors will have been elected at this point, it would be up to RBWM as the principal council, to set the precept for the first year of the town council's existence. The principal council is able to determine the services that will be provided by the town council in the first year and therefore determine the required precept. The assets and services transferred would include allotments as this is a statutory requirement, and other services to be determined. As*

detailed in the draft recommendations, further significant work would be required by the council to determine which other assets and services would be appropriate for transfer in the first year and these would not necessarily be those currently covered by the Special Area Expenses Account.

Once a Town Council had been established, RBWM would work with the elected town councillors to discuss the potential for any future service or asset transfer.

By way of a supplementary question, Mr Webb asked, having been forced to accept the competencies in year one, what provision was there in year two if the Town Council democratically decided to discontinue some of those services, would they revert back to the borough? Would it not make more sense if elected town councillors started with a bare bones set of competencies and then decided which competencies they would take on in year two?

Councillor Cannon responded that it was not for the embryonic Windsor Town Council to decide what to take on or not take on. The proposal would be what the council proposed would be the services taken on. Anyone standing for election to the Town Council would therefore be standing for election in this knowledge. Any discussions that would take place after would be between the Windsor Town Council and the borough about additional services or those they wished to surrender.

c) Claire Milne of Old Windsor ward asked the following question of Councillor Hilton, Lead Member for Finance and Ascot:

Why is the wording formulated in a negative way to talk about increases rather than possibility of decreases of precept? There is no balance to this approach, as there are opportunities for other revenue raising which are not mentioned.

Written response from Councillor Cannon (Vice Chairman on behalf of the Community Governance Review Working Group) as per Part 2 C9.2 of the council constitution: *Both the draft recommendations document and the consultation leaflet for the second stage consultation on the potential for a Windsor Town Council have been drafted by the cross-party Member Working Group following detailed consideration of the responses to the first round of consultation and research undertaken into establishing a town council.*

Whilst it is recognised that many respondents to the first round of consultation were supportive of the concept of a Windsor Town Council, some respondents raised concerns and questions about the potential costs of an additional layer of local government. The Working Group felt it was important to include in the draft recommendations a detailed explanation of how a town council is funded, the administrative costs of running a town council and the potential impact on the precept for services provided by a town council. Aside of the precept other opportunities for revenue raising are not guaranteed and therefore cannot be relied upon to meet the funding needs of the town council. Table 5 in the draft recommendations document lists the precept for a number of other town councils in Berkshire providing a realistic comparison of potential costs.

The aim of the leaflet is to raise awareness of the consultation and encourage people to respond, having considered all the information in the draft recommendations document which will be published on the website if approved by full Council. The

leaflet includes a section on potential costs but also includes a section on the benefits of a town council therefore presents a balanced approach to the issue.

By way of a supplementary question, Ms Milne asked, if in the report there was a bare bones recommendation for the town council in the first year with limited competencies, why was it illustrated that the precept would be set at £34.31. She asked why could it not be illustrated as less, for example half that, £17.16, in the first year which would be more than sufficient to cover the running costs for a bare bones Town Council with just allotments and a few other things?

Councillor Cannon responded that if a Windsor Town Council was to come into existence they were entitled to the SAE which was £34. If that money transferred to the Town Council, this would leave a hole in the Royal Borough finances so the competencies and liabilities equivalent to that would have to move across at the same time. If they did not, the whole borough would have the liability for the matters which should be transferring to Windsor Town Council. The situation was that any extra layer of government came with a cost. As all parish councils knew there was a cost of administration. The council had to balance its books rather than penalise the whole borough for the benefit of the people in Windsor who would like a Windsor Town Council. Therefore the precept would be a minimum of £34.31 plus any costs of administration including clerk's wages. This was what the consultation would be about and all views provided would be taken into consideration by the Working Group who would then make a final recommendation to full Council.

d) John Holland of Eton & Castle ward asked the following question of Councillor Hilton, Lead Member for Finance and Ascot:

Will the Windsor Town Council steering committee be consulted on the draft 2nd stage public consultation leaflet on the formation of a Windsor Town Council?

Written response from Councillor Cannon (Vice Chairman on behalf of the Community Governance Review Working Group) as per Part 2 C9.2 of the council constitution: *RBWM, as the principal authority, is responsible for undertaking the Community Governance Review pursuant to the provisions of the Local Government and Public Involvement in Health Act 2007, including determining the appropriate methods of consultation. In July 2020 the full Council agreed to set up a cross-party Working Group to steer the process and present draft and final recommendations to the full Council; the draft recommendations are being presented at the meeting on 2 March 2021. The final decision on the form of consultation therefore rests with full Council and there is no requirement to consult on the methodology with any external group or individual. The 'Windsor Town Council steering group' is an independent group not connected to RBWM.*

If full Council approves the draft recommendation on 2 March 2021, the second stage of the consultation will begin immediately and run for a three month period. All interested parties, including the Windsor Town Council steering group, are encouraged to respond to the consultation in that period.

Mr Holland confirmed that he did not wish to ask a supplementary question.

- e) **Richard Endacott of Clewer and Dedworth West ward asked the following question of Councillor Hilton, Lead Member for Finance and Ascot:**

There is a contradiction between information in section 6.31 of Appendix A and the leaflet which suggests the Town Council would be responsible for delivering of the following services: allotments and other services to be determined.

Can you confirm that services and assets taken on by a Town Council can only be determined once the councillors are elected?

Written response from Councillor Cannon (Vice Chairman on behalf of the Community Governance Review Working Group) as per Part 2 C9.2 of the council constitution: *If a Windsor Town Council were to be established, elections would take place in May 2023. However the precept would need to be set as part of the overall council tax in February 2023. As no town councillors will have been elected at this point, it would be up to RBWM as the principal council, to set the precept for the first year of the town council's existence. The principal council is able to determine the services that will be provided by the town council in the first year and therefore determine the required precept. The assets and services transferred would include allotments as this is a statutory requirement, and other services to be determined. As detailed in the draft recommendations, further significant work would be required by the council to determine which other assets and services would be appropriate for transfer in the first year and these would not necessarily be those currently covered by the Special Area Expenses Account.*

Once a Town Council had been established, RBWM would work with the elected town councillors to discuss the potential for any future service or asset transfer.

By way of a supplementary question, Mr Endacott referred to the Local Government and Public Involvement in Health Act (LGPIH) 2007 Section 9 said that where a community governance review was required to make any of the following recommendations, recommendations under section 87(6) as to whether or not a new parish should have a parish council, if the parish had 1000 or more local government electors the review must recommend that the parish should have a council. Therefore by law this CGR committee must recommend the formation of a town council. With this in mind, did the Chair agree that this section of the consultation should be framed in such a way to ensure all sections of the community were involved and that the newly formed council would start its fledgling life in the most positive manner possible?

Councillor Cannon responded that he did not have the detailed document in front of him but if what Mr Endacott had said was correct, the committee would recommend the formation of a town council. However it would be down to the full Council to decide whether or not it accepted such a recommendation. As he had not been sighted on the document Mr Endacott had alluded to he could not go into any more detail. He stated that the group would look into the issue and get back to Mr Endacott.

Written response provided after the meeting: *Section 87 of the LGPIH Act 2007 states:*

- (1) A community governance review must make recommendations as to what parishes or new parishes (if any) should be constituted in the area under review.

.....

(4) The following subsections apply if the review recommends that a new parish should be constituted

.....

(6) The review must also make recommendations as to whether or not the new parish should have a parish council.

It is accepted that for a parished area with over 1000 electors, a parish (or town) council should be established (rather than, for example, a parish meeting) if a review recommends that a parish be established.

If the outcome of the second round of consultation is that an additional layer of government (a parish) is appropriate for the currently unparished areas of Windsor, the draft recommendations proposed by the CGR Working Group and approved for consultation by full Council on 2 March 2021 clearly state that the appropriate body would be a town council.

87. PETITION FOR DEBATE - MAIDENHEAD GOLF COURSE/GREAT PARK

Adrien Waite, Head of Planning explained that the item before Members was a petition for debate asking that a new park be created on the site of Maidenhead Golf Course, in order to create a green lung.

The golf course was the largest site allocation in the Borough Local Plan (BLP) which Council had voted to submit to the planning inspectorate last year, and had subsequently been through an examination in public. The site was in a sustainable location and if allocated in the BLP would provide significant provision of new housing. This included much needed family and affordable accommodation necessary to provide a home for existing residents and those who wished to live in the borough. It would also provide facilities contributing to the educational, leisure and recreational needs of residents.

The allocation within the Local Plan would seek to require the retention of existing areas of woodland and mature trees, the enhancement of local biodiversity, and the creation of new areas of publicly accessible green space to include a 'green spine' through the entire development. In essence the proposed allocation would create parks or equivalent open spaces, albeit this may not be of the type or scale of the park envisaged by the petitioners.

The proposed BLP was part of a well thought out spatial strategy based on extensive evidence and a process of public engagement. The evidence base considered by the Council previously included the Open Space Study 2019 which confirmed that Maidenhead was well served by public parks and gardens. The council was already expanding provision by establishing informal natural space at Battlemead Common and, were the site allocated in the BLP, this would further enhance publicly accessible space in the area.

The BLP had also been supported by a full sustainability appraisal which concluded that the loss of green space on the site needed to be weighed against other factors that would be delivered by the allocation and that the development would lead to strong positive effects for housing, health, community, transport, education and waste.

In summary, the current proposal to allocate the site for the purposes in the BLP would lead to a high quality sustainable development which would incorporate green space and contribute to a variety of strong positive effects for all residents of the borough and be delivered within a 10 year timescale. As the largest site allocation in the BLP it was key to the success of the placemaking strategy for the borough.

Supporting the petition would undermine the ability of the council to proceed with its well thought out local plan. If the site was not made available for development, alternative sites would need to be identified to accommodate the development which would likely involve allocation of green belt sites such as those identified in Appendix 2. This would lead to a less sustainable pattern of development and overall a poorer strategy for development in the borough and less benefits for residents. It would also make it more difficult to resist speculative development through the planning process and make it harder to ensure the council delivered the best quality of place for all.

Supporting the petition would also have significant financial and legal implications as set out in sections 4 and 5 of the main report. Given there was a current lease on the golf course there was no prospect of a park being created for at least 20 years, whereas the proposed allocation would deliver significant benefits for residents within the next 10 years.

The recommendation of officers to Council was therefore that the petition could not be supported.

Tina Quadrino, Lead Petitioner, addressed the meeting. Ms Quadrino stated that the issue was dear to her heart and the hearts of the 4448 people from all over the borough who had signed the petition. These residents had signed up to a dream of what could be and it was in the power of the council to continue to protect the important piece of green belt land, just as was intended when a previous Mayor bought the land and entrusted it to the council for safekeeping many years ago. The town was in a very different space now than it was when the BLP was first created. Since then a climate emergency had been declared and rightly the borough had pledged to protect biodiversity and meet a carbon net zero target by 2050.

Since the BLP a global pandemic had occurred which would change the way people lived and worked forever. Shopping was predominantly online and home working had been shown to be effective for employers and employees alike. This meant that the need for commercial and office space would be reduced, freeing up many brownfield sites that would be ripe for development. Ms Quadrino stated that it was irreconcilable to mention carbon net zero in one breath and destroying green space in the next. For hundreds of years the piece of land had been acting as a green lung to combat air pollution, noise pollution and act as a carbon sink. And yet now, when it was needed more than ever, there were proposals to concrete it over. The green belt land that was leased by the golf club had been critical to the health and wellbeing, both mental and physical, of many Maidenhead residents in the last year.

The council had earmarked the land for housing and said there was nowhere else left to build. If the 2018 Objectively Assessed Need (OAN) numbers were used the borough was already there in terms of houses needed in the borough and this did not even take into account things like the Nicholson's Quarter that did not yet have planning permission.

In summary, there was no need to build on the golf course to meet the current housing need. There was a climate emergency with a need to reach carbon net zero by 2050 and the global pandemic had changed the work/life balance forever, leaving many brownfield sites vacant and ripe for transformation to meet future housing needs. Ms Quadrino suggested that the only argument for putting a large village on the golf course was money. She was furious that the council was willing to compromise the future health and wellbeing of generations to get itself out of debt due to its own negligence. It was not enough that local services and libraries would be lost, at least these could be reinstated later. Once the green lung was gone, it would be gone forever. Ms Quadrino highlighted that the councillors were the custodians of the public land and not property developers. She asked if the council would answer to its residents, their children and grandchildren, when they witnessed the destruction of the green space and all the benefits that came with it. She asked if the council would take full responsibility for it and be remembered forever as the people who gave permission to build on the land. The arguments for keeping the space green were many and if in time it became a park for everyone, all the benefits could be amplified. More trees could be planted, biodiversity could be increased and more opportunities could be provided to allow people to access the space for exercise, education and so much more. Maidenhead Great Park would put the town on the map as a destination and be a key part of its sustainable transformation.

Councillor Hill proposed the following motion:

This Council agrees not to build on Maidenhead Golf Course and to keep our green lung with its trees and wildlife for the continued benefits to our community and future generations

Councillor Taylor seconded the motion.

The Head of Planning confirmed there was nothing he wished to clarify at this point in the debate.

In introducing his motion, Councillor Hill posed a number of questions:

- What price, the health of the children of the borough?
- What price, our physical and mental health?
- What price, clean air?
- What price, the oxygen we breathe? Trees and green plants were the oxygen factories.
- What price, our countryside and green space?
- What price, the environment, the planet, the survival as a specie?

Councillor Hill stated that all the above were more precious than money ever could be; there was always a way to fix the money. The sale of Maidenhead Golf Club was not about housing it was about money and nothing else. The Inspector for the BLP in a letter of 13 July 2020 clearly stated that the OAN between 2013-2033 had halved from 12,691 households to 6,382. The Freedom of Information (FOI) request 75675 stated that between 1 April 2013 and 31 March 2020, 3,762 dwellings were completed in the borough. A further FOI 75771 stated that as at 31 March 2020 2,830 dwellings had planning permission but were unimplemented. The two figures combined to give 6,592 dwellings and exceeded the need detailed by the Inspector. Councillor Hill

suggest there were more than enough planning applications in the current pipeline to satisfy the OAN without building on Maidenhead Golf Course.

Councillor Hill stated that he wishes to raise a critical and key question to the officers and Cabinet. Sections 4.6 & 5.4 of the paper stated that should RBWM breach its development agreement with CALA Homes to develop the site south west Maidenhead or should the BLP not be adopted or site AL13 was removed from the BLP the council would incur costs for breach of the agreement. Councillor Hill states that this was the first he had heard of any such penalty clause and wished for Council to know before they voted, the details of the penalty clause and the cost to RBWM and the tax payer. Councillors must be clear on the consequences of any vote they made at the meeting.

Councillor Hill asked on behalf of the 4448 residents who signed the petition just what had taken place in the negotiations with CALA Homes and just how did the council end up with a potentially penal contract when it was by no means certain that the BLP would be approved, that the Golf Club would vacate the site or that planning permission would be granted?

The vote was a fundamental question of democratic representation of the people. 4448 residents had put their names to the petition, the third largest ever recorded in RBWM. This was in the midst of a global pandemic when people had many more immediate concerns on their minds. If the council voted the motion down, it would be going against the will of people.

Councillor Werner commented that the council had a fantastic opportunity to do something really amazing for Maidenhead. His fear was that it was an opportunity that he could see the councillors opposite allowing to fall through their fingers.

The advantages of keeping the as green space were obvious. It is important for physical health and mental health. It was important for the world's biodiversity and it was important for the fight against climate change. Research had shown that access to green space was vital to health and wellbeing and with all the flats being built in Maidenhead town centre with little or no car parking, the site, only 10 minutes' walk away made it even more essential. As the borough came out of lockdown, he suggested it was the perfect opportunity to press pause on the 2600 homes that were proposed for the site instead of a great park. The council just did not know at this time how office use would change, potentially freeing up other sites across Maidenhead. Nor did the council know how home ownership would change. If people were not commuting so much into London but home working, he questioned if there was a need to sacrifice the vital green lung for our town.

Councillor Werner commented that Members had already heard from Councillor Hill about the number of houses required and in any case there were a large number of empty homes which he had been campaigning for the council to bring back in to use. With four and a half thousand people signing the petition it showed there was a massive desire in the community to protect the land. Finally he highlighted that this was one of the previous Cabinet schemes and he knew how keen the administration was to distance itself from the actions of that Cabinet. Councillor Werner suggested it was a great opportunity to say no to that legacy and abandon plans to build on the site. It was so important that the council stopped paying lip service to the green agenda and actually take action and this was an easy way to do it.

Councillor Coppinger thanked the organisers of the petition and everyone who has signed it. He explained that the golf course was part of a larger site which was referred to as AL13. It was the most significant site within the emerging Borough Local Plan for a number of reasons. It was the largest site with provision for 2600 houses which would meet the needs for affordable housing, family homes and also providing for educational, leisure and recreation needs. As the council owned the site, not only was it a very sustainable site but it would enable the council to significantly increase the public access because it had already committed to retain existing woodland and other mature trees, conserve and enhance local biodiversity and create new areas of public space including a green and blue spine running north to south.

The council had started a place making workshop for another major site in the west of Windsor. A number of local councillors were involved together with representatives of the community. The purpose was to get local input into what they wanted in the development and what they wanted it to look like. The council would shortly be starting a similar project for the golf course site.

Councillor Coppinger stated that he did not fully understand why so many people wanted the park so he wanted to highlight what would happen if the council agreed. Firstly, the golf course would continue to lease the land and could do so until the lease expired in 2039, therefore it would be at least 20 years before anything could happen. He commented that no one had yet told him who would pay for the construction and upkeep of the park. By law the council had to have an approved BLP and even worse the current one was out of date. Developers knew this and were continually trying to push through inappropriate developments. It was expected that the plan that was in examination would be approved by the end of the year. If the council told the examiner that it could no longer meet the housing allocation that would be the end of the plan and the council would have to start again. The consequences were that every developer would descend on the borough and try to push through inappropriate development. Even worse the council would have to find other sites that it could build 2600 houses on. That was easy because it already had a list of green belt land that was available but unlike the golf course, they were not sustainable. They would all require transport links and would put pressure on local communities. He highlighted that the list included:

- 3 sites in Ascot and the Sunnings
- 11 sites in Bisham and Cookham
- 36 sites in Bray
- 2 sites in Clewer and Dedworth
- 3 sites in Cox Green
- 9 sites in Datchet Horton and Wraybury
- 5 sites in Eton and Castle
- 20 sites in Hurley and the Walthams
- 5 sites in Old Windsor
- 1 site on Pinkneys Green
- 1 site in Riverside
- 13 sites in Sunningdale and Cheapside

Except for a few sites close to existing developments most of the sites were not sustainable and would require transport to reach facilities such as schools, shops, and medical services. The council had committed to becoming carbon neutral by 2050 and

he hoped and expected the target to be reached earlier. The golf club site helped the council achieve the target; any other option did not.

Councillor Coppinger reminded Members that at the last Council meeting he had spent some time talking about CIL and especially the type of site that developers wanted. This was one of those sites and because it was not in central Maidenhead the council would expect to receive somewhere between £26 and £35 million to pay for the necessary infrastructure.

In conclusion, Councillor Coppinger highlighted that the council had to build 2600 dwellings to meet the housing target. Building on the golf course was sustainable and enabled the council to maintain and expand the current green infrastructure. The council was committed to creating a new green and blue way through the whole of the development. All new properties would be built to meet the latest requirements for climate change. The council would receive the necessary CIL to pay for the infrastructure and would build a new school. If the proposals for the golf course did not go ahead, there would not be a BLP for maybe 3 years and at an additional cost of over a £1m. The council would have to build on the green belt across the borough. There would be no new school and many of the existing schools would not be capable of expanding. 2600 homes across a number of isolated sites was not sustainable. The Golf Club would stay until 2039. He still did not know who would pay for the new Great Park. Councillor Coppinger asked all Members to say no to the motion as it was wrong for the people of Maidenhead and it was wrong for the Borough

The Head of Planning clarified that the OAN that was set out in the council's evidence base for the BLP was 712 dwellings per annum which equated to about 14,240 dwellings over the plan period. The government had already advised that 2016 population projections could not be used for the purposes of calculating housing need. Using 2018 population projections would not make any meaningful change to the OAN. The government's more recent methodologies would result in a more standard methodology of housing need of about 754 dwellings per hectare. In reality if the council did not proceed under the current BLP, it would be faced with a higher housing number under current planning policy. In terms of the statement that the council had enough housing to meet its need, it was simply not correct. The annual monitoring reports that set out the level of delivery and the extensive evidence provided in the BLP examination clearly showed that the council did not have enough housing to meet its need. This was not just in pure numbers but also in terms of providing the types and tenures of housing to meet the needs of residents, including the need to provide larger family homes for residents.

Councillor Stimson referred to the placemaking workshops for another major site that were currently taking place. She was involved in the workshops in her capacity as Lead Member for climate change and sustainability. Also involved were residents who live adjacent or nearby to the site, one of the council's ecologists, the developer, other councillors and parish councillors, planners and a highly experienced urban designer who had worked on design review panels, written a book on "building for life" and taught urban design.

When the team started to work on the master plan for AL13, there would be a consultation process, and the Managing Director of the RBWM Property Company had confirmed that if there were any groups that wished to put forward proposals to make the development as sustainable as possible, she would ensure they were

heard. Just like the placemaking workshops that were happening for the Windsor site at the moment, Councillor Stimson confirmed that she planned to be involved in these as well. There were obvious advantages in building sustainability in at the onset. Beginning with the mature trees and existing woodland, the master plan would be built around them. There would be a focus on sustainable transport and how people would walk and cycle across the site. Consideration would be given to the low carbon district heating that would be used to heat AL13. Sustainability was not an afterthought, and there were plenty of examples around the country to be drawn from to show how it could be profitable and beautiful, and it was certainly healthier for the residents. Also, when consultation took place, it was possible to have less iterations of a plan, and hence save money for the things that really mattered, like affordable housing and sustainability.

Councillor Stimson explained that she had walked with Debbie Walker, one of the petitioners, on the golf course and knew how keenly many people felt about it. There was a tree at the top right corner that might well be the oldest oak in the area, and she believed Ted Green, formerly the Crown Estate's ancient tree expert, had been to admire it. Councillor Stimson explained that her father had a plus 4 handicap so she knew a thing or two about golf courses, having traipsed after him on countless rounds. Councillor Stimson stated that she loved the idea of saving the golf course, but it was just not practical. It was a site not in the floodplain, it was in the emerging BLP, and it was committed to development. What could be done was make it the best exemplar of sustainable living possible.

Councillor W. Da Costa stated that the BLP was the core plank in the Conservative administration's vision for the Borough. It set out a plan to sell off the borough's green gold land in order to balance the books, to desperately stave off the ruin caused by the council tax policies of the last 12 years. The council was tying itself in knots because of a failing BLP. This was preventing the council's ability to deal with the issues that threatened the very existence of the borough's children: misery, sickness and death caused by climate change.

Councillor W. Da Costa suggested that the BLP was incompatible with life. Yet the BLP should be a key document to reach zero carbon emissions quickly, to provide a safe haven in new buildings from 40 degree heat, flooding, and high snow levels. The BLP should dovetail in with a comprehensive Biodiversity Action Plan (BAP) that planned to stave off extinction of UK species of plants and animals. The BLP should plan for health and wealth, rather than ignore the wellbeing of residents and wealth creation from a green building plan. A core part of that non-existent green BLP and thorough BAP should be the protection of the land on the golf course site.

Councillor W. Da Costa asked if Members cared about the future, and the life and death of the borough's children. If they did, he suggested that they should think again and vote for the motion to create and build on an oasis of wildlife and carbon sequestration. The council also needed to quickly create a new BLP that was compatible with life, life to the full.

Councillor Johnson endorsed the comments made by Councillor Coppinger and the Head of Planning. He felt that the debate was not actually about creating a new park for Maidenhead, but about the BLP. He therefore felt it was a very premature debate because the council was still waiting for the Inspector's comments following examination. Councillor Johnson saw the motion as a way to remove the site from the

BLP, which would damage the totality of the plan for the entire borough. The council would see a rise in speculative development and the council would lose control of where sustainable development would be placed. The golf course site was a very sustainable site close to the town centre, the railway station and existing infrastructure and community facilities. It was an ideal location for large scale residential development. Councillor Johnson highlighted that the key question was, if not on this site, then where? The administration stood committed to deliver the site in the BLP. It would provide housing opportunities for future borough residents, including affordable housing, green space and the associated educational and leisure infrastructure. If the site was not progressed through the BLP, the golf course would remain on the site. The council would not want to spend tax payer money to break the lease on the site so no park would be created for some time.

Councillor Davey asked why councillors had not previously been notified of the penalties detailed in paragraphs 4.6 and 5.4. He asked for the contract with Cala Homes to be shared with Members as a Part II document.

Councillor McWilliams commented that it was important to look at what the statisticians were saying. The ONS lower projections were based on the assumption that more people were living with parents or cohabiting in homes of multiple occupancy. This demonstrated that the demand for housing was falling as people could not afford to buy houses and/or rent houses and/or the type of housing they needed was not available. This did not mean the overall demand for housing was falling. Home ownership in the southeast for people aged between 20 and 34 had fallen from over 63% in the mid-1990s to less than 40% now. The number of 20-34 year olds living with parents rose 47% between 2006 and 2016. Over 30% of young men aged 20-34 were living with parents which was an astonishing figure and an indictment on the country's house building policy over the last 30 years. It was important to reflect on the implications for young people, for example they were not able to start a family until later in life. It forced everything to be pushed later in life. There was an impact of the lack of affordable housing in the borough on the housing service. Demand had increased 100% in the latest economic crisis which had put huge pressure on the organisation and the social housing stock was simply not available. This meant a greater reliance on temporary accommodation.

Councillor McWilliams stated that the golf course site was a once in a generation opportunity to right a historic wrong when it came to the delivery of affordable housing. The council and residents owned the land therefore when it was built on, it meant the council could deliver the social value that was often lost within private developments, through carbon neutral developments and the biggest increase in social housing in many years. It was wrong from a moral and a strategic point of view to support the motion as it would be throwing away an opportunity to support the vulnerable and the young in the borough.

Councillor Baldwin commented that by highlighting as Councillor Coppinger did the potential enormous return from CIL, he had also highlighted the lost opportunity of collecting CIL from Maidenhead town centre developments. In relation to Councillor Johnson's earlier question 'if not this site, then where?' Councillor Baldwin referred to a planning panel on which Councillor Johnson had sat before he had become leader and had voted against a development that would have generated 40% affordable housing on a redundant farmer's field, a site without the history of the golf course.

Councillor Baldwin commented that he would welcome an explanation of the penalty clauses that existed with the Cala Homes contract before Members voted.

Councillor Bateson explained that the BLP process had started in 2011 when she had been the Lead Member; it had therefore been over 10 years in the making. If the golf course site was not included, the BLP process would have to start all over again at a cost of over £1m.

Councillor Sharpe stated that it was important to maintain as much green space as possible and keep an open lung for the town centre. One of the key ways to do this was to reduce the footprint of the buildings. Several towns were now building upwards to preserve green space. The council should review the plan for the area in light of this.

Councillor C. Da Costa requested clarification that the buildings would be for affordable housing and social housing. She commented that to go ahead with something because it cost money not to do so was not always the right thing to do. It would never be possible to get back a 100 year old tree therefore you could not put a price on it.

The Head of Planning referred Members to paragraph 2.8 of the report. The allocation in the BLP was seeking 30% of the homes for affordable housing and a large proportion would be family sized homes with gardens. There was a lot of work to do on the planning proposal so actual numbers could not be stated at this time.

Councillor Johnson requested a personal explanation as his decision making in a previous planning committee had been referenced. The application in question was not a site allocated in the BLP and had been recommended for refusal by the planning officers. He had voted at that meeting with a high degree of integrity and in line with the principles of the planning panel. The two were not comparable cases.

Councillor Walters commented that the main reason that young people could not get on the housing ladder was that they were unable to get mortgages, not just the lack of housing being available.

Councillor Taylor referred to a press release from 31 July 1953 entitled 'Action to Preserve Open Space', which explained that with a bid of £12,100 the Mayor Councillor T. A. Stuchbery had bought Maidenhead Golf Course when it was offered for sale by auction, together with other lands of the Desborough Estate. The Mayor had bought the land to prevent it falling into the hands of those less concerned about its future than local people. The press release explained that if the council desired, it could buy the land from the Mayor at the sale price. Immediately after the meeting the council had made a commitment to buy the land. They had taken the view that the land was scheduled as an open space in the development plan and that public ownership was the best way of ensuring that it remained an open space. Lord Desborough wanted the land to be for the use of the public, for recreation and to preserve open space. The Mayor and the council in 1953 agreed. Nearly 70 years later the council wanted to dismiss the wishes of the council on behalf of local people.

Councillor Taylor commented that the proposals would have a devastating effect on the ecosystem of the site. Even with the greatest care animals would be displaced and

COUNCIL - 02.03.21

habitats destroyed. Green spaces were disappearing at an alarming rate. She asked the council to look to help local residents now, not in the future.

Councillor Hill reiterated that the land had been bought by the borough for residents to enjoy as an open space. 4448 residents had signed the petition and this had been during a pandemic. If the petitioners had been able to knock on doors the number would have been much higher. Going against the wishes of the residents was undemocratic. The motion he had proposed was not about building a Great Park but about keeping a green lung. Councillor Hill stated that he took issue with the comments by the Head of Planning as on the council website there was a letter from the Inspector dated 13 July 2020 that said explicitly that the housing need had halved for the period 2013-2033 from over 12,000 to 6,382. The FOI requests he had raised showed that 6000 houses had already been built and a further 2380 dwellings had planning permission but were unimplemented.

Upon being put to the vote, the motion proposed by Councillor Hill and seconded by Councillor Taylor, fell.

Maidenhead Golf Course/Great Park (Motion)	
Councillor John Baldwin	For
Councillor Clive Baskerville	For
Councillor Christine Bateson	Against
Councillor Gurpreet Bhangra	Against
Councillor Simon Bond	For
Councillor John Bowden	Against
Councillor Mandy Brar	For
Councillor Catherine del Campo	For
Councillor David Cannon	Against
Councillor Stuart Carroll	Against
Councillor Gerry Clark	Against
Councillor David Coppinger	Against
Councillor Carole Da Costa	For
Councillor Wisdom Da Costa	For
Councillor Jon Davey	For
Councillor Karen Davies	For
Councillor Phil Haseler	Against
Councillor Geoffrey Hill	For
Councillor David Hilton	Against
Councillor Maureen Hunt	Against
Councillor Andrew Johnson	Against
Councillor Greg Jones	Against
Councillor Lynne Jones	No vote recorded
Councillor Neil Knowles	For
Councillor Ewan Larcombe	For
Councillor Sayonara Luxton	Against
Councillor Ross McWilliams	Against
Councillor Gary Muir	Against
Councillor Helen Price	For
Councillor Samantha Rayner	Conflict Of Interests
Councillor Joshua Reynolds	For
Councillor Julian Sharpe	Against
Councillor Shamsul Shelim	Against
Councillor Gurch Singh	For
Councillor Donna Stimson	For

COUNCIL - 02.03.21

Councillor John Story	Against
Councillor Chris Targowski	Against
Councillor Helen Taylor	For
Councillor Amy Tisi	For
Councillor Leo Walters	Against
Councillor Simon Werner	For
Rejected	

The Mayor requested that Councillor Coppinger provide Members with information on the next steps with the BLP. Councillor Coppinger explained that the council had submitted answers to all the outstanding questions asked by the Inspector following the examination in public, and was therefore awaiting the initial report. Once received some time would be taken to fully understand it. A report would then be brought to full Council on any changes that were needed after going out to full consultation. The adoption of the plan would therefore likely be at the end of the calendar year.

88. REFERRALS FROM OTHER BODIES

i) Community Governance Review – Windsor Town Council – Draft Recommendations

Members considered the draft recommendations of the Community Governance Review (CGR) Working Group on the proposal for a Windsor Town council.

Councillor Shelim reminded Members that in July 2020 full Council had approved the Terms of Reference to formally commence a CGR to consider the formation of a town council for Windsor. This included the establishment of a cross-party CGR Working Group to manage the CGR process. The Working Group comprised five elected members: himself as (Chairman), Councillor Cannon (Vice Chairman), Councillor Davies, Councillor Hilton and Councillor Knowles.

Supported by officers from across the council, the CGR Working Group had held ten meetings. A first round of consultation was held between July and October 2020 to determine the appetite for a town council in the area. Following analysis of the consultation responses, the cross-party CGR Member Working Group had drafted a set of recommendations for the formation of a Windsor Town Council for consultation.

The draft recommendations, as detailed in Appendix A, proposed that the council was minded to consider the creation of a Windsor Town Council on the basis that the electorate and any other stakeholders remained supportive of the proposal in light of the additional detail provided regarding the potential financial impact and the possible transfer of powers and assets to a new town council. As the next step in the CGR process, a formal consultation was required to ascertain the level of support for a Town Council established under the electoral arrangements detailed in Appendix A.

Councillor Shelim thanked his fellow councillors from all parties for their help in concluding this stage of the review, including Councillor Story who had left the group when he had become Mayor. He also thanked the Head of Governance and the Electoral & Information Governance Services Manager for their help in putting together the report. Councillor Shelim thanked all those who had responded to the first round of the consultation; he looked forward to hearing more from residents as the process continued.

Councillor W. Da Costa stated he was grateful for the opportunity to speak on what was an historic process for the future of the borough's globally recognised and, unique town. He commented that whilst some may frame the costs and benefits purely in monetary value, for him the social and cultural benefits of a Town Council sat equally alongside the economic factors for the wonderful local community. Politics needed to be accessible to all. Everyone, regardless of their social and economic background, needed a voice on how their community operated. A Windsor Town Council would by its very nature be more responsive than the borough to community needs and interests, particularly when taking into account the diverse needs of its residents. Whereas Borough councillors had to balance the competing needs and interests of the many communities across its extensive territory, a Windsor Town Council would have responsibility for a single community, united by a pride in the internationally renowned town and able to be uninhibited in advocating the interests of that community.

In the carefully managed, post-COVID recovery plan, a Windsor Town Council would exist at a scale that reflected people's patterns of social interaction and their identification with place. It could therefore act to facilitate community activities, organise and sponsor community events and promote community spirit and inclusiveness. Town councils played a vital role in supporting local clubs and organisations and provided significant grants to community groups

The proposal was not to run a competing local authority, or suggest a split from RBWM. The proposal sensibly aimed to provide additionally to the services and facilities operated by RBWM. A Windsor Town Council would have the flexibility to enhance service provision in the community, or to provide additional services, facilities or even simple features that lay outside the borough council's budgetary priorities.

The authority of a Windsor Town Council would come from its electoral mandate. Town councillors were accountable to the local electorate and may be removed at election time. A statutory constitution would give a relative security of existence, securing a continuity of funding from grant-making bodies. This means that town councils could plan on a longer-term basis and have more capacity to take on larger-scale projects, such as a Community Emergency Plan which he felt was sorely lacking. However, it was the ability of a town council to precept the council tax that was one of the most significant powers. Whilst they may be restricted in accessing funds in other contexts, the ability to precept provided a relative stability of income and a means of raising funds from the community, for reinvestment in the community for communal benefit. The level of precept was not set by an unaccountable group, but the precept was set by the community for the community, in other words the level set was totally up to the residents themselves.

This proposal for a Windsor Town Council brought a greater accessibility to politics to move beyond the rich or the retired and to bring decision making and democratic accountability back to those that mattered most, the residents who for too long had been under-represented by the nuance of being a minority of residents in RBWM, living in an unparished area. It was time to bring local decision making back to local people. Councillor Da Costa commented that although he supported the recommendation, he felt that the proposition had two significant areas of weakness. It did not give residents an idea of the possible range of precept, council tax and services, especially if the borough council sought to charge the town council for services it provided. He asked that the consultation documents clarified this point. Councillor Da Costa raised the question of who the "we" were. Not all Windsor residents would be able to have a say in the running of the Windsor Town Council as presented in the paper. They may have a say in what happened in Bray but not their

home town. This was undemocratic and contravened the principles of localism. Councillor Da Costa asked Councillor Johnson to show that he was a friend of Windsor and commit to embarking on a process which would allow all Windsorians to have a say in their town.

Councillor Davey requested clarification of paragraph 6.20 which seemed to suggest the precept set would be double the amount currently paid, or he questioned whether it was just fake news by those who did not want to see a Windsor Town Council succeed. He asked if the reality was that the Town Council would, from year 2, set its own precept dependent on the services and projects they chose to take on. Therefore residents would not pay twice; they would pay the one amount to RBWM that included the precept that would be passed on to the Town Council.

Councillor Tisi welcomed the next stage of consultation. The Liberal Democrat manifesto of 2019 had included the proposal to ask residents if they wanted a town council so she was pleased that it was now happening. She had found when she had been door to door that there was an interest in some of the money coming back to Windsor and having more of a say in local decision making. People may not understand the financial details but they certainly understood the need to make decisions about things that happened to their town more locally. Councillor Tisi felt that the leaflet had a few issues with readability that could be improved, for example some clarity on the point about the precept, to avoid misunderstanding.

Councillor Hilton explained that he was a latecomer to the CGR Working Group having taken up the position vacated by Councillor Story when he had been appointed Mayor. For 20 years he had been a Councillor on the Sunninghill and Ascot Parish Council so had joined the cross-party working group with some experience. He thanked his fellow Working Group members for their open minded and considerate approach to drafting the governance review, and officers for their valuable assistance.

As a consequence of a petition started in September 2019 and ongoing debate on social media, in July 2020 the council decided to undertake a governance review on the formation of a Windsor Town Council, and not to wait for a valid petition to be lodged. Terms of reference for a review were published in July 2020 explaining the intention to consider the formation of a new town council for Windsor, and seeking comment from organisations and residents on the proposals contained in that document.

In total 69 responses were received, with 53 from the 20,500 electors that lived in the unparished areas of Windsor. It was the responses to this consultation that the CGR Working Group considered in drafting the CGR for a Windsor Town Council that was being debated. The Working Group had acknowledged the views of the first consultation that there should be one town council to cover the whole of the unparished area, that ward boundaries should reflect community interests and identities and that community governance should be effective and convenient.

The proposal for 21 Town Councillors reflected guidance from both Aston Business School and the National Association of Local Councils. The warding proposals met the desire for wards to reflect individual communities and to ensure equal representation. There was a small error in the report in paragraph 6.13 on page 48. With a total of 20,593 electors and 21 councillors the average number of electors per councillor was 980 and not 904. The number of electors proposed for each ward was within plus or minus 16% of this number which the Working Group believed to be acceptable.

There had been some debate on the level of the precept for a new Windsor Town Council and the final consultation stated this would be at least £34.31, equal to the current Special Area Expense. The Special Area Expense covered the cost of a number of services including street lighting, recreation grounds and open spaces. It was unlikely that all of the services would be transferred. Should a decision be taken to establish a Town Council, in the interests of fairness and to avoid cross subsidies, a portfolio of services that cost the equivalent of the Special Area Expense would be agreed with the incoming Town Council. The minimum cost would be £34.31 plus any staffing and accommodation costs.

The powers available to a town council would be the same as a parish council. Should the recommendation be made to form a town council it was proposed to hold the first elections on 4 May 2023, alongside local government elections. Much thought had gone into the CGR for a Windsor Town Council and the Working Group had been at pains to provide a balanced view. The Group commended the Governance Review and the associated consultation to Council for approval. The Working Group was making no recommendation at this stage; its job was to manage the process and make the final recommendation to Council once the latest consultation was completed.

Councillor Davies stated that she was really pleased to be taking part in the CGR to offer residents the opportunity to say whether they would like a Windsor Town Council. It had been a very interesting and positive experience so far and she reassured residents that the process had been transparent, collegiate and guided by both national legislation and guidance and officer expertise. She had gained a renewed appreciation for the excellent work of the current parish and town councils across the borough.

Councillor Davies felt there was a very positive case to be made for the value for money which a Windsor Town Council would bring. The Working Group heard from the very successful Chippenham Town Council which ran a lot of services. She had also been inspired by hearing about the extra things which parish councils across the borough did for their residents, to add value at a local community level.

The Working Group's recommendation was that a new town council for Windsor be formed, on the basis that the electorate and other stakeholders remained supportive of the proposal. She encouraged all residents to look at the detailed proposals and share their views so that they could be taken into account in the second round of the consultation process

Councillor Knowles commented that he had found the CGR Working Group to be a very positive experience. It had been an excellent example of collegiate working. It was an ongoing process that would hopefully lead to a town council in the future. He wished to suggest a few amendments to the leaflet where it referred to Windsor Town Council then went on to refer to a parish council, which was potentially confusing. He also wished for clarification to be added so people understood that they did not pay the SAE and then also the precept, there was just one charge. It was recognised that it would never be possible to please everyone. He thanked Councillor Davies for her work on the statistics and the ward areas. He thanked the officers involved as there had been a lot of work behind the scenes.

Councillor Rayner stated that it was an honour to serve as the ward councillor for Eton and Castle and also to be Lead Member for Windsor. There was an amazing and vibrant community in Windsor which had been demonstrated during COVID. The Clewer and Dedworth project also showed the strengths of the community. She thanked the Members of the Working Group and the officers involved in the CGR, which had been undertaken following a petition. She supported the motion as the draft recommendations gave a clear understanding of the proposals for a town council and information for residents to provide feedback on.

Councillor Price stated that she was pleased that the proposal was for one town council across the entire unparished area. She recognised that the allocation of wards was a difficult jigsaw. Councillor Price welcomed the gradual transition of responsibilities because in year one it would be a brand new council. She requested clarification on the responsibilities that would be transferred on day one and that they would be services that used up the £34.31 precept.

Councillor Cannon proposed an amendment to delegate authority to the Head of Governance and the Electoral & Information Governance Services Manager, in consultation with the Members of the CGR Working Group, to make minor amendments before publication.

Councillor Cannon commented that the process had been a remarkably good example of collegiate working that had produced a balanced and fair report. Any enhanced services that the council provided were great, but it should be noted that the cost would be added to the precept. Councillor Cannon explained that the responsibilities of a town councillor to the electorate were the same as a parish councillor. The name 'town council' was simply by virtue of the nature of the area. The Special Area Expense, the precept for the unparished area, was £34.31. By right this belonged to the town council if formed, but it had to take with it liabilities to equate to that amount from day one. Any additional liabilities would be through discussion with the borough in year two onwards.

There had been reference in the debate about the inclusion of Bray. This would need to be discussed with the Boundary Commission. The CGR focussed on the currently unparished areas of the town. Once and if a town council was set up, it could be for discussion in the future. The precept level in year two would purely be a matter for those elected to the town council. They would have liabilities that equated to the precept of £34.31; on top of that would be the costs of a clerk, accommodation and meeting space. Unless another revenue stream was found, the cost of any additional services would need to be from the precept. Councillor Cannon highlighted that it was local decision making but no decision making would be taken away from the borough. Parish councils did a very good job in their communities but they were an additional layer of government rather than a change from the borough. The draft recommendations proposed a single town council but this was out for consultation rather than a definitive proposal.

Councillor Shelim accepted the amendment proposed by Councillor Cannon.

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

RESOLVED: That full Council notes the report and

- i) **Approves for consultation the draft recommendations for the formation of a new town council for Windsor as detailed in Appendix A, subject to authority being delegated to the Head of Governance and the Electoral & Information Governance Services Manager, in consultation with the Members of the CGR Working Group, to make minor amendments before publication.**

Community Governance Review - Windsor Town Council - Draft Recommendations (Motion)	
Councillor John Baldwin	No vote recorded
Councillor Clive Baskerville	For
Councillor Christine Bateson	For
Councillor Gurpreet Bhangra	For
Councillor Simon Bond	For
Councillor John Bowden	Abstain
Councillor Mandy Brar	For
Councillor Catherine del Campo	For
Councillor David Cannon	For
Councillor Stuart Carroll	Abstain
Councillor Gerry Clark	For
Councillor David Coppinger	For
Councillor Carole Da Costa	For
Councillor Wisdom Da Costa	For
Councillor Jon Davey	For
Councillor Karen Davies	For
Councillor Phil Haseler	For
Councillor Geoffrey Hill	For
Councillor David Hilton	For
Councillor Maureen Hunt	For
Councillor Andrew Johnson	For
Councillor Greg Jones	For
Councillor Lynne Jones	For
Councillor Neil Knowles	For
Councillor Ewan Larcombe	For
Councillor Sayonara Luxton	For
Councillor Ross McWilliams	For
Councillor Gary Muir	For
Councillor Helen Price	For
Councillor Samantha Rayner	For
Councillor Joshua Reynolds	For
Councillor Julian Sharpe	For
Councillor Shamsul Shelim	For
Councillor Gurch Singh	For
Councillor Donna Stimson	For
Councillor John Story	For
Councillor Chris Targowski	For
Councillor Helen Taylor	For
Councillor Amy Tisi	For
Councillor Leo Walters	For
Councillor Simon Werner	For
Carried	

89. 2021/22 PROGRAMME OF MEETINGS

Members considered the programme of meetings for 2021/22.

Councillor Johnson highlighted that the programme had been drafted in a way that accommodated the request to avoid school holidays wherever possible following feedback in the previous year. The programme also sought to more evenly spread out the meetings of full Council.

Councillor Davies commented that she had raised the school holiday issue and full Council and she was therefore pleased that this had been taken into account. Although no one could have envisaged the changes in working practices a year ago, the small move to being more family friendly was a good thing.

Councillor Baldwin echoed the comments of Councillor Davies. In relation to frequency and predictability to allow Members to plan their time, he was concerned that there had been frequent Extraordinary Council meetings in 2020/21. He requested some effort in advance by the administration to give Members as much forward notice as possible. Predictability and some consultation would be welcomed.

Councillor L. Jones agreed that getting more certainty and the programme being more family friendly was brilliant. However she raised a concern that when the council returned to face to face meetings, a 6.15pm start could be unachievable for those who worked and also lived some distance from Maidenhead. Before COVID-19 the general start time was 7pm.

Councillor Knowles acknowledged things had been different on the last year but he commented that there had been 11 full Council meetings, some of them quite long. He requested that the Mayor and leader be mindful of the length of meetings. He was also concerned about extraordinary meetings that transacted important business as they did not have the same functionality as an ordinary meeting, for example Members were not able to submit Motions on Notice.

Councillor Cannon echoed the comments of Councillor Jones that 7pm was an appropriate start time when the council returned to face to face meetings.

Councillor Bateson thanked the Democratic Services team for putting the draft programme of meetings together as she knew it was a difficult job.

Councillor Rayner commented that the programme showed the wide range of responsibilities the council had as a unitary authority and its efforts in support of transparency. She thanked the Democratic Services team for managing all the events.

Councillor Johnson commented that he accepted the valid point about start times. Once there was greater clarity on when the council would be able to return to face to face meetings, this would be factored in. He also recognised the request for as much notice as possible for extraordinary meetings and the need to manage lengthy meetings. There had been a number of extraordinary meetings required during the year, in part driven by the wider situation in the world. He highlighted that the petition for debate could have been deferred to a future ordinary meeting but it was felt important to hold the debate as soon as possible, therefore an extraordinary meeting had been called.

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

RESOLVED UNANIMOUSLY: That full Council notes the report and:

- ii) Approves the programme of meetings for the 2021/22 Municipal Year, attached as Appendix A**

90. CONSTITUTIONAL AMENDMENTS - DESIGNATION OF POLLING PLACES

Members considered delegating authority to enable the Returning Officer to re-designate new Polling Places where such became unavailable or unsuitable before an election.

Councillor Johnson explained that the report reflected the realities of holding an election during a pandemic. The proposal was to give the Returning Officer additional flexibility to re-designate at short notice new polling places where the existing station was either unavailable or unsuitable before an election.

The proposal was being made principally in the context of the pandemic but also to reflect the broader point that as the constitution currently stood it would require full Council to authorise any change to a polling station. For example if a polling station happened to be flooded or became unavailable for another reason at incredibly short notice, this would provide the Returning Officer with an additional logistical challenge as well as actually facilitating the smooth running of an election.

Councillor Tisi commented that she agreed it was sensible to have a back-up plan. She referenced Kipling Court in her ward, Clewer East. The voting took place in the lounge of the accommodation and the impact of needing COVID-friendly sites meant it would not be an appropriate venue. She requested reassurance that the powers would only be used in case of emergency such as fire, flood or pandemic and not just if the council decided to change a polling station.

Councillor Rayner commented that it was an important paper in light of the return to democracy. In the borough the 6 May elections would include the Police and Crime Commissioner election, alongside a Neighbourhood Plan referendum and a number of parish by-elections. It was important to add the flexibility to allow democracy to take place. Councillor Rayner confirmed that as detailed in the report, the Returning Officer would take into account the views of ward councillors; this was important as ward councillors knew their ward best.

Councillor Johnson reassured Members that the powers would only be used in an emergency and would take into account views of ward Members. The default polling station would remain but the delegation would allow for ad hoc late changes in an emergency situation.

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

RESOLVED UNANIMOUSLY: That full Council notes the report and:

- iii) Approves amendments to the constitution detailed in Appendix A.**
- iv) Delegates authority to the Monitoring Officer to update as appropriate and publish the council constitution.**

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

Unfortunately, due to the ongoing Covid-19 pandemic, lockdown 3 and social distancing measures, many of the traditional local events have had to be cancelled this spring. However, the Deputy Mayor and I have continued to support the Royal Borough community and residents as best we can virtually. We have also carried out the following engagements since the last Council meeting:-

- Attended virtual meeting of the Royal Albert Institute Trust
- Chaired and attended virtual meeting of extraordinary Council
- Attended virtual meetings regarding arrangements for this year's Garden in Bloom Award scheme
- Met virtually with Mayoral support team
- Attended virtual High Sheriff's Awards
- Attended the WAMCF webinar "Why Do Humans Suffer?"
- Attended the virtual Swearing In of new High Sheriff
- Attended the re-opening of the Thames Hospice charity shop in Maidenhead following easing of lockdown restrictions
- Attended a reception to mark the opening of Craft Coop in Windsor Yards
- Attended virtual meeting of Spoore Merry Rixman Foundation and Pooles & Rings Charity
- Attended the Service of Thanksgiving for the life of His Royal Highness The Prince Philip, Duke of Edinburgh at Christ Church Cathedral, Oxford
- Participated in numerous media interviews regarding the Duke of Edinburgh with local, national and international broadcasters.

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Report Title:	Petition for Debate - River Thames Scheme
Contains Confidential or Exempt Information	No - Part I
Lead Member:	Councillor Hilton, Lead Member for Finance and Ascot
Meeting and Date:	Full Council - 27 April 2021
Responsible Officer(s):	Adele Taylor – Director of Resources
Wards affected:	All

REPORT SUMMARY

An [e-petition](#) seeking additional funding of the River Thames Scheme has been received and contains 1,591 signatures. The petition asks that “The Council honours its commitment to partnership funding of the River Thames Scheme”. The petition provides further detail to ask:

“It is understood that RBWM has decided to consult with the EA to provide cheaper and ultimately less effective methods to protect the residents of Datchet, Old Windsor, Wraysbury and Horton from flooding as it has failed to secure the £43 million necessary to complete channel 1 of the RTS scheme. The residents of this area of the Borough deserve the same protection afforded to Windsor, Eton and Maidenhead since the completion of the Jubilee River nearly 2 decades ago. During those 2 decades this area and its residents have endured flooding on 3 separate occasions and have been repeatedly assured of future protection. We urge the Borough to seek alternative Partnership funding arrangements since the Government refused legislation changes to permit the Borough to raise the funds by means of a flood levy. The £10 million allocated in the RBWM budget for the RTS should not be squandered on second rate scheme defences. Working in partnership is important to the success of the RTS in its entirety. A high level Sponsoring Group and a programme Board are in place to oversee the delivery of the scheme; how can the scheme be successful if only 2 of the 3 proposed main channels are completed?”

DETAILS OF RECOMMENDATION(S)

RECOMMENDATION: That Council notes the report and:

- i) Reaffirms the commitment to delivering additional flood defence schemes for affected communities, but sadly recognises that the Council cannot fund Channel 1 as planned without flexibility over Council Tax or significant additional external funding;**
- ii) Reaffirms its commitment to continue to work with the Environment Agency and other partners to maximise the benefits of its £10 million investment;**
- iii) Notes that further enhancements would be possible should further external funding be provided.**

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

Options

Table 1: Options arising from this report

Option	Comments
Cannot support the request to fund the additional £41.275 million without external support This is the recommended option	Recommended option as the Council cannot afford to fund the scheme at this level without external support or the ability to levy additional Council Tax
Support the request to fund the additional £41.275 million	Not recommended as this is not deliverable within current Budget constraints.

- 1.1 RBWM retains £10m in its Capital programme to fund flood alleviation works but if it had to fund the proposed works through borrowing, then funding of £41.275 million would cost £1.3 million every year over 50 years at the latest Public Works Loan Board rates. That is the equivalent of an almost 2% additional increase on the current rate of Council Tax for all residents of the Royal Borough. Without partnership funding or an alternative source of raising revenue to fund the capital, for example a flood levy or flexibility over Council Tax, this continues to be unaffordable.
- 1.2 Whilst RBWM has remained in discussion with the relevant Government agencies and departments, no firm commitment has been made to provide reassurance that a flood levy is forthcoming to be able to commit to borrowing the full £41.275m to complete the scheme.
- 1.3 The Council has always remained committed to being an active part of the discussions around Channel 1 of the flood relief work, but, is aware that both Channels 2 and 3 are now advanced to the extent that it would be impossible for Channel 1 to be included now. Any scheme would now have to be a stand-alone scheme that would be re-appraised financially and require an even greater contribution. The cost benefit analysis of the original scheme evidenced that Channel 1, within RBWM, would provide least benefit per pound spent compare to channels 2 and 3. It was also the most technically difficult and most expensive of the 3 channels and only viable if supported by the other 2 channels.
- 1.4 RBWM remains committed to working with other partners should there be alternative funding that could be identified, but, we have recognised that the likelihood of this happening is low.

2. KEY IMPLICATIONS

2.1 The River Thames Scheme is a multi-agency project led by the Environment Agency and Surrey County Council, who are responsible for commissioning the design, development, construction, maintenance and management of the project. There are a range of funding sources, including financial contributions from Central Government; Thames Regional Flood and Coastal Committee; Thames Water and partner local authorities.

2.2 The Environment Agency website for the scheme can be found at: <https://www.gov.uk/government/publications/river-thames-scheme>

2.3 The following extract provides a high-level outline of the scheme:

‘... The River Thames Scheme will reduce flood risk to people living and working near the Thames. It will enhance the resilience of nationally important infrastructure, contribute to a vibrant local economy and create many recreational opportunities.

The Environment Agency will build a new flood channel alongside the River Thames to reduce flood risk to properties in communities in Datchet, Wraysbury, Egham, Staines, Chertsey, Shepperton, Weybridge, Sunbury, Moseley, Thames Ditton, Kingston and Teddington.

The channel will be built in 3 sections and includes widening of the Desborough Cut and increasing the capacity of weirs at Sunbury, Moseley and Teddington by installing additional weir gates.

15,000 homes and 2,400 business will be better protected from flooding. Road, rail, power and water networks will be more resilient. 106 hectares of new public open space and 23km of new pathways will be created, as well as improving biodiversity for wildlife through the creation of 250 hectares of new habitat.

Construction of the new channel gives the opportunity to create habitats for wildlife and recreation activities including walking, cycling, boating and angling...’

2.4 In a local context, Channel 1 protects properties and infrastructure in the Royal Borough and is based on building a new channel which starts with an offtake from the River Thames at Datchet and continues southwards through Datchet, Wraysbury and Hythe End, reconnecting with the River Thames at Runnymede (opposite the Runnymede Hotel).

2.5 The base cash cost for the full River Thames Scheme is £635 million (including the first ten years of operation and maintenance). Unlike the construction of the Jubilee River, the Government has insisted on significant locally funded contributions to new flood defence schemes. The contribution requested from the Royal Borough was £52.7m. Contributions towards planning and design works have been paid from existing budgets since 2015/16 and a further contribution of £10m approved was included in the Capital Programme from 2020/21 onwards - the outstanding balance to be funded is £41.275m. No budgetary provision was made for this sum as it was always the Council’s intention to fund the amount through a ‘flood levy.’

- 2.6 The [petition](#) on the Council's website received 1,591 signatures: "We the undersigned petition the Royal Borough of Windsor and Maidenhead to honour its commitment to partnership funding of the River Thames Scheme."
- 2.7 The Council whilst remaining fully committed to the scheme has never been able to make such a commitment to fund the additional £41.275 million contribution. Throughout all discussions, it was clear the Council would allocate £10m of its own resources, and would borrow the additional funding subject to legislation having been brought about to allow the Council to raise an additional flood levy to cover the cost of the additional funding.
- 2.8 The financial position of many Local Authorities (including the Royal Borough) has altered significantly since 2017. However, the Council decision was made openly and transparently in September 2017 with due consideration of the prevailing financial situation at that point in time
- 2.9 The current position is that borrowing a further £41.275m is unaffordable, as it would cost £1.3 million per year for 50 years to finance a £41.275 million loan, based on the current Public Works Loan Board certainty rate of 1.99%. This includes interest and minimum revenue provision. That is the equivalent of an almost 2% increase on our Council Tax for every resident of the borough over and above rises included within the Medium Term Financial Strategy. Given the current capping mechanism in place for all Local Authorities, the only route to raise Council Tax above the cap would be through a referendum.
- 2.10 This position may be reconsidered if a secure mechanism was in place to increase income by the required amount, such as a flood levy
- 2.11 Council agreed in 2017 to the principle of applying a flood levy. However, this requires a change in legislation. Verbal commitments had been secured although this does not provide enough certainty to base financial decisions on, especially given the timing of when or if legislation would be changed remains unknown. Lobbying of government has continued to try to secure this change, but as yet this has not been enacted and there is no timeline as to when this may happen. Therefore, the option of applying a flood levy is currently not feasible.
- 2.12 Council considered a report on 26th September 2017 and resolved:
- (i) £10m, split over four years, is added to the capital programme commencing 2020/21 (subject to delivery of the full scheme).
 - (ii) There is an agreement in principle of paying a flood levy of up to £500,000 per annum to the Environment Agency as a contribution to the operating and maintenance costs (subject to new legislation being enacted to make provision for this)
 - (iii) A delegation to the Head of Finance in conjunction with the Lead Member for Finance to develop and introduce a flood levy be approved.

It should be noted that at the time of the report in 2017, the Head of Finance role held the position of S151 officer, the statutory finance role that has responsibility for ensuring the Council maintains its financial duties. This role is now designated to the Director of Resources.

- 2.13 Council considered the 2020/21 capital programme on 25th February 2020 and approved a capital programme which includes £10m over the four financial years commencing in 2020/21 and this has continued to be rolled forward into 2021/22 so the funding remains in place.
- 2.14 In July 2020, the Council's S151 officer was asked to sign a letter to confirm the Council was committed to borrowing the remaining funding for the River Thames Scheme. The original expectation would have been that the legislation was in place to be able to fund the additional revenue costs through the raising of a flood levy. At the time of being asked to sign the letter of reassurance, no such legislation was in place and there was no written commitment in place or even a timetable as to when this may be considered by Parliament. Without that reassurance, the Council would not be in a position to fund the cost of borrowing which would be at least £1.3m per year for 50 years. Given the Council's financial position at July 2020, with low levels of reserves and concerns about funding levels, the S151 could not commit the Council to such significant, ongoing financial risk.
- 2.15 The Council did remain committed to ongoing dialogue to ensure that enough reassurance could be given, but to date no written commitment has been given to the Council to provide sufficient reassurance to allow the Council to be able to sign such a letter of comfort.
- 2.16 The Environment Agency now reports that:

"The governance for investment viability decisions for the River Thames Scheme rests with the Sponsor Group for the scheme. Faced with the choice of stopping the scheme for three channels or proceeding with the two Surrey channels, the Sponsor Group decided in July 2020 to proceed with the two.

To implement this decision, the EA was tasked with re-writing the Outline Business Case and seeking approval for a two channel scheme. The Outline Business Case has been completed and is now with the Treasury for final approval. One of the features of the revised business case is that a much higher risk contingency was included in the cost of the scheme. Even if it were possible to re-introduce channel 1, the required contribution to meet the higher risk contingency and to repeat all of the work since July would be far higher than £50m.

In addition to the business case, the Secretary of State has also given direction that the two-channel scheme is taken forward as a Development Consent Order, which is really the point of no return.

As a stand-alone scheme, Channel 1 on its own would likely have a positive benefit to cost ratio. The benefits would be greater than the costs. However, it is very likely that the Incremental Benefit to cost ratio would be less than one. In other words, the additional benefits that channel 1 would provide above and beyond the current benefits provided by maintaining the existing assets would be less than the additional cost of a one channel scheme.

At present, under government investment rules, flood schemes require the 'Incremental Benefit Cost' to be positive as well as the 'Benefit to cost' ratio. In

this respect a one channel scheme would not be viable as it would not meet the current criteria for investment under the Governments Partnership Funding policy.

As it does not meet the current criteria, RBWM have been working in partnership with the Environment Agency to consider other options that might be possible to help mitigate flood risk in the area. A letter was sent to the parish councils, and other members of the community, to gather feedback and ideas to help shape the next steps. Through regular meetings we will continue to work together to draw together alternative suggestions which can be progressed. If anyone has any further ideas that they would like to contribute, they would be welcomed.”

- 2.17 Councillor Cannon and officers now meet monthly with EA officials to seek alternative solutions to Channel 1. In the meantime the Council will look at smaller scale alleviation such as ensuring the Wraysbury drain is unblocked and flowing and all other water courses are not obstructed through enforcement on riparian owners, if necessary.

3. FINANCIAL DETAILS / VALUE FOR MONEY

- 3.1 The base cash cost for the full River Thames Scheme is £635 million (including the first ten years of operation and maintenance). The contribution requested from the Royal Borough was £52.7m. Contributions have been paid since 2015/16 and a further contribution of £10m approved from 2020/21 onwards - the balance to be funded was £41.275m.
- 3.2 The Council has never made such a commitment to fund the additional £41.275 million contribution, but has throughout all discussions, allocated £10m of its own resources and would have borrowed the additional funding subject to legislation having been brought about to allow the Council to raise an additional flood levy to cover the cost of the additional funding.
- 3.3 RBWM retains £10m in its Capital programme to fund flood alleviation works but if it were to have had to fund those works through borrowing, then funding of £41.275 million would cost £1.3 million every year over 50 years at the latest Public Works Loan Board rates. That is the equivalent of almost 2% additional increase on the current rate of Council Tax for all residents of the borough.
- 3.4 Given the fact that work on the other channels have commenced, the funding required to build out the original decision for the Channel covering RBWM will now be more expensive and the gap between the funding that RBWM has set aside and partnership funding required has widened significantly if the scheme was to be delivered as a stand-alone function.

4. LEGAL IMPLICATIONS

- 4.1 None

5. RISK MANAGEMENT

- 5.1 The Council continues to work with the Environment Agency to find an affordable solution to the flood risks.

6. POTENTIAL IMPACTS

- 6.1 Equalities. Equality Impact Assessments are published on the [council's website](#).

Climate change/sustainability – the Council continues to work with the EA to mitigate flooding risk

Data Protection/GDPR - None

7. CONSULTATION

- 7.1 The River Thames Scheme was reviewed by the Infrastructure Overview and Scrutiny Panel in October 2020.

8. TIMETABLE FOR IMPLEMENTATION

Not applicable

9. APPENDICES

None

10. BACKGROUND DOCUMENTS

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

- [e-petition](#)
- <https://www.gov.uk/government/publications/river-thames-scheme>
- Council minutes, 26th September 2017

11. CONSULTATION (MANDATORY)

Name of consultee	Post held	Date sent	Date returned
Cllr Hilton	Lead Member for Finance	14/4/2021	15/5/2021
Cllr Cannon	Lead Member for Public Protection	14/4/2021	14/4/2021
Duncan Sharkey	Managing Director	8/4/2021	9/4/2021
Adele Taylor	Director of Resources/S151 Officer	2/4/2021	8/4/2021

Andrew Durrant	Director of Place	8/4/2021	9/4/2021
Kevin McDaniel	Director of Children's Services	14/4/2021	
Hilary Hall	Director of Adults, Health and Commissioning	14/4/2021	
Simon Dale	Interim Head of Highways	8/4/2021	15/4/2021
Elaine Browne	Head of Law	14/4/2021	
Emma Duncan	Deputy Director of Law and Strategy / Monitoring Officer	14/4/2021	
Nikki Craig	Head of HR, Corporate Projects and IT	14/4/2021	
Louisa Dean	Communications	14/4/2021	
Karen Shepherd	Head of Governance	8/4/2021	8/4/2021

REPORT HISTORY

Decision type:	Urgency item?	To follow item?
Petition for debate	No	No

Report Author: Andrew Vallance, Head of Finance

Report Title:	Finance Updates including referrals from Cabinet
Contains Confidential or Exempt Information	No - Part I
Lead Member:	Councillor Hilton, Lead Member for Finance and Ascot
Meeting and Date:	Full Council – 27 April 2021
Responsible Officer(s):	Andrew Vallance, Head of Finance and Deputy S151 Officer
Wards affected:	All

www.rbwm.gov.uk



REPORT SUMMARY

This report provides finance updates and approvals that require approval from Full Council, either directly or as a referral from a recommendation from Cabinet.

This report details additions to the Council's proposed fees and charges approved at Full Council in February 2021 for the financial year 2021/22. This includes Building Control fees and charges for 2021/22 that were approved by the shared service partners for implementation from April 2021. The shared service contract ends on 30th June 2021 and the Council will be responsible for its own fees and charges from 1st July 2021 onwards. There is also one addition to the fees and charges schedule considered by Full Council in February 2020 as this charge was omitted as a result of an administrative error.

The request for approval of the forecast capital slippage that was recommended by Cabinet at its meeting on 25th March 2021 is also included in this report as Full Council approval is required

1. DETAILS OF RECOMMENDATION(S)

RECOMMENDATION: That Council notes the report and:

- i) Approves the clarification to the fees and charges for Registrars 2021/22 set out in Appendix A.
- ii) Approves the proposed Building Control fees and charges for the period from 1st July 2021 to 31st March 2022 set out in Appendix B
- iii) Approves the Suitable Alternative Natural Greenspace (SANG) fees as part of the Strategic Access Management Monitoring (SAMM) fees for 2020/21 set out in Appendix C
- iv) Approves the changes and clarifications to the Highways fees and charges for 2021/22 set out in Appendix D
- v) Approves the forecast slippage recommended by Cabinet at its meeting on 25 March 2021, as included within the Finance Update report. Scheme detail is set out in Appendix E.

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

Options

Table 1: Options arising from this report

Option 1	Comments
<p>Approve the fees and charges amendments for 2021/22. Approve the addition of the SANG Fees 2020/21.</p> <p>Approve the Capital programme slippage.</p> <p>This is the recommended option</p>	<p>Approval will allow the implementation of the fees for the remainder of the financial year 2021/22 and for 2020/21 chargeable fees to be processed. Approval of capital programme slippage will allow approved capital projects to continue and complete in 2021/22.</p>
<p>Do not approve all of the fees and charges amendments for 2021/22. And / or do not approve the addition of the SANG Fees 2020/21.</p> <p>Do not approve capital programme slippage.</p>	<p>This would prevent fees being implemented for the remainder of 2021/22 and for fees from 2020/21 to be charged.</p> <p>This would prevent capital projects from continuing and potentially breach committed contract agreements resulting in financial penalties.</p>

- 2.1 The Council provides a wide range of services and the ability to charge for some of these services has always been a key funding source to support the cost of providing the service. Some charges are statutory, such as planning fees which are set nationally. Other charges are discretionary, and the Council can choose to set the level.
- 2.2 Charges are based on the cost of providing the service and what is reasonable. In determining reasonableness, the Council compares the charges made for the same service by other councils and the private sector.
- 2.3 There are other circumstances where a charge is set to manage demand to meet the Council's overall objectives.
- 2.4 Charges are generally increased by estimated inflation; 1.6% has been used for 2021/22 (3.0% 2020/21).
- Registrars – Year of charge Correction**
- 2.5 The nature of Registrars fees and charges is such that service users may book for a number of years in advance of the service provision.
- 2.6 Fees and charges proposed to Council for approval in February 2021 should have stated the charges for 2021/22 and 2022/23. An error on the schedule resulted in confusion over the charges for these years. The correction proposed is in **Appendix A**.
- Building Control – From 1st July 2021 to 31st March 2022**
- 2.7 The shared building control service contract with Wokingham and West Berkshire councils is ceasing on 30th June 2021. Building control services will then be provided by the Council directly to clients within the council area.

- 2.8 Fees and charges that had been agreed as part of that shared service agreement, will then be the responsibility of this council to authorise and levy.
- 2.9 It is proposed that the fees and charges agreed for 2021/22 within the shared service agreement continue to be implemented by the council for the period from 1st July 2021 to the 31st March 2022. The details of the proposed fees are in **Appendix B**.
- 2.10 The new Building Control manager will be undertaking a full costing exercise based on in-house service provision which will inform the fees and charges proposals to be presented to Council for approval in February 2022 for the year 2022/23.

SANG – Omission from 2020/21 Fees and Charges

- 2.11 The SANG specific Community Infrastructure Levy fees and charges detailed in **Appendix C** were omitted from the fees and charges schedule approved by Full Council in February 2020.
- 2.12 Approval will allow for charges arising in 2020/21 to be levied correctly.

Highways - Clarifications

- 2.13 A number of clarifications to Highways Fees and Charges relating to Licencing and non-adherence to licencing conditions are detailed in **Appendix D**.
- 2.14 The main change across a number of fees relates to a separation of the administration fee from licence charges, making the charges more transparent.
- 2.15 Benchmarking has been undertaken by the service. It is proposed that as a result of this work fees which are being levied at lower than the market rate are brought up to that market rate.
- 2.16 Gaps in the fee structure relating to unauthorised hoarding, commercial scaffolding and placement of structures/cranes on Major Roads or High Amenity Roads have also been identified. It is proposed that the structure of fees in this area is expanded as detailed in Appendix D.

3. CAPITAL PROGRAMME SLIPPAGE

- 3.1 At Cabinet on 25 March 2021 forecast gross slippage of £34,911,000 was reported; an increase of £9,917,000 from slippage reported to February 2021 Council. The additional slippage mainly relates to two main areas. One is around the timing of a Local Enterprise Partnership scheme, and the remainder is on Highways, Schools and Property scheme projects.
- 3.2 A detailed list of additional scheme slippage is included within **Appendix E**. Council is recommended to approve this slippage for projects to complete during

2021/22. Final slippage will be reported in the May 2021 outturn report to Cabinet and formal approval by Council will be requested after this meeting.

4. KEY IMPLICATIONS

Table 2: Key Implications

Outcome	Unmet	Met	Exceeded	Significantly Exceeded	Date of delivery
Services are able to charge the correct fees for the remainder of the financial year	Fees not approved	Fees approved	n/a	n/a	27 th April 2021
Capital slippage is approved, projects can continue.	Slippage not approved	Slippage approved	n/a	n/a	27 th April 2021

5. FINANCIAL DETAILS / VALUE FOR MONEY

- 5.1 The fees recommended for approval were either calculated as part of the overall level of income estimated in the 2020/21 and 2021/22 revenue budget reports considered by Full Council in February 2020 and February 2021 respectively, or are unlikely in their first year to exceed the costs of collection and enforcement. The delay in implementing the charges has not had any impact on the collection of income to date.

6. LEGAL IMPLICATIONS

- 6.1 Local authorities have a variety of powers to charge for specific statutory services set out in statute.
- 6.2 The Local Government Act 2003 also provides a power to trade and a power to charge for discretionary services.
- 6.3 The Localism Act 2011 provides local authorities with a general power of competence that confers on them the power to charge for services.
- 6.4 Where authorities have a duty to provide a statutory service free of charge to a certain standard, no charge can be made for delivery to that standard. However, service delivery beyond that point may constitute a discretionary service for which a charge can be made.

7. RISK MANAGEMENT

- 7.1 There is a risk the council would not be able to levy the correct fees and charges and be unable to recover from third parties a sufficient sum to cover the costs of providing the services detailed above. By clarifying and correcting fees and charges this risk is avoided.
- 7.2 If the capital slippage is not approved there is a risk that capital projects would have to cease and the council would potentially breach contract arrangements resulting in financial penalties.

8. POTENTIAL IMPACTS

- 8.1 Equalities. None identified. Equality Impact Assessments are published on the [council's website](#).
- 8.2 Climate change/sustainability. None identified
- 8.3 Data Protection/GDPR. None identified

9. CONSULTATION

- 9.1 Internal Only. Fees and charges formed part of the on-line budget consultation.

10. TIMETABLE FOR IMPLEMENTATION

- 10.1 If approved, the fee changes for Registrars and Highways will be immediately implemented for the financial year 2021/22.
- 10.2 The correction to the SANG fees and charges will be immediately implemented for charges arising in the period April 2020 to March 2021.
- 10.3 The Building Control fees and charges will be implemented from 1st July 2021 for the remainder of the financial year. The shared service will charge for services provided from 1st April to 30th June 2021.

11. APPENDICES

- 11.1 This report is supported by five appendices:
- Appendix A - Revised Registrars Fees and Charges 2021-22
 - Appendix B - Building Control Fees and Charges 2021-22
 - Appendix C - SAMM (SANG) Fees and Charges 2020-21
 - Appendix D - Revised Highways Fees & Charges 2021-22
 - Appendix E - Capital Slippage

12. BACKGROUND DOCUMENTS

- 12.1 This report is supported by two background documents:
- Wokingham BC - Decisions 18022021 1830 Executive - (Shared service agreement Building Control Fees and Charges 2021/22)

- Capital programme Slippage, included within the Finance Update report to Cabinet 25 March 2021

13. CONSULTATION (MANDATORY)

Name of consultee	Post held	Date sent	Date returned
Cllr Hilton	Lead Member for Finance and Ascot	9/4/21	16/4/21
Cllr Clark	Lead Member Transport and Infrastructure	9/4/21	
Duncan Sharkey	Managing Director	9/4/21	
Andrew Durrant	Director of Place	9/4/21	
Adele Taylor	Director of Resources/S151 Officer	7/04/21	8/04/21
Kevin McDaniel	Director of Children's Services	9/4/21	
Hilary Hall	Director Adults, Commissioning and Health	9/4/21	9/4/21
Emma Duncan	Deputy Director of Law and Strategy / Monitoring Officer	9/4/21	
Andrew Vallance	Head of Finance	2/4/21	2//4/21
Elaine Browne	Head of Law	9/4/21	
Nikki Craig	Head of HR, Corporate Projects and IT	9/4/21	
Louisa Dean	Communications	9/4/21	
Karen Shepherd	Head of Governance	9/4/21	13/4/21
Simon Dale	Head of Commissioning & Infrastructure	9/4/21	16/4/21

REPORT HISTORY

Decision type:	Urgency item?	To follow item?
Council decision	No	No

Report Author: Rhona Bellis, Lead Accountant
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FEES AND CHARGES 2021/22

Resources Directorate

	Revised Fees and Charges April 2021			Original Fees and Charges February 2021		
	2022/23	2021/22	2021/22	2021/22	2021/22	2021/22
	£	£	£	£	£	£
LIBRARY & RESIDENT SERVICES	Super-intendent Registrar		Registrar	Super-intendent Registrar		Registrar
General Searches						
General Search in indexes in Office not exceeding 6 successive hours	18.00			18.00		
Certificates	Statutory			Statutory		
Issue of Certificate (Standard 14-day despatch) NEW	11.00			11.00		
Issue of Certificate (Express 24-48 hours despatch) NEW	35.00			35.00		
Multilingual Standard Form (MSF) NEW	11.00			11.00		
Attestation of Foreign Pensions (Proof of Life)			21.00			21.00
Marriages						
Attending outside office to be given notice of marriage of house-bound or detained person	46.00			46.00		
Entering a notice of marriage in a marriage notice book	35.00			35.00		
Attending a Marriage at a registered building			84.00			84.00
Attending a Marriage at the Register Office	46.00			46.00		
Certification Of Worship And Registration For Marriage						
Certification of a place of meeting for religious worship	28.00			28.00		
Registration of a building for the solemnisation of marriages	120.00			120.00		
Licensing an outside venue for weddings and civil partnerships	1,910.00			1,850.00		
Additional rooms	580.00			560.00		
Marriage and Civil Partnership Ceremonies:						
Mondays to Thursdays	560.00	547.00		560.00	547.00	
Fridays and Saturdays until 5pm	620.00	607.00		600.00	589.00	
Friday and Saturday after 5pm	685.00	673.00		685.00	653.00	
Sundays and Bank Holidays until 5pm	685.00	673.00		685.00	653.00	
Sundays and Bank Holidays after 5pm	720.00	711.00		700.00	690.00	

Resources Directorate		Revised Fees and Charges April 2021			Original Fees and Charges February 2021		
		2022/23 £	2021/22 £	2021/22 £	2021/22 £	2021/22 £	2021/22 £
LIBRARY & RESIDENT SERVICES		Super-intendent Registrar			Super-intendent Registrar		
Maidenhead Ceremony Room							
	Monday to Thursday	265.00	258.00		265.00	258.00	
	Friday to Saturday	315.00	309.00		315.00	309.00	
	Saturday after 12	420.00	412.00		420.00	412.00	
	Sunday	500.00	494.00		500.00	494.00	
	Bank Holiday	620.00	608.00		620.00	608.00	
CITIZENSHIP CEREMONIES							
	Per Ceremony		80.00			80.00	
94	Private Citizenship Ceremonies - Register Office						
	Mondays to Thursdays		167.00			167.00	
	Fridays and Saturdays		314.00			314.00	
	The ceremony room is not available for Sunday Bookings						
Baby Naming And Reaffirmation (inclusive of VAT)							
	Register Office - Monday to Thursday		272.00			272.00	
	Register Office - Friday and Saturday (up to 12pm)		314.00			314.00	
	Register Office - Saturday (after 12pm)		403.00			403.00	
	Register Office - Sunday		465.00			465.00	
	Register Office - Bank Holidays		523.00			523.00	
	Outside Venues - Monday to Thursday		382.00			382.00	
	Outside Venues - Friday and Saturday		502.00			502.00	
	Outside Venues - Sunday		576.00			576.00	
	Outside Venues - Bank Holidays		606.00			606.00	
	Changing the name on a venue license		37.00			37.00	

STANDARD CHARGES

FULL PLANS APPLICATIONS

	<u>Total Current Charge 2020/21</u>	<u>Proposed Charge</u>	<u>Proposed Charge</u>	<u>Total Proposed Charge 2021/22</u>
Erection or extension of a detached or attached building which consists only of a garage or carport or both having a floor area not exceeding 60m ² in total and intended to be used in common with an existing building, and which is not an exempt building.	£424.00	£284.40 payment on the submission of the Building Regulation application	£146.30 payable on receipt of invoice once the work starts on site	£430.70 (£284.40 plus £146.30)
Garage conversion consisting of a garage to habitable accommodation	£436.00	£284.40 payment on the submission of the Building Regulation application	£158.40 payable on receipt of invoice once the work starts on site	£442.80 (£284.40 plus £158.40)
Any extension or loft conversion of a dwelling the total floor area of which does not exceed 10m ²	£580.00	£284.40 payment on the submission of the Building Regulation application	£304.80 payable on receipt of invoice once the work starts on site	£589.20 (£284.40 plus £304.80)
Any extension or loft conversion of a dwelling the total floor area of which exceeds 10m ² , but does not exceed 40m ²	£715.00	£284.40 payment on the submission of the Building Regulation application	£441.90 payable on receipt of invoice once the work starts on site	£726.30 (£284.40 plus £441.90)
Any extension or loft conversion of a dwelling the total floor area of which exceeds 40m ² , but does not exceed 100m ²	£890.00	£284.40 payment on the submission of the Building Regulation application	£619.70 payable on receipt of invoice once the work starts on site	£904.10 (£284.40 plus £619.70)

	<u>Total Current Charge 2020/21</u>	<u>Proposed Charge</u>	<u>Proposed Charge</u>	<u>Total Proposed Charge 2021/22</u>
Number of dwellings - 1	£1010.00	£426.70 payment on the submission of the Building Regulation application	£599.40 payable on receipt of invoice once the work starts on site	£1026.10 (£426.70 plus £599.40)
Number of dwellings - 2	£1280.00	£528.30 payment on the submission of the Building Regulation application	£772.10 payable on receipt of invoice once the work starts on site	£1300.40 (£528.30 plus £772.10)

	<u>Total Current Charge 2020/21</u>	<u>Proposed Charge</u>	<u>Proposed Charge</u>	<u>Total Proposed Charge 2021/22</u>
Estimated cost of building work less than £5k	£307.00	£203.20 payment on the submission of the	£108.70 payable on receipt of invoice	£311.90 (£203.20 plus £108.70)

	<u>Total Current Charge 2020/21</u>	<u>Proposed Charge</u>	<u>Proposed Charge</u>	<u>Total Proposed Charge 2021/22</u>
		Building Regulation application	once the work starts on site	
Estimated cost of building work £5k - £10k	£404.00	£203.20 payment on the submission of the Building Regulation application	£207.20 payable on receipt of invoice once the work starts on site	£410.40 (£203.20 plus £207.20)
Estimated cost of building work £10k - £20k	£560.00	£223.50 payment on the submission of the Building Regulation application	£345.40 payable on receipt of invoice once the work starts on site	£568.90 (£223.50 plus £345.40)
Estimated cost of building work £20k - £30k	£672.00	£274.30 payment on the submission of the Building Regulation application	£408.60 payable on receipt of invoice once the work starts on site	£672.00 (£270 plus £402)
Estimated cost of building work £30k - £40k	£789.00	£325.10 payment on the submission of the Building Regulation application	£476.50 payable on receipt of invoice once the work starts on site	£801.60 (£325.10 plus £476.50)
Estimated cost of building work £40k - £50k	£972.00	£385.00 payment on the submission of the Building Regulation application	£611.60 payable on receipt of invoice once the work starts on site	£996.50 (£385.00 plus £611.60)

BUILDING NOTICE APPLICATIONS

	<u>Current Charge 2020/21</u>	<u>Proposed Charge 2021/22</u>
Erection or extension of a detached or attached building which consists only of a garage or carport or both having a floor area not exceeding 60m ² in total and intended to be used in common with an existing building, and which is not an exempt building.	£446.00	£453.10 payment on the submission of the Building Regulation application
Garage conversion consisting of a garage to habitable accommodation	£448.00	£455.10 payment on the submission of the Building Regulation application
Any extension or loft conversion of a dwelling the total floor area of which does not exceed 10m ²	£638.00	£648.20 payment on the submission of the Building Regulation application
Any extension or loft conversion of a dwelling the total floor area of which exceeds 10m ² , but does not exceed 40m ²	£787.00	£799.50 payment on the submission of the Building Regulation application
Any extension or loft conversion of a dwelling the total floor area of which exceeds 40m ² , but does not exceed 100m ²	£1021.00	£1037.30 payment on the submission of the Building Regulation application

	<u>Current Charge 2020/21</u>	<u>Proposed Charge 2021/22</u>
Window replacement where the installer is not registered under the FENSA scheme and there are no other building works involved.	£195.00	£198.10 payment on the submission of the Building Regulation application
Number of dwellings - 1	£1180.00	£1198.80 payment on the submission of the Building Regulation application
Number of dwellings - 2	£1487.00	£1510.70 payment on the submission of the Building Regulation application
Estimated cost of building work less than £5k	£337.00	£342.30 payment on the submission of the Building Regulation application
Estimated cost of building work £5k - £10k	£444.00	£451.10 payment on the submission of the Building Regulation application
Estimated cost of building work £10k - £20k	£616.00	£625.80 payment on the submission of the Building Regulation application
Estimated cost of building work £20k - £30k	£739.00	£750.80 payment on the submission of the Building Regulation application
Estimated cost of building work £30k - £40k	£868.00	£881.80 payment on the submission of the Building Regulation application
Estimated cost of building work £40k - £50k	£1069.00	£1086.10 payment on the submission of the Building Regulation application

Charges relating to work for electrical work not carried out by an electrician registered to self-certify under Part P of Building Regulations

Building Notice Charge for electrical works only - £439.00 – Existing Charge 2020/21, **£446.00** – **Proposed Charge 2021/22**

Additional cost to a Building Notice or Full Plans application £405.00 – Existing Charge 2020/21, **£411.40** – **Proposed Charge 2021/22**

Domestic work involving the installation of solar panels/wind turbines (where controlled by Building Regulations)

Building Notice Charge for electrical works only - £175.00 – Existing Charge 2020/21, **£177.80** – **Proposed Charge 2021/22**

MISCELLANEOUS CHARGES – increase by inflation to nearest 10p.

Research, retrieval and copy charge per property for Building Regulation Decision Notice(s) and / or Completion Certificate(s) intended for commercial re-use

Fee Description	Unit	<u>Current Charge 2020/21</u>	<u>Proposed Charge 2021/22</u>	<u>Increase %</u>
To professionals for commercial purposes or owners / buyers	Per hour or part thereof	£32.00	£32.50	1.6%
To professionals for commercial purposes or owners / buyers – 48 hour response	Per hour or part thereof	£64.00	£65.00	1.6%

Fee Description	Unit	<u>Current Charge</u> <u>2020/21</u>	<u>Proposed Charge</u> <u>2021/22</u>	<u>Increase %</u>
Research and response to enquiry per property where no documentation is supplied	Per hour or part thereof	£32.00	£32.50	1.6%
First issue of Completion Certificates on archive		£87.00	£88.40	1.6%
Provide pre-application advice (subsequent Building Regulation Charges may be reduced accordingly to reflect this advice)	Per hour or part thereof (first hour free)	£87.00	£88.40	1.6%

Research, retrieval and examination of Building Regulation record.

Fee Description	Unit	<u>Current Charge</u> <u>2020/21</u>	<u>Proposed Charge</u> <u>2021/22</u>	<u>Increase %</u>
To professionals for commercial purposes	Per hour or part thereof	£32.00	£32.50	1.6%
To residential owners / occupiers for private purposes		Free		
Letter confirming exemption		£42.00	£42.70	1.6%
Letter confirming enforcement action will not be taken		£42.00	£42.70	1.6%
Pre-application site inspections to discuss possible work e.g. view trial holes. Payment is required in advance. This payment will be credited against an application made for this property within the next twelve months.	Per hour or part thereof	£87.00	£88.40	1.6%
Submission of a Demolition Application		£250.00	£254.00	1.6%
Retrieve archive file, undertake research, further inspections (s) and issue a completion certificate in respect of a project following a period of three years since the last inspection of the work	Per hour or part thereof	£87.00	£88.40	1.6%

INDIVIDUALLY DETERMINED CHARGES

This method of determining the charge, mainly relates to commercial projects and larger Domestic schemes, and includes all other building work that is not listed in our 'Standard Charge' Tables Above. These include:

- Charges for Regularisation Applications which are based on individual quotations. Please note no VAT is payable on a Regularisation Charge.
- Applications subject to a Reversion Charge (work reverting from an Approved Inspector to the Local Authority).
- Building work that is in relation to more than one building.
- Building work consisting of alterations to a domestic property (other than extensions) where the estimated cost exceeds £50,000.
- Building work consisting of a domestic extension where the floor area exceeds 100 square metres.
- Building work consisting of a non-exempt domestic garage or carport with a floor area over 60 square metres.
- Non-domestic building work consisting of alterations, extension or new build where the Cost of works exceeds £50,000.
- Work consisting of the erection or conversion of 2 or more dwellings, and/or where the Floor area of a new dwelling exceeds 500 square metres. For all new housing schemes,

If your building work is defined as requiring an Individual Determined charge, please contact RBWM Building Control for a quote.

FEEs AND CHARGES 2020/21

Appendix C

Place Directorate	Unit Cost	2020/21 £	2019/20 £	% Increase
STRATEGIC ACCESS MANAGEMENT MONITORING				
Allens Field, Ascot Suitable Alternative Natural Greenspace - Provision/Maintenance				
Bedsit / 1 bed dwelling		8,015	7,782	3.0%
2 bed dwelling		8,745	8,491	3.0%
3 bed dwelling		9,730	9,447	3.0%
4 bed dwelling		10,245	9,947	3.0%
5+ bed dwelling		11,545	11,210	3.0%
Sunningdale Park, Sunningdale Suitable Alternative Natural Greenspace				
– provision / maintenance per dwellings		9,000	8,740	3.0%

Adults, Commissioning & Health Directorate - Proposed Fees and Charges Changes April 21

How the fees have changed

Unit Cost

Revised Fees and Charges 2021/22

% Increase Where applicable

£

HIGHWAY LICENCES

S169 Scaffolding Licences -

- Residential

Application fee

Licence fee for 8 weeks (renewable every 8 weeks)

Unauthorised placement of scaffolding for a residential build/works

-commercial

Application fee

Minor Road (less than 50m2)

Minor Road (More than 50m2)

Major Road or High Amenity Road (less than 50m2)

Major Road or High Amenity Road (more than 50m2)

* For periods greater than 6 months, a combination of above durations will be used to calculate fees.

Not adhering to licence conditions

Unauthorised commercial scaffolding on;

Minor Road (less than 50m2)

Minor Road (More than 50m2)

Major Road or High Amenity Road (less than 50m2)

Major Road or High Amenity Road (more than 50m2)

S172 Hoarding Licences

Application fee

-commercial

Minor Road (less than 50m2)

Minor Road (More than 50m2)

Major Road or High Amenity Road (less than 50m2)

Major Road or High Amenity Road (more than 50m2)

* For periods greater than 6 months, a combination of above durations will be used to calculate fees.

Not adhering to licence conditions

Unauthorised hoarding on:

Minor Road (less than 50m2)

Minor Road (More than 50m2)

Major Road or High Amenity Road (less than 50m2)

Major Road or High Amenity Road (more than 50m2)

Other Structures - inc cranes

Application fee

Licence fee on approval

* Road space booking application or road closure application might be required to facilitate

Not adhering to licence conditions

Unauthorised placement of structures/cranes on the Highway

Mobile Access Platforms.

Application fee

Licence fee on approval

* Road space booking application or road closure application might be required to facilitate

Charge Split Out

Charge Split Out

Fee Increased

Charge Split Out

Charge Split Out 0 to 2 Months

Charge Split Out 0 to 2 Months

Charge Split Out 0 to 2 Months

Charge Split Out 0 to 2 Months

Charge Split Out 0 to 2 Months

Presentation Change

Fee Increased

Fee Increased

New Charge

New Charge

Charge Split Out

Charge Split Out

Charge Split Out 0 to 2 Months

Charge Split Out 0 to 2 Months

Charge Split Out 0 to 2 Months

Charge Split Out 0 to 2 Months

Presentation Change

Fee Increased

Fee Increased

New Charge

New Charge

Charge Split Out

Charge Split Out

New Charge

New Charge

Charge Split Out

Charge Split Out

50.00

128.00

356.00

50.00

453.00

2,419.00

956.00

4,893.00

80.00

1,006.00

4,888.00

2,012.00

9,886.00

50.00

453.00

2,419.00

956.00

4,893.00

80.00

1,006.00

4,888.00

2,012.00

9,886.00

50.00

518.00

80.00

1,566.00

50.00

225.00

1.71%

8.17%

0.58%

8.17%

0.58%

Adults, Commissioning & Health Directorate - Proposed Fees and Charges Changes April 21

How the fees have changed

Unit Cost

Revised Fees and Charges 2021/22

% Increase Where applicable

£

Not adhering to licence conditions

Unauthorised placement of structures/cranes on the Highway

S74 NRSWA Charges For Late Completions. Fees range depending on circumstances and are set by statute

S76 NRSWA Inspection Fees. Fees range depending on circumstances and are set by statute

S50 NRSWA private apparatus in the highway licences. First application flat fee

Application fee

Licence fee on approval

Not adhering to licence conditions

* Road space booking application or road closure application might be required to facilitate

S184 Construction Of Vehicle Crossings

Domestic

Application fee

Licence fee on approval

Not Adhering to licence conditions

Creation of unauthorised domestic dropped crossing

Heavy Duty Crossing

Application fee

- admin fee commercial (Heavy Duty)

Not Adhering to licence conditions

Creation of unauthorised heavy duty dropped crossing

S171 Temporary Excavation Of The Highway

Application fee

Licence fee on approval

Unauthorised excavation of the Highway

Not adhering to licence conditions

S171 Storing materials on the Highway, incl Rubbish etc.

Application fee

Licence fee on approval for first 2 weeks

Licence fee on approval for every 2 weeks after

Unauthorised storing materials on the highway

Not adhering to licence Conditions

Licence to rectify a defect within guarantee period (not NRSWA)

New Charge

New Charge

Charge Split Out

Charge Split Out

New Charge

Charge Split Out

Charge Split Out

Presentation Change

Presentation Change

Charge Split Out

Charge Split Out

Presentation Change

Presentation Change

Presentation change

New fee - replacing old fee structure

New fee - replacing old fee structure

Presentation change

Presentation change

Fee reduction - was £135

Fee increase - was £135

Fee reduction- was £370

Presentation change

New fee - free restructure

80.00

980.00

50.00

473.00

80.00

50.00

123.00

80.00

500.00

50.00

641.00

80.00

1,382.00

50.00

475.00

1,050.00

80.00

50.00

100.00

150.00

350.00

80.00

261.50

Capital Programme Slippage to 2021/22

Projected Slippage to 2021/22		Expenditure £'000	Income £'000	Net £'000	Commentary
Slippage reported to February 2021 Council		(24,994)	6,379	(18,615)	See 2021/22 budget report
Additional slippage identified.					
Law & Governance					
CM60	Grants - Outside Organisations	(380)	-	(380)	Earmarked for payment in 2021/22 once grant conditions have been met.
Property Services					
CX43	Affordable Housing	(1,355)	-	(1,355)	Reprofiling of budget due to COVID-19 delays.
CX67	18-20 Ray Mill Rd East-Family Centre Relocation	(150)	-	(150)	Project now due to complete 2021/22
CX61	Fire Compartmentalisation Works-Maintained Schools	0	53	53	Project now due to complete 2021/22
Communities & Enforcement & Partnerships					
CV39	Ockwells Park-Phase 3 Improvements	(30)	-	(30)	Project now due to complete 2021/22
CV40	Battlemead Common- Phase 1 Infrastructure Enabling	(24)	-	(24)	Project now due to complete 2021/22
CC60	Hostile Vehicle Mitigation Measures for Windsor	(465)	-	(465)	Project now due to complete 2021/22
CC6B	Hostile Vehicle Mitigation Measures-Windsor Ph 1B	(25)	25	0	Project now due to complete 2021/22
CE08	Air Quality Monitoring	(75)	74	(1)	Project now due to complete 2021/22
CX64	Windsor Coach Park Lift Upgrade	(35)	-	(35)	Project now due to complete 2021/22
CX65	Goswell Hill-Night Time Economy Measures / ASB	(50)	-	(50)	Project now due to complete 2021/22
CX66	Oak Processionary Moth Treatment	(4)	-	(4)	Project now due to complete 2021/22
CY09	Superfast Broadband in Berkshire	(20)	-	(20)	Project now due to complete 2021/22
CY20	Community Warden Vehicles	(49)	-	(49)	Project now due to complete 2021/22
Planning					
CI32	Borough Local Plan-Examinations / Submissions	(68)	-	(68)	Project now due to complete 2021/22
CI43	Ascot High Street Public Realm & Highway Imps	(8)	-	(8)	Project now due to complete 2021/22
CI47	Neighbourhood Plan-Consultation/Exams/Referendums	(49)	-	(49)	Project now due to complete 2021/22
CI56	Design Quality – Planning Service	(111)	-	(111)	Project now due to complete 2021/22
CI57	Joint Minerals and Waste Plan	(80)	-	(80)	Project now due to complete 2021/22
CI59	Traveller Local Plan	(163)	-	(163)	Project now due to complete 2021/22
CI64	Planning Policy-Evidence Base Updates Ongoing Prog	(13)	-	(13)	Project now due to complete 2021/22
CI67	Wider Area Growth Study	(84)	-	(84)	Project now due to complete 2021/22
CI69	Supplementary Planning Documents-SPDs	(12)	-	(12)	Project now due to complete 2021/22
Head of Commissioning - Infrastructure					
CC51	Datchet Barrel Arch Drainage Repairs	(6)	-	(6)	Project now due to complete 2021/22
CC54	Electric Vehicle Charging Points-Pilot	(120)	90	(30)	Project now due to complete 2021/22
CC86	VMS Support and Maintenance	(20)	20	-	Project now due to complete 2021/22
CC89	Elizabeth Bridge	(1,000)	-	(1,000)	Project now due to complete 2021/22
CC90	Boulton Lock Car Park Extension	(119)	-	(119)	Project now due to complete 2021/22
CC95	Cookham Bridge Refurbishment & Structural Repair	(280)	-	(280)	Surveys, inspections, design development, options appraisal and preliminary works to be carried out in 2020/21. Remaining works to continue in 2021/22.
CD83	Traffic Signal Review	(76)	-	(76)	
CD10	Traffic Management	(100)	100	-	Project now due to complete 2021/22
CD12	Roads Resurfacing-Transport Asset & Safety	(400)	200	(200)	Project now due to complete 2021/22
CD13	Bridge Assessments	(100)	-	(100)	Project now due to complete 2021/22
CD27	Cycling Capital Programme	(16)	16	-	Project now due to complete 2021/22
CD35	Reducing Congestion & Improving Air Quality	(44)	44	-	Project now due to complete 2021/22
CD37	Car Park Improvements	(30)	-	(30)	Project now due to complete 2021/22
CD43	Flood Prevention	(20)	-	(20)	Project now due to complete 2021/22
CD72	Preliminary Flood Risk-Assessments	(15)	15	-	Project now due to complete 2021/22
CD73	Replacement Highway Drain-Waltham Rd,White Waltham	(26)	-	(26)	Project now due to complete 2021/22
CD76	Bus Stop Waiting Areas	(5)	5	-	Project now due to complete 2021/22
CD82	Intelligent Traffic System-Maintenance & Renewal	(44)	44	-	Project now due to complete 2021/22
CD92	Telemetry System Replacement	(45)	-	(45)	Project now due to complete 2021/22
CF02	Emergency Active Travel Measures	(20)	20	-	Project now due to complete 2021/22
Local Enterprise Partnership Schemes					
CD42	Maidenhead Station Interchange & Car Park	(1,600)	1,600	-	Slippage for scheme completion
CC62	Maidenhead Missing Links (LEP Match Funded)	(800)	800	-	Slippage for scheme completion
CD90	Maidenhead LP Housing Site Enabling Works - LEP	(200)	200	-	Slippage for scheme completion
CD91	Windsor Town Centre Package - LEP	(1)	1	-	Slippage for scheme completion
Non Schools					
CKVH	2Yr old capital entitlement	(6)	6	-	Project now due to complete 2021/22
CKVN	IT Software upgrades	(30)	30	-	Project now due to complete 2021/22
CKVR	Youth Centres Modernisation Programme	(40)	40	-	Project now due to complete 2021/22
CKVX	Pinkneys Green Storage Facility	(7)	7	-	Project now due to complete 2021/22
CKVY	Youth Voice Youth Choice	(15)	-	(15)	Project now due to complete 2021/22
CKVZ	Rebuild of Windsor Youth Workshop Garage	(49)	-	(49)	Project now due to complete 2021/22
CT61	AFC Case Management System	(459)	-	(459)	Project now due to complete 2021/22
Schools - Non Devolved					
CSEX	Feasibility/Survey Costs	(224)	224	-	Project now due to complete 2021/22
CSJR	Works to explore expansions for all Schools	(50)	50	-	Project now due to complete 2021/22
CSKC	Boyne Hill School Boiler Conversion & Upgrade	(100)	100	-	Project now due to complete 2021/22
CSKH	Schools-Fire Safety Compliance / H&S Works	(150)	150	-	Project now due to complete 2021/22
CSKS	Dedworth Campus Resource Base	(150)	150	-	Project now due to complete 2021/22
CSKT	Furze Platt Federation Resource Base	(250)	250	-	Project now due to complete 2021/22
Technology & Change Delivery					
CA13	Key Infrastructure Upgrades & Hardware	(50)	-	(50)	Estimate depending on several variables, this may change closer to the time.
		(34,911)	10,693	(24,218)	

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Report Title:	Code of Conduct
Contains Confidential or Exempt Information	No - Part I
Lead Member:	Councillor Rayner, Deputy Leader of the Council, Resident and Leisure Services, HR, IT, Legal, Performance Management and Windsor; Armed Forces Champion
Meeting and Date:	Council 27 April 2021
Responsible Officer(s):	Emma Duncan Monitoring Officer and Deputy Director of Law and Strategy
Wards affected:	All

REPORT SUMMARY

- 1.1 This report outlines the new recommended Code of Conduct which is published by the Local Government Association. Council is asked to review the new Model Code, with a view to adopting it in its entirety or with revisions as recommended by the Member Standards Panel.
- 1.2 On 23 December 2020, the Local Government Association (LGA) published a model Councillor Code of Conduct (the Model Code). The Model Code, attached at Annex A, is described by the LGA as ‘designed to protect our democratic role, encourage good conduct and safeguard the public’s trust in local government.
- 1.3 The LGA describes the development of the Model Code as being ‘in association with key partners and after extensive consultation with the sector, as part of its work on supporting all tiers of local government to continue to aspire to high standards of leadership and performance’.
- 1.4 All councils are required to have a local Councillor Code of Conduct and the Model Code is provided for use by councils as a template to adopt in whole and/or with local amendments should they wish to.
- 1.5 It is the role of the Member Standards Panel to determine whether to recommend the Model Code, amended or otherwise to Council for inclusion in the Council’s Constitution.
- 1.6 The report presented the Model Code, compared it to the Council’s current Code of Conduct, attached at Annex B, raised specific issues to consider in relation to amendments and offered choices to the Committee.
- 1.7 The Member Standards Panel met on 12 April 2021 to consider the report. Having considered the report the Panel resolved;
 - That the Model Code, with an amendment to lower the threshold for gifts and hospitality to £25 from £50, be recommended to Council for adoption.
 - That a training programme for the new adopted Code be developed and presented by the Monitoring Officer after the next Council elections for the benefit of all new and existing councillors

1. DETAILS OF RECOMMENDATION(S)

RECOMMENDATION: That the Council:

- i) **Adopts the Model Code, with an amendment to lower the threshold for gifts and hospitality to £25 from £50 and addition of the following requirement, included in the current code:**
 - **You must undertake training arranged by the Council on equality and diversity within two calendar months of your election and annually thereafter**

- ii) **That a training programme for the new adopted Code be developed and presented by the Monitoring Officer after the next Council elections for the benefit of all new and existing councillors**

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

Options

Table 1: Options arising from this report

Option	Comments
(a) no change to the current Code of Conduct and resolve to continue with the existing Code of Conduct	This would not reflect best practice
(b) adoption of the Model Code with or without potential amendments	This is the recommended option
(c) identify issues and ask for a report to come to a later meeting of the Committee that addresses those issues	This would delay the implementation of the new Code
(d) resolve to await the outcome of the Government consideration of the Committee for Standards in Public Life recommendations, and in the meantime invite, neighbouring authorities and other interested parties, individuals and stakeholders for comments on both the Council's existing Code of Conduct and the Model Code.	The Code has already been consulted on extensively

3. KEY IMPLICATIONS

POLICY CONTEXT

- 3.1 The Council has established a number of Interim Strategic Objectives to cover the period 2020-21 including a number of Interim Focus Objectives as follows;
- 3.2 Interim Focus Objectives 2020-21
- Service Stand Up Plans (business continuity)
 - Revised Service Operating Plans
 - Transformation Plan
 - Climate Strategy
 - Governance
 - People Plan – Values, Leadership, Black Lives Matter
- 3.3 Full details of the Council's interim focus objectives and the actions which will deliver these priorities are published on the Council's website. This report concerns good Member conduct in the Council and is relevant to the governance element of the interim focus objectives.
- 3.4 The Localism Act requires all Councils to have a local Member Code of Conduct. The Council's current Code was last considered in September 2018.

New LGA Model Code

- 3.4 In its January 2020 report into Local Government Ethical Standards, the Committee for Standards in Public Life (CSPL) included a best practice recommendation for local authorities to adopt a Code of Conduct based on a model produced by the Local Government Association (LGA).
- 3.5 When researching the local Codes of Conduct, the CPSL found there was considerable variation in the length, quality and clarity of codes of conduct. They believed that this created confusion among members of the public, and among councillors who represent more than one tier of local government. This is a limited issue in RBWM and for the other Berkshire unitaries. All six councils may have councillors serving on the Royal Berkshire Fire and Rescue Authority, and whilst some areas like West Berkshire have many parishes, RBWM has 14.
- 3.6 The LGA has produced a model code of conduct, which is based on the CPSL best practice recommendations and the expectation is that all councils should adopt it as a minimum, but with provision for additional local variations.
- 3.7 Discussions with Monitoring Officers from neighbouring authorities indicate a collective leaning towards adoption of the Model Code albeit with some variations. Most intend to take the issue to upcoming meetings of their Member Standards Panels (or equivalent).
- 3.8 Appendix C of the Model Code lists the CPSL's 15 Best Practice Recommendations and notes that the Government is yet to respond to the

recommendations made by CPSL, some of which require legislative changes. It should be noted that the Government's response, when it comes, may require a change to the Council's adopted Code. The date of the response is unknown.

- 3.9 One of the CPSL's best practice recommendations is that principal authorities should review their Code of Conduct annually and regularly seek, where possible, the views of the public, community organisations and neighbouring authorities. Given the wide-reaching consultation recently conducted by the LGA, it is not recommended that consultation is currently required on a local basis should the decision be to recommend to Council adoption of the Model Code.
- 3.10 The Committee should also consider how frequently the Code is to be reviewed. The annual review recommended by CPSL is best practice and there is clearly merit in ensuring that the Code is current and having an opportunity to deal with any obvious points that need amending. On the other hand, concern has been raised about the practicality and feasibility of annual reviews with consultation built in having regard to the work programme of the Committee generally. If an annual review is not considered feasible, a solution may be an annual light touch health check and a full review as recommended by the Monitoring Officer dependent on the issues which arise from its operation and the complaints received.
- 3.11 The Model Code:
- Continues to require upholding the Seven principles of public life (the Nolan Principles)
 - Contains twelve obligations with guidance
 - Sets out legal requirements
 - Defines a councillor as a member or co-opted member of a local authority
 - Is written in the first person
 - Sets out when the Code applies: 'acting in capacity as a councillor or representative of the Council', adds 'claiming to act', 'giving the impression you are acting' and 'referring publicly to your role as councillor or use knowledge you could only obtain in your role as a councillor'
 - Introduces:
 - concept of 'acting with civility'
 - the word 'harassment' and a definition of bullying and harassment
 - reference to social media
 - specific reference to treating employees of the Council, partners and volunteers for the local authority with respect
 - under the Obligation to comply with the Code of Conduct: to undertake Code of conduct training, co-operate with any investigation or determination, not to intimate persons administering or investigating a complaint and to comply with any sanctions
 - Requires registration of gifts and hospitality with a value of £50 and over
 - Maintains the concept of 'bringing the council into disrepute'
 - Codifies the position on declaration and participation in relation to personal interests that already applies in the Council

Specific Issues for Consideration

- 3.12 There are several points to bring to the attention of the Committee for its consideration of whether local variations to the Model Code are appropriate.

Social Media

- 3.13 A tricky and prevalent issue most local authorities is the application of the Code to councillors' activity on social media. The Council has a Social Media Protocol. It is helpful that the Model Code states that application of the Code extends to 'all forms of communication and interaction, including ... in electronic and social media communication, posts, statements and comments'. Councillors may wish to consider if they wish to review their social media protocol at a future meeting.
- 3.14 While this reference makes it clear that social media activity is covered by the Code, it does not provide any guidance specific to social media on the issue of when a councillor is acting as a councillor, claiming to act as a councillor and/or a representative of your council, giving the impression you are acting that you are acting as a councillor and/or as a representative of your council and public reference to your role as a councillor or use knowledge that you could only use in our role as a councillor.

Gift and Hospitality Threshold

- 3.15 The monetary threshold of £50 and over for registration of gifts and hospitality in the Model Code is more than the £25 threshold in the Council's current Code of Conduct. To assist the Committee in determining the appropriate threshold, the LGA reports that over seven in ten respondents (72 per cent) supported £25 as the threshold for registering gifts and hospitality. 9% of respondents thought that the threshold should be lower than £25 while 16 per cent felt that it should be higher.

Dealing with Disrespect

- 3.16 Under the obligation of respect, the Model Code advises councillors to 'report' members of the public who are abusive, intimidatory or threatening to the local authority. Given the jurisdiction of the local authority and the police for example, consideration can be given to whether the word 'report' is amended to 'seek guidance from'. Alternatively, councillors could be encouraged to speak with the Monitoring Officer who is able to advise on such matters.

Exempt Information

- 3.17 When explaining the obligation in relation to 'Confidentiality and access to information' the Model Code refers to information that would be contained in what is known as 'exempt information' locally in the Council. This is information, that, in accordance with Schedule 12A of the Local Government Act 1972 and the Council's Access to Information Procedure Rules has been deemed to be exempt information and were historically presented on green paper to councillors in advance of a meeting.

- 3.18 In the context of these constitutional rules and the law, 'confidential' has a restricted meaning: 'information furnished to the Council by a Government Department upon terms which forbid the disclosure of the information to the public and information the disclosure of which to the public is prohibited by law or order of the Court'.
- 3.19 In practice there is limited confidential information whereas exempt information, on the other hand, is in practice the majority of what is contained in green papers. Exempt information is defined by seven categories which include legal professional privilege and information relating to the financial and business affairs of the Council.
- 3.20 The operation of this clause is quite complicated, and it contrasts with the plain English adopted throughout the rest of the document. It may be that the Committee wishes to adopt a more straightforward obligation on councillors when dealing with Exempt and Confidential information, namely to seek advice from the Monitoring Officer before releasing any paper which is marked, or could reasonably be assumed to be, confidential or exempt.

Equality and Diversity

- 3.21 Full Council, at its meeting held on 27 October 2020, agreed to amend the Code of Conduct to include the following requirement:
- You must undertake training arranged by the Council on equality and diversity within two calendar months of your election and annually thereafter
- 3.22 Members may wish to include this requirement in any future Code of Conduct

OPTIONS

- 4.1 There are several choices open to the Committee:
- (b) no change to the current Code of Conduct and resolve to continue with the existing Code of Conduct
 - (c) adoption of the Model Code with or without potential amendments
 - (d) identify issues and ask for a report to come to a later meeting of the Committee that addresses those issues
 - (e) resolve to await the outcome of the Government consideration of the Committee for Standards in Public Life recommendations, and in the meantime invite, neighbouring authorities and other interested parties, individuals and stakeholders for comments on both the Council's existing Code of Conduct and the Model Code.

4. FINANCIAL DETAILS / VALUE FOR MONEY

- 4.1 No financial implications

5. LEGAL IMPLICATIONS

5.1 The Council is bound to maintain a Councillor Code of Conduct and to publish arrangements to advise residents how complaints can be made under the Code.

6. RISK MANAGEMENT

Table 2: Impact of risk and mitigation

Risk	Level of uncontrolled risk	Controls	Level of controlled risk
Reputational – poor behaviour by Members undermines confidence in local government	High	Code of Conduct Training Group Discipline Informal resolution Culture – clear understanding of acceptable behaviours	Medium
Governance – poor behaviour by Members represents a significant governance risk to the Council	High	Code of Conduct Training Group Discipline Informal resolution Culture – clear understanding of acceptable behaviours	Medium

7. POTENTIAL IMPACTS

7.1 Equalities.

An EQIA screening has been completed and is available on the [council website](#).

7.2 Climate change/sustainability.

Not relevant

7.3 Data Protection/GDPR.

Not relevant

8. CONSULTATION

8.1 Section 138 of the Local Government and Public Involvement in Health Act 2007 places a duty on local authorities to involve local representatives when carrying out "any of its functions" by providing information, consulting or "involving in another way".

8.2 It is not anticipated that there will be public consultation on the Model Code of Conduct. It has however already been in the public domain at Member Standards Panel and in the Council agenda..

9. TIMETABLE FOR IMPLEMENTATION

9.1 Not subject to call in

10. APPENDICES

10.1 This report is supported by 3 Appendices:

- Appendix A LGA Model Code of Conduct
- Appendix B Current RBWM Code of Conduct
- Appendix C CSPL Best Practice Recommendations

11. BACKGROUND DOCUMENTS

11.1 This report is supported by 0 background documents:

12. CONSULTATION (MANDATORY)

Name of consultee	Post held	Date sent	Date returned
Cllr Rayner	Deputy Leader of the Council, Resident and Leisure Services, HR, IT, Legal, Performance Management and Windsor; Armed Forces Champion	16/03/21	
Duncan Sharkey	Managing Director	16/03/21	
Adele Taylor	Director of Resources/S151 Officer	16/03/21	
Andrew Durrant	Director of Place	16/03/21	
Kevin McDaniel	Director of Children's Services	16/03/21	
Hilary Hall	Director of Adults, Health and Commissioning	16/03/21	
Andrew Vallance	Head of Finance	16/03/21	
Elaine Browne	Head of Law	16/03/21	
Emma Duncan	Deputy Director of Law and Strategy / Monitoring Officer	16/03/21	
Nikki Craig	Head of HR Corporate Projects and IT	16/03/21	
Louisa Dean	Communications	16/03/21	
Karen Shepherd	Head of Governance	16/03/21	

REPORT HISTORY

Decision type:	Urgency item?	To follow item?
Recommendation from Member Standards Panel	No	No

Council decision		
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Report Author: Emma Duncan, Deputy Director of Law and Strategy,
07583074039



Local Government Association

Model Councillor Code of Conduct 2020

Joint statement

The role of councillor across all tiers of local government is a vital part of our country's system of democracy. It is important that as councillors we can be held accountable and all adopt the behaviors and responsibilities associated with the role. Our conduct as an individual councillor affects the reputation of all councillors. We want the role of councillor to be one that people aspire to. We also want individuals from a range of backgrounds and circumstances to be putting themselves forward to become councillors.

As councillors, we represent local residents, work to develop better services and deliver local change. The public have high expectations of us and entrust us to represent our local area; taking decisions fairly, openly, and transparently. We have both an individual and collective responsibility to meet these expectations by maintaining high standards and demonstrating good conduct, and by challenging behaviour which falls below expectations.

Importantly, we should be able to undertake our role as a councillor without being intimidated, abused, bullied or threatened by anyone, including the general public.

This Code has been designed to protect our democratic role, encourage good conduct and safeguard the public's trust in local government.

Introduction

The Local Government Association (LGA) has developed this Model Councillor Code of Conduct, in association with key partners and after extensive consultation with the sector, as part of its work on supporting all tiers of local government to continue to aspire to high standards of leadership and performance. It is a template for councils to adopt in whole and/or with local amendments.

All councils are required to have a local Councillor Code of Conduct.

The LGA will undertake an annual review of this Code to ensure it continues to be fit-for-purpose, incorporating advances in technology, social media and changes in legislation. The LGA can also offer support, training and mediation to councils and councillors on the application of the Code and the National Association of Local Councils (NALC) and the county associations of local councils can offer advice and support to town and parish councils.

Definitions

For the purposes of this Code of Conduct, a “councillor” means a member or co-opted member of a local authority or a directly elected mayor. A “co-opted member” is defined in the Localism Act 2011 Section 27(4) as “a person who is not a member of the authority but who

- a) is a member of any committee or sub-committee of the authority, or;
- b) is a member of, and represents the authority on, any joint committee or joint sub-committee of the authority;

and who is entitled to vote on any question that falls to be decided at any meeting of that committee or sub-committee”.

For the purposes of this Code of Conduct, “local authority” includes county councils, district councils, London borough councils, parish councils, town councils, fire and rescue authorities, police authorities, joint authorities, economic prosperity boards, combined authorities and National Park authorities.

Purpose of the Code of Conduct

The purpose of this Code of Conduct is to assist you, as a councillor, in modelling the behaviour that is expected of you, to provide a personal check and balance, and to set out the type of conduct that could lead to action being taken against you. It is also to protect you, the public, fellow councillors, local authority officers and the reputation of local government. It sets out general principles of conduct expected of all councillors and your specific obligations in relation to standards of conduct. The LGA encourages the use of support, training and mediation prior to action being taken using the Code. The fundamental aim of the Code is to create and maintain public confidence in the role of councillor and local government.

General principles of councillor conduct

Everyone in public office at all levels; all who serve the public or deliver public services, including ministers, civil servants, councillors and local authority officers; should uphold the [Seven Principles of Public Life](#), also known as the Nolan Principles.

Building on these principles, the following general principles have been developed specifically for the role of councillor.

In accordance with the public trust placed in me, on all occasions:

- I act with integrity and honesty
- I act lawfully
- I treat all persons fairly and with respect; and
- I lead by example and act in a way that secures public confidence in the role of councillor.

In undertaking my role:

- I impartially exercise my responsibilities in the interests of the local community
- I do not improperly seek to confer an advantage, or disadvantage, on any person
- I avoid conflicts of interest
- I exercise reasonable care and diligence; and
- I ensure that public resources are used prudently in accordance with my local authority's requirements and in the public interest.

Application of the Code of Conduct

This Code of Conduct applies to you as soon as you sign your declaration of acceptance of the office of councillor or attend your first meeting as a co-opted member and continues to apply to you until you cease to be a councillor.

This Code of Conduct applies to you when you are acting in your capacity as a councillor which may include when:

- you misuse your position as a councillor
- Your actions would give the impression to a reasonable member of the public with knowledge of all the facts that you are acting as a councillor;

The Code applies to all forms of communication and interaction, including:

- at face-to-face meetings
- at online or telephone meetings
- in written communication
- in verbal communication
- in non-verbal communication
- in electronic and social media communication, posts, statements and comments.

You are also expected to uphold high standards of conduct and show leadership at all times when acting as a councillor.

Your Monitoring Officer has statutory responsibility for the implementation of the Code of Conduct, and you are encouraged to seek advice from your Monitoring Officer on any matters that may relate to the Code of Conduct. Town and parish councillors are encouraged to seek advice from their Clerk, who may refer matters to the Monitoring Officer.

Standards of councillor conduct

This section sets out your obligations, which are the minimum standards of conduct required of you as a councillor. Should your conduct fall short of these standards, a complaint may be made against you, which may result in action being taken.

Guidance is included to help explain the reasons for the obligations and how they should be followed.

General Conduct

1. Respect

As a councillor:

1.1 I treat other councillors and members of the public with respect.

1.2 I treat local authority employees, employees and representatives of partner organisations and those volunteering for the local authority with respect and respect the role they play.

Respect means politeness and courtesy in behaviour, speech, and in the written word. Debate and having different views are all part of a healthy democracy. As a councillor, you can express, challenge, criticise and disagree with views, ideas, opinions and policies in a robust but civil manner. You should not, however, subject individuals, groups of people or organisations to personal attack.

In your contact with the public, you should treat them politely and courteously. Rude and offensive behaviour lowers the public's expectations and confidence in councillors.

In return, you have a right to expect respectful behaviour from the public. If members of the public are being abusive, intimidatory or threatening you are entitled to stop any conversation or interaction in person or online and report them to the local authority, the relevant social media provider or the police. This also applies to fellow councillors, where action could then be taken under the Councillor Code of Conduct, and local authority employees, where concerns should be raised in line with the local authority's councillor-officer protocol.

2. Bullying, harassment and discrimination

As a councillor:

2.1 I do not bully any person.

2.2 I do not harass any person.

2.3 I promote equalities and do not discriminate unlawfully against any person.

The Advisory, Conciliation and Arbitration Service (ACAS) characterises bullying as offensive, intimidating, malicious or insulting behaviour, an abuse or misuse of power through means that undermine, humiliate, denigrate or injure the recipient. Bullying might be a regular pattern of behaviour or a one-off incident, happen face-to-face, on social media, in emails or phone calls, happen in the workplace or at work social events and may not always be obvious or noticed by others.

The Protection from Harassment Act 1997 defines harassment as conduct that causes alarm or distress or puts people in fear of violence and must involve such conduct on at least two occasions. It can include repeated attempts to impose unwanted communications and contact upon a person in a manner that could be expected to cause distress or fear in any reasonable person.

Unlawful discrimination is where someone is treated unfairly because of a protected characteristic. Protected characteristics are specific aspects of a person's identity defined by the Equality Act 2010. They are age, disability, gender reassignment, marriage and civil partnership, pregnancy and maternity, race, religion or belief, sex and sexual orientation.

The Equality Act 2010 places specific duties on local authorities. Councillors have a central role to play in ensuring that equality issues are integral to the local authority's performance and strategic aims, and that there is a strong vision and public commitment to equality across public services.

3. Impartiality of officers of the council

As a councillor:

3.1 I do not compromise, or attempt to compromise, the impartiality of anyone who works for, or on behalf of, the local authority.

Officers work for the local authority as a whole and must be politically neutral (unless they are political assistants). They should not be coerced or persuaded to act in a way that would undermine their neutrality. You can question officers in order to understand, for example, their reasons for proposing to act in a particular way, or the content of a report that they have written. However, you must not try and force them to act differently, change their advice, or alter the content of that report, if doing so would prejudice their professional integrity.

4. Confidentiality and access to information

As a councillor:

4.1 I do not disclose information:

- a. given to me in confidence by anyone**
- b. acquired by me which I believe, or ought reasonably to be aware, is of a confidential nature, unless**
 - i. I have received the consent of a person authorised to give it;**
 - ii. I am required by law to do so;**
 - iii. the disclosure is made to a third party for the purpose of obtaining professional legal advice provided that the third party agrees not to disclose the information to any other person; or**
 - iv. the disclosure is:**
 - 1. reasonable and in the public interest; and**
 - 2. made in good faith and in compliance with the reasonable requirements of the local authority; and**
 - 3. I have consulted the Monitoring Officer prior to its release.**

4.2 I do not improperly use knowledge gained solely as a result of my role as a councillor for the advancement of myself, my friends, my family members, my employer or my business interests.

4.3 I do not prevent anyone from getting information that they are entitled to by law.

Local authorities must work openly and transparently, and their proceedings and printed materials are open to the public, except in certain legally defined circumstances. You should work on this basis, but there will be times when it is required by law that discussions, documents and other information relating to or held by the local authority must be treated in a confidential manner. Examples include personal data relating to individuals or information relating to ongoing negotiations.

5. Disrepute

As a councillor:

5.1 I do not bring my role or local authority into disrepute.

As a Councillor, you are trusted to make decisions on behalf of your community and your actions and behaviour are subject to greater scrutiny than that of ordinary members of the public. You should be aware that your actions might have an adverse impact on you, other councillors and/or your local authority and may lower the public's confidence in you or your local authority's ability to discharge your/its functions. For example, behaviour that is considered dishonest and/or deceitful can bring your local authority into disrepute.

You are able to hold the local authority and fellow councillors to account and are able to constructively challenge and express concern about decisions and processes undertaken by the council whilst continuing to adhere to other aspects of this Code of Conduct.

6. Use of position

As a councillor:

6.1 I do not use, or attempt to use, my position improperly to the advantage or disadvantage of myself or anyone else.

Your position as a member of the local authority provides you with certain opportunities, responsibilities and privileges, and you make choices all the time that will impact others. However, you should not take advantage of these opportunities to further your own or others' private interests or to disadvantage anyone unfairly.

7. Use of local authority resources and facilities

As a councillor:

7.1 I do not misuse council resources.

7.2 I will, when using the resources of the local or authorising their use by others:

- a. act in accordance with the local authority's requirements; and**
- b. ensure that such resources are not used for political purposes unless that use could reasonably be regarded as likely to facilitate, or be conducive to, the discharge of the functions of the local authority or of the office to which I have been elected or appointed.**

You may be provided with resources and facilities by the local authority to assist you in carrying out your duties as a councillor.

Examples include:

- office support
- stationery
- equipment such as phones, and computers
- transport
- access and use of local authority buildings and rooms.

These are given to you to help you carry out your role as a councillor more effectively and are not to be used for business or personal gain. They should be used in accordance with the purpose for which they have been provided and the local authority's own policies regarding their use.

8. Complying with the Code of Conduct

As a Councillor:

8.1 I undertake Code of Conduct training provided by my local authority.

8.2 I cooperate with any Code of Conduct investigation and/or determination.

8.3 I do not intimidate or attempt to intimidate any person who is likely to be involved with the administration of any investigation or proceedings.

8.4 I comply with any sanction imposed on me following a finding that I have breached the Code of Conduct.

It is extremely important for you as a councillor to demonstrate high standards, for you to have your actions open to scrutiny and for you not to undermine public trust in the local authority or its governance. If you do not understand or are concerned about the local authority's processes in handling a complaint you should raise this with your Monitoring Officer.

Protecting your reputation and the reputation of the local authority

9. Interests

As a councillor:

9.1 I register and disclose my interests.

Section 29 of the Localism Act 2011 requires the Monitoring Officer to establish and maintain a register of interests of members of the authority .

You need to register your interests so that the public, local authority employees and fellow councillors know which of your interests might give rise to a conflict of interest. The register is a public document that can be consulted when (or before) an issue arises. The register also protects you by allowing you to demonstrate openness and a willingness to be held accountable. You are personally responsible for deciding whether or not you should disclose an interest in a meeting, but it can be helpful for you to know early on if others think that a potential conflict might arise. It is also important that the public know about any interest that might have to be disclosed by you or other councillors when making or taking part in decisions, so that decision making is seen by the public as open and honest. This helps to ensure that public confidence in the integrity of local governance is maintained.

You should note that failure to register or disclose a disclosable pecuniary interest as set out in Table 1, is a criminal offence under the Localism Act 2011.

Appendix B sets out the detailed provisions on registering and disclosing interests. If in doubt, you should always seek advice from your Monitoring Officer.

10. Gifts and hospitality

As a councillor:

- 10.1 I do not accept gifts or hospitality, irrespective of estimated value, which could give rise to real or substantive personal gain or a reasonable suspicion of influence on my part to show favour from persons seeking to acquire, develop or do business with the local authority or from persons who may apply to the local authority for any permission, licence or other significant advantage.**
- 10.2 I register with the Monitoring Officer any gift or hospitality with an estimated value of at least £50 within 28 days of its receipt.**
- 10.3 I register with the Monitoring Officer any significant gift or hospitality that I have been offered but have refused to accept.**

In order to protect your position and the reputation of the local authority, you should exercise caution in accepting any gifts or hospitality which are (or which you reasonably believe to be) offered to you because you are a councillor. The presumption should always be not to accept significant gifts or hospitality. However, there may be times when such a refusal may be difficult if it is seen as rudeness in which case you could accept it but must ensure it is publicly registered. However, you do not need to register gifts and hospitality which are not related to your role as a councillor, such as Christmas gifts from your friends and family. It is also important to note that it is appropriate to accept normal expenses and hospitality associated with your duties as a councillor. If you are unsure, do contact your Monitoring Officer for guidance.

Appendices

Appendix A – The Seven Principles of Public Life

The principles are:

Selflessness

Holders of public office should act solely in terms of the public interest.

Integrity

Holders of public office must avoid placing themselves under any obligation to people or organisations that might try inappropriately to influence them in their work. They should not act or take decisions in order to gain financial or other material benefits for themselves, their family, or their friends. They must disclose and resolve any interests and relationships.

Objectivity

Holders of public office must act and take decisions impartially, fairly and on merit, using the best evidence and without discrimination or bias.

Accountability

Holders of public office are accountable to the public for their decisions and actions and must submit themselves to the scrutiny necessary to ensure this.

Openness

Holders of public office should act and take decisions in an open and transparent manner. Information should not be withheld from the public unless there are clear and lawful reasons for so doing.

Honesty

Holders of public office should be truthful.

Leadership

Holders of public office should exhibit these principles in their own behaviour. They should actively promote and robustly support the principles and be willing to challenge poor behaviour wherever it occurs.

Appendix B Registering

interests

Within 28 days of becoming a member or your re-election or re-appointment to office you must register with the Monitoring Officer the interests which fall within the categories set out in **Table 1 (Disclosable Pecuniary Interests)** which are as described in "The Relevant Authorities (Disclosable Pecuniary Interests) Regulations 2012". You should also register details of your other personal interests which fall within the categories set out in **Table 2 (Other Registerable Interests)**.

"Disclosable pecuniary interest" means an interest of yourself, or of your partner if you are aware of your partner's interest, within the descriptions set out in Table 1 below.

"Partner" means a spouse or civil partner, or a person with whom you are living as husband or wife, or a person with whom you are living as if you are civil partners.

1. You must ensure that your register of interests is kept up-to-date and within 28 days of becoming aware of any new interest, or of any change to a registered interest, notify the Monitoring Officer.
2. A 'sensitive interest' is as an interest which, if disclosed, could lead to the councillor, or a person connected with the councillor, being subject to violence or intimidation.
3. Where you have a 'sensitive interest' you must notify the Monitoring Officer with the reasons why you believe it is a sensitive interest. If the Monitoring Officer agrees they will withhold the interest from the public register.

Non participation in case of disclosable pecuniary interest

4. Where a matter arises at a meeting which directly relates to one of your Disclosable Pecuniary Interests as set out in **Table 1**, you must disclose the interest, not participate in any discussion or vote on the matter and must not remain in the room unless you have been granted a dispensation. If it is a 'sensitive interest', you do not have to disclose the nature of the interest, just that you have an interest. Dispensation may be granted in limited circumstances, to enable you to participate and vote on a matter in which you have a disclosable pecuniary interest.
5. Where you have a disclosable pecuniary interest on a matter to be considered or is being considered by you as a Cabinet member in exercise of your executive function, you must notify the Monitoring Officer of the interest and must not take any steps or further steps in the matter apart from arranging for someone else to deal with it

Disclosure of Other Registerable Interests

6. Where a matter arises at a meeting which **directly relates** to one of your Other Registerable Interests (as set out in Table 2), you must disclose the interest. You may speak on the matter only if members of the public are also allowed to speak at the meeting but otherwise must not take part in any discussion or vote on the matter and must not remain in the room unless you have been granted a dispensation. If it

is a 'sensitive interest', you do not have to disclose the nature of the interest.

Disclosure of Non-Registerable Interests

7. Where a matter arises at a meeting which **directly relates** to your financial interest or well-being (and is not a Disclosable Pecuniary Interest set out in Table 1) or a financial interest or well-being of a relative or close associate, you must disclose the interest. You may speak on the matter only if members of the public are also allowed to speak at the meeting but otherwise must not take part in any discussion or vote on the matter and must not remain in the room unless you have been granted a dispensation. If it is a 'sensitive interest', you do not have to disclose the nature of the interest.

8. Where a matter arises at a meeting which **affects** –

- a. your own financial interest or well-being;
- b. a financial interest or well-being of a friend, relative, close associate; or
- c. a body included in those you need to disclose under Disclosable Pecuniary Interests as set out in **Table 1**

you must disclose the interest. In order to determine whether you can remain in the meeting after disclosing your interest the following test should be applied

9. Where a matter **affects** your financial interest or well-being:

- a. to a greater extent than it affects the financial interests of the majority of inhabitants of the ward affected by the decision and;
- b. a reasonable member of the public knowing all the facts would believe that it would affect your view of the wider public interest

You may speak on the matter only if members of the public are also allowed to speak at the meeting but otherwise must not take part in any discussion or vote on the matter and must not remain in the room unless you have been granted a dispensation.

If it is a 'sensitive interest', you do not have to disclose the nature of the interest.

10. Where you have a personal interest in any business of your authority and you have made an executive decision in relation to that business, you must make sure that any written statement of that decision records the existence and nature of your interest.

Table 1: Disclosable Pecuniary Interests

This table sets out the explanation of Disclosable Pecuniary Interests as set out in the [Relevant Authorities \(Disclosable Pecuniary Interests\) Regulations 2012](#).

Subject	Description
Employment, office, trade, profession or vocation	Any employment, office, trade, profession or vocation carried on for profit or gain. [Any unpaid directorship.]
Sponsorship	Any payment or provision of any other financial benefit (other than from the council) made to the councillor during the previous 12-month period for expenses incurred by him/her in carrying out his/her duties as a councillor, or towards his/her election expenses. This includes any payment or financial benefit from a trade union within the meaning of the Trade Union and Labour Relations (Consolidation) Act 1992.
Contracts	Any contract made between the councillor or his/her spouse or civil partner or the person with whom the

	<p>councillor is living as if they were spouses/civil partners (or a firm in which such person is a partner, or an incorporated body of which such person is a director* or a body that such person has a beneficial interest in the securities of*) and the council —</p> <p>(a) under which goods or services are to be provided or works are to be executed; and</p> <p>(b) which has not been fully discharged.</p>
Land and Property	<p>Any beneficial interest in land which is within the area of the council.</p> <p>'Land' excludes an easement, servitude, interest or right in or over land which does not give the councillor or his/her spouse or civil partner or the person with whom the councillor is living as if they were spouses/civil partners (alone or jointly with another) a right to occupy or to receive income.</p>
Licenses	<p>Any licence (alone or jointly with others) to occupy land in the area of the council for a month or longer</p>
Corporate tenancies	<p>Any tenancy where (to the councillor's knowledge)—</p> <p>(a) the landlord is the council; and</p> <p>(b) the tenant is a body that the councillor, or his/her spouse or civil partner or the person with whom the councillor is living as if they were spouses/civil partners is a partner of or a director* of or has a beneficial interest in the securities* of.</p>
Securities	<p>Any beneficial interest in securities* of a body where—</p> <p>(a) that body (to the councillor's knowledge) has a place of business or land in the area of the council; and</p> <p>(b) either—</p> <p>(i) the total nominal value of the securities* exceeds £25,000 or one hundredth of the total issued share capital of that body; or</p> <p>(ii) if the share capital of that body is of more than one class, the total nominal value of the shares of any one class in which the councillor, or his/her spouse or civil partner or the person with whom the councillor is living as if they were</p>

	spouses/civil partners has a beneficial interest exceeds one hundredth of the total issued share capital of that class.
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* 'director' includes a member of the committee of management of an industrial and provident society.

* 'securities' means shares, debentures, debenture stock, loan stock, bonds, units of a collective investment scheme within the meaning of the Financial Services and Markets Act 2000 and other securities of any description, other than money deposited with a building society.

Table 2: Other Registerable Interests

You have a personal interest in any business of your authority where it relates to or is likely to affect:

- a) any body of which you are in general control or management and to which you are nominated or appointed by your authority
- b) any body
 - (i) exercising functions of a public nature
 - (ii) any body directed to charitable purposes or
 - (iii) one of whose principal purposes includes the influence of public opinion or policy (including any political party or trade union)

Appendix C – the Committee on Standards in Public Life

The LGA has undertaken this review whilst the Government continues to consider the recommendations made by the Committee on Standards in Public Life in their report on [Local Government Ethical Standards](#). If the Government chooses to implement any of the recommendations, this could require a change to this Code.

The recommendations cover:

- Recommendations for changes to the Localism Act 2011 to clarify in law when the Code of Conduct applies
- The introduction of sanctions
- An appeals process through the Local Government Ombudsman
- Changes to the Relevant Authorities (Disclosable Pecuniary Interests) Regulations 2012
- Updates to the Local Government Transparency Code
- Changes to the role and responsibilities of the Independent Person
- That the criminal offences in the Localism Act 2011 relating to Disclosable Pecuniary Interests should be abolished

The Local Government Ethical Standards report also includes Best Practice recommendations. These are:

Best practice 1: Local authorities should include prohibitions on bullying and harassment in codes of conduct. These should include a definition of bullying and harassment, supplemented with a list of examples of the sort of behaviour covered by such a definition.

Best practice 2: Councils should include provisions in their code of conduct requiring councillors to comply with any formal standards investigation and prohibiting trivial or malicious allegations by councillors.

Best practice 3: Principal authorities should review their code of conduct each year and regularly seek, where possible, the views of the public, community organisations and neighbouring authorities.

Best practice 4: An authority's code should be readily accessible to both councillors and the public, in a prominent position on a council's website and available in council premises.

Best practice 5: Local authorities should update their gifts and hospitality register at least once per quarter, and publish it in an accessible format, such as CSV.

Best practice 6: Councils should publish a clear and straightforward public interest test against which allegations are filtered.

Best practice 7: Local authorities should have access to at least two Independent Persons.

Best practice 8: An Independent Person should be consulted as to whether to undertake a formal investigation on an allegation, and should be given the option to

review and comment on allegations which the responsible officer is minded to dismiss as being without merit, vexatious, or trivial.

Best practice 9: Where a local authority makes a decision on an allegation of misconduct following a formal investigation, a decision notice should be published as soon as possible on its website, including a brief statement of facts, the provisions of the code engaged by the allegations, the view of the Independent Person, the reasoning of the decision-maker, and any sanction applied.

Best practice 10: A local authority should have straightforward and accessible guidance on its website on how to make a complaint under the code of conduct, the process for handling complaints, and estimated timescales for investigations and outcomes.

Best practice 11: Formal standards complaints about the conduct of a parish councillor towards a clerk should be made by the chair or by the parish council, rather than the clerk in all but exceptional circumstances.

Best practice 12: Monitoring Officers' roles should include providing advice, support and management of investigations and adjudications on alleged breaches to parish councils within the remit of the principal authority. They should be provided with adequate training, corporate support and resources to undertake this work.

Best practice 13: A local authority should have procedures in place to address any conflicts of interest when undertaking a standards investigation. Possible steps should include asking the Monitoring Officer from a different authority to undertake the investigation.

Best practice 14: Councils should report on separate bodies they have set up or which they own as part of their annual governance statement and give a full picture of their relationship with those bodies. Separate bodies created by local authorities should abide by the Nolan principle of openness and publish their board agendas and minutes and annual reports in an accessible place.

Best practice 15: Senior officers should meet regularly with political group leaders or group whips to discuss standards issues.

The LGA has committed to reviewing the Code on an annual basis to ensure it is still fit for purpose.

APPENDIX B

PART 7 – THE CODES, PROTOCOLS AND ADVICE

A – MEMBERS’ CODE OF CONDUCT

Royal Borough of Windsor & Maidenhead Members' Code of Conduct

Under this Code of Conduct, when acting in your capacity as a Member or co-opted Member¹ you must have regard to the following rules²:

- i) You must act solely in the public interest and should never improperly confer an advantage or disadvantage on any person or act to gain financial or other material benefits of financial value for yourself, or others.
- ii) You must co-operate fully with whatever scrutiny is appropriate to your office, including reasonably co-operating with enquiries connected to any Code of Conduct complaint made against you under this Code of Conduct.
- iii) You must, in your decision making role, declare personal, prejudicial and disclosable pecuniary interests, as well as any predetermination, and take steps to resolve any conflicts as a result of those interests, including registering and declaring interests in accordance with the procedures set out in the Appendices 1 to 2 below.
- iv) You must, when using the Council's resources, ensure that such resources are not used for improper purposes. This rule includes not doing anything which could potentially cause the Council to be in breach of the Code of Recommended Practice on Local Government Publicity.
- v) You must promote and support high standards of conduct by leadership and example in your dealings with members of the public, Members and Officers by ensuring that:³
 - a. You must not act in a way which a reasonable person would regard as bullying or intimidating
 - b. You must not unlawfully discriminate against anyone, regardless of gender, race, disability, sexual orientation, age or religion.
 - c. You must not behave in such a way that a reasonable person would regard as disrespectful
 - d. You must not disclose information which you believe, or ought reasonable be aware is confidential, unless you have the consent of the person authorised to give it, or where you are required by law to do so.
 - e. You must undertake training arranged by the Council on equality and diversity within two calendar months of your election and annually thereafter

¹ 'Acting as a Member or Co-Opted Member' - see Appendix 4

² The Code of Conduct is consistent with the following principles: selflessness, integrity, objectivity, accountability, openness, honesty and leadership, as required by s28 Localism Act 2011

³ See Appendix 3 'High Standards of Conduct' for guidance on this part of the Code

Appendix 1

Registering Disclosable Pecuniary Interests (s.30 Localism Act 2011) and Personal Interests

You must, within 28 days of taking office as a Member or co-opted Member, notify your authority's Monitoring Officer of any Disclosable Pecuniary Interests ('DPIs'), where the DPI is yours, your spouse's or civil partner's, or is the DPI of somebody with whom you are living with as a husband or wife, as if you were civil partners. The definition of each DPI is in Appendix 2.

In addition, you must, within 28 days of taking office as a Member or co-opted Member, notify your authority's Monitoring Officer of any Personal Interest as defined in Appendix 2.

If any DPI or Personal Interest has not been entered onto the authority's Register of Interests, then the Member must disclose the interest to any meeting of the authority at which they are present, where they have an interest in any matter being considered and where the matter is not a Sensitive Interest as defined in Appendix 2.

Following disclosure of any interest not on the authority's Register of Interests or the subject of a pending notification, you must notify the Monitoring Officer of the interest within 28 days beginning with the date of disclosure in order that it may be placed on the Register of Interests.

You must also, within 28 days of receipt, notify the Monitoring Officer, in writing, of any gift, benefit or hospitality, with a value in excess of £25, which will then be entered on the public register of gifts and hospitality.

A copy of the register will be available for public inspection and will be published on the authority's website.

Disclosure of interests and participation in meetings. (s.31 Localism Act 2011)

Disclosure at Meetings

You are required to disclose interests at meetings when you are aware that a DPI, a Prejudicial Interest⁴ or a Personal Interest which is relevant to the matter being considered.

You are not required to (but can do so if you wish) disclose any other type of interest that you may have. If in doubt, it is always better to disclose an interest than not do so as the Council places a high value upon its public reputation for openness and integrity.

⁴ See definition of Disclosable Pecuniary Interests, Prejudicial Interest and Personal Interests at Appendix 2

Participation for Decision Makers at Meetings

If you attend a meeting as a decision maker and have:

- (a) DPI which is relevant to the matter under discussion; or
- (b) a Prejudicial Interest;

then you must not participate in any debate of the matter and/or participate in any vote at the meeting, unless you have obtained a Dispensation. Details of how to obtain a Dispensation are below.

If you have a DPI or Prejudicial Interest (and do not have a Dispensation) as described then you must declare the interest at the start of the meeting when the Chairman asks if there are any interests to declare. Before the item is to be discussed, you may make representations before there is debate on the matter but, when finished, you must move to the public area or leave the room and take no further part in the discussion or vote.

If you remain in the room, you must not sit with the other Members of the meeting and must move to the public area. You must not speak after making your representations. It is also important that you do not express your views in a non-verbal way, for example by using body language or expressing emotion.

You cannot avoid disclosure of a DPI or Prejudicial Interest merely by withdrawing during that part of the meeting when the matter you have a DPI or Prejudicial Interest, is to be discussed. In respect to a DPI, failure to comply is a Criminal Offence.

How to obtain a Dispensation

If you seek a Dispensation under s33 Localism Act 2011, you must make a written request to the Proper Officer of the Council.

The Proper Officer or the Council by a majority vote may grant a dispensation under this section only if, after having had regard to all relevant circumstances, the authority—

- (a) considers that without the dispensation the number of persons from participating in any particular business would be so great a proportion of the body transacting the business as to impede the transaction of the business,
- (b) considers that without the dispensation the representation of different political groups on the body transacting any particular business would be so upset as to alter the likely outcome of any vote relating to the business,
- (c) considers that granting the dispensation is in the interests of persons living in the Royal Borough of Windsor and Maidenhead.
- (d) in the case of decisions made by Cabinet, considers that without the dispensation each Member of the Cabinet would be prohibited from participating in any particular business of Cabinet, or

(e) considers that it is otherwise appropriate to grant a dispensation.⁵

A dispensation under this section must specify the period for which it has effect, and the period specified may not exceed four years.⁶

The Proper Officer in connection to this Appendix is the Managing Director, the Monitoring Officer or his or her Deputy, or the officer clerking the meeting.

⁵ S33(2) Localism Act 2011

⁶ S33(3) Localism Act 2011

Appendix 2

Definitions of Disclosable Pecuniary, Prejudicial and Personal Interests and Predetermination

Disclosable Pecuniary Interest (DPIs)

These are statutory interests defined by regulations made under s30(3) of the Localism Act 2011 and described in the table below.

(‘M’ means you and ‘relevant person’ means you and your partner). “Partner” means a spouse or civil partner of M, or a person with whom M is living as husband and wife or a person with whom M is living as if they were civil partners

Subject	Prescribed description
Employment, office, trade, profession or vacation	Any employment, office, trade, profession or vocation carried on for profit or gain.
Sponsorship	Any payment or provision of any other financial benefit (other than from the relevant authority) made or provided within the relevant period in respect of any expenses incurred by M in carrying out duties as a member, or towards the election expenses of M. This includes any payment or financial benefit from a trade union within the meaning of the Trade Union and Labour Relations (Consolidation) Act 1992.
Contracts	Any contract which is made between the relevant person (or a body in which the relevant person has a beneficial interest) and the relevant authority— a) under which goods or services are to be provided or works are to be executed; and b) which has not been fully discharged.
Land	Any beneficial interest in land which is within the area of the relevant authority.
Licences	Any licence (alone or jointly with others) to occupy land in the area of the relevant authority for a month or longer.
Corporate tenancies	Any tenancy where (to M’s knowledge)— a) the landlord is the relevant authority; and b) the tenant is a body in which the relevant person has a beneficial interest.
Securities	Any beneficial interest in securities of a body where— a) that body (to M’s knowledge) has a place 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

Subject	Prescribed description
	ii) if the share capital of that body is of more than one class, the total nominal value of the shares of any one class in which the relevant person has a beneficial interest exceeds one hundredth of the total issued share capital of that class.

These descriptions on Disclosable Pecuniary Interests above are subject to the following definitions;

The Act	means the Localism Act 2011
Body in which the relevant person has a beneficial interest	means a firm in which the relevant person is a partner or a body corporate of which the relevant person is a director, or in the securities of which the relevant person has a beneficial interest;
Director	includes a member of the committee of management of an industrial and provident society;
Land	excludes an easement, servitude, interest or right in or over land which does not carry with it a right for the relevant person (alone or jointly with another) to occupy the land or to receive income;
M	means a member of a relevant authority;
Member	includes a co-opted member;
Relevant authority	means the authority of which M is a member;
Relevant period	means the period of 12 months ending with the day on which M gives a notification for the purposes of section 30(1) or section 31(7), as the case may be, of the Act;
Relevant person	means M or any other person referred to in section 30(3)(b) of the Act;
Securities	means shares, debentures, debenture stock, loan stock, bonds, units of a collective investment scheme within the meaning of the Financial Services and Markets Act 2000 and other securities of any description, other than money deposited with a building society.

It is a potentially a criminal offence under s34 Localism Act 2011 if you fail, without reasonable excuse, to comply with the requirements under s30 or s31 Localism Act 2011 to register or declare a Disclosable Pecuniary Interest.

Personal Interests

These are interests which the Council has decided should be disclosed, under s29(2) Localism Act 2011. A Personal Interest is:

- i) Any body of which you are in a position of general control or management and to which you are elected appointed or nominated by the Council;
- ii) Any body of which you are a member, or have a close association or which you are in a position of general control, influence or management and that body:
 - exercises functions of a public nature; or
 - is in receipt of any grant from the Council; or

- is directed to charitable purposes; or
 - is one of whose principal purposes includes the influence of public opinion or policy (including any political party or trade union),
- iii) Membership of any private club, society or association operating within the Borough Council's area, where you hold a position of general control or management
- iv) Any other connection or association which a member of the public may reasonably think may influence you when you make a decision on Council matters and acting as a Councillor. e.g. the decision relates to a close family member or friend and could have a benefit to them.

You are not required to record any Personal Interest in point (iv) above on your Register of Interests but may do so if you wish.

Prejudicial Interest

This is Personal Interest which a reasonable fair minded and informed member of the public, with knowledge of all the facts, would reasonably believe is so significant that it influences your judgement of the public interest, in other words, you have the appearance of being biased towards a decision before actually making it. This would include where you have predetermined a matter. It is not enough for you to make reassurances that you are in fact not biased, but what it appears like, in the view of a reasonable and fair-minded informed member of the public.

The mere existence of local knowledge, or connections within the local community, will not in itself amount to a prejudicial interest. There must be some factor that might positively appear to harm your ability to judge the public interest objectively. The nature of the matter is also important, including whether a large number of people are equally affected by it or whether you or a smaller group are particularly affected.

Predetermination

Predetermination means that you have a closed mind and do not make a decision impartially and solely on the basis of the relevant facts. This will be demonstrated if you make a public statement in absolute terms about a decision you are to make. If you make such statements but nevertheless participate in a decision, you will put the Council at risk of legal action challenging that decision.

You will not have predetermined a matter just because you have expressed a particular opinion previously or hold a view prior to any meeting. If you have an open mind, are willing to listen and are open to consider all the facts and arguments presented to you before making your decision, then you will not have predetermined a matter. If you have indicated a view in a public forum, you will be asked at a decision-making meeting to declare that, although you have given such a view, you nevertheless have an open mind. This will be done when the Chairman asks if there are any interests to declare.⁷

Sensitive Interest

⁷ See s25 Localism Act 2011 Prior indications of a view are not to amount to predetermination

A Sensitive Interest occurs where you and the Monitoring Officer consider that disclosure of the details of a DPI or a Personal Interest could lead to you, or a person connected with you, being subject to violence or intimidation. If the interest is entered on the register, copies of the register that are made available for inspection and any published version of the register will exclude details of the interest, but may state that you have a DPI or a Personal Interest and that the details are withheld under Section 32(2).

Guidance on High Standards of Conduct (para. v)**Appendix 3****What is 'bullying' and 'intimidation'?**

Bullying has been described by ACAS as 'offensive, intimidating, malicious, or insulting behaviour, an abuse or misuse of power through means that undermine, humiliate, denigrate or injure the recipient'. A victim's obvious vulnerability will be taken into account when assessing whether bullying has occurred.

Bullying conduct can involve behaving in an abusive or threatening way, or making allegations about people in public, in the company of their colleagues, through the press or in blogs. It may happen once or be part of a pattern of behaviour, although minor isolated incidents are unlikely to be considered bullying. It is also unlikely that a Member will be found guilty of bullying when both parties have contributed to a breakdown in relations.

Bullying should be contrasted with the legitimate challenges which a Member can make in challenging policy or scrutinising performance. Contributing to debates in Council meetings about policy and asking officers to explain the rationale for their professional opinions are to be encouraged. All Members should feel free to challenge fellow councillors and professional officers as to why their views are held. However, Members need to be careful about criticism which becomes offensive in nature which will cross the line of what a reasonable person would find acceptable.

Discrimination

It is unlawful to discriminate against a person because they have one of the "protected characteristics", which are, age, disability, gender reassignment, marriage and civil partnership, race, religion or belief, sex, and sexual orientation.

The primary legislation is the [Equality Act 2010](#), which outlaws discrimination in access to education, public services, private goods and services or premises in addition to employment. An allegation that a Member has unlawfully discriminated against anyone will be judged by reference to the requirements of the Equality Act 2010.

Respect - what a reasonable person would regard as disrespectful to others.

Everyone in normal life is very aware of what 'respect' looks like; however, in a culture of positive argument in politics and legal matters, the lines can get blurred between interacting with others to make a point, and yet remaining respectful of other's views. Ideas and policies may be robustly criticised, but individuals should not be subject to unreasonable or excessive personal attack. This particularly applies to dealing with the public and officers. Chairmen of meetings are expected to apply the rules of debate and procedure rules or standing orders to prevent abusive or disorderly conduct.

In politics, rival groupings are common, either in formal political parties or more informal alliances. It is expected that each will campaign for their ideas, and they may also seek to discredit the policies and actions of their opponents. Criticism of ideas and opinion is part of democratic debate, and does not in itself amount to failing to treat someone with respect. In an arena of political discussion, including postings on social media, and debate in Council meetings, a finding of a breach for disrespect would be exceptional. It is not for the Council

to get involved in political arguments between Members, which are better dealt with by a complaint to the relevant political group or leader. The Monitoring Officer will reject complaints which appear to be political 'tit for tat' alone. Parody postings on social media by a Member about another Member, for example, whilst considered to be of significant poor taste, are unlikely to amount to disrespect unless there was an indication of discrimination or other unlawful issue.

The Council is under a legal obligation to ensure that officers work in a safe environment and the same rules about their interaction with the public apply equally to their work with Members. Anyone should feel free to express disagreement with officers, so long as it is done in an appropriate way. Officers should make decisions which are unbiased, and attempts to coerce them or persuade them to act in a particular way to a point where to do so would prejudice their professional integrity would not be acceptable. It is also unacceptable to criticise officers as individuals in a public forum. When receiving such a complaint, the Monitoring Officer will take into account the specific circumstances of the case, whether the member was entitled to question the officer concerned, whether there was an attempt to intimidate or undermine the officer and the content and context of what was said.

Confidential Information

All information marked 'confidential', or given as confidential via verbal or non-verbal communication, must be treated as such and not disclosed in any form to another person.

Unmarked Information is confidential where it involves personal data, or that it is information that is deemed reasonable that it should be kept confidential, for example where there is an obvious detriment to someone by a disclosure.

Councillors must not cause the Council to breach Data Protection legislation by releasing any personal information which is held by the Council, but comes to the knowledge of the Councillor. Such disclosure could cause the Council to be subject to severe fines.

Members are advised to seek advice from the Monitoring Officer if they are unsure whether information is confidential.

When ‘acting as a Member or Co-opted Member’**Appendix 4**

S27 of the Localism Act 2011 obliges a local authority, in discharging its duty to promote and maintain high standards of conduct by Members, to adopt a Code of Conduct dealing with the conduct that is expected of Members ‘*when they are acting in that capacity*’. (s27(2)). The Council does not therefore have authority to consider a Member’s conduct undertaken in their private capacity.⁸ This includes allegations of disrespect, bullying or intimidation which have no link to Council business, no matter how serious the allegation.

You will nevertheless be deemed to be acting as a Councillor, and therefore within the rules in this Code of Conduct, when you are conducting the business of the Council, or communicating or corresponding about the business of the Council, or whenever you act, claim or give the impression you are acting in the role of Councillor. The rules of the Code of Conduct will apply where there is a clear link to Council business, for example with regard to confidentiality and use of Council resources, even if your actions in respect of these examples are undertaken during private business:

⁸ This position sits with Art. 10 of the European Convention on Human Rights which protects an individual’s freedom of speech when done in their private capacity. This includes not only the substance of any political comment but the form in which it is conveyed. This stance has been supported in caselaw, notably *Livingstone v Adjudication Panel for England* (2006) and for example *MC v Standards Committee of London Borough of Richmond* (2011).

Appendix 5

Arrangements for dealing with breaches of the Code of Conduct

Complaints in respect of this Code of Conduct are made to the Monitoring Officer.

1. Receipt and Acknowledgment of the Complaint

The Monitoring Officer will acknowledge a Code of Conduct complaint within 5 working days. An initial response will then be sent within 10 working days after that, either seeking further clarification, or setting out how the council will consider the complaint. The onus is on the complainant to ensure that all relevant information is given. The complainant will be told that full details of their complaint will be given to the Councillor concerned (“the Subject Member”).

Anonymous complaints will not be considered unless accompanied by documentary or photographic evidence, evidencing an exceptionally serious or significant matter.

If the Subject Member is a Parish or Town Councillor, the clerk will be informed of the complaint on a confidential basis.

2. Response of the Subject Member

The Subject Member will be informed of the complaint within 5 working days of the complaint being received and clarified. The Subject Member will be asked to supply written comments within 10 working days from the complaint being received or such longer time as determined by the Monitoring Officer. A Subject Member will be informed that he or she is entitled under the Localism Act 2011 to seek support from one of the Council’s Independent Persons

3. Initial Assessment of the complaint by the Monitoring Officer

Once a response has been received from the Subject Matter, or when a reasonable time has passed and no responses has been received, the Monitoring Officer will carry out an initial assessment of the complaint. The purpose of the initial assessment by the Monitoring Officer is to determine whether the complaint should be accepted for further consideration or rejected. In determining whether a complaint should proceed the Monitoring Officer may apply the following criteria:

- Acting as a Member: Was the Subject Member acting as a Member at the time of the allegation?⁹
- Seriousness of the complaint – is the complaint trivial, vexatious, malicious, politically motivated, or ‘tit for tat’? Would the resources/cost involved in investigating and determining the complaint be disproportionate to the allegation if proven? Where complaints are raised by Members alleging a lack of respect or courtesy by the Subject Member then the Monitoring Officer may reject the complaint - see guidance on ‘Respect - what a reasonable person would regard as disrespectful to others’ Appendix 3.

⁹ See guidance at Appendix 4

- Duplication – Is the complaint substantially similar to a previous allegation or is it subject of an existing investigation? If there is a current complaint about the same matter then a repeat allegation will be rejected unless the complainant is directly harmed by the allegation or they can provide new evidence.
- Length of time – Did the events or behaviour to which the complaint relates take place more than six months prior to receipt of the complaint. Does the time lapse mean that those involved are unlikely to remember matters clearly, or does the lapse of time mean that there would be little benefit in taking action
- Public Interest – In all cases, is the public interest served in referring the complaint further. Has the Subject Member offered an apology or other remedial action which is satisfactory to the Monitoring Officer, taking into account the circumstances of the complaint?

The complainant and the Subject Member will normally be informed by the Monitoring Officer of the initial assessment decision within 10 working days of it being made. Should it be determined by the Monitoring Officer, in consultation with an Independent Person where appropriate, that the complaint should not proceed, then the complaint shall be dismissed. There is no right of appeal for the complainant under these rules.

4. Decision of the Monitoring Officer

Should it be determined, having regard to the criteria referred to in section 3 above, that the complaint be accepted for further consideration, the Monitoring Officer shall, subject to consultation with an Independent Person, have delegated authority to decide to take one of the following actions:

- If there is clear evidence that there has been no breach of the Code of Conduct, the Monitoring Officer will write a No Breach Decision Notice explaining the reason for the decision which will be given to the complainant and the Subject Member. The Parish or Town Clerk, if appropriate, will be informed that there is no breach.
- Where there has been a clear breach of the Code of Conduct the Monitoring Officer will write a report with a recommendation for a decision for a breach of the Code of Conduct, giving reasons for that recommended decision, and then refer the matter to a Members Standards Sub-Committee for a formal decision. The Member Standards Sub-Committee will conduct a local hearing following the procedure in Appendix 6 of this Part, and make a decision in accordance with paragraph 2.2.
- Where there has possibly been a breach of the Code of Conduct, the Monitoring Officer will require a formal investigation and a written investigation report by an Investigating Officer. An indicative timescale for the process should be given to the complainant and the Subject Member. At least a monthly update report will be provided to all parties in an ongoing investigation. The investigation report shall conclude whether or not there has been a breach of the Code of Conduct and give clear reasons for that conclusion.

5. Finding on Investigation

5.1 No Breach of Code of Conduct

Where an investigation finds no evidence that the Subject Member has failed to comply with the Code of Conduct, the Monitoring Officer, in consultation with an Independent Person and the Chairman of the Member Standards Panel, shall make a decision to take no further action. The Monitoring Officer will write a No Breach Decision Notice explaining the reason for the decision which will be given to the complainant and the Subject Member. The Parish or Town Clerk, if appropriate, will be informed that there is no breach, but no further information will be supplied.

5.2 Breach of Code of Conduct

Where there is evidence that the Subject Member has failed to comply with the Code of Conduct, the Monitoring Officer, in consultation with an Independent Person and the Chairman of the Member Standards Panel, shall make a decision to refer the Investigating Officer's report to a Member Standards Sub-committee. The Member Standards Sub-Committee will conduct a local hearing following the procedure Appendix 6 of this Part, and make a decision in accordance with paragraph 2.2.

The Member Standards Sub Committee will usually hear a complaint within one calendar month of the date that the Monitoring Officer has referred the matter to the Sub Committee. The Subject Member and complainant will be informed of the decision.

6. Appeals, Transparency and Confidentiality

6.1 Appeals

There is no right of appeal under the Code of Conduct and the decision of the Monitoring Officer or the Member Standards Sub Committee will be final. However, Subject Members who have been found in breach of the Code of Conduct may make a statement about the complaint and the findings. This statement shall be published on the Council's website for the period stated in Transparency section below.

If the complainant is unhappy with this decision, they may write to the Local Government and Social Care Ombudsman to complain if he or she believes that proper process has not been followed. The Ombudsman will not however have authority to change the decision itself. Note that the Ombudsman will not consider a complaint from a Councillor.

6.2 Transparency

The decision of the Monitoring Officer or Member Standards Sub Committee will be sent to the Subject Member and the complainant. A decision that a Subject Member is in breach of the Code of Conduct will be published on the Council's website. The decision will be publicised for 12 months unless the Member Standards Sub-Committee consider an alternative time is appropriate.

Unless the Member Standards Sub-Committee determines otherwise, the decision notice, the Group Leader/ Chairman's statement and the Subject Member's statement only will be published on the website.

6.3 Confidentiality

Subject to the requirements of Data Protection legislation, unless the Monitoring Officer or Member Standards Sub Committee decides otherwise or unless stated to the contrary in this Part, the complaint, all communications and correspondence, investigation reports, reports and decisions will remain confidential. Statements and investigations will be conducted with an expectation that such information will only be released to the parties involved under these arrangements.

The members 'need to know' in relation to access to information shall only extend to the Subject Member, the complainant (where such is a member) and members of the Member Standards Sub Committee.

Requests for information will be provided on the basis of the expectation of confidentiality by the parties and exemptions under the various statutory schemes. Where investigation reports have been prepared, only summary or the conclusions will be released.

Appendix 6

1 Procedure for Member Standards Sub Committee

1.1 Appointment, Composition and Terms of Reference of the Member Standards Sub Committee

The Monitoring Officer is required to convene a Member Standards Sub Committee from the membership of the Member Standards Panel as necessary. The Member Standards Sub Committee will therefore not have a fixed membership.

The Member Standards Sub Committee shall comprise of two members of the Member Standards Panel, and one of the Council's Independent Persons. If the complaint relates to a Town or Parish Councillor then a co-opted Town or Parish Councillor may also be an additional member of the Member Standards Sub Committee, but will not have voting rights.

1.2 Pre Hearing Process

The date of the hearing will be arranged by the Monitoring Officer in consultation with the members of the Member Standards Sub Committee and the Subject Member.

Once the date for the Member Standards Sub Committee has been arranged the Subject Member will be notified and asked if they:

- a) wish to attend the hearing;
- b) wish to be accompanied or represented at the hearing by any other person;
- c) wish to submit any written evidence or documentation to be considered by the Sub Committee. This must be sent no later than 3 working days prior to the hearing and will be passed to the complainant and the Investigating Officer for any comment. Additional evidence or documentation not submitted by this deadline may not be accepted by the Sub Committee;
- d) wish to call relevant witnesses to give evidence at the hearing. The Chairman of the Member Standards Sub Committee appointed at the meeting will have the final decision on how many witnesses may reasonably be needed.

The Member Standards Sub Committee and the Subject Member, and the Independent Person will each receive a report from the Monitoring Officer which will include a copy of the Investigating Officer's final report, on a strictly confidential basis.

The Members Standards Sub Committee will be held in private and this will be confirmed at the hearing. The complainant will not attend unless the Chairman of the Member Standards Sub Committee agrees, or the Subject Member requests that they attend for the purposes of answering questions on the evidence provided.

1.3 Procedure for the Member Standards Sub Committee

The procedure for the Member Standards Sub Committee will be as follows:

- a) The Chairman will confirm the names and status of those attending. If the Subject Member is not present at the start of the hearing, and they had indicated their intention to attend, the Chairman shall ask the Monitoring Officer whether the Subject Member has provided any reasons why he or she would not be present. From the response the Member Standard Sub Committee will decide whether to make a determination in the absence of the Subject Member or adjourn the hearing to another date.
- b) If an Investigating Officer was used then the Investigating Officer, or in his/her absence the Monitoring Officer, shall present the Investigating Officer's report having particular regard to any points of difference identified by the Subject Member and why the Investigating Officer had concluded, on the basis of their findings of fact, that the Subject Member had failed to comply with the Code of Conduct. The Investigating Officer or Monitoring Officer may call witnesses as necessary in order to substantiate his/her findings.
- c) The Subject Member will then be given the opportunity to ask the Investigating Officer, or any of the witnesses, questions relating to the report or matters that have arisen during the witness statements.
- d) Members of the Member Standards Sub Committee, the Independent Person and the Monitoring Officer will then have the opportunity of asking the Investigating Officer, or any of the witnesses, questions relating to the report or matters that have arisen in the witness statements.
- e) The Subject Member will then be invited to respond to the Investigating Officer's report and provide evidence, either by calling witnesses or by making representations to the Member Standards Sub Committee as to why they consider that they did not fail to comply with the Code of Conduct.
- f) The Investigating Officer will then be given the opportunity to ask the Subject Member and any witnesses, questions relating to the representations made to the Member Standards Sub Committee.
- g) Members of the Member Standards Sub Committee, the Independent Person and the Monitoring Officer will then have the opportunity to ask the Subject Member, and any witnesses, questions relating to the representations made to the Member Standards Sub Committee.
- h) The Investigating Officer will then be given the opportunity to sum up.
- i) The Subject Member will then be given the opportunity to sum up.
- j) The Independent Person will then be invited to comment and outline their view in respect of the complaint.
- k) The Chairman will check with the other members of the Member Standards Sub Committee whether they are satisfied that they have sufficient evidence to come to a considered conclusion on the matter. If it is decided that additional evidence

is required before a determination can be made then the hearing will be adjourned and the Investigating Officer or Monitoring Officer will be asked either to seek and provide such additional evidence and/or undertake further investigation on any point specified by the Member Standards Sub Committee.

- l) If the Member Standards Sub Committee is satisfied that that they do have sufficient evidence to make a decision this will conclude the evidence gathering part of the hearing. The Investigating Officer, the Subject Member, the Independent Person and any witnesses that might be present will be asked to leave at this point, but the clerk and Monitoring Officer to the Sub Committee will remain.
- m) The Member Standards Sub Committee will then determine the complaint on the balance of probabilities. If the Member Standards Sub Committee determine that there has been a failure to follow the Code they shall seek advice from the Monitoring Officer as to what action they believe should be taken against the Subject Member.

2 Findings of the Member Standards Sub Committee

2.1 No Finding of a Failure to follow the Code of Conduct

If the Member Standards Sub Committee determine that the Subject Member has not failed to follow the Code of Conduct then the complaint will be dismissed.

The Monitoring Officer shall prepare a decision notice in consultation with the Chairman of the Member Standards Sub Committee stating the Member Standards Sub Committee's findings in relation to a non-failure to follow the Code of Conduct . The decision notice will be provided to the Subject Member, the Investigating Officer if relevant, the complainant and the Independent Person for their information.

2.2 Finding of Failure to follow the Code of Conduct

If the Member Standards Sub Committee determines that the Subject Member has failed to follow the Code of Conduct then it can decide to take any or more of the following actions:

- a) Formally censure the Subject Member in writing for their failure to follow the Code of Conduct;
- b) Recommend to the Subject Member's Group Leader (or in the case of un-grouped Members, recommend to Council or any subcommittee(s) of Council that the Subject Member be removed from any or all subcommittee(s) of the Council;
- c) Recommend to the Leader of Council that the Subject Member be removed from the Cabinet, or removed from particular portfolio responsibilities;
- d) Instruct the Monitoring Officer (or recommend that the relevant Town/Parish Council, as appropriate) to arrange training for the Subject Member;

- e) Remove (or recommend to the relevant Town/Parish Council that the Subject Member be removed) from all outside appointments to which he/she has been appointed or nominated by the authority (or by the Town/Parish Council);
- f) Withdraw (or recommend to the relevant Town/Parish Council that it withdraws) facilities provided to the Subject Member by the Council, such as a computer, website and/or e-mail and internet access;
- g) Exclude (or recommend that the relevant Town/Parish Council exclude) the Subject Member from the Council's offices or other premises, with the exception of meeting rooms as necessary for attending Council or Panel meetings; or
- h) Report its findings to the Crown Prosecution Service in respect of a Subject Member that has been found to have committed an offence under s30 and/or s31 Localism Act 2011.

2.3 Publication of the Decision on Finding a Breach of the Code of Conduct

Within 5 working days of the decision, the Monitoring Officer shall prepare a formal decision notice in consultation with the Chairman of the Member Standards Sub Committee. A copy of the decision notice will be sent to the complainant, the Subject Member (and, if applicable, the relevant Town/Parish Council) and the Independent Person for their information.

A decision that a Subject Member is in breach of the Code of Conduct will be published on the Council's website for 12 months unless the Member Standards Sub-Committee consider an alternative time is appropriate.

The Subject Member has no right of appeal to the Council against a decision of the Monitoring Officer or the Member Standards Sub Committee.

Appendix C

The Best Practice Recommendations from the Committee on Standards in Public Life

The LGA has undertaken this review whilst the Government continues to consider the recommendations made by the Committee on Standards in Public Life in their report on Local Government Ethical Standards. If the Government chooses to implement any of the recommendations, this could require a change to this Code.

The recommendations cover:

- Recommendations for changes to the Localism Act 2011 to clarify in law when the Code of Conduct applies
- The introduction of sanctions
- An appeals process through the Local Government Ombudsman
- Changes to the Relevant Authorities (Disclosable Pecuniary Interests) Regulations 2012
- Updates to the Local Government Transparency Code
- Changes to the role and responsibilities of the Independent Person
- That the criminal offences in the Localism Act 2011 relating to Disclosable Pecuniary Interests should be abolished

The Local Government Ethical Standards report also includes Best Practice recommendations. These are:

Best practice 1: Local authorities should include prohibitions on bullying and harassment in codes of conduct. These should include a definition of bullying and harassment, supplemented with a list of examples of the sort of behaviour covered by such a definition.

Best practice 2: Councils should include provisions in their code of conduct requiring councillors to comply with any formal standards investigation and prohibiting trivial or malicious allegations by councillors.

Best practice 3: Principal authorities should review their code of conduct each year and regularly seek, where possible, the views of the public, community organisations and neighbouring authorities.

Best practice 4: An authority's code should be readily accessible to both councillors and the public, in a prominent position on a council's website and available in council premises.

Best practice 5: Local authorities should update their gifts and hospitality register at least once per quarter, and publish it in an accessible format, such as CSV.

Best practice 6: Councils should publish a clear and straightforward public interest test against which allegations are filtered.

Best practice 7: Local authorities should have access to at least two Independent Persons.

Best practice 8: An Independent Person should be consulted as to whether to undertake a formal investigation on an allegation, and should be given the option to review and comment on allegations which the responsible officer is minded to dismiss as being without merit, vexatious, or trivial.

Best practice 9: Where a local authority makes a decision on an allegation of misconduct following a formal investigation, a decision notice should be published as soon as possible on its website, including a brief statement of facts, the provisions of the code engaged by the allegations, the view of the Independent Person, the reasoning of the decision-maker, and any sanction applied.

Best practice 10: A local authority should have straightforward and accessible guidance on its website on how to make a complaint under the code of conduct, the process for handling complaints, and estimated timescales for investigations and outcomes.

Best practice 11: Formal standards complaints about the conduct of a parish councillor towards a clerk should be made by the chair or by the parish council, rather than the clerk in all but exceptional circumstances.

Best practice 12: Monitoring Officers' roles should include providing advice, support and management of investigations and adjudications on alleged breaches to parish councils within the remit of the principal authority. They should be provided with adequate training, corporate support and resources to undertake this work.

Best practice 13: A local authority should have procedures in place to address any conflicts of interest when undertaking a standards investigation. Possible steps should include asking the Monitoring Officer from a different authority to undertake the investigation.

Best practice 14: Councils should report on separate bodies they have set up or which they own as part of their annual governance statement and give a full picture of their relationship with those bodies. Separate bodies created by local authorities should abide by the Nolan principle of openness and publish their board agendas and minutes and annual reports in an accessible place.

Best practice 15: Senior officers should meet regularly with political group leaders or group whips to discuss standards issues.

The LGA has committed to reviewing the Code on an annual basis to ensure it is still fit for purpose

Report Title:	Proposal for the introduction of two new Public Spaces Protection Orders (PSPO) in Windsor, Maidenhead and Ascot to address dog fouling, dog control and cycling prohibition areas in Maidenhead and Windsor town centres
Contains Confidential or Exempt Information	No - Part I
Lead Member:	Councillor Cannon, Lead Member for Public Protection
Meeting and Date:	Full Council 27 April 2021
Responsible Officer(s):	David Scott- Head of Communities
Wards affected:	All

REPORT SUMMARY

Public Spaces Protection Orders (PSPOs) were brought in under the Anti-social Behaviour, Crime and Policing Act 2014, which came into force on 20 October 2014.

PSPOs specify an area where activities are evidenced to be taking place that are detrimental to the local community's quality of life. PSPOs impose conditions or restrictions on people using that area; such as alcohol bans or putting up gates.

1. This report deals with the proposal to introduce two new PSPOs in Windsor, Maidenhead and Ascot.
2. The report recommends the introduction of a PSPO for a Borough wide ban on dog fouling and ineffective control of dogs.
3. The report also recommends a proposal for introducing a new PSPO which would prohibit cycling on the highway in pedestrianised zones of High Street, Maidenhead and the pedestrianised zone of Peascod Street, Windsor.
4. This report summarises responses to a consultation undertaken by Royal Borough of Windsor and Maidenhead (RBWM) which asked for views on the proposed new orders.

1. DETAILS OF RECOMMENDATION(S)

RECOMMENDATION: That Council consider the data collated from the PSPO consultation and the evidence collated over time, and approve the introduction of two new orders to be in place for a period of three years, as set out to address dog fouling and dog control and to prohibit cycling in the High Street, Maidenhead and Peascod Street, Windsor.

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

Background

- 2.1 The Anti-Social Behaviour, Crime and Policing Act 2014 made a number of changes to the law on anti-social behaviour.

- 2.2 PSPOs were brought in as part of a Government commitment to put victims at the centre of approaches to tackling anti-social behaviour (ASB), focusing on the impact behaviour can have on both communities and individuals, particularly on the most vulnerable.
- 2.3 The legislation stated that PSPOs were to replace Designated Public Places Orders (DPPOs), dog control orders and gating orders, in addition to a range of other behaviours that local authorities can now regulate in public spaces.
- 2.4 Royal Borough of Windsor and Maidenhead currently have two PSPOs in place. These PSPOs address the consumption of alcohol and restriction of a public right of way in Eton and are due to run until 28 November 2022.
- 2.5 Community Wardens have received many reports in relation to dog fouling and out of control dogs. They have also received a request from the Parks and Countryside Team seeking further control and supporting the need for a dog control element.
- 2.6 Community Wardens have witnessed many incidents of people cycling through pedestrianised zones and causing alarm and distress to residents. The borough has also received many requests for the pedestrian zones to be upheld as pedestrian only use, and that cyclists be required to dismount and not cycle through these key pedestrian areas. Further incidents have been reported to Thames Valley Police, these are not quantified in Appendix I.
- 2.7 RBWM data relating to the number of incidents can be found in Appendix I.
- 2.8 The outline of the proposed PSPOs is set out in Table 1.

Table 1: Description of new PSPOs:

PSPO	Proposed requirement
Public Space Protection Order (dog control and dog fouling)	Dog control (Borough wide)- The requirement for a dog to be put on a lead at the direction of an authorised person. Dog fouling (Borough wide)- An offence is committed when the person in charge of a dog fails to remove faeces deposited by the dog.
Public Space Protection Order (Cycling)	Cycling – specified pedestrianised zones Cycling on the highway in pedestrianised zones of High Street, Maidenhead and the pedestrianised zone of Peascod Street, Windsor.

2.9 The options for Council with respect to the proposed PSPOs is set out in Table 2.

Table 2: Options arising from this report

Option	Comments
<p>To introduce the PSPO for dog fouling and effective dog control.</p> <p>To introduce a new PSPO for cycling on the highway in pedestrianised zones of High Street, Maidenhead and the pedestrianised zone of Peascod Street, Windsor.</p> <p>This is the recommended option.</p>	<p>To introduce two new PSPOs to be enforced by authorised persons. This option is recommended as the new PSPOs are based on a solid and long- standing evidence base to address the related key issues.</p>
<p>To introduce a new PSPO for Dog Fouling and effective Dog Control, and to restrict cycling based upon a different basis.</p> <p>Not recommended</p>	<p>Council could amend the two proposed new PSPOs to be implanted and make alternative restrictions. This is not recommended as the proposed are based on a strong evidence base and the consultation undertaken.</p>
<p>Take no action and not introduce new PSPOs.</p> <p>Not recommended</p>	<p>This option is not recommended as it would mean new PSPOs would not be introduced and the following issues would remain unenforceable causing alarm and distress for residents and visitors of the Borough:</p> <ul style="list-style-type: none"> • Dog control • Dog Fouling • Cycling on the highway in pedestrianised zones of High Street, Maidenhead and the pedestrianised zone of Peascod Street, Windsor

3. KEY IMPLICATIONS

Table 3: Key Implications

Outcome	Unmet	Met	Exceeded	Significantly Exceeded	Date of delivery
A PSPO (dog fouling and dog control) is put in place and enforced by authorised persons.	The PSPO is not put in place and authorised officers cannot enforce behaviours. Reports of anti-social behaviour continue/increase.	Conditions are put in place and dog fouling and effective control of dog conditions are enforced.	Reports of anti-social behaviour decrease.	Residents feel safe and this is reflected in the resident's survey.	27.04.2021
A PSPO is put in place that addresses cycling on the highway in pedestrianised zones of High Street, Maidenhead and the pedestrianised zone of Peascod Street, Windsor are enforced by authorised persons.	The PSPO is not put in place and authorised officers cannot enforce behaviours. Reports of anti-social behaviour continue/increase.	The PSPO is put in place and cycling on highway in pedestrianised zones conditions are enforced.	Reports of anti-social behaviour decrease.	Residents feel safe and this is reflected in the resident's survey.	27.04.2021

4. FINANCIAL DETAILS / VALUE FOR MONEY

- 4.1 There are no financial implications arising directly from the recommendations in this report. The levels of charge for Fixed Penalty Notices (FPNs) in this Borough were approved by Cabinet on 27 September 2018 at £100 (reduced to £75 if paid within 10 days). It is proposed that these are kept as the charges for the two new PSPO FPNs to be consistent with the other FPNs in place in the Borough.
- 4.2 Signage will be required, but funding for this will come from existing budgets.

5. LEGAL IMPLICATIONS

- 5.1 The Royal Borough is empowered under s.59 of the Anti-Social Behaviour, Crime and Policing Act 2014 to make PSPOs where activities carried on in a public place have had, or are likely to have, a detrimental effect on the quality of life of those in the locality;

- Are, or are likely to be, persistent or continuing in nature;
- Are, or are likely to be, unreasonable; and
- Justify the restrictions imposed.

5.2 Furthermore, under s.59, the Royal Borough has to consider the restrictions, and the duration of the order proposed.

5.3 Section 66 of the Anti-Social Behaviour, Crime and Policing Act 2014 allows that an interested person, i.e. “an individual who lives in the restricted area or who regularly works in or visits that area”, may challenge the validity of a PSPO, by application to the High Court where:

- A local authority did not have power to make the order; or
- That a requirement under the legislation was not complied with

No such challenge has been received in relation to this proposed PSPO to date, and there have been no indications that anyone is considering such a challenge.

5.4 Additionally, Regulation 2 of the Anti-social Behaviour, Crime and Policing Act 2014 (Publication of Public Spaces Protection Orders) Regulations 2014 requires that the Royal Borough must take certain steps to publicise PSPOs.

5.5 The legislation stipulates that PSPOs must be subject to regular review. New orders should ideally be reviewed after a year, and thereafter PSPOs must be reviewed triennially.

5.6 Finally, under s.71, it must have had regard to the Rights of Freedom of Expression and of Assembly under the Human rights Act 1998, before making the Order. European Human Rights considerations are covered overleaf.

6. RISK MANAGEMENT

Table 4: Impact of risk and mitigation

Risk	Level of uncontrolled risk	Controls	Level of controlled risk
Legal challenge to the validity of the PSPO process	Reputation damage to the Council, potential court costs	<ul style="list-style-type: none"> • Public consultation on PSPOs • Ad hoc PSPO panel to decide on local PSPOs • Panel to decide on strategic PSPOs • Initial review of individual PSPOs • Triennial reviews of all PSPOs 	Low

7. POTENTIAL IMPACTS

- 7.1 Equalities: Any equality impact has been identified and addressed via the EIA screening process. The completed EQIA can be found in section 11 of this report.
- 7.2 Climate change/sustainability: There are no known identifiable factors that would impact climate change or sustainability.
- 7.3 Data Protection/GDPR: Data Protection Impact Assessment is not required. The information journey has been captured in the Privacy notice which can be found on <https://www.rbwm.gov.uk/home/council-and-democracy/strategies-and-policies/data-protection/privacy-notice-community-safety-public-spaces-protection-order-consultation>
- 7.4 The Council will give regard to the rights and freedoms set out in Article 10 (right of freedom of expression) and Article 11 (right of freedom of assembly) of the European Convention of Human Rights in order to conclude that the restrictions on such rights and freedoms imposed by this Order are lawful, necessary and proportionate.

8. CONSULTATION

- 8.1 The consultation to propose the introduction of the PSPOs was live on the Royal Borough of Windsor and Maidenhead website for a period of eight weeks between 14 December 2020 to 7 February 2021. A copy of the notice of consultation document can be found in Appendix II.
- 8.2 The consultation consisted of an explanation and copies of the draft PSPOs (copies of draft orders can be found in Appendix IV and V) and a brief outline of the proposal and a short survey. The survey allowed local residents or people with a connection the Borough to express whether they agree or disagree with the proposals. A copy of the consultation questionnaire can be found in Appendix III.
- 8.3 The consultation was publicised via a press release, social media channels such as RBWM Twitter and Facebook and notices in public areas such as libraries, notice boards in shops/parks and parish council's notice boards. The details were also sent out via Thames Valley Alert.
- 8.4 RBWM consulted with key stakeholders such as Thames Valley Police, Police and Crime Commissioner (PCC), Councillors, Town and Parish Councils, Landowners, Town Centre Managers, Kennel Club and residents groups.
- 8.5 RBWM have taken advice from the Kennel Club regarding the wording of the requirements for the dog elements of the PSPO. RBWM also consulted with the Kennel Club throughout the process and invited them to contribute into the public consultation. They have provided formal response which supports all elements of the dog fouling and dog control PSPOs.
- 8.6 Upon request of a Councillor the following question "Are there any other issues in relation to anti-social behaviour in public spaces that you think could

be addressed by using a Public Spaces Protection Order” was amended to the following “Have you experienced any other issues in relation to anti-social behaviour in public spaces?”.

8.7 A summary of all consultation responses can be found in Appendix VI.

9. TIMETABLE FOR IMPLEMENTATION

9.1 The full implementation stages are set out in table 5.

Table 5: Implementation timetable

Date	Details
14.12.2020-07.02.2021	Proposal is approved and consultation begins and remains in place for 8 weeks.
4.03.2021	Consultation feedback data and stakeholder feedback and collated, into a panel paper for Council.
27.04.2021	Council to decide whether a PSPO is appropriate.
27.04.2021	If Council is satisfied that a PSPO is appropriate, the Council’s solicitor shall be authorised to issue the Orders with the revised date and seal.
27.04.2021	New Orders are sealed following Council.
01.05.2021	The Orders will be published on the website and notices will be erected at the sites as considered sufficient.
12.06.2021	Challenges to the PSPO must be made to the High Court within 6 weeks of the order being made.
01.05.2022	After 12 months, partner review meeting convened to review whether to continue/amend/remove the orders.

10. APPENDICES

10.1 This report is supported by six appendices:

- Appendix I – Summary Evidence supporting PSPO document
- Appendix II – Notice of consultation document
- Appendix III – Consultation Questionnaire
- Appendix IV - Draft order for the PSPO relating to dog fouling/dog control.
- Appendix V - Draft order for the PSPO relating to cycling.
- Appendix VI - Consultation responses

11. BACKGROUND DOCUMENTS

11.1 This report is supported by five background documents:

- Public Space Protection Orders are established in sections 59 to 75 of the Anti-Social Behaviour, Crime and Policing Act 2014. This can be viewed at: <http://www.legislation.gov.uk/ukpga/2014/12/part/4/chapter/2/crossheading/public-spaces-protection-orders/enacted>
- Guidance on the legislation is available on the Home office publication: https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/956143/ASB_Statutory_Guidance.pdf

- Equalities Impact Assessment - <https://www.rbwm.gov.uk/sites/default/files/2021-04/2021-public-space-protection-order-2021.pdf>

Existing Orders:

- https://www.rbwm.gov.uk/sites/default/files/2020-04/public_space_protection_order_alcohol_consumption.pdf
- https://www.rbwm.gov.uk/sites/default/files/2020-04/public_spaces_protection_order_footpath.pdf

12. CONSULTATION (MANDATORY)

Table 6: The consultees are listed in the table below.

Name of consultee	Post held	Date sent	Date returned
Cllr Cannon	Lead Member for Public Protection	15/4/21	
Duncan Sharkey	Managing Director	15/4/21	
Adele Taylor	Director of Resources/S151 Officer	15/4/21	15/4/21
Andrew Durrant	Director of Place	15/4/21	
Kevin McDaniel	Director of Children's Services	15/4/21	
Hilary Hall	Director of Adults, Health and Commissioning	15/4/21	
Andrew Vallance	Head of Finance	15/4/21	16/4/21
Elaine Browne	Head of Law	15/4/21	19/4/21
Emma Duncan	Deputy Director of Law and Strategy / Monitoring Officer	15/4/21	
Nikki Craig	Head of HR Corporate Projects and IT	15/4/21	
Louisa Dean	Communications	15/4/21	
Karen Shepherd	Head of Governance	15/4/21	15/4/21

Table 7: The individuals listed in the table below were part of the consultation in preparation for the PSPO.

Hannah Brown	Office of Police and Crime Commissioner	16.12.2021	18.12.2021
Anthony Hurst	Parks and Countryside Manager	05.11.2020	05.11.2020
Jacqui Wheeler	Parks and Countryside Access Officer	05.11.2020	05.11.2020
Dog welfare organisations	Erin Henwood, Kennel Club	04.01.2021	12.01.2021
Carlos da Rocha	Associate, The Project Centre	04.01.2021	15.01.2021
Steph James	Maidenhead Town Centre Manager	16.12.2020	16.12.2020
Paul Roach	Windsor Town Centre Manager	16.12.2020	16.12.2020

Insp Tracey Croucher	Windsor & Maidenhead Neighbourhood Team (TVP)	05.01.2021	25.01.2021
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REPORT HISTORY

Decision type:	Urgency item?	To follow item?
Council decision	No	No

Report Author: Mandy Mann, Anti-Social Behaviour Co-ordinator, 01628685636, Andy Aldridge, Community Warden Lead

Appendix I

Summary of evidence from the period 2019-2020

W = Windsor M = Maidenhead A = Ascot DHW = Datchet, Horton, Wraysbury
 EW = Eton Wick/Eton

DOG FOULING - a summary of complaints received by RBWM

<u>Incident</u>	<u>Location</u>	<u>Area</u>
DF	Alexandra Road	W
DF	Alma Road	W
DF	Arthur Road	W
DF	Bolton Avenue	W
DF	Bolton Crescent	W
DF	Bolton Road	W
DF	Bridgewater Way	W
DF	Claremont Road	W
DF	Clarence Crescent x 2	W
DF	Clewer Ride	W
DF	Dedworth Road x 4	W
DF	Dower Park	W
DF	East Crescent	W
DF	Foster Avenue x 2	W
DF	Frances Road	W
DF	Franklyn Crescent	W
DF	Goslar Way	W
DF	Grove Road x 4	W
DF	High Street	W
DF	Imperial Road	W
DF	Kings Road	W
DF	Lammas Court	W
DF	Old Windsor Recreation Ground	W
DF	Park Crescent x 2	W
DF	Poolmans Road	W
DF	Springfield Road	W
DF	St. Leonards Hill x 2	W
DF	St. Leonards Road	W
DF	St. Marks Road	W
DF	Stag Meadow entrance (Windsor Great Park)	W
DF	Testwood Road	W
DF	Thames Street	W
DF	Vansittart Estate	W
DF	Vansittart Recreation Ground	W
DF	Vansittart Road x 3	W
DF	Waste land St. Leonards Road	W
DF	Wessex Avenue	W
DF	Westmead x 2	W
DF	Willows Path	W
DF	Windsor Cricket Club	W

DF	Windsor Great Park in general (Crown Estate)	W
DF	Windsor Rugby Club	W
DF	Wyatt Road	W
	TOTAL	56
DF	Access for Ockwells Road to Ockwells Park	M
DF	Alexandra Road	M
DF	Allenby Road	M
DF	Arkley Court, Holyport	M
DF	Beverley Gardens	M
DF	Blackamoor Lane x 3	M
DF	Boyn Hill Road x 2	M
DF	Boyn Valley Road	M
DF	Braywick Nature Reserve x 3	M
DF	Braywick Road	M
DF	Breadcroft Way	M
DF	Broadway x 2	M
DF	Cannon Court Road	M
DF	Challow Court	M
DF	Chanctonbury Drive	M
DF	Chapel Arches, Forlease Road	M
DF	Chatsworth Close x 2	M
DF	Choseley Road, Knowl Hill	M
DF	Clare Road	M
DF	Collier Close/Harrow Lane	M
DF	Courthouse Road x 2	M
DF	Cox Green Lane	M
DF	Crown Lane	M
DF	Denmark Street	M
DF	Footpath from Manor Lane to Harvest Hill	M
DF	Footpath from Switchback Road South to Shifford Crescent	M
DF	Footpath from Windsor Road to Moor End	M
DF	Footpath west from Bridle Road to Gringer Road	M
DF	Gordon Road	M
DF	Grenfell Road	M
DF	Hatfield Close	M
DF	Havelock Crescent	M
DF	Havelock Road	M
DF	Hawthorn Gardens	M
DF	Hayse Hill	M
DF	Highfield Lane	M
DF	Highfield Road x 2	M
DF	Hillcrest Avenue x 2	M
DF	Hines Meadow car park	M
DF	Knowl Hill Common x 2	M
DF	Lock Lane	M
DF	Ludlow Road	M
DF	Maidenhead Road	M
DF	Manifold Way, White Waltham	M
DF	Manor Grove	M

DF	Mercia Road	M
DF	Mulberry Road	M
DF	Mulberry Walk	M
DF	Newlands Drive	M
DF	North Town Moor	M
DF	Oaken Grove	M
DF	Parkside x 2	M
DF	Pennyston Road x 2	M
DF	Pinkneys Drive x 2	M
DF	Prince Andrew Road	M
DF	Ray Mill Road East	M
DF	Reeve Road, Holyport	M
DF	Ross Road	M
DF	Shergold Way	M
DF	Shoppenhangers Road x 3	M
DF	Springfield Park	M
DF	St. Andrews Crescent	M
DF	St. Cloud Way	M
DF	Stafferton Way	M
DF	Subway at Frascati Way	M
DF	Subway at St. Cloud Way from Providence Place	M
DF	Walker Road x 2	M
DF	Wessex Way x 2	M
DF	Winchester Drive	M
	TOTAL	87
DF	Bedford Lane (posters put up at resident's request)	A
DF	Cheapside Road	A
DF	Chobham Road x 12	A
DF	Church Lane (posters put up at resident's request)	A
DF	Halfpenny Lane	A
DF	High Street, Sunninghill	A
DF	Kennel Ride	A
DF	Llanvair Drive	A
DF	London Road x 2	A
DF	Queens Road	A
DF	Truss Hill Road	A
DF	Whitmore Lane (posters put up at resident's request)	A
	TOTAL	24
DF	Beaulieu Close, Datchet	DHW
DF	Datchet Recreation Ground	DHW
DF	Ditton Park, Datchet x 2	DHW
DF	Feathers Lane, Datchet	DHW
DF	Horton Road, Datchet x 2	DHW
DF	London Road, Datchet	DHW
DF	Magna Carta Lane, Wraysbury	DHW
DF	Montrose Way, Datchet	DHW
DF	Welley Road, Wraysbury	DHW
DF	Wraysbury Village Green	DHW
	TOTAL	12

DF	Colenorton Crescent (neighbourhood dispute)	EW
DF	Pococks Lane, Eton	EW
DF	Queens Road, Eton Wick x 2	EW
	TOTAL	4
TOTAL		184

DOC	Alexandra Gardens	W
DOC	Princess Avenue	W
DOC	West Crescent	W
DOC	Windsor Cricket Club x 2	W
	TOTAL	5
DOC	Braywick Nature Reserve x 5	M
DOC	Maidenhead Golf Course	M
DOC	Pinkneys Green Common x 2	M
DOC	The Crown, Wootton Way	M
	TOTAL	9
DOC	Ditton Park, Datchet	DHW
	TOTAL	1
TOTAL		16

CYCLING – a summary of complaints received by RBWM

CYC	Thames Footpath from Boulton Lock towards Cookham	8
CYC	High Street (Maidenhead)	12
CYC	Subway Under Bridge Road	8
CYC	Peascod Street (Windsor)	18
	TOTAL	46

Notice of Consultation for introduction of Public Spaces Protection Orders

The Royal Borough of Windsor and Maidenhead are carrying out a consultation on introducing two new Public Spaces Protection Order (PSPOs).

PSPOs propose to deal with nuisance in a particular public space that is having a detrimental effect on the quality of life for those in the local community. It can prohibit certain things or require specific things to be done.

The Royal Borough of Windsor and Maidenhead are proposing to introduce a PSPO to include a dog fouling and dog control prohibition.

We are also proposing to introduce a new PSPO to address cycling on the highway in pedestrianised zones in King street/High Street, Maidenhead and Peascod Street, Windsor.

The consultation will run for 8 weeks from **14 December 2020 until midnight 7 February 2021**.

For more information on PSPOs and to feed into our consultation please visit our website - www.rbwm.gov.uk or call 01628 685636 to leave your comments.

Proposal to introduce Public Spaces Protection Orders (PSPO) in Windsor, Maidenhead and Ascot

COMMENT FORM

Please see supporting information explaining the proposed order before completing this form.

1. In what capacity do you wish to respond to this consultation?

- As a local resident
- On behalf of a local business
- On behalf of a community or voluntary group
- Other (please specify)

2. What is your postcode?

3. Which age band best describes you?

- Under 18
- 18-24
- 25-34
- 35-44
- 45-54
- 55-64
- 65 and over

4. How far do you agree or disagree with the proposed Public Spaces Protection Order (PSPO) for Windsor, Maidenhead and Ascot? (Please tick)

Type of PSPO	Strongly agree	Agree	Disagree	Strongly disagree
A PSPO to address: <ul style="list-style-type: none"> • dog fouling • effective dog control 				
A PSPO to address cycling on the highway in pedestrianised zones in King street/High Street, Maidenhead and Peascod Street, Windsor.				

5. Are there any other issues in relation to anti-social behaviour in public spaces that you think could be addressed by using a Public Spaces Protection Order?

(Amended to “Have you experienced any other issues in relation to anti-social behaviour in public spaces?”.)

6. Do you have any comments or suggestions on the proposed Public Spaces Protection Orders (PSPO) for Windsor, Maidenhead and Ascot?

7. Do you have any comments or suggestions on the proposed new Public Spaces Protection Orders (PSPO) for Windsor, Maidenhead and Ascot?

Thank you for your responses.

This consultation closes on midnight 7 February 2021

Queries about the questionnaire can be emailed to: anti.social@RBWM.gov.uk
Post: FAO Mandy Mann, Community Safety, Town Hall St Ives Road Maidenhead SL6 1RF

ROYAL BOROUGH OF WINDSOR AND MAIDENHEAD

ANTI-SOCIAL BEHAVIOUR CRIME & POLICING ACT 2014

PUBLIC SPACES PROTECTION ORDER (DOG CONTROL) ORDER 2021

DRAFT FOR CONSULTATION ONLY PURSUANT TO s.72(3)9A)

1. This draft Order is that proposed to be made by the Royal Borough of Windsor and Maidenhead ('The Council'), pursuant to Section 59 (1) of the Anti-social Behaviour Crime and Policing Act 2014 ("the Act") and all other enabling powers.
2. This Order may be cited as the Royal Borough of Windsor and Maidenhead Public Spaces Protection (Dog Fouling and Control) Order 2021 and shall come into operation on 2021.
3. The Council is satisfied on reasonable grounds that:

The activities below have been carried out in public places within the Council's area, and have a detrimental effect on the quality of life of those in the locality,

And that:

The effect, or likely effect of the activities, is, or is likely to be of persistent or continuing nature, and is, or is likely to be such as to make the activities unreasonable, and justifies the restrictions and requirements proposed by the notice.

4. The Order is concerned with the following activities:

Dog Fouling
Dog control

5. The Council is satisfied that the requirements proposed by this draft order are reasonable to impose to prevent the detrimental effect of these activities continuing, occurring, or reoccurring, or to reduce that detrimental effect or to reduce the risk of its continuance, occurrence or reoccurrence.
6. The Council has further considered the rights and freedoms set out in Article 10 (Freedom of expression) and Article 11 (Freedom of assembly) of the European Convention on Human Rights, and has concluded that the requirements set out in the proposed order do not infringe these rights.
7. If granted, this order shall be in place for a period of 3 years.
8. The proposed requirements of this order are:

- i) That any person in charge of dog/s, whether or not temporarily, shall ensure that faeces are properly cleared, should the dog/s foul in the restricted area. The faeces shall then be removed, or deposited in a general waste bin, or a dog waste bin.
 - ii) That any person in charge of dog/s, whether or not temporarily, in the restricted area, shall immediately place their dog/s on a lead upon the request of a constable, or an authorised officer of the Royal Borough of Windsor and Maidenhead, should the dog/s be considered to be out of control, or otherwise causing a nuisance to other users of the locality.
9. This Order is proposed to apply to the ‘restricted area’, namely the land set out in Schedule A, being all public places within the boundaries of the Royal Borough of Windsor and Maidenhead.
 10. For detail as to exemptions from complying with the terms of this Order, reference is made to Schedule B.
 11. Further, under S.67 of the Act, any person who fails, without reasonable excuse, to comply with the requirement to clear and properly dispose of faeces as detailed at (i) above, to comply with the direction of a constable or Authorised Person to place the dog/s on a lead, as at (ii) above, shall commit an offence and shall be liable on summary conviction to a fine not exceeding Level 3 on the Standard Scale or to a fixed penalty notice (as set out below).
 12. Depending on the circumstances of the failure to comply with this Order, the Authorised Person may decide that a fixed penalty notice would be the most appropriate sanction. This may be issued by an Authorised Person. If a fixed penalty notice is issued, payment would discharge any liability to conviction for the offence. However, if payment due under a fixed penalty notice is not made within the timescale prescribed therein, a prosecution for the offence of failing to comply with this Order may be commenced.
 13. Any interested person being an individual who lives in the Restricted Area or who regularly works in or visits the Restricted Area wishing to question the validity of this Order on the grounds that the Council had no power to make it or that any of the requirements of the Act have not been complied with may make an application to the High Court within 6 weeks from the date on which this Order is made.

13. SCHEDULE A – borough wide map

SCHEDULE B – exemptions

Nothing in this Order shall apply to any person who:

- a) Is registered as a blind person, in a register compiled under S.29 of the National Assistance Act 1948; and/or
- b) The dog in question is working as an assistance dog, as trained by one of the member organisations of Assistance Dogs (UK)

ROYAL BOROUGH OF WINDSOR AND MAIDENHEAD

ANTI-SOCIAL BEHAVIOUR CRIME & POLICING ACT 2014

PUBLIC SPACES PROTECTION ORDER (CYCLING IN SPECIFIED PEDESTRIANISED AREAS) ORDER 2021

DRAFT FOR CONSULTATION ONLY PURSUANT TO s.72(3)9A)

14. This draft Order is that proposed to be made by the Royal Borough of Windsor and Maidenhead ('The Council'), pursuant to Section 59 (1) of the Anti-social Behaviour Crime and Policing Act 2014 ("the Act") and all other enabling powers.
15. This Order may be cited as the Royal Borough of Windsor and Maidenhead Public Spaces Protection (Cycling in Specified Pedestrian Areas) Order 2021 and shall come into operation on 2021.
16. The Council is satisfied on reasonable grounds that:

The activities below have been carried out in public places within the Council's area, and have a detrimental effect on the quality of life of those in the locality,

And that:

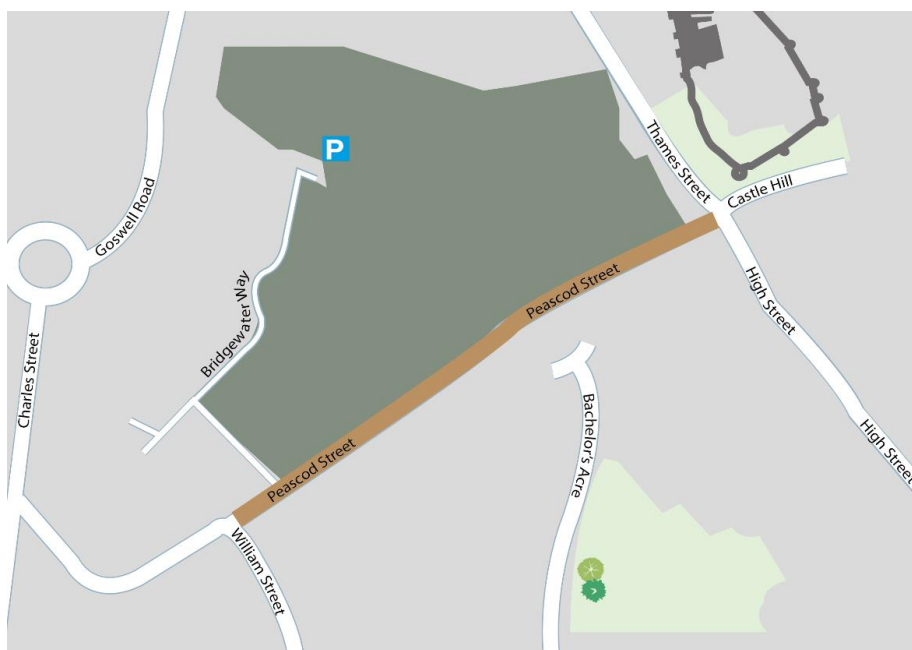
The effect, or likely effect of the activities, is, or is likely to be of persistent or continuing nature, and is, or is likely to be such as to make the activities unreasonable, and justifies the restrictions and requirements proposed by the notice.
17. The Order is concerned with the following activities:

Cycling in pedestrianised areas of the public highway within Windsor and Maidenhead town centres.
18. The Council is satisfied that the requirements proposed by this draft order are reasonable to impose to prevent the detrimental effect of these activities continuing, occurring, or reoccurring, or to reduce that detrimental effect or to reduce the risk of its continuance, occurrence or reoccurrence.
19. The Council has further considered the rights and freedoms set out in Article 10 (Freedom of expression) and Article 11 (Freedom of assembly) of the European Convention on Human Rights, and has concluded that the prohibitions set out in the proposed order do not infringe these rights.
20. If granted, this order shall be in place for a period of 3 years.
21. The proposed prohibitions of this order are:

- iii) That it be prohibited for any person to cycle on the highway in the restricted areas
22. This Order is proposed to apply to the ‘restricted areas’, namely the list set out in Schedule A, together with the accompanying maps.
23. For detail as to exemptions from complying with the terms of this Order, reference is made to Schedule B.
24. Further, under S.67 of the Act, any person who, without reasonable excuse, cycles in the restricted areas, in contravention of this Order as detailed at (i) above, shall commit an offence and shall be liable on summary conviction to a fine not exceeding Level 3 on the Standard Scale or to a fixed penalty notice (as set out below).
25. Depending on the circumstances of the failure to comply with this Order, the Authorised Person may decide that a fixed penalty notice would be the most appropriate sanction. This may be issued by an Authorised Person. If a fixed penalty notice is issued, payment would discharge any liability to conviction for the offence. However, if payment due under a fixed penalty notice is not made within the timescale prescribed therein, a prosecution for the offence of failing to comply with this Order may be commenced.
26. Any interested person being an individual who lives in the Restricted Area or who regularly works in or visits the Restricted Area wishing to question the validity of this Order on the grounds that the Council had no power to make it or that any of the requirements of the Act have not been complied with may make an application to the High Court within 6 weeks from the date on which this Order is made.

14. SCHEDULE A – [include maps]

- a) The pedestrianised area of Peascod Street in Windsor, as marked brown on the map



- b) The pedestrianised areas of High Street, in Maidenhead, as marked in brown on the map.



**THE COMMON SEAL of the
ROYAL BOROUGH OF WINDSOR
AND MAIDENHEAD**

was hereunto affixed

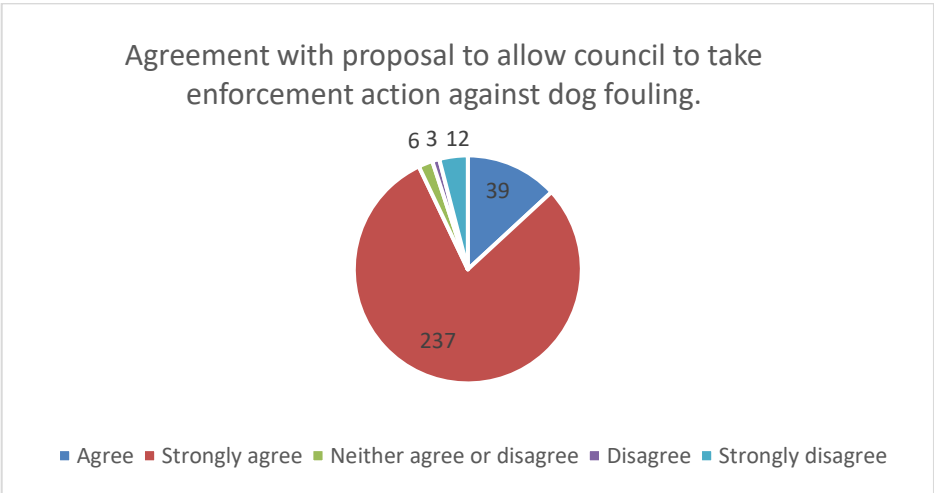
this day of

2021

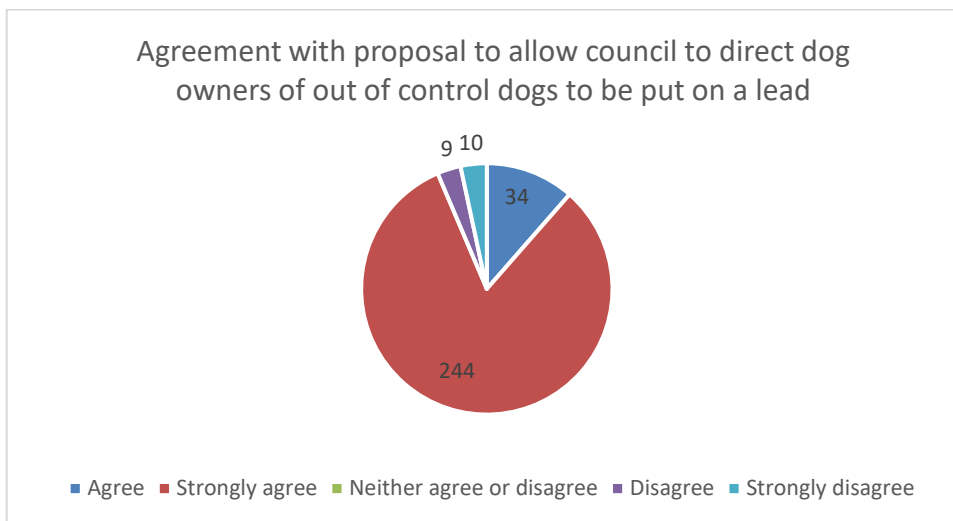
in the presence of:

1. CONSULTATION RESPONSES

- 1.1 In total 297 people responded to the consultation. All of the responses were via the online survey accessed through the RBWM webpage. (Redacted responses can be shared upon request).
- 1.2 Residents were asked the following question:
- 1.3 “To what extent do you agree or disagree that the Council should take enforcement action against a person in charge of a dog who fails to clear up after their dog immediately e.g. dog fouling?”
- 1.4 In relation to dog fouling, 276 respondents agreed or strongly agreed to the proposed extension. Only 15 respondents disagreed or strongly disagreed.



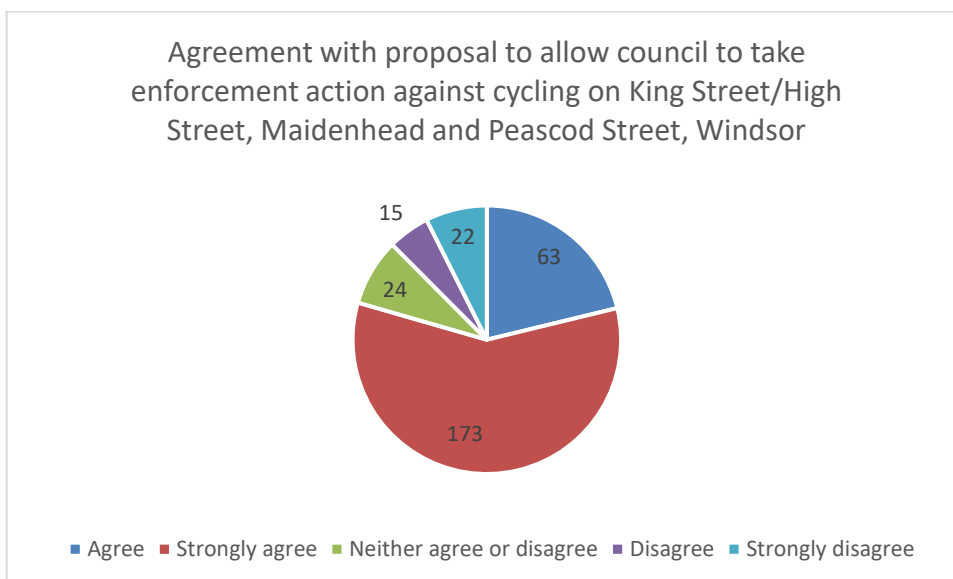
- 1.5 Residents were asked the following question:
“To what extent do you agree or disagree that authorised officers should be able to request dog owners or handlers to put their dogs on a lead if the dogs are deemed to be out of control, or a threat to other people or animals?”



1.6 In relation to directing dog owners to put their dogs on a lead (if the dog is seen to be out of control by an authorised person), 278 respondents agreed or strongly agreed to the proposal. Only 19 respondents disagreed or strongly disagreed.

1.7 Residents were asked the following question:

“To what extent do you agree or disagree that the Council should take enforcement action against cycling on the highway in pedestrianised zones in King Street and the High Street, Maidenhead and Peascod Street, Windsor?”



1.8 In relation cycling in pedestrianised zones in Windsor and Maidenhead, 236 respondents agreed or strongly agreed to the proposal. Only 37 respondents disagreed or strongly disagreed.

1.9 RBWM received feedback from ‘The Project Centre’ who are in the process of coordinating and designing a cycle route through Maidenhead Town Centre as part of the ‘Missing Links’ project. A meeting was held with the project manager to discuss and consider any implications the PSPO relating to cycling might have on the cycling route.

- 1.10 As part of the 'Missing Links' scheme, improvements are being made to paths, crossings, and streets which the route uses. Currently, King Street is paved with block paving that is similar in colour across its entire width. The condition of some parts of the block paving is also poor. The areas outside of the shop frontages, as defined by the linear kerbs are relatively narrow, particularly on the eastern side. The proposed changes to King Street's surfacing includes laying high quality block materials that contrast in colour and texture that will help differentiate the centre of the street from the areas nearer of the shop frontages which will be laid in a different shade and size blocks. The resurfacing will provide a level and step free surface allowing pedestrians and cyclists to comfortably use the street. This will match with the paving to the north of King Street, tying the two sections together. This visual aid would help approaching cyclists to stay nearer the centre of the street when passing. The existing eastern footway will be widened at the Nicholson's Lane end and the pedestrian crossing area over Nicholson's Lane will be slightly realigned and widened to offer a more direct route across the side road.
- 1.11 Through discussion, Officers were satisfied that the plans for the cycling route will help with controlling the flow of cyclists and pedestrians. It is proposed to amend the area covered by the PSPO to not include the small section of King Street, Maidenhead and solely cover High Street, Maidenhead.

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Report Title:	Constitutional Amendments
Contains Confidential or Exempt Information	No - Part I
Lead Member:	Councillor Johnson, Leader of the Council
Meeting and Date:	Full Council – 27 April 2021
Responsible Officer(s):	Emma Duncan, Deputy Director of Law and Strategy, Monitoring Officer / Karen Shepherd, Head of Governance
Wards affected:	All



REPORT SUMMARY

The power to amend the constitution resides with full Council. This report recommends changes to a number of sections in the constitution to provide clarity, improve consistency and transparency and support efficient and effective council meetings and decision making.

1. DETAILS OF RECOMMENDATION(S)

RECOMMENDATION: That full Council notes the report and:

- i) Approves amendments to the constitution detailed in Section 2 and Appendices A- E
- ii) Delegates authority to the Monitoring Officer to update as appropriate and publish the council constitution.

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

Options

Table 1: Options arising from this report

Option	Comments
Approve the changes to the constitution detailed in Section 2 and Appendices A - E This is the recommended option	The amendments in the updated constitution will promote best practice and confidence in decision making.
Modify the changes proposed in Section 2 and Appendices A - E and approve modified changes.	Members may wish to propose and consider amendments to the recommended changes.
Do not approve the changes detailed in Section 2 and Appendices A - E	The constitution will not promote best practice.

Full Council/Rules of Debate (Appendices A and B)

2.1 A number of amendments are proposed, to add clarity, consistency and transparency to proceedings, summarised below:

- Functions of Full Council (line 21) to be amended to show that the annual report on Audit and Performance of the council would be received from

the Audit and Governance Committee rather than the Corporate Overview and Scrutiny Panel.

- Rule C21.3 (Conduct during Speeches) to apply to all Committees, Panels, Forums and Sub Committees (C21.6 and Appendix).
- The time limit for 'right of reply' speeches to be clarified as 5 minutes, reflecting the precedent already in place at Council meetings (C14.4.2 and C14.9).
- Clarification that C25 (Duration of Meetings) is covered within C13 I)
- To maintain the flow of debate, an addition to C14 to limit personal explanations to one minute.
- To ensure Members are able to properly consider the budget at the Budget meeting, clarification that only items of business relating to the budget will be considered at this meeting, unless otherwise agreed by the Mayor (C2.3). The programme of meetings for 2021/22 agreed by Council on 2 March 2021 provides a better spread of ordinary Council meetings during the year and therefore supports this proposal as an ordinary meeting to consider other necessary business is scheduled for January 2022.
- Clarification that, in addition to Extraordinary meetings, the Mayor will determine the deadline for public questions to the Budget meeting. This is to enable members of the public to view the reports in the agenda before submitting questions as, in both cases, public questions must directly relate to items on the agenda.

Petitions (Appendices A and C)

2.2 A number of amendments to Rules of Debate relating to Petitions (C10) are proposed, to add clarity, consistency and transparency to proceedings, summarised below. The proposed changes are also amended in the Petitions Protocol (Part 7G):

- Clarification over which petitions can be considered at the Budget Council meeting (C10.3)
- Clarification over the number of 'Petitions for Debate' that can be considered at any full Council meeting and the time limits per petition debate (C10.4).
- The requirement for an officer report setting out the background to the petition to be published in the agenda, removing the need for an officer to verbally set out this detail at the meeting (C10.5).
- Following any address by the petition organiser, the relevant Lead Member to be invited to speak, including proposing any recommendation as detailed in the covering report (C10.5).
- Confirmation that Motions without Notice (other than those detailed in C13) will not be accepted.

- Clarification that appeal to an Overview and Scrutiny Panel relates to where a petition has been dealt with by Cabinet (Part 7G, para 43).
- Clarification that a petition will not be accepted for hosting on the council's e-petition website (to begin gathering signatures) if it is substantially similar to one hosted on the website within the last 6 months, unless significant new information has been received (Part 7G, para 51).
- References to the Local Democracy, Economic Development and Construction Act 2009 have been removed as the Act has been repealed (Part 7G).

Corporate Leadership Team (Appendix D)

- 2.3 The job title of Managing Director changed to Chief Executive on 1 April 2021. There are no changes to the terms and conditions of the role, nor responsibilities of head of paid service. This is a job title change only. All references to Managing Director in the constitution and other areas will be updated to Chief Executive accordingly. Where reference is made to the Managing Director in the appendices to this report, the change is highlighted.
- 2.4 The posts comprising the Corporate Leadership Team have been updated to reflect the current structure.

Constitution Sub Committee (Appendix E)

- 2.5 It is recommended that, from Annual Council in May 2021 the Constitution Sub Committee be removed from Part 6 (Terms of Reference of all other Committees, Panels and Other Bodies). Instead, a Constitution Working Group to be established comprising 5 Members (3 Conservative, 1 Liberal Democrat and 1 Local Independent based on current political balance). Group Leaders would be requested to nominate Members from their respective Group. This would enable Members of the Working Group, with the support of relevant officers, to meet in an informal setting to discuss potential future amendments to the constitution. The Working Group would then present their recommendations to future full Council meetings for debate in public and approval by all Members.

Scheme of Delegation to Officers

- 2.6 In Part 5, Local Government Act 1972, removal of the following reference to a Justices Licence as this section of the Licensing Act has been repealed.

Section	Description	Proper Officer
204(3)	Officer to whom notice of application for a Justices License under schedule 1 of the Licensing Act 1964 should be given	Managing Director or Monitoring Officer

3. KEY IMPLICATIONS

3.1

Table 2: Key Implications

Outcome	Unmet	Met	Exceeded	Significantly Exceeded	Date of delivery
Updated constitution	Amendments not approved and updated constitution not published	Amendments approved and updated constitution published	n/a	n/a	May 2021

4. FINANCIAL DETAILS / VALUE FOR MONEY

4.1 There are no direct financial implications by virtue of the recommendations in the report.

5. LEGAL IMPLICATIONS

5.1 The Constitution must be in compliance with the terms of the Local Government Act 2000, Local Government and Public Involvement in Health Act 2007, Localism Act 2011 and any other relevant statutory acts or guidance.

6. RISK MANAGEMENT

6.1

Table 3: Impact of risk and mitigation

Risk	Level of uncontrolled risk	Controls	Level of controlled risk
There is a risk of challenge if the constitution is not updated to reflect legal requirements and promote best practice.	Medium	Constitution is regularly reviewed and updated.	Low

7. POTENTIAL IMPACTS

7.1 Equalities. An Equality Impact Assessment screening form has been completed. Equality Impact Assessments are published on the [council's website](#).

7.2 Climate change/sustainability. None identified.

7.3 Data Protection/GDPR. None identified

8. CONSULTATION

- 8.1 Senior officers have provided input to sections relevant to their service area.
- 8.2 The Mayor and Group Leaders have been informed of the proposals.

9. TIMETABLE FOR IMPLEMENTATION

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

Table 4: Implementation timetable

Date	Details
27 April 2021	Full Council considers the recommendations
May 2021	Constitution updated and published to the council website

10. APPENDICES

- 10.1 This report is supported by five appendices detailing proposed amendments to the following sections of the constitution:

- Appendix A - Part 2 – The Full Council
- Appendix B - Part 1 – The Constitution (extract - Article 4)
- Appendix C - Part 7G - Petitions Protocol
- Appendix D - Part 1 - The Constitution (extract - Article 11.2)
- Appendix E - Part 6 – Terms of Reference (extract - B10)

11. BACKGROUND DOCUMENTS

- 11.1 This report is supported by one background document:

- The [current council constitution](#) (v. 20.9)

12. CONSULTATION (MANDATORY)

Name of consultee	Post held	Date sent	Date returned
Cllr Johnson	Leader of the Council	8/4/21	10/4/21
Cllr Rayner	Lead Member for Resident and Leisure Services, HR, IT, Legal, Performance Management and Windsor	7/4/21	8/4/21
Duncan Sharkey	Managing Director	7/4/21	7/4/21
Adele Taylor	Director of Resources/S151 Officer	8/4/21	8/4/21
Andrew Durrant	Director of Place	8/4/21	
Kevin McDaniel	Director of Children's Services	8/4/21	
Hilary Hall	Director of Adults, Health and Commissioning	8/4/21	8/4/21
Andrew Vallance	Head of Finance	8/4/21	

Elaine Browne	Head of Law	8/4/21	
Nikki Craig	Head of HR, Corporate Projects and IT	31/3/21	1/4/21
Louisa Dean	Communications	8/4/21	

REPORT HISTORY

Decision type:	Urgency item?	To follow item?
Council decision	No	No

Report Author: Karen Shepherd, Head of Governance, 01628 796529

A. Council Terms of Reference

1.1 Functions of Full Council

Only the full Council will exercise the following functions:

1. Approving and amending the following plans and strategies which shall comprise the Policy Framework (as required by law):
 - (a) Children and Young People's Plan
 - (b) Crime and Disorder Reduction Strategy
 - (c) Local Transport Plan
 - (d) Licensing Authority Policy Statement under the Gambling Act 2005
 - (e) Local Development Documents which together comprise the Local Development Framework
 - (f) Corporate Plan
 - (g) Housing Strategy
2. Approving and amending the following plans and strategies which shall comprise the Policy Framework (although not required by law):
 - (a) Any Plan or Strategy that must be approved by the authority and submitted to the Secretary of State or a Minister of the Crown for approval;
 - (b) Such other plans and strategies as the Council may decide to adopt.
3. Approving and amending the Budget, including:
 - (a) Housing Revenue Accounts Budget, General Fund Budget and Capital Programme
 - (b) Establishing contingency funds
 - (c) Agreeing the Collection Fund Balance
 - (d) Agreeing the Council Tax base
 - (e) Setting the Council Tax
 - (f) Making decisions relating to the control of the Council's borrowing requirement
 - (g) Approving the Annual Investment Strategy / Annual Treasury Management Strategy
 - (h) Approving the annual policy for making a Minimum Revenue Provision (MRP)
4. Approving and amending the Constitution (other than as detailed in Part 1 Article 14.3).
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.

6. Adopting a Members' Allowances Scheme in accordance with the Local Authorities' (Members' Allowances) (England) Regulations 2003 as set out in Part 9A of this Constitution
7. Confirming the appointment or dismissal of the Head of Paid Service, Chief Finance Officer or Monitoring Officer.
8. Changing the name of the area, conferring the title of Honorary Alderman or Freedom of the Borough.
9. Appointing the Returning Officer and Electoral Registration Officer.
10. Agreeing the cycle of Council meetings.
11. Agreeing and/or amending Terms of Reference for Committees, Panels and other bodies and deciding on their compositions and appointments thereto.
12. Subject to the Urgency Procedure contained in the Access to Information Procedure Rules in Part 8E of the Constitution, making any decision where the Cabinet is proposing to make a decision which would be contrary to the Policy Framework or contrary to / or not wholly in accordance with the Budget.
13. Exercising any functions reserved for Council as set out in Part 2B – Responsibility for Council Functions.
14. Making, amending, revoking, re-enacting or adopting byelaws and promoting or opposing the making of local legislation or personal Bills;
15. Adopting a Code of Conduct for Members (Councillors);
16. Taking decisions in respect of functions which are not executive functions and which have not been delegated by the Council to Committees, Sub-Committees or officers;
17. To consider and decide on recommendations of Committees on non-Executive functions not within their delegation or which a committee has referred to the Council for decision;
18. To consider decisions referred from Overview and Scrutiny in respect of executive functions where decisions have not yet been implemented and Overview and Scrutiny considers the decisions may be contrary to the Budget or Policy Framework;
19. To receive reports from the Leader or Cabinet on urgent decisions contrary to the Policy Framework;
20. To provide a means whereby councillors may ask questions of matters relevant to the Council's functions and to bring forward motions for debate;
21. To receive an Annual Report from the Overview and Scrutiny Panels in relation to Scrutiny and an Annual Report from ~~Corporate Services Overview and~~

| Scrutiny Audit and Governance Committee in relation to Audit and Performance of the Council.

22. To receive reports from the Leader or the Cabinet which they have referred to Council;
23. All other matters which, by law, must be reserved to Council as a whole.

.....

C1 ANNUAL MEETING OF THE COUNCIL**C1.1 Timing and business**

In a year when there is an ordinary election of Councillors, the annual meeting will take place within 21 days of the retirement of the outgoing Councillors. In any other year, the annual meeting will take place in May.

The annual meeting will:

- a) elect a person to preside if the Mayor or Deputy Mayor is not present.
- b) elect the Mayor of Council
- c) elect the Deputy Mayor of Council
- d) elect the Leader on nomination of the Group or groups forming the administration of the Council (only required at an Annual meeting following ordinary local elections)
- e) appoint the Overview and Scrutiny Panels and such other Committees, Forums and Panels as the Council considers appropriate to deal with matters which are neither reserved to the Council nor are executive functions. The Council shall appoint the Chairman and Vice Chairman to each body appointed under this rule with the exception of the Appeals Panel, which shall elect a Chairman from the Panel Membership at the start of each Panel Meeting for the duration of that meeting, and the Overview and Scrutiny Panels, which shall elect a Chairman and Vice Chairman from its membership. The Council shall approve the establishment, terms of reference, membership and operation of any Committee, Forum or Panel, working party or similar body. The life of such Panel etc. will be clearly prescribed and can only be extended by resolution of the Council.
- f) if required, agree the scheme of delegation or such part of it as the Constitution determines it is for the Council to agree.
- g) consider any business set out in the notice convening the meeting.

C1.2 Selection of Councillors on Committees, Forums, Panels and Outside Bodies

At the annual meeting, the Council meeting will:

- i) decide which Committees, Forums and Panels to establish for the municipal year.
- ii) decide the size and terms of reference for those Committees, Forums and Panels.
- iii) decide the allocation of seats and substitutes, if any, to political groups in accordance with the political balance.

- iv) appoint those Committees, Forums and Panels and outside bodies except where appointment to those bodies has been delegated by the Council or is exercisable only by the Cabinet.

Appointments to the Berkshire Fire Rescue Authority are subject to the rules of political balance where the Council appoints 3 or more members to the fire authority¹.

C2 ORDINARY MEETINGS

C2.1 Ordinary meetings of the Council will take place in accordance with a programme decided by the Council. Ordinary meetings, aside of the Budget meeting, will:

- i) elect a person to preside if the Mayor and Deputy Mayor are not present;
- ii) receive apologies for absence;
- iii) approve the minutes of the last meeting;
- iv) receive any declarations of interest from Members;
- v) receive any announcements from the Mayor;
- vi) receive questions from, and provide answers to, the public under C9;
- vii) receive petitions pursuant to the Petitions Procedure;
- viii) deal with any business from the last Council meeting;
- ix) receive reports from the Cabinet and the Council's Committees, Forums and Panels and receive questions and answers on any of those reports;
- x) receive reports about and receive questions and answers on the business of joint arrangements and external organisations, if any;
- xi) receive questions from Members under C11;
- xii) consider Motions from Members under C12;
- xiii) receive any confidential reports from the Cabinet and the Council's Committees, Forums and Panels and receive questions and answers on any of these reports;
- xiv) consider any other business specified in the summons to the meeting including consideration of proposals from the Cabinet in relation to the Council's budget and policy framework and reports of any of the Overview and Scrutiny Panels for debate;
- xv) receive reports from officers of the Council.

C2.2 Varying the order of business under C2.1.

Business falling under items C2.1 i) - v) inclusive shall not be displaced but, subject to that provision, the order of business under C2.1 may be varied by a resolution passed on a Motion (which need

¹ Section 15, s21(1)(f) and Schedule 1 part 1(c) of the Local Government and Housing Act 1989

not be in writing) moved and seconded in accordance with these rules, such a Motion shall be moved, seconded and put to the vote without discussion, other than an explanation for the proposed variation to the order of business set out in C2.1. A Motion carried under this Rule shall override any other Rule or provision in relation to the order of business.

C2.3 To ensure Members are able to properly consider the budget at the Budget meeting, only items of business relating to the budget will be considered at this meeting, unless otherwise agreed by the Mayor.

C3 EXTRAORDINARY MEETINGS

C3.1 Calling extraordinary meetings

Those listed below may request the Head of Governance to call Council meetings in addition to ordinary meetings:

- i) The Council by resolution.
- ii) The Mayor.
- iii) The Monitoring Officer.
- iv) Any 5 Members of the Council if they have signed a requisition presented to the Mayor and he/she has refused to call a meeting, or has failed to call a meeting to be convened within 21 days, within 7 days of the presentation of the requisition (maximum of 28 days between request and date of the meeting).
- v) The Mayor, at the request of the Leader and Cabinet.
- vi) An Overview and Scrutiny Panel in accordance with terms of Part 4).

C3.2 Business

Where the extraordinary meeting has been called by Members of the Council the only business to be transacted at the Meeting shall be the business specified in the Notice of Meeting as specified in the Members requisition submitted to the Mayor under 3.1 (iv) above and such business as the Mayor in his/her discretion shall allow.

C3.3 Additional Items

No additional items may be added to the Agenda for Extraordinary meetings after the Notice of Meeting has been issued

C4 APPOINTMENT OF SUBSTITUTE MEMBERS OF PANELS

C4.1 Allocation

For Committees, Forums and Panels the Council on allocating seats shall also permit Substitute Members to attend such meetings on the

same political balance as applied to the Substantive Members on the relevant Committee, Forum or Panel.

A Substitute Member will be able to act as a Substitute for one meeting only, the Substantive Member will automatically replace the Substitute at the next Panel, Forum or Committee meeting, unless the Substitute is re-appointed in accordance with C4.4.

C4.2 Numbers

For each Committee, Forum or Panel, the Council will appoint up to the total entitlement to seats for each political group in such proportions as that group holds substantive seats on the Council.

C4.3 Powers and duties

Substitute Members will have all the powers and duties of any ordinary Member of the Committee, Forum and Panel but will not be able to exercise any special powers or duties exercisable by the person they are substituting.

C4.4 Substitution

Substitute Members may attend meetings in that capacity only:

- i) To take the place of the ordinary Member for whom they are designated substitute for their meeting;
- ii) Where the ordinary Member will be absent for the whole of the meeting; if the ordinary Member arrives after the meeting has started, the substitute member shall continue and the ordinary Member shall be present as a non-member of that body.
- iii) After notifying the clerk to the meeting by 12.00 noon on the day of the meeting that a substitute is required; to enable Democratic Services to contact potential substitutes in advance of the meeting. If notified after 12 noon on the day of the meeting, the responsibility to identify a substitute falls to the relevant Group. The notification of the named substitute must be provided to the clerk ideally before the meeting begins; at minimum under the item 'Apologies for Absence' at the start of the meeting.

C5 TIME AND PLACE OF MEETINGS

The time and place of meetings will be determined by the Head of Governance and notified in the Notice of Meeting.

C6 NOTICE OF AND SUMMONS TO MEETINGS

- C6.1 The Head of Governance will give notice to the public of the time and place of any meetings in accordance with the Access to Information Rules. At least **five clear working days** before a meeting, the Head of Governance will send a Notice of Meeting including a summons signed by him or her by post to every Member of the Council or leave it at their usual place of residence or send it by e-mail. The Notice of Meeting will give the date, time and place of each meeting and specify the business to be transacted, and will be accompanied by such reports as are available.
- C6.2 Where, by reason of special circumstances, the Mayor is of the opinion that an item should be considered at a meeting as a matter of urgency, the requirement to give five clear days shall not apply and any Motion relating to such an item will be treated as a Motion without Notice under C13(s).

C7 CHAIRMAN OF MEETING

- C7.1 The Mayor or any person presiding at the meeting may exercise any power or duty of the Chairman. Where these rules apply to Committee, Forum and Panel meetings, references to the Mayor or Chairman also include the Chairman of Committees, Forums and Panels.
- C7.2 The Mayor or any person presiding as Chairman over a meeting shall conduct and make decisions in relation to the business of the meeting always in an objective, non-political and reasonable manner with the intention of achieving the efficient and orderly conduct of the meeting, facilitating full and effective debate and decision-making by the Council with the overriding aim of promoting confidence in the Council by the public.
- C7.3 The Mayor may consult any officer present with the aim of compliance with Rule C7.2 and the Members in attendance shall not speak during such consultation. The Mayor or any person presiding as Chairman shall (subject to Rule C27) have the final decision on any rule or procedure in this Part including compliance with Rule C7.2.

C8 QUORUM

The quorum of a meeting will be **one quarter** of the whole number of Members appointed to the relevant body unless otherwise specified in that body's Terms of Reference. During any meeting if the Mayor or Chairman counts the number of Members present and declares there is not a quorum present, then the meeting will adjourn immediately. Remaining business will be considered at time and date fixed by the Mayor or Chairman. If he/she does not fix a date,

the remaining business will be considered at the next ordinary meeting.

C9 QUESTIONS BY THE PUBLIC

C9.1 General

Members of the public may ask questions of

- i. the Leader; or
- ii. a Cabinet Lead Member;

at ordinary meetings of the Council for which the Council will set aside a period of **30 minutes**, which may be extended at the discretion of the Mayor in exceptional circumstances. Public questions at the meeting at which the council budget is considered must relate directly to the budget proposals. Public questions are permitted ~~at~~ Extraordinary meetings of the Council where such a question is directly related to an item on the Agenda.

C9.2 Answering Questions

Although the public may only direct questions to those Members in C9.1, the Member specified in C9.1 may request that another more appropriate Member of the Council answer the question, whether in whole or part, but only where the other Member has agreed and has communicated their agreement prior to the Meeting and the substitute Member can provide a more substantive reply to the question (for example, if the Member has a greater understanding of a ward issue or if it falls within the portfolio of the substitute Member).

Members with specific responsibilities cannot pass the question if it falls within their responsibility.

C9.3 Order of questions

Questions will be asked in the order that notice of them was received, except that the Mayor may group together similar questions or decide that questions should be asked in a particular order.

C9.4 Notice of questions

A question may only be asked if notice has been given by delivering it in writing or by email to the Head of Governance no later than midday, 7 clear working days before the day of the meeting. Each question must give the name and address of the questioner and must name the Member of the Council specified in C9.1 to whom it is to be put. The Mayor may, in his discretion, allow a question to be asked when the period of notice required has not been given, if he

considers the matter to be urgent and that the Member receiving the question has agreed to answer the question.

If a question cannot be answered at the Meeting, then the questioner shall be offered the opportunity to raise the question in the next ordinary meeting of the Council or a written response provided. Any written response will be published by the Council as soon as provided.

The deadline for submission of questions for the Budget meeting and Extraordinary Meetings shall be decided by the Mayor, to enable members of the public to view the reports in the Part I agenda before submitting questions.-

C9.5 **Number of questions**

At any one meeting no person may submit more than two questions.

C9.6 **Scope of questions**

The Head of Governance may reject a question if it:

- Is not about a matter for which the Council has a responsibility or which affects the Borough.
- Is defamatory, frivolous or offensive;
- Relates to a planning or planning enforcement matter or licensing application before it has been determined by a planning or licensing panel or by officers under delegated powers or by the court if subject to criminal or civil litigation..
- Relates to an appeal or review procedure that has not yet been concluded.
- Is substantially the same as a question which has been put at a meeting of the Council in the past six months;
- Requires the disclosure of confidential or exempt information.
- No question shall be longer than 60 words.
- The Head of Governance may, after consultation with the questioner and with the questioner's consent, amend the wording of the question for the purpose of clarification.

C9.7 **Record of questions**

The Head of Governance will maintain a register of all questions, which will be open to public inspection. Following the deadline for receipt of questions, a copy of the question will be sent immediately to the Member to whom it is to be put. Rejected questions will include reasons for rejection. Copies of all questions will be circulated to all Members and will be made available to the public attending the meeting.

C9.8 **Asking the question at the meeting**

The Mayor will invite the questioner to put the question to the Member named in the notice. If a questioner who has submitted a written question is unable to be present, they may ask the Mayor to put the question on their behalf. The Mayor may ask the question on the questioner's behalf, indicate that a written reply will be given or decide, in the absence of the questioner, that the question will not be dealt with. Both the question and any supplementary question shall be put and answered without discussion

C9.9 Supplementary question

A questioner who has put a question in person may also put one supplementary question without notice to the Member who has replied to his or her original question.

The supplementary question must arise directly out of the reply provided and shall not have the effect of introducing any new subject matter. The questioner shall be allowed up to 1 minute to put the supplementary question. The Mayor may reject a supplementary question on any of the grounds in Rule 9.6 above.

C9.10 Response

The Member who provides the 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 only exception to this process would be if an urgent question was accepted under C9.4 above and the timescales did not allow for a written response to be provided one working day in advance of the meeting.

All supplementary questions will be responded to verbally at the meeting. A Member verbally responding to a supplementary question shall be allowed up to **2 minutes** to do so.

C9.11

C9.12 Reference of question to Cabinet, Committee, Forum or Panel

No discussion will take place on any question, but any Member may move that a matter raised by a question be referred to Cabinet or the appropriate Committee, Forum or Panel. Once seconded, such a Motion will be voted on without discussion.

C10 PETITIONS

C10.1 Petitions will be received and considered by the Council in accordance with the Petitions Procedure in Part 7G.

C10.2 Any petition that contains at least 1500 signatories or petitioners may be reported to and debated at a meeting of the Full Council if requested by the petitioner organiser unless restricted by the terms

of the Petitions Procedure This is then considered by the Council to be a 'Petition for Debate'.

- C10.3 Petitions for Debate will be reported to the next convenient meeting of Council, as determined by the Mayor. Petitions will not be considered at the Annual Meeting of Council or at Extraordinary Meetings of Council which are not convened to consider the subject matter of the petition, unless the Mayor agrees to do so. Only petitions relating to the budget will be considered at the Budget meeting. Such petitions, whether receiving over 1500 signatories or not, will be considered as part of the debate on the relevant budget item rather than as a separate 'Petition for Debate'. The petition organiser will retain the right to address the meeting for 5 minutes at the start of the item as per the Petitions Procedure.
- C10.4 Petitions which do not relate to an ordinary item of business will be considered before the normal business of the Meeting, and will be considered in the order in which they were received, unless the Mayor determines otherwise. The Mayor will determine the number of petitions that would be convenient to consider at any one meeting. A maximum of 30 minutes will be allowed at each meeting for to considering such each petition, s and any petitions not reached in the time allowed will be deferred until the next meeting. The maximum time of **30 minutes per petition** can be overruled at the Mayor's discretion. The 30 minutes will begin immediately after the petition organiser has spoken.
- C10.5 ~~The Mayor or Chairman of the meeting may invite a~~ The relevant officer will include in the agenda for the meeting a report to setting out the background to the issue. At the start of the item, before inviting the petition organiser will be invited to address him/her the meeting for up to 5 minutes. The Mayor will then invite the relevant Lead Member to speak for up to 5 minutes, including proposing any recommendation included in the covering report. The Mayor would then ask for the motion to be seconded. Motions without Notice (other than those detailed in C13) will not be allowed. The Mayor will then invite any relevant Ward Councillors present to address him/her on the matter for up to **5 minutes each**. The ~~Chairman~~ Mayor will then open the matter for debate among Members of the Council.
- C10.6 Within 5 working days of the consideration of the petition by the Council, the Petitions Officer will notify the petition organiser of the decision if they were not present during the debate.

C11 QUESTIONS BY MEMBERS

C11.1.1 On reports of Cabinet, Committees, Forums or Panels

A Member of the Council may ask:

- i. the Leader; or

- ii. a Cabinet Lead Member;
 - any question, without written or other notice, upon an item contained in a report of Council, Cabinet or a Committee, Forum or Panel, when that item is being received or is under consideration by Council at an ordinary Meeting.

- C11.1.2 A Member may nominate another relevant Member of the Council to answer the question whether in whole or part but only where:
- (i) the other Member has agreed and has communicated their agreement prior to the Meeting and;
 - (ii) the substitute Member can provide a more substantive reply to the question (for example, if the Member has a greater understanding of a ward issue or if it falls within the portfolio of the substitute Member); and
 - (iii) the Member asking the question has agreed prior to the meeting that the substitute may provide the reply.

Members with specific responsibilities cannot pass the question if it falls within their responsibility.

C11.2.1 **Questions on notice at Council**

Subject to Rule C11.4, a Member of the Council may ask a written question on any matter in relation to which the Council has powers or which affects the Borough, to:-

- i. the Leader; or
- ii. a Cabinet Lead Member;

at ordinary meetings of the Council, other than the meeting at which the budget is considered, for which the Council will set aside a period of **30 minutes**, which may be extended at the discretion of the Mayor in exceptional circumstances.

Member questions directly relating to the budget at the budget meeting, or asked at Extraordinary meetings of the Council, fall under C11 1.1 above and would therefore be dealt with during the item in question.

- C11.2.2 A Member may nominate another relevant Member of the Council to answer the question whether in whole or part but only where:
- (i) the other Member has agreed and has communicated their agreement prior to the meeting and;
 - (ii) the substitute member can provide a more substantive reply to the question (for example, if the Member has a greater understanding of a ward issue or if it falls within the portfolio of the substitute Member); and
 - (iii) the Member asking the question has agreed prior to the meeting that the substitute may provide the reply.

Members with specific responsibilities cannot pass the question if it falls within their responsibility

C11.3 Questions on notice at Panels, Committees and Forums

Subject to Rule C11.4 any Member may ask the Chairman of a Committee, Forum or Panel a question on any matter which falls within the terms of reference of that Committee, Forum or Panel.

C11.4 Notice of questions

C11.4.1 A Member may only ask a question under Rule C11.2 or C11.3 if either:

- a) they have given at least 7 clear working days' notice in writing of the question to the Head of Governance; or
- b) the question relates to urgent matters and is raised by the Leader, Opposition Leader or Deputy Leaders and they have the consent of the Member to whom the question is to be put. The content of the question shall be given to the Head of Governance by 10.00 hours on the day of the meeting;

C11.4.2 No Member (other than the Leader, Opposition Leader or Deputy Leaders under C11.4.1(b) above) shall submit more than 2 questions under Rule C11.2 or C11.3 to a single Council or other meeting;

C11.4.3 Every question shall be put and answered without discussion; if the Member is unable to attend the meeting to put the question, the Member can nominate another Member to ask the question on his/her behalf or give notice to the Head of Governance to hold the question over to the next meeting.

C11.4.4 Each question must not exceed 60 words and where such a question exceeds the limit or the question is not clear, the Head of Governance may with the consent of the Member who submitted the question, amend the wording for clarification or to bring it within the 60 word limit.

C11.5 The Head of Governance may reject a question if it:

- Is not about a matter for which the Council has a responsibility or which affects the Borough.
- Is defamatory, frivolous or offensive;
- Relates to a planning or planning enforcement matter or licensing application before it has been determined by a planning or licensing panel or by officers under delegated powers or by the court if subject to criminal or civil litigation..
- Relates to an appeal or review procedure that has not yet been concluded

- Is substantially the same as a question which has been put at a meeting of the Council in the past six months;
- Requires the disclosure of confidential or exempt information.
- No question shall be longer than 60 words.

The Head of Governance may, after consultation with the questioner and with the questioner's consent, amend the wording of the question for the purpose of clarification.

C11.6 **Supplementary question**

A Member who has put a question in person may also put one supplementary question without notice to the Member who has replied to his or her original question.

The supplementary question must arise directly out of the reply provided and shall not have the effect of introducing any new subject matter. The questioner shall be allowed up to 1 minute to put the supplementary question. The Mayor may reject a supplementary question on any of the grounds in Rule 11.5 above.

C11.7 **Response**

The Member who provides the 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 only exception to this process would be if an urgent question was accepted under C11.4.1b) above and the timescales did not allow for a written response to be provided one working day in advance of the meeting.

All supplementary questions will be responded to verbally at the meeting. A Member verbally responding to a supplementary question shall be allowed up to **2 minutes** to do so.

C12 **MOTIONS ON NOTICE**

C12.1 **Notice**

Except for Motions which can be moved without notice under Rule C13, written notice of every Motion, signed by the Member proposing it or sent by email by the Member proposing it must be delivered to the Head of Governance not later than 12 noon, 7 clear working days immediately preceding the next ordinary Council Meeting. These will be dated, numbered in the order they are received and entered in a register open to public inspection. Member motions on notice will not be considered at the Annual meeting or the meeting at which the budget is considered.

C12.2 Motion set out in agenda

Motions for which notice has been given will be listed on the agenda in the order in which notice was received, unless the Member giving notice states, in writing, that they propose to move it at a later meeting or withdraw it.

C12.3 Scope

Motions must be about matters for which the Council has a responsibility or which affect the Royal Borough and shall neither contain more than three related proposals nor be preceded by more than 60 words. No Motion shall be accepted or debated which, in the opinion of the Mayor:

- is not about a matter for which the Council has a responsibility or which affects the Borough;
- is defamatory, frivolous or offensive;
- relates to a planning or planning enforcement matter or licensing application before it has been determined by a planning or licensing panel or by officers under delegated powers or by the court if subject to criminal or civil litigation..
- Relates to an appeal or review procedure that has not yet been concluded
- .
- is substantially the same as a motion which has been put to any meeting of the Council in the past six months;
- requires the disclosure of confidential or exempt information.

The Head of Governance may with consent of the Member who has submitted a Notice of Motion, amend the wording of the Motion either for the purpose of clarification or to ensure that it is not offensive or frivolous.

C12.4 Number of Motions

A Member of the Council shall have no more than one Notice of Motion for any single Council meeting.

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

C12.5 Motions not Moved

If a Motion is not moved it shall, unless postponed by resolution of the Council, be treated as abandoned and shall not be moved without fresh notice. Any Member who has not submitted that Notice of

Motion may in the event of the absence or inability of the Member who has submitted the Motion, move the Motion.

C12.6 Motion of No Confidence

Motions of no confidence in the Leader, a Cabinet Member, any Member holding a Special Responsibility, or any Vice Chairman of an Overview and Scrutiny Panel must be signed by ten Members and must be delivered to the Head of Governance no later than 10.00am on the seventh working day before the meeting (excluding the day of the meeting). The wording of the Motion shall be "That this Council has no confidence in the [insert relevant post]"

No amendments will be allowed to the Motion at the meeting where the matter is discussed.

Motions of no confidence can be accepted at any Council meeting, including Annual and Budget Council meetings.

If following a Motion of no confidence the majority of Members of the Council vote to remove the Leader or any Member with a Special Responsibility (other than a Lead Cabinet Member, as the power to remove a Lead Member is within the remit of the Leader), a Motion, under Rule 13(t), to nominate a new Leader or Member with a Special Responsibility may be moved without notice. If a Motion to nominate is not moved then the election of the Leader of Council or re-appointment to the role with the Special Responsibility will take place at the next Council meeting.

If a majority of Members of the Council agree a motion of no confidence in a Chairman or Vice Chairman of an Overview and Scrutiny Panel, the Panel will be required to consider the appointment of a Chairman or Vice Chairman (as appropriate) at the next scheduled meeting of the Panel.

C13 MOTIONS WITHOUT NOTICE

The following Motions may be moved without notice:

- a) to appoint a Chairman of the meeting at which the Motion is moved;
- b) in relation to the accuracy of the minutes;
- c) to change the order of business in the agenda;
- d) to refer something to an appropriate body or individual;
- e) to appoint a Committee, Panel or Member arising from an item on the Notice of the meeting;

- f) to receive reports or adoption of recommendation of Cabinet, Committee, Forums, Panel or Officers and any resolutions following from them;
- g) to withdraw a Motion;
- h) to amend a Motion;
- i) to proceed to the next business;
- j) that the question be now put;
- k) to adjourn a debate;
- l) to adjourn a meeting including under rule C25;
- m) to suspend a particular Council procedure rule;
- n) to exclude the public and press in accordance with the Access to Information Rules;
- o) to not hear further a Member named under Rule C21.5 or to exclude them from the meeting under Rule C21.6;
- p) to give the consent of the Council where its consent is required by this Constitution;
- q) to extend the time limit for speeches;
- r) to vote on the Mayor's ruling under Rule C27.
- s) to consider an urgent item under Rule C6.2
- t) to appoint a new Leader or to a role with a Special Responsibility after a vote of no confidence has passed under Rule C12.6

C14 RULES OF DEBATE

C.14.1 No speeches until Motion seconded

No speeches may be made after the mover has moved a proposal and explained the purpose of it until the Motion has been seconded.

C14.2 Right to require Motion in writing

Unless notice of the Motion has already been given, the Mayor may require it to be written down and handed to him/her before it is discussed.

C14.3 Secunder's speech

When seconding a Motion or amendment, a Member may reserve their speech until later in the debate.

C14.4 **Length and content of speeches**

C14.4.1 Other than debate for the annual budget in rule C14.4.3, a Member shall not speak for more than **5 minutes**.

C14.4.2 A member proposing and seconding a Motion or a recommendation of amendment to a Motion shall not speak for more than **5 minutes**. The Member proposing the motion may speak for a further five minutes when exercising a right of reply

C14.4.3 For the **annual budget debate** the Member proposing the adoption of the budget and the Opposition spokesman 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 five minutes when exercising a right of reply.

C14.4.4 The content of speeches must be directed to the question or motion under discussion or to a personal explanation or point of order.

C14.4.5 The content of speeches must be relevant to the issue in question and shall enable the Member to argue reason or persuade other Members of the strength or validity of their view or that their viewpoint is the correct decision.

C14.4.6 Members shall stop speaking where in the opinion of the Mayor (in consultation with the Monitoring Officer) considers that the content of the speech does not have any relevancy to the matter of the debate or the content breaches the Members' Code of Conduct.

C14.4.7 Members shall avoid repetition of statements or views expressed previously in the debate. Members should treat other Members, officers and the public with respect and courtesy and avoid improper and/or offensive remarks. The Mayor may require a Member making remarks the Mayor has judged offensive or improper to withdraw them.

C14.5 **When a Member may speak again**

A Member who has spoken on a Motion may not speak again whilst it is the subject of debate, except:

- a) to speak once on an amendment moved by another Member;
- b) to move a further amendment if the Motion has been amended since he/she last spoke;
- c) if his/her first speech was on an amendment moved by another Member, to speak on the main issue (whether or not the amendment on which he/she spoke was carried);

- d) In exercise of a right of reply;
- e) On a point of order; and
- f) By way of personal explanation.

C14.6 Amendments to Motions

- a) An amendment to a Motion must be relevant to the Motion and will either be:
 - i) to refer the matter to an appropriate body or individual for reconsideration;
 - ii) to leave words out;
 - iii) to leave out words and insert or add others;
 - iv) to insert or add words;

as long as the effect of ii) to iv) is not to negate the purpose of the Motion or to introduce a new proposal unrelated to the Motion.

- b) Only one amendment may be moved and discussed at any one time. No further amendment may be moved until the amendment under discussion has been disposed of, provided the Mayor may permit two or more amendments to be discussed (but not voted on) together if in his/her opinion this would facilitate the proper conduct of the Council's business.
- c) If an amendment is not carried, other amendments to the original Motion may be moved.
- d) If an amendment is carried, the Motion as amended takes the place of the original Motion. This becomes the substantive Motion to which any further amendments are moved.
- e) After an amendment has been carried, the Mayor will read out the amended Motion before accepting any further amendments, or if there are none, put it to the vote.
- f) Amendments to proposals contained within the annual budget report must follow a process to be set out in advance of the meeting by the Chief Finance Officer. This will include details of any proposed amendments being submitted in writing to the Finance team in advance of the meeting to ensure sufficient time to assess the financial consequences of any such proposals.

C14.7 Alteration of Motion

- a) A Member may alter a Motion of which he/she has given notice if the motion has not yet formally be moved.
- b) A Member may alter a Motion which he/she has moved (with or without notice) with the consent of both the meeting and the seconder. The meeting's consent will be voted on without discussion.
- c) Only alterations which could be an amendment may be made.

C14.8 **Withdrawal of Motion**

A Member may withdraw a Motion which he/she has moved with the consent of both the meeting and the seconder. The meeting's consent will be voted on without discussion. No Member may speak on the Motion after the mover has asked permission to withdraw it unless permission is refused.

C14.9 **Right of reply**

- a) The mover of a Motion has a right to reply at the end of the debate on the Motion, immediately before it is put to the vote. The time limit for a right of reply will be 5 minutes maximum.
- b) If an amendment is moved the mover of the original Motion has the right of reply at the close of the debate on the amendment, but may not otherwise speak on it.
- c) The mover of the amendment has a right of reply to the debate on his or her amendment, immediately after b) above and immediately prior to the amendment being put to the vote.

C14.10 **Motions which may be moved during debate**

When a Motion is under debate, no other Motion may be moved except the following procedural Motions:

- a) to withdraw a Motion;
- b) to amend a Motion;
- c) to proceed to the next business;
- d) that the question be now put to the vote;
- e) to adjourn a debate;
- f) to adjourn a meeting;
- g) to extend the time limit for speeches;
- h) to exclude the public and press in accordance with the Access to Information Rules;
- i) to not hear further a Member named under Rule C21.5 or to exclude them from the meeting under Rule C21.6;

- j) to vote on the Mayor's ruling under Rule C27.

C14.11 **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. It if 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.

C14.12 **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 these Council Rules of Procedure or the law. The Member must indicate the 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.

C14.13 **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 time limit for personal explanations shall be one minute. The ruling of the Mayor on the requirement of a personal explanation will be final.

C15 **Not used**

C16 **PREVIOUS DECISIONS AND MOTIONS**

C16.1 Motion to rescind a previous decision

A Motion or amendment which has the effect or intention to rescind a decision made at a meeting of Council within the past six months cannot be moved unless the notice of Motion is signed by at least fifteen Members. (In applying this Rule C16.1 and Rule C16.2 to Committees, Forums and Panels, the Motion must be signed by at least 1/3rd of the Members of the relevant Committee, Forum or Panel.) This rule does not prevent the relevant proper officer (or Monitoring Officer) from bringing a motion to the attention of the Council, Committee, Forum or Panel.

C16.2 Motion similar to one previously rejected

A Motion or amendment in similar terms to one that has been rejected at a meeting of Council in the past six months cannot be moved unless the notice of Motion or amendment is signed by at least twenty Members. Once the Motion or amendment is dealt with, no one can propose a similar Motion or amendment for six months.

C16.3 Similar items on Council Agenda

Where two items being recommended or proposed as Motions appear on an agenda, or where two or more items appear to relate to the same issue, one of which would have the effect or intention of rescinding the other, the following procedure will be adopted:-

- i) The Mayor will put to the vote, without debate, that the order of business should be varied under Rule C2.2 to allow the items to be debated together but voted upon separately, the order of matters debated and put to the vote will be determined by Council. If the vote is carried, he/she will specify the order of speeches proposing, seconding and exercising the right of reply to be followed.
- ii) If the vote is not carried, the items will be put to the Council strictly in accordance with C2.1. When a second or subsequent item is to be debated and it would have the effect or intention of rescinding a resolution passed earlier in the Meeting, it shall not be debated but shall be deemed to have been rejected and thereafter Rules C16.1 and C16.2 will apply.

C17 VOTING**C17.1 Majority**

Unless this Constitution provides otherwise, any matter will be decided by a simple majority of those Members voting and present in the room at the time the question was put. The Mayor may, at any stage in the process, exercise his second or casting vote as set out in C17.2.

C17.2 Mayor's casting vote

C17.2.1 If there are equal numbers of votes for and against, the Mayor will have a second or casting vote. There shall be no restriction on how the Mayor chooses to exercise his second or casting vote.

C17.2.2 Where the Mayor has voted on the proposition which is tied, he may exercise a second vote.

C17.2.3 Where the Mayor has not voted on the proposition which is tied, he may exercise a casting vote.

C17.2.4 If the Mayor declines to exercise a second or casting vote, the proposal the subject of the vote shall be rejected, subject to C17.1 above.

C17.3 Recording of Votes

C17.3.1 Immediately before a vote the Mayor shall ask the Members whether a named vote is required.

C17.3.2 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.

C17.3.3 If requested by any **5** Members the mode of voting at meetings of the Council 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.

C17.3.4 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.

C17.3.5 The Mayor shall ascertain the numbers voting for or against any motion and his/her decision as to the result shall be conclusive.

C17.3.6 The result of the vote will be announced to the meeting.

C17.3.7 A named vote will always be required:

- i) on any business relating to approving the annual budget, budget amendments, setting the council tax or issuing precepts at Council meetings and;
- ii) For any decisions made at Development Management Panels

C17.3.8 In relation to meeting of other Panels, Subcommittees or Forums, a named vote shall be called if requested by any **2** voting Members.

C17.4 Voting on appointments

If there are more than two people nominated for any position to be filled and there is not a majority of votes in favour of one person, then the name of the person with the least number of votes will be taken off the list and a new vote taken. The process will continue until there is a majority of votes for one person.

C18 MINUTES

C18.1 Signing the minutes

The Mayor will sign the minutes of the proceedings at the next suitable meeting. The Mayor will move that the minutes of the previous meeting be signed as a correct record. Only the accuracy of the minutes can be discussed.

C18.2 No requirement to sign minutes of previous meeting at an Extraordinary Meeting or at the Annual Meeting

Where an Extraordinary Meeting has been called under paragraph 3 of Schedule 12 of the Local Government Act 1972 or the Annual Meeting has been held, and either would be the next meeting for the purpose of A18.1, then the minutes will be considered at the next following meeting (after the Extraordinary Meeting or the Annual Meeting, as the case may be) and that meeting shall be treated as a suitable meeting for the purposes of paragraph 41(1) and (2) of Schedule 12 relating to signing of minutes.

C18.3 Form of minute

Minutes will contain all Motions and amendments in the exact form and order the Mayor put them.

C19 RECORD OF ATTENDANCE

All Members present during the whole or part of a meeting must sign their names on the attendance sheets before the conclusion of every meeting to assist with the record of attendance.

C20 EXCLUSION OF PUBLIC

Members of the public and press may only be excluded either in accordance with the Access to Information Rules in Part 8E of this Constitution or Rule C22 (Disturbance by Public).

C21 MEMBERS' CONDUCT

C21.1 Member wishing to Speak

A Member wishing to speak shall indicate by raising his/her hand and shall speak when called upon to do so by the Mayor. When called the Member shall stand when speaking and shall address The Mayor using the form 'Mr Mayor' or 'Madam Mayor' as appropriate. The Members shall speak of each other and of Officers by their respective titles.

C21.2 Standing to speak

When a Member speaks at full Council they must, unless the Mayor in his/her discretion provides otherwise, stand and address the meeting through the Mayor. If more than one Member stands, the Mayor will ask one to speak and the others must sit. Other Members must remain silent whilst a Member is speaking unless they wish to make a point of order or a point of personal explanation.

C21.3 Conduct during Speeches

When a Member speaks then all other Members shall not speak and will remain silent unless requested to speak by the Mayor. Members should treat other Members with respect and courtesy and avoid improper and/or offensive remarks or actions. The Mayor may require a Member making remarks or actions the Mayor has judged offensive or improper to withdraw them.

C21.4 Mayor standing or using his gavel

When the Mayor stands during a debate or uses his/her gavel and invokes this Rule, any Member speaking at the time must stop and sit down. The meeting must be silent.

C21.5 Member not to be heard further

If a Member persistently disregards the ruling of the Mayor by behaving improperly or offensively or deliberately obstructs business, the Mayor may move that the Member be not heard further. If seconded, the Motion will be voted on without discussion.

C21.6 Member to leave the meeting

If the Member continues to behave improperly after such a Motion is carried, the Mayor may move that either the Member leaves the meeting or that the meeting is adjourned for a specified period. If seconded, the Motion will be voted on without discussion.

C21.7 General disturbance

If there is a general disturbance making orderly business impossible, the Mayor may adjourn the meeting for as long as he/she thinks necessary.

C22 DISTURBANCE BY PUBLIC**C22.1 Removal of Member of the public**

If a Member of the public interrupts proceedings, the Mayor will warn the person concerned. If they continue to interrupt, the Mayor will order their removal from the meeting room.

C22.2 Clearance of part of meeting room

If there is a general disturbance in any part of the meeting room open to the public, the Mayor may call for that part to be cleared.

C23 FILMING, RECORDING AND PHOTOGRAPHY AT COUNCIL MEETINGS

C23.1 The Council supports the principle of transparency and encourages the filming, recording and photographing of meetings open to the public. This will be permitted in accordance with the Filming and Recording Protocol in Part 7H.

C24 SUSPENSION AND AMENDMENT OF COUNCIL PROCEDURE RULES**C24.1 Suspension**

All of these Council Rules of Procedure except Rule C17.4 and C18.2 may be suspended by Motion on notice or without notice if at least one half of the whole number of Members of the Council are present. Suspension can only be for the duration of the meeting.

C24.2 Amendment

Any Motion to add to, vary or revoke these Council Rules of Procedure will, when proposed and seconded, stand adjourned without discussion to the next ordinary meeting of the Council.

C25 DURATION OF MEETINGS

C25.1 Unless the majority of Members present vote for the meeting to continue, any meeting of the Council, its Committees, Forums, Panels and Sub-Committees, together with meetings of the Cabinet and its Sub-Committees, which commence at **7.30pm**, and that has not concluded by **10.00pm** will adjourn immediately at the conclusion of the agenda item then under discussion. Remaining business will be considered at a time and date fixed by the Chairman. If he/she does not fix a date, the remaining business will be considered at the next ordinary meeting.

C25.2 For all meetings of the Council, its Committees, Forums, Panels and Sub-Committees, together with meetings of the Cabinet and its Sub-

Committees, that commence prior to 7.30pm., rule C25.1 above shall apply where the meeting has not concluded by **9.30pm.**

C26 APPLICATION TO COMMITTEES, FORUMS, PANELS AND SUB-COMMITTEES

C26.1 All of the Council Rules of Procedure apply to meetings of the Council. None of the rules apply to meetings of the Cabinet. Only Rules C4-8; C11 - 20 (but not Rule 14.4 and 14.5 (so far as they apply to length of speeches and speaking only once in the debate)); C21 - 28 (but not Rule C21.2 ~~and C21.3~~) and C30 - 31 apply to meetings of Committees, Forums and Panels. (See Appendix to these Rules.)

C26.2 Voting at Committee, Forum and Panel meetings shall be as set out in rule C17.3 of these procedure rules.

C26.3 In the minutes of Panels, Forums and Committees it shall not be necessary for particulars of Motions and amendments preceding the resolution eventually carried to be recorded.

C27 INTERPRETATION OF COUNCIL PROCEDURE RULES

The ruling of the Mayor, on the advice of the Head of Governance, as to the construction or application of any of the Council Procedure Rules or as to proceedings of the Council may only be challenged by a Motion under Rule C13) moved and seconded in accordance with these rules. Such a Motion shall be moved, seconded and put to the vote without discussion, other than an explanation by the proposer for the Motion being proposed.

C28 SEATING ARRANGEMENTS

The Head of Governance shall settle and publish seating plans for meetings of the Council.

C29 MEMBERSHIP OF COMMITTEES, FORUMS AND PANELS

C29.1 The maximum number of Members to serve on the Cabinet is set out in Article 6 of the Constitution. Membership of other Panels, Forums and Committees is as set out in Parts 4 and 6 of the Constitution. Except where authorised by statute or set out elsewhere in the Constitution the quorum specified in C8 shall apply, being rounded up to the nearest whole number.

C29.2 Subject to the Members' Code of Conduct, any Member of the Council may attend any formal meeting of a Panel, Forum or Committee of which he/she is not a Member and, subject to prior approval of the Chairman, may speak but not vote at such meeting, providing this right may not be exercised:

- i) When a Committee, Forum or Panel is sitting in a judicial or quasi-judicial role, e.g. as an Appeals Panel.
- ii) When a Committee, Forum or Panel is considering a confidential matter, i.e. press and public are excluded, the Member will be presumed to be able to make a real contribution to the decision-making.
- iii) When the Cabinet is not a public Cabinet meeting.
- iv) When the meeting is a briefing meeting and at which no decision will be taken.

Cabinet Members may attend meetings of the Overview and Scrutiny Panels but are only entitled to answer questions put to them by the Panel or to respond to call-in of a decision within their area of responsibility.

C29.3 Any Member of the Council may attend public meetings (Part I meetings) of Cabinet. A Member may only attend private meetings (Part II meetings) of Cabinet when invited to do so by the Leader (or chairman of the meeting in question).

C29.4 No Member may be permitted to serve as a member or a substitute member of any regulatory Panel/Sub-Committee without first having attended a training session, which must have been held since the Member was last elected. For the purpose of this rule, regulatory panels/sub-committees are any Development Management Panel, Licensing Panel or Appeals Panel.

C29.5 No Member of the Cabinet can be a Member of an Overview and Scrutiny Panel.

C29.6 Any vacancy on a Forum, Panel or Committee caused as a result of the Member no longer being a Councillor or as a result of that Member notifying the Head of Governance in writing that they have resigned their Membership of that Forum, Panel or Committee shall be reported to the next meeting of the Council to enable the vacancy to be filled in accordance with political balance requirements as appropriate.

C30 CHAIRMANSHIP

C30.1 Whenever the Chairman or Vice-Chairman of a Forum, Panel or Committee shall cease to hold office, the vacancy so caused shall be filled at the next meeting of the Council with the exception of the individual Appeals Panels which will appoint a Chairman amongst themselves for each meeting and Overview and Scrutiny Panels, who will appoint a Chairman or Vice Chairman for the remainder of the municipal year at their next meeting, in accordance with C1.1 .

C30.2 All other Forums, Panels and Committees which consist of Members of the Council and other persons shall have a Member of the Council as Chairman unless the Council shall agree otherwise.

C30.4 In the event of the Chairman being absent on any occasion, the Vice-Chairman shall take the Chair. In the event of both of them being absent, a Chairman for the time being may be appointed by the Members of that meeting.

C31 MATTERS AFFECTING PERSONS EMPLOYED

C31.1 No matter shall be raised at any meeting of the Council or at any meeting of any Committee, Forum or Panel, which is directed at the personal performance or conduct of an individual employee of the Council unless provided under the Terms of Reference for the Committee, Forum or Panel or where required by the Officer Employment Procedure (Part 8B).

C31.2 If any matter arises at any meeting of the Council, Cabinet, Forum, Committee or Panel as to the appointment, promotion, dismissal, salary, superannuation or conditions of service or as to the performance or conduct of any person employed by the Council such matter shall not be the subject of any discussion until a motion under Section 100(A)(4) of the Local Government Act 1972 to exclude the public has been put and carried.

Appendix**Rules which apply to Committees, Forums, Panels and Sub-Committees
(Rule C26)**

C4 Appointment of Substitute Members of Panels

C5 Time and place of meeting

C6 Notice of and summons to meetings

C7 Chairman of meeting

C8 Quorum

C11 Questions by Members

C12 Motions on notice

C13 Motions without notice

C14 Rules of debate but not Rules C14.4 and C14.5

C16 Previous decisions and motions

C17 Voting

C18 Minutes

C19 Exclusion of public

C21 Members' conduct but not Rule C21.2 ~~and C21.3~~

C22 Disturbance by public

C23 Filming, recording and photography at Council Meetings

C24 Suspension of Rules

C25 Duration of Meetings

C26 Application

C27 Interpretation

C29 Membership of committees and panels

C30 Chairmanship

C31 Members affecting persons employed

Article 4 – The Full Council

4.1 Introduction

The full Council is a formal meeting of all Councillors and the Mayor. The full Council is required by law to take certain important decisions including setting the Council's budget and Council Tax, and approving a number of key plans and strategies, which together form the Policy Framework (listed below). The full Council must also by law take decisions on a number of other specific matters.

The full Council provides a central forum for debate and gives the opportunity for Councillors and, at designated meetings throughout the year, members of the public, to ask questions about the Council or matters affecting the Borough.

There are ~~four~~^{three} types of full Council meetings:

1. The Annual Meeting
2. Ordinary meetings
3. Extraordinary meetings

4. The Budget meeting

These meetings will be conducted in accordance with the procedure rules set out in Part 2 C Council Rules of Procedure.

4.2 Functions of the Council

The functions and responsibilities of the Council are set out in:-

- a) Part 2 A: Council Terms of Reference;
- b) Part 2 B: Responsibility for Council Functions.

4.3 The Budget and Policy Framework

Budget

The budget includes the allocation of financial resources to different services and projects, the Housing Revenue Account, proposed contingency funds, the council tax base, setting the council tax and decisions relating to the control of the Council's borrowing requirement, the control of its capital expenditure and the setting of virement limits.

The Policy Framework

The Policy Framework is set out in Part 2 A as part of the functions of Council.

Budget & Policy Framework Procedure

The Budget and Policy Framework Rules of Procedure set out in Part 3 B of this Constitution ensure consultation with Councillors who are not members of the Cabinet on initial proposals for these plans so that their views can feed into the development of these plans and strategies.

PART 7 – THE CODES, PROTOCOLS AND ADVICE

G – PETITIONS PROTOCOL

Contents

	Page
1. Introduction	7G-3
2. What is a petition?	7G-3
3. What should a petition contain?	7G-3
4. Who should you send a petition to?	7G-4
5. The Petitions Website	7G-5
6. The role of Ward Councillors	7G-6
7. What happens when a petition is received?	7G-6
8. Petitions dealt with by Head of Service	7G-7
9. What happens to a Consultation Petition?	7G-6
10. What happens to a Statutory Petition?	7G-8
11. What happens to Petitions for Debate?	7G-8
12. What happens to a Petition to Hold an Officer to Account?	7G-8
13. At the meeting	7G-9
14. Appeal to an Overview and Scrutiny Panel	7G-10
15. The role of the Petition Organiser	7G-10
16. Petitions which will not be accepted	7G-11

1 Introduction

The Royal Borough of Windsor and Maidenhead welcomes correspondence from the public and welcomes petitions as one way in which residents can let the Council know their concerns. The scheme below sets out how the authority will respond to petitions which it receives.

2 What is a petition?

The Council treats as a petition any communication which is signed by a number of people who live in the Borough. For practical purposes, the Council normally sets a requirement for at least 25 signatories or petitioners before correspondence is treated as a petition, although the Petitions Officer may accept a petition containing fewer signatories if those people represent a significant proportion of people who may have a direct interest in the issue of the subject of the petition.

3 What should a petition contain?

A petition should include –

- A clear statement of your concerns and what you want the authority to do. This must relate to something which is the responsibility of the authority, or over which the authority has some influence. Where a petition relates to a matter which is within the responsibility of another public authority, we will ask the petition organiser whether s/he would like us to redirect the petition to that other authority. Where a petition relates to a matter over which the authority has no responsibility or influence, we will return the petition to the petition organiser with an explanation for that decision;
- The name and contact details of the petition-organiser or someone to whom you would like any correspondence about the petition to be sent. Contact details may be either a postal address or an e-mail address. Signatories are directed to the council's [Privacy Notice](#) in relation to the collection of personal data for petitions.
- The names of at least 25 petitioners (which can include the petition organiser) accompanied by their home address in the borough (at minimum postcode). Where the petition is in paper format, this must include actual signatures from each petitioner. Where the petition is in electronic form, this must include a valid email address for each signatory (see paragraph 13 below). Signatories are directed to the council's [Privacy Notice](#) in relation to the collection of personal data for petitions. A paper petition can be run at the same time as an electronic petition but signatories are not permitted to sign both. If you want your petition to be debated at a meeting of the Council ("A Petition for Debate"), or to trigger a public meeting of an Overview and Scrutiny Panel at which a specific officer will be

required to report (“A Petition to hold an Officer to Account”), your petition will need to contain a higher number of signatories or petitioners (see paragraphs 31 and 32 below). Where it cannot be verified that a signatory lives within the borough, the council reserves the right to exclude the signatory from the total number of signatures

4 If you are submitting the petition in response to a consultation on a specific matter, for example a planning or licensing application, please identify the matter which it relates to, so that we can ensure that your petition is considered along with original matter. See paragraph 28 for further details

5 **Who should you send a petition to?**

Where you submit a petition in response to consultation by the authority, please address it to the return address set out in the consultation invitation. This will ensure that it is reported at the same time as the matter to which it relates is considered.

6 The council’s Petitions Officer is responsible for receiving, managing and reporting all other petitions sent to the authority. Please address petitions to: –

The Petitions Officer
Democratic Services
Royal Borough of Windsor and Maidenhead
Town Hall
St Ives Road
Maidenhead
SL6 1RF

7 Alternatively, a Member of the Council may submit a petition to any ordinary meeting of the Full Council on behalf of petitioners. 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.

8 Council will set aside up to 10 minutes, which may be extended at the Mayor’s discretion, to receive Petitions under paragraph.7.

9 A Member submitting a Petition may speak for no more than 2 minutes to summarise the contents of the petition. The petition will then be referred by the Mayor, via the Petitions Officer, to the relevant Head of Service, to Cabinet, to the appropriate Lead Member(s) or to the relevant Committee, Forum or Panel (if any) without debate, either to consider and reach a decision on the petition’s context or to report back to the Council, as the Mayor shall determine.

10 The petitioner organiser will be invited to attend any relevant meeting to which the petition is referred or the future Council meeting to which it is reported, and will be invited to address that meeting for up to 5 minutes.

The petition will appear on the agenda for the relevant meeting immediately after the items on Apologies, confirmation of minutes and declaration of interests. This additional speaking right (above that already stipulated in this Constitution) shall not apply to a committee of Council sitting as an administrative or quasi-judicial function (such as planning or licensing).

11 When a Member submits a petition at a meeting of the Full Council, the Mayor, on the advice of the Petitions Officer, may reject any Petition which falls under any of the reasons for rejection as detailed in paragraph 51 below.

12 The Petitions Officer will ensure that all petitions are acknowledged to the petition organiser and entered on the authority's petitions log on the Borough website, and that the website is regularly updated with information on the progress of each petition. The Petitions Officer can also provide advice about how to petition the authority or the progress of a petition, at either the above address or by telephone at 01628 796529.

13 Petitions can be submitted to the council in electronic format via the council's e-petition website (<https://petitions.rbwm.gov.uk>). Such petitions will remain 'open' on the website for a set period of time, to allow other people to sign. The period of time will be agreed with the petition organiser, but will be no longer than 6 months. When an individual signs an e-petition, they will be asked to provide their name, postcode of their home address within the borough and a valid email address. The individual will then be sent an email to the email address provided. This email will include a link which must be clicked on in order to confirm the email address is valid. Once this step is completed, the individual's 'signature' will be added to the petition. People visiting the e-petition will be able to see the name of the signatory but contact details will not be visible. Signatories are directed to the council's [Privacy Notice](#) in relation to the collection of personal data for petitions. E-petitions will not be accepted from any other e-petition website, as the council is unable to verify signatories.

14 **The Petitions Website**

When a petition is received by the Petitions Officer, within 5 working days the Petitions Officer will add the details of the petition to the petition log on the borough website, including the subject matter of the petition, its date of receipt, and the name of the petition organiser/lead petitioner. Signatories are directed to the council's [Privacy Notice](#) in relation to the collection of personal data for petitions.

15 At each stage of the consideration of the petition, within 5 working days of any decision, the Petitions Officer will ensure that the petitions website is updated to ensure that petitioners can track progress of their petition.

16 As soon as it is decided who the petition will be considered by within the authority, and when that consideration will occur, this information will be

entered on the website at the same time as it is sent to the petition organiser. Once the petition has been considered, the authority's decision will be notified to the petition organiser and put on the website within 5 working days of that consideration.

17 **The role of Ward Councillors**

When a petition is received which relates to a local matter (particularly affecting specific electoral wards), the Petition Officer will send an electronic copy of the petition to the relevant Lead Member and Ward Councillor(s) at the same time as acknowledging receipt of the petition to the petition organiser.

18 When the petition is considered at any Council meeting, the relevant Ward Councillor(s) will be invited to attend and to address the meeting for no more than 5 minutes each, immediately after the petition organiser.

19 **What happens when a petition is received?**

How we deal with a petition depends on which type of petition you submit. Some of the possible options are:

- Taking the action requested in the petition
- Considering the petition at a meeting of the authority
- Holding an inquiry
- Holding a public meeting
- Commissioning research
- A written response to the petition organiser setting out the authority's views on the request in the petition
- Referring the petition to an Overview and Scrutiny Panel

20 Please note that petitions which raise issues of possible Councillor misconduct will be taken as complaints arising under the Local Government Act 2000 as amended by the Localism Act 2011 and will be reported to the Monitoring Officer, rather than considered under this Petitions Procedure.

21 Whenever a petition is received, within 5 working days of receipt, the Petitions Officer will acknowledge receipt to the petition organiser.

22 If a petition is sent to any officer in the Council other than the Petitions Officer, the officer will notify the Petitions Officer of the petition so a central log of petitions may be maintained.

23 For ordinary petitions, the following process managed by the relevant Head of Service shall apply. For consultation petitions, statutory petitions, petitions for debate or petitions to hold an officer to account see paragraphs 28 – 38 below.

Where a petition is received relating to a matter which is subject to statutory consultation process (for example, during adoption of a Neighbourhood Plan) then the petition will be considered by the relevant decision maker in accordance with the provisions of the statutory consultation and the relevant time set out in the consultation process.

If a Petition is received relating to a matter which is subject to statutory consultation process after the statutory process has concluded, then the Petition will not be accepted by the Council.

24 **Petitions dealt with by Head of Service**

If a petition is submitted to a Head of Service directly, via the Petitions Officer or via Full Council, the Head of Service will be responsible for convening a meeting between the Head of Service, the Lead Member(s), the petition organiser(s), and Ward Councillors, to discuss the content of the petition.

25 If a mutually agreeable solution can be reached between all parties, which does not require an executive or regulatory decision, then the petition can be addressed accordingly, without the need for it to be presented to Cabinet, or any other relevant body.

26 However, if a mutually agreeable solution cannot be reached, then both parties may request that the petition be referred to the appropriate body for consideration and debate.

27 Unless the matter has been resolved to the satisfaction of the petition organiser, the Petitions Officer will provide a substantive response to the petition organiser setting out who the petition will be reported to for consideration, when and where that will take place and inviting the petition organiser to attend that meeting and to address the meeting for up to 5 minutes on the issue covered by the petition. The invitation to the petition organiser to address the meeting is in addition to any other public speaking rights at that meeting. This additional speaking right (above that already stipulated in this Constitution) shall not apply to a committee of Council sitting as an administrative or quasi-judicial function (such as planning or licensing).

28 **What happens to a Consultation Petition?**

Consultation Petitions are submitted in response to an invitation from the Council to submit representations on a particular proposal or application, such as a planning or licensing application. The Council's Constitution defines who will take different types of decision, as set out in the Scheme of Delegations and the Terms of Reference of Panels, Forums and Committees. Therefore, all petitions will be forwarded to the relevant Head of Service to deal with. Consultation petitions attracting over 1500 signatures will not be the subject of a debate by Full Council (see

paragraph 30 below) unless the Full Council is the appropriate decision making body. For example, all petitions relating to a planning application will be passed to the planning Case Officer as part of the normal consultation process and outlined in the Officer's report to a Panel and if not delegated to officers will then be considered by the relevant Development Management Panel.

29 **What happens to a Statutory Petition?**

Particular Acts of Parliament require the Council to consider petitions, for example a petition for a review of Parish Councils, or a petition for a directly-elected Mayor. Where you submit a petition under such a specific statute, we will report it to the next available meeting of the Council in accordance with the statutory requirements.

30 **What happens to Petitions for Debate?**

If you want your petition to be reported to and debated at a meeting of the Full Council, it must contain at least 1500¹ signatories or petitioners.

31 Petitions for Debate will be reported to the next convenient meeting of Council, as determined by the Mayor. Petitions will not be considered at the Annual Meeting of Council or at Extraordinary Meetings of Council which are not convened to consider the subject matter of the petition: unless the Mayor agrees to do so. Further details on how Petitions for Debate are dealt with can be found in Part 2, paragraph C10 of the constitution.

32 As set out below, the petition organiser will be invited to address the meeting for up to 5 minutes on the subject of the petition.

33 **What happens to a Petition to Hold an Officer to Account?**

If you want your petition to be considered at a meeting of an Overview and Scrutiny Panel, where an officer, identified either by name or by post title, will be required to answer questions on the conduct of a particular matter, your petition should contain at least 750 signatories or petitioners. The authority has determined that such petitions must relate to the Managing Director, a Director or a Head of Service of the authority. The grounds given in the petition for attendance at a meeting of the relevant Overview & Scrutiny Panel must relate to their job; it cannot relate to their personal circumstances or character. Where the petition raises issues of competence or misconduct, the petition will be referred to the Managing Director (or to the Head of Human Resources in respect

¹ The number of signatories or petitioners required for Petitions for Debate, and for Petitions to Hold and Officer to Account have been set by the authority to try to ensure that matters of genuine concern can be brought to the authority's attention. These requirements will be reviewed periodically in the light of the number of petitions received, to ensure that the requirements are not excessive.

of the Managing Director) and will be considered under the authority's Disciplinary Procedures, and not under this Petitions Procedure.²

34 Petitions to hold an officer to account will be reported to the next convenient meeting of the relevant Overview and Scrutiny Panel, as determined by the Panel Chairman.

35 In advance of the Panel meeting, the petition organiser will be invited to submit a list of questions which s/he would like put to the officer at the meeting. These questions will be provided to the Chairman of the Panel, who will decide whether they are appropriate, and to the officer concerned, in advance of the meeting.

36 At the meeting, the Chairman will invite the petition organiser to address the Panel for a maximum of 5 minutes on the issue³, and the relevant officer will then be required to report to the Panel in relation to the conduct of the subject matter of the petition. Members of the Panel may question the officer, and the Chairman may invite the petition organiser to suggest questions for him/her to put to the officer.

37 The Overview and Scrutiny Panel can decide that for the purposes of addressing concerns raised in a petition it is more appropriate for another officer to be called instead. The Panel may also consider it appropriate to call the relevant elected Member with responsibility for the service area in question, in addition to the appropriate senior officer.

38 After the relevant person has appeared before the Overview and Scrutiny Panel, the Panel must make a report or recommendations to the authority (under its existing powers) and send a copy of that report or recommendations to the petition organiser.

39 **At the meeting, when the matter to which the petition relates is considered –**

Petitions which do not relate to an ordinary item of business will be considered before the normal business of the meeting, and will be considered in the order in which they were received, unless the Chairman at the meeting determines otherwise⁴. The Chairman will determine the number of petitions that would be convenient to consider at any one meeting A maximum of 30 minutes will be allowed to at each

² ~~Note that the Local Democracy, Economic Development and Construction Act 2009 makes no provision for handling petitions which raise issues of officer or member misconduct or officer competence, but in practice such petitions cannot be handled under the Petitions Procedure and must be handled under the procedures appropriate to such matters.~~

³ ~~Note that the 2009 Act does not give the petition organiser a right to speak at the Committee meeting, but the Council has decided that s/he should be invited to set out the petitioners' concerns in relation to the subject matter of the petition.~~

⁴ In practice, where one person has submitted more than one petition, his/her second petition will be taken after consideration of the first petition submitted by each other person, and so on.

- ~~meeting for considering each such~~ petitions⁵ The maximum time of 30 minutes ~~per petition (which does not include the officer's 5 minute introduction)~~ can be extended at the Chairman's discretion. ~~The 30 minutes will begin immediately after the petition organiser has spoken~~
- 40 ~~The Chairman of the meeting may invite a~~ The relevant officer will include in the agenda for the meeting to a report setting out the background to the issue. ~~At the start of the item, before inviting~~ the petition organiser will be invited to address the meeting for up to 5 minutes. The Chairman will then invite the relevant Lead Member to speak for up to 5 minutes, including proposing any recommendation included in the covering report. The Chairman will then invite any relevant Ward Councillors present to address the meeting on the matter for up to 5 minutes each. ~~The Chairman will then invite a relevant officer(s) to advise the meeting in relation to matters arising, after which t~~The matter will then be open for debate among Members of the meeting. See Part 2 C10 for specific details of how Petitions for Debate are dealt with at full Council meetings.
- 41 Within 5 working days of the consideration of the petition by the relevant meeting, the Petitions Officer will notify the petition organiser of the decision.
- 42 At each stage, the Petitions Officer will enter the relevant information on the website at the same time as it is sent to the petition organiser.
- 43 **Appeal to an Overview and Scrutiny Panel**
- If the petition is considered by Cabinet and the petition organiser is not satisfied with the authority's response to the petition, he/she may appeal to an Overview and Scrutiny Panel by notifying the Petitions Officer of his/her intention to appeal within 20 working days of being notified of the authority's decision on the petition.
- 44 Within 5 working days of receipt of intention to appeal, the Petitions Officer will determine which is the relevant Overview and Scrutiny Panel and will notify the petition organiser of the time, date and place of the next convenient meeting of that Overview and Scrutiny Panel, to be determined by the Panel Chairman, and will invite the petition organiser to attend the meeting and to address the Panel for up to 3 minutes on why s/he considers that the authority's decision on the petition is inadequate.
- 45 At that meeting, the Overview and Scrutiny Panel will invite the petition organiser and Ward Councillors to make their representations and to explain why s/he considers that the response was insufficient. Should the Panel determine that the authority has not dealt with the petition adequately, it may use any of its powers to deal with the matter. These powers include instigating an investigation, making recommendations to

⁵ ~~Note that the Local Democracy, Economic Development and Construction Act 2009 does not provide for a limit on the time allowed for debating petitions, but it is included here to ensure that the authority can continue to discharge its other functions effectively.~~

Cabinet and arranging for the matter to be considered at a meeting of the full Council.

46 **The role of the Petition Organiser (Lead Petitioner)**

The petition organiser will receive acknowledgement of receipt of the petition within 5 working days of its receipt by the Petitions Officer.

47 Where the petition is not accepted for consideration (see Rule 51 below for grounds for rejection of petitions), the petition organiser will be advised by the Petitions Officer of the rejection and the grounds for such rejection.

48 The petition organiser may nominate another person to address the meeting and to answer any questions on the matter.

49 The petition organiser will be regularly informed by the Petitions Officer of any decisions in respect of the petition and will be formally notified of the outcome of the petition's consideration within 5 working days of such decision.

50 The petition organiser must notify the Petitions Officer of his/her intention to appeal to an Overview and Scrutiny Panel against the decision of the authority relating to the petition within 20 working days of being notified of that decision, and may attend and address the meeting of the Overview and Scrutiny Panel for up to 3 minutes as to why he/she considers that the authority's decision on the petition was inadequate.

51 **Petitions which will not be accepted**

- Duplicate Petitions

Where more than one petition is received in time for a particular meeting, each supporting the same outcome on one matter, each petition organiser will be treated as an independent petition organiser, but only the petition organiser of the first petition to be received will be invited to address the relevant meeting.

- Repeat Petitions

A petition will not be considered when it is received within 6 months of another petition being considered by the authority on the same matter, unless significant new information has been received.

- A petition will not be accepted for hosting on the council's e-petition website (to begin gathering signatures) if it is substantially similar to one hosted on the website within the last 6 months unless significant new information has been received.

- Rejected Petitions

Petitions will not be accepted if in the opinion of the Petitions Officer, they are rude, offensive, defamatory, scurrilous, time-

wasting or otherwise inappropriate or do not relate to something which is the responsibility of the authority, or over which the authority has some influence. They will also not be accepted if they relate to something which has already been dealt with by the Council or another appropriate body or are in the process of being so dealt with. Petitions that raise issues of competence or misconduct of an officer, will be referred to the Managing Director (or to the Head of Human Resources in respect of the Managing Director) and will be considered under the authority's Disciplinary Procedures, and not under this petitions procedure. Petitions which raise issues of possible Councillor misconduct will be taken as complaints arising under the Local Government Act 2000 as amended by the Localism Act 2011 and will be reported to the ~~Managing Director~~Monitoring Officer, rather than considered under this petitions procedure. In these instances, all petitions will be forwarded by the Petitions Officer to the appropriate department.

11.2 Management Structure

- a) **General.** The full Council may engage such staff (referred to as Officers) as it considers necessary to carry out its functions.
- b) **Senior Officers.** The Corporate Leadership team of the Council will comprise of the following posts:

Post	Functions and areas of responsibility
Managing Director <u>Chief Executive</u> (Head of Paid Service)	Overall Corporate Management and operational responsibility (including overall management responsibility for all Officers)
	Provision of professional advice to all parties in the decision making process.
	Together with the Monitoring Officer, responsibility for a system of record keeping for all the Council's decisions.
	Representing the Council on partnerships and external bodies (as required by statute or the Council).
	Governance, Legal Services, Monitoring Officer
Director of Adults, Health and Commissioning Housing	Adult Social Services Care, Commissioning, Public Health, <u>Housing, Environmental Health, Transformation Strategy and Performance, Communications and Marketing,</u>
Director of Children's Services	Children's Social Care, Safeguarding (Child Protection), Schools, Youth Offending Team and Youth Services.
Deputy Director of Children's Services	
Director of Resources <u>and S151 Officer</u>	Finance, Customer <u>Library and Resident</u> Services, Revenues and Benefits, HR, Corporate Projects, IT.
<u>Executive</u> Director of Place <u>Services</u>	Housing , Planning, Communities, Infrastructure, Sustainability, Transport and Economic Growth

Post	Functions and areas of responsibility
<u>Deputy Director of Law and Strategy, Monitoring Officer</u>	<u>Governance, Legal Services, Strategy, Communications</u>
Head of Housing and Environmental Health Services	
Head of Communities	
Head of Infrastructure, Sustainability, Transport and Economic Growth	
Head of Planning	
Head of Finance and S151 Officer	
Head of Customer Services, Revenues, and Benefits, <u>Library and Resident Services</u>	
Head of Human Resources, Corporate Projects and IT	
Head of Commissioning – Communities	
Head of Commissioning – Children and Adult Services	
Head of Legal	
Head of Governance	
<u>Head of Transformation</u>	

c) The following posts will have the allocated statutory designation:

Post	Designation
Managing Director <u>Chief Executive</u>	Head of Paid Service
Monitoring Officer	Monitoring Officer
Head of Finance Director <u>of Resources</u>	Chief Finance Officer (s.151 Officer)
Director of Children's Services	Director of Children's Services
Director of Adults, Health and Commissioning	Director of Adult Social Services
Democratic Services Team Manager	Scrutiny Officer

To be removed from date of Annual Council

~~B10 Constitution Sub Committee~~

~~B10.1 Purpose~~

- ~~a. To make recommendations to Council for changes to the Constitution for purposes of good governance and better performance of statutory duties.~~
- ~~b. To make amendments to the Constitution necessary to give effect to decision of the Council, the Cabinet or any delegated decision of any subcommittee, panel or forum.~~
- ~~c. To make changes as necessary or to comply with changes in legislative requirements or to give effect to any decision of the Sub Committee that has been delegated to it in wide or general terms.~~
- ~~d. To make such changes necessary to reflect any changes in the allocation of functions to officers~~

~~except where such power is expressly reserved to full Council or Cabinet in this constitution or in law.~~

~~B10.2 Membership~~

~~4 Members of the Council.~~

~~B10.3 Quorum~~

~~2 Members~~

~~B10.4 Frequency~~

~~As and when required.~~

~~B10.5 Type~~

~~Committee of Council~~