

CABINET

THURSDAY, 25 MARCH 2021

PRESENT: Councillors Andrew Johnson (Chairman), Stuart Carroll (Vice-Chairman), David Cannon, David Coppinger, Samantha Rayner, David Hilton, Gerry Clark, Donna Stimson and Ross McWilliams

Also in attendance: Councillor Christine Bateson, Councillor Gurch Singh, Councillor Helen Taylor, Councillor Mandy Brar and Councillor Gurpreet Bhangra, Barbara Richardson (RBWM Property Company, Lucy Kourpas (AFC) and Sian Wicks (AFC).

Officers: Duncan Sharkey, Emma Duncan, Adele Taylor, Andrew Vallance, Hilary Hall, Kevin McDaniel, Nikki Craig, Mark Beeley and David Cook.

APOLOGIES FOR ABSENCE

There were no apologies for absence.

DECLARATIONS OF INTEREST

There were no declarations of interest received.

MINUTES

RESOLVED UNANIMOUSLY: That the minutes of the meeting held on 25 February 2021 were approved.

APPOINTMENTS

None

FORWARD PLAN

Cabinet considered the contents of the Forward Plan for the next four months and noted the changes made since last published, including the addition of RBWM Enforcement & Prosecution Policy 2021 to April 2021.

REFERRAL FROM OVERVIEW AND SCRUTINY

Item not required.

CABINET MEMBERS' REPORTS

c) ACHIEVING FOR CHILDREN RESERVED MATTER OWNERSHIP DECISIONS

Cabinet considered the report regarding Achieving for Children reserve matters.

The Deputy Chairman of Cabinet, Adult Social Care, Children's Services, Health and Mental Health informed that the paper sought approval of the reserve matters which is a positive decision to approve the company's:

- strategic direction through the adoption of the updated Business Plan,
- the Company's budget for 2021/22,

- approval of the arrangements for managing cashflow through the adoption of the Financial Plan (known as the Treasury Plan) for 2021/22,
- approval of arrangements for the appointment / recruitment of Non Executive Independent Board Directors over the coming year.

The Royal Borough of Windsor and Maidenhead owns 20% of Achieving for Children Community Interest Company (AfC). The AfC Joint Committee considered and approved a number of changes to the ownership governance of AfC in March 2020. The three council's constitutions have now been updated to reflect those changes.

The previous Joint Committee will now be used for dispute resolution mechanism and meetings will be arranged only if required.

The reserved matter decisions that would have been previously made by the Joint Committee will now be taken by each of the three owning councils individually as part of their established governance processes. Councillors from each owning council still meet twice yearly via an Ownership Board to discuss strategic direction and performance. The new arrangements would increase transparency and accountability.

The Chief Operating & Finance Officer AfC informed Cabinet that the report and appendices had been produced with engagement with RBWM Councillors and officers. They outlined the strategy in terms of how they planned to develop and improve services over the coming years. How they aimed to achieve financial sustainability given the expected challenging years ahead. The plans give the best opportunity to manage service demand as well as providing quality services for the borough. As well as quality affordability was also important, so their commissioning function and placements was very important. Good social care placements would be improved by the development of their own independent fostering agency.

The Lead Member for Finance and Ascot welcomed the move to have the reserved matter brought to Cabinet for approval as it improved transparency and member input. He pointed out the tables on agenda pack page 250 that showed the values for money the company was providing for children's social care, however the cost of education services was above the average. The report also showed that RBWM were achieving their savings targets.

The Lead Member for Finance and Ascot also pointed out that page 269 highlighted a budget shortfall of £396k associated with unfunded staffing levels in Social Care and operating budget shortfalls for RBWM. He asked how this would be mitigated and was informed that it was usual to have a number of unfunded pressures especially given the national situation. There would be strict vacancy controls in place looking at if there was a need to recruit and how they recruit, opportunities of budget reprofiling will be looked at as well reviewing the use of agency staff and undertaking recruitment campaigns. There was also plans to maximise external funding sources. Progress on mitigating actions would be reported via the Director of Children's Services and the RBWM finance team.

The Deputy Leader of the Council, Resident & Leisure Services, HR, IT, Legal, Performance Management & Windsor informed that she welcomed the report and that it showed the way forward children's services were improving with AfC. She was also pleased to see the sustainability elements within the report and asked what the opportunities for innovation were that arose as a result of the pandemic. In response Cabinet were informed that the pandemic caused a number of services to go digital; this had been a success and it was planned to build upon it by using a hybrid model. Another area was they had to evaluate their working models and due to how well it went how the flexibility and opportunities could be expanded upon.

Resolved unanimously: that Cabinet notes the report and:

- i) **Approves the Business Plan including the Business Development Strategy and Medium Term Financial Strategy (Annex A,B,C)**

- ii) Approves the detailed 2021/22 budget (Annex D)
- iii) Approves the Treasury Plan (Annex E)
- iv) Agrees to delegate the reappointment / recruitment of Non Executive Independent Directors to the Council's Managing Director in consultation with the Leader of the Council

(Cllr Carroll left the meeting)

A) COMPULSORY PURCHASE ORDER - NICHOLSON'S WALK SHOPPING CENTRE, MAIDENHEAD

Cabinet considered the report to enable the voluntary or compulsory acquisition of all necessary third-party land interests to bring forward comprehensive regeneration of the town centre.

The Leader of the Council and Chairman of Cabinet, Business, Economic Development and Property informed Cabinet that the report related to the Nicholson's Quarter. He reminded Cabinet that in July 2019 Full Council approved the sale of the Council's freehold interest in part of the Nicholson's Walk Shopping Centre and Central House and to enter into an agreement to relocate the Nicholson's Car Park as part of a new masterplan for the regeneration of the town centre.

This was an important foundation for the new chapter of Maidenheads history and one which could provide the blueprint for post-covid transformation of the town centre. There would be a sustainable development of mixed uses from residential to a new type of retail. However large schemes such as this were not always straightforward to deliver and as planning consent had been passed it was time for the delivery phase. The report would allow the voluntary or compulsory acquisition of third party land interests. Prior to any CPO the council would be entering into an indemnity agreement with the developer who would be responsible for costs and liabilities. The aim was to reach a negotiated settlement with the third parties rather than using CPO, as this was not always possible this report was required.

It was noted that the report was in Part I to be open and transparent and dispel any misunderstanding and misinformation.

The Lead Member for Planning, Environmental Services and Maidenhead informed that this development was important for current and future residents of Maidenhead and thus it was important to get it going ahead as soon as possible. Compared to other town centres across the country we were in a fortunate position to being able to rebuild with the type of buildings and services that are needed in the new world. This is a backstop position if a negotiated settlements could not be reached.

The Lead Member for Finance and Ascot informed that he had been a member of the planning panel that had approved the planning application. He mentioned the high quality of the proposed development and documents provided. He also agreed that the CPO was there as a last resort.

Mr Hill addressed Cabinet and said that a few weeks ago RBWM approved the permanent loss of more than 50% of its existing retail space in Maidenhead. The developers have been open that they preferred a model of smaller independent retail over national brands. Tesco has already left but the report said that 13 retailers did not wish to go and may be forced to leave. The report says CPO should be a last resort but just a few days after planning consent you are considering this report at Cabinet. It seems to be full steam ahead over those who wish to stay or get a fair price for their properties. The report states that demolition should start in a few months so this does not seem to be the last resort. He mentioned that he felt that the external auditors had not yet signed of the last years accounts in part due to their investigation if selling part of the Nicholson's site was lawful. What happens to income loss to business rates when you close 50 stores as well as the loss in car parking income. Having an

empty town centre will result in driving customers to surrounding areas. There would also be a drop in footfall which would endanger remaining and future retail.

The Chairman thanked Mr Hill and said that all major developments faced short term challenges as they move from being a vision to reality. It was also fair to say that retail has been in decline or facing challenges for a number of years and our high streets were changing. There will be a balance between the online offer and Highstreet shopping. It was reasonable to say that in the future there would be an excess of retail floor space that would need to be repurposed. He felt that the scheme offered the ideal mix of independent stores that will command more loyalty from shoppers. There are also other parts of the town centre that offered retail space. It was important not to delay the scheme so we do not wish to continue negotiations for a couple of parties to delay progress, hence we are proposing having the CPO in place if required.

The Managing Director informed Cabinet that with regards to timing it was important to note that the negotiations with the retailer had not just started but had been ongoing for the past year, so the CPO proposals are not the starting point. The Council does not wish to talk down the town centre but we could also not allow vacant units to continue as other stores would continue to leave. During development there will be an impact on income but this would come back with a regenerated centre.

The Director for Resources (S151 Officer) informed that work was ongoing with the external auditors and the final accounts were due very soon. The delay was not just because of this project but a couple of areas being reviewed. She did not expect anything in the audit to impact on tonight's report.

Resolved unanimously: that Cabinet notes the report and the attached draft Statement of Reasons and:

- I. Authorises the use of CPO powers to acquire all property interest in the site known as the Nicholson's Walk Shopping Centre, Nicholson's Car Park, Siena Court and adjoining areas identified in the plans contained in Appendix C, Maidenhead.**
- II. Approves that council officers continue to negotiate the acquisition by agreement of all third-party interest in the land in advance of confirmation of a CPO.**
- III. Approve the Council entering the CPO Deed of Indemnity with Denhead S.A.R.L. to ensure all liabilities and costs will be the responsibility of the developer.**
- IV. Authorises the Managing Director in consultation with the Lead Member for Business, Economic Development and Property to take all necessary steps required for the making, confirmation, and implementation of the CPO.**

B) FINANCE UPDATE: MARCH 2021

Cabinet considered the report that detailed the latest financial position.

The Lead Member for Finance and Ascot informed that he was pleased to report a favourable movement of £775K in service variances since the January monitoring report. However, this is offset by a number of non-service movements which include transferring £748K to capital to cover some Covid related capital costs, an additional £485K is transferred to the Covid earmarked reserve and a reduction of £173k in anticipated Covid fees and charges funding for December 2020 to March 2021.

Over the past months, a total of £4.535k has been transferred to earmarked reserves. The Covid-19 reserve now stands at £3.485M and general reserves have reduced to £6.473M just £100K above the minimum level. The Lead Member provided the following highlights.

The second tranche of £2.486M in Fees and Charges compensation had been received.

The Savings tracker showed that since September last year unachievable savings had increased by £540K but £300K of this related to a management fee that will now be received in the next financial year and we will have achieved £4.7M of the projected £7 million, the shortfall is caused by Covid-19

Land Charge income has gradually increased over the year and the negative variance has fallen to £15K on the £240K budget. Being optimistic he viewed this as a lead indicator that our local economy was starting to come back into life.

He had previously mentioned the increased workload that Covid has brought for the Revenues and Benefits team. The team were at the forefront of administering the governments business support grants that support our retail and hospitality sector. Up to now there had been 33 different grants many with different eligibility criteria. This was a challenge the team were happy to accepted and so far, nearly £13M had been distributed to local businesses.

Lastly he mentioned that there had been significant slippages of more than £30 million in the capital programme. For members who are interested there was a detailed variance and slippage report at appendix D.

The Lead Member for Climate Change, Sustainability, Parks and Countryside thanked the Lead Member and officers for looking after our finances and provided such a robust report. It was good to see provisions were in place for next year.

Mr Hill addressed Cabinet and referred to item 32 of appendix I on agenda pack page 173 called the Council Tax Hardship Relief. He said that back in February a statement was given that the council got £564K from the Government and that this year it was expected to get £599K. last year it was used to provide £150 discount to people on council tax reduction scheme. It was said that it was intended to replicate last year's scheme. Could you please confirm that the Government distributed the £599k and that this would be replicated last year's scheme.

The Lead Member informed that not all of this year's funding had been spent and it would be rolled over to support residents under hardship. The Director for Resources informed that the money for next year had not yet been received but it was anticipated it would be soon and we were anticipating replicating the scheme, however next year we should have more leeway in how we use it to help those in hardship. With regards to moving this year's fund forward we also needed to be mindful that claims could still be made for the current year and goes to those who need it. There may also be more people who become eligible for the hardship fund when furlough scheme ends and the impact of the pandemic increases.

Resolved unanimously: that Cabinet:

i) Notes the report including:

- a. The Council's projected revenue and capital position for 2020/21; and**
- b. The budget movements.**

ii) Agrees the capital variances and notes the slippage which will be recommended to Council for formal approval.

The meeting, which began at 6.15 pm, finished at 7.15 pm

CHAIRMAN.....

DATE.....