

Public Document Pack

Head of Governance: Karen Shepherd: (01628) 796529

TO: EVERY MEMBER OF THE COUNCIL FOR THE ROYAL BOROUGH OF WINDSOR & MAIDENHEAD

YOU ARE HEREBY SUMMONED TO ATTEND the Meeting of the Council of the Royal Borough of Windsor & Maidenhead to be held in a [Virtual Meeting - Online access](#) on **Monday, 28 September 2020 at 6.15 pm** for the purpose of transacting the business specified in the Agenda set out hereunder.

Dated this Friday, 18 September 2020



Duncan Sharkey
Managing Director

A G E N D A

PART I

1. APOLOGIES FOR ABSENCE
To receive any apologies for absence

2. DECLARATIONS OF INTEREST
To receive any declarations of interest
(Pages 5 - 6)

3. PUBLIC QUESTIONS

The deadline for public questions (directly relating to an item on the agenda) is 12noon on Tuesday 22 September 2020.

For information contact karen.shepherd@rbwm.gov.uk or 01628 796529.

(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).

4. MAIDENHEAD COMMUNITY CENTRE PETITION

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 7 - 12)

5. LOCAL GOVERNMENT ACT 1972 - EXCLUSION OF PUBLIC

To consider passing the following resolution:-

"That under Section 100(A)(4) of the Local Government Act 1972, the public be excluded from the remainder of the meeting whilst discussion takes place on item 6 on the grounds that it involves the likely disclosure of exempt information as defined in Paragraphs 1-7 of part I of Schedule 12A of the Act"

PRIVATE MEETING

6. COMMUNITY OPTIONS - MAIDENHEAD

(Not for publication by virtue of paragraph 3 of Part 1 of Schedule 12A of the Local Government Act 1972.)

To consider the above report
(Pages 13 - 60)

COUNCIL MOTIONS – PROCEDURE

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

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

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

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

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

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

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

Closure Motions

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

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

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

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

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

Point of order

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

Personal explanation

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

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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|--|--|
| Report Title: | Maidenhead Community Centre Petition |
| Contains Confidential or Exempt Information? | No – Part I |
| Member reporting: | Councillor Johnson, Leader of Council & Lead Member for Business, Economic Development & Property. |
| Meeting and Date: | Extraordinary Council 28 th September 2020 |
| Responsible Officer(s): | Russell O’Keefe – Executive Director |
| Wards affected: | St Marys |

www.rbwm.gov.uk



REPORT SUMMARY

1. An [e-petition](#) containing 1599 signatures has been submitted to the Council stating: ‘We the undersigned petition The Royal Borough of Windsor and Maidenhead to Stop RBWM demolishing Maidenhead Community Centre and moving us to an inadequate temporary site.’
2. The York Road development, the first of the Council’s regeneration projects. requires vacant possession of Phase II and Phase III, for these to proceed.
3. Phase II is currently occupied by Maidenhead Community Centre (MCC), with a head lease held by Royal Voluntary Service and the freehold interest held by the Council. The Council has been in negotiations with both RVS & MCC regarding the surrender of the head lease and the relocation of MCC to relocate MCC to a new facility.
4. Members are able to debate the petition as set out in the council’s petition scheme in the constitution. The Part II report on the Council agenda sets out a proposed way forward so that phase II of the York Road development can progress and the future location of MCC can be secured. The proposed way forward would allow MCC to move to a site in line with the requirements they have indicated and would not involve a move to a temporary site.

1. DETAILS OF RECOMMENDATION(S)

RECOMMENDATION: That Council notes the report and debates the petition.

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

Options

Table 1: Options arising from this report contained in appendix B.

| | Comments |
|---|---|
| That Council debates the petition and takes it into account during consideration of the Part II report on the Council agenda. | The recommendations in the Part II report would provide MCC with a solution that would allow them to move to a facility in line with the requirements they have indicated |

| | Comments |
|--|---|
| This is the recommended option | and would not require a move to a temporary facility. |
| Royal Voluntary Service & Maidenhead Community Centre to remain insitu. This is not recommended. | This would affect the York Road regeneration project phase II, the delivery of housing and would impact the Council's capital receipt for land. |

Background

- 2.1 An [e-petition](#) containing 1599 signatures has been submitted to the Council stating: 'We the undersigned petition The Royal Borough of Windsor and Maidenhead to Stop RBWM demolishing Maidenhead Community Centre and moving us to an inadequate temporary site.'
- 2.2 The regeneration of the town centre has brought forward many opportunities but also some challenges. The York Road development is the first of the Council's town centre joint venture regeneration projects and requires vacant possession of Phase II and Phase III for these to proceed.
- 2.3 Phase II encompasses the King George VI building for which Royal Voluntary Service (RVS) currently has a head lease from the Council (the freeholder). RVS has a 99 year lease on full repairing and insurance terms that was entered into in February 1984, with 63 years remaining.
- 2.4 RVS are currently subletting the building to Maidenhead Community Centre (MCC) with no formal lease arrangement in place. The overall building has approximately 4,340 sq ft of internal space, of which approximately 2,000 sq ft is used by MCC for hire space for its activities. MCC also enjoys the use of the kitchen and café area at just over 1,000 sq ft. The remainder of the internal space is for the use of RVS. The site also has a small amount of limited off street parking and some external space in poor condition that is not currently utilised.
- 2.5 MCC established use in January 2018, and offers a wide variety of activities including yoga, various fitness classes, indoor bowling, Maidenhead Arts, martial arts classes, two churches, Friends In Need and Men's Matters.
- 2.6 Following a previous petition by MCC a resolution was passed by Full Council in April 2018, that stated:
- 'This council agrees to either keep the existing York Road Community Centre, or as part of the central Maidenhead regeneration re-establish the York Road Community Centre in a new building so it can perform all its current activities, allow for planned expansion and still be easily accessible to all current and future users'.
- 2.7 The Council has been in negotiations with both RVS & MCC regarding surrender of the head lease and relocation of MCC, in line with the Council resolution in April 2018 to relocate MCC to a new facility.

- 2.8 Following Cabinet approval in February 2020, two options for relocation were offered to RVS and MCC. The options offered have been considered not suitable by RVS and MCC have also raised concerns with each of them.
- 2.9 Considerable thought has been given to an alternative way forward that provides RVS and MCC with a final option for relocation, taking into account the latest views they have expressed. The Part II report on the Council agenda sets out a proposed way forward so that phase II of the York Road development can progress and the future location of MCC can be secured. The proposed way forward would not require a temporary move for MCC.
- 2.10 Separate to this process an application has been received to list the site as an Asset of Community Value and this is being considered separately in line with the relevant legislation.

3. KEY IMPLICATIONS

- 3.1 The relocation of key stakeholders would enable regeneration of the area to proceed without delay. In order to realise the benefits of Phase II of the York Road development, including 51 new homes (17 of which are affordable homes), vacant possession is essential. Whilst there is a cost to this, there is also a benefit in a very significant capital receipt for the land and the regeneration of this key town centre site.
- 3.2 Compulsory Purchase Orders could be applied to both Phase II and Phase III of the York Road development, in order to obtain vacant possession and deliver the continued regeneration and housing supply that is much needed in the borough (if final agreement cannot be reached with the relevant organisations). However, this would be a last resort as we believe that the proposed solution in the Part II report meets all reasonable requirements.

4. FINANCIAL DETAILS / VALUE FOR MONEY

- 4.1 The Part II report on the agenda sets out the financial implications of the proposed solution.
- 4.2 If phase II of York Road were to not go ahead the Council would not receive a very significant capital receipt for its land.

5. LEGAL IMPLICATIONS

- 5.1 The Council has the power to dispose of land in its ownership (disposal including the grant of a lease) under s123 of the Local Government Act 1972 provided the land is sold at a consideration not less than the best that could reasonably be obtained in the market.
- 5.2 Section 226(1)(a) of the Town and Country Planning Act 1990 is the most commonly used power by local authorities to facilitate development and regeneration in their area, and is the power proposed to be used in respect of the York Road development.

- 5.3 Section 226 of the Town and Country Planning Act 1990 (“the 1990 Act”) confers power on a local authority to acquire land compulsorily for development and other planning purposes.
- 5.4 Section 226(1) (a) of the 1990 Act gives a local authority power to acquire compulsorily any land within its area if it thinks that the acquisition will facilitate the carrying out of development, redevelopment or improvement on or in relation to that land.
- 5.5 The power to acquire land compulsorily conferred by Section 226(1) (a) of the 1990 Act is subject to subsection 1A, which provides that the acquiring authority must not exercise the power unless it thinks that the proposed development, redevelopment or improvement is likely to contribute to the achievement of one or more of the following objectives:
 - the promotion or improvement of the economic well-being of their area;
 - the promotion or improvement of the social well-being of their area; or
 - the promotion or improvement of the environmental well-being of their area.

6. RISK MANAGEMENT

- 6.1 The current assumptions for the York Road development are for Countryside to begin Phase II in February 2021. This would require surrender of the lease and/or relocation by RVS/MCC no later than January 2021.
- 6.2 There would be a substantial financial cost for external legal advice and CPO consultants that would add both time and financial risk to Phase II and Phase III of the York Road development if a CPO route needed to be pursued, but would secure for the Council the land receipt and housing for this site.

6.3 **Table 3: Impact of risk and mitigation**

| Risks | Uncontrolled risk | Controls | Controlled risk |
|---|--------------------------|--|------------------------|
| Delayed relocation of MCC – Phase II of York Road | High | Relocation by negotiation or by CPO if necessary. | Medium |
| Compulsory Purchase Options | High | An application could be made for a CPO for both Phase II and Phase III for York Road development. This would take approximately 12-18 months, which would place delays to phase II but not phase III. | Low |

| Risks | Uncontrolled risk | Controls | Controlled risk |
|--------------|--------------------------|--|------------------------|
| | | An application is likely to be successful if the Council can demonstrate relocation options have been offered. | |

7. POTENTIAL IMPACTS

- 7.1 Equalities. The Equality Act 2010 places a statutory duty on the council to ensure that when considering any new or reviewed strategy, policy, plan, project, service or procedure the impacts have been considered. An Equality Impact assessment screening has been completed for the proposed solution in the Part II report on the Council agenda.
- 7.2 The proposed solution in the Part II report on the Council agenda would relocate key stakeholders into alternative suitable facilities that are more energy efficient, have a better carbon footprint and are more sustainable, both environmentally and economically. The condition of the existing facility is poor.
- 7.3 No personal data has been kept or used by staff whilst looking at relocation and redevelopment options for these facilities.

8. CONSULTATION

- 8.1 Public consultation was undertaken on the York Road development.
- 8.2 Discussion has been undertaken with RVS and MCC on the options.

TIMETABLE FOR IMPLEMENTATION

- 8.3 The current assumptions for the York Road development are for Countryside to begin Phase II in February 2021. This would require surrender of the lease and/or relocation by RVS/MCC no later than January 2021.

BACKGROUND DOCUMENTS

- 8.4 Not Applicable.

9. CONSULTATION (MANATORY)

| Name of consultee | Post held | Date sent | Date returned |
|--------------------------|--|------------------|----------------------|
| Cllr Johnson | Lead Member for Business, Economic Development & Property. | 17/9/20 | |
| Duncan Sharkey | Managing Director | 17/9/20 | |

| Name of consultee | Post held | Date sent | Date returned |
|--------------------------|---|------------------|----------------------|
| Adele Taylor | Director of Resources (151 Officer) | 17/9/20 | 17/09/20 |
| Andrew Vallance | Head of Finance | 17/9/20 | |
| Elaine Browne | Head of Law | 17/9/20 | |
| Mary Severin | Monitoring Officer | 17/9/20 | |
| Nikki Craig | Head of HR, Corporate Projects and ICT | 17/9/20 | |
| Louisa Dean | Communications | 17/9/20 | |
| Kevin McDaniel | Director of Children's Services | 17/9/20 | |
| Hilary Hall | Director Adults, Commissioning and Health | 17/9/20 | |
| Karen Shepherd | Head of Governance | 17/9/20 | 17/9/20 |

REPORT HISTORY

| | | |
|--|----------------------------|--|
| Decision type: Petition for debate at full Council | Urgency item? No | To Follow item? Not applicable |
| Report Author: Russell O'Keefe – Executive Director | | |

Agenda Item 6

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

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