

# 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 Extraordinary Meeting of the Council of the Royal Borough of Windsor & Maidenhead to be held as a **Virtual Meeting - Online access** on **Tuesday, 2 March 2021 at 6.15 pm** for the purpose of transacting the business specified in the Agenda set out hereunder.

Dated this Monday, 22 February 2021



Duncan Sharkey  
Managing Director

Zia Mahiudin will say prayers for the meeting.
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## **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 (which must be related to an item on the agenda) is midday on Wednesday 24 February 2021. A supplement listing valid questions received will be added to the agenda after the deadline.*

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

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 - 32)

5. REFERRALS FROM OTHER BODIES

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

i) COMMUNITY GOVERNANCE REVIEW - WINDSOR TOWN COUNCIL -  
DRAFT RECOMMENDATIONS

To consider the above report  
(Pages 33 - 60)

6. 2021/22 PROGRAMME OF MEETINGS

To consider the above report  
(Pages 61 - 66)

7. CONSTITUTIONAL AMENDMENTS - DESIGNATION OF POLLING PLACES

To consider the above report  
(Pages 67 - 74)

## 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:	Petition for Debate - Maidenhead Golf Course/Great Park
Contains Confidential or Exempt Information	No - Part I
Lead Member:	Councillor Coppinger, Lead Member for Planning, Environmental Services and Maidenhead
Meeting and Date:	Extraordinary full Council - 2 March 2021
Responsible Officer(s):	Managing Director – Duncan Sharkey
Wards affected:	All

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## REPORT SUMMARY

1. An [e-petition](#) containing 4,448 signatures has been submitted to the Council seeking the creation of a new park on the site of Maidenhead Golf Course to provide a 'green lung' for the town of Maidenhead.
2. Maidenhead Golf Course is part of a larger site allocated for development in the emerging Borough Local Plan (BLP) for 2,600 homes and supporting infrastructure. The site (AL13) is the largest allocation in the BLP and is central to delivery of the BLP. It is in a sustainable location close to Maidenhead town centre and will accommodate a large proportion of the Borough's required new housing, including family homes and affordable provision as well as providing for education, leisure and recreation needs.
3. The AL13 allocation site proforma does require the retention of existing areas of woodland and other mature trees, conservation and enhancement of local biodiversity, and the creation of new areas of publicly accessible green space (to include a 'green spine' running north to south through the whole development).
4. Supporting the petition would have significant implications, including the loss of new housing that would have to be located elsewhere, using less sustainably located Green Belt land. In addition, supporting the petition would have a very significant impact on the Borough Local Plan, which has reached an advanced stage of its Examination, and would most likely have to be withdrawn (or would be found "unsound") were the AL13 allocation removed (and no alternative sites allocated).
5. The BLP process would then have to start again, with significant additional costs incurred. The Borough would also be without an up-to-date local plan for several more years, making it much harder to resist speculative planning applications.
6. Finally, it should be noted that under the terms of the lease surrender agreement between Maidenhead Golf Club and the Royal Borough, were the AL13 allocation not to proceed as planned, the Golf Club would be entitled to remain in occupation on the land until 2039. There would be no prospect of a park being created on land that is occupied by an existing business.

## 1. DETAILS OF RECOMMENDATION(S)

**RECOMMENDATION:** That full Council notes the report and:

- i) **Cannot support the proposal in the petition to create a new park on Maidenhead Golf Course for the reasons given in this report, including the impact this would have on the Borough Local Plan, and the related financial and legal implications.**

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

### Options

**Table 1: Options arising from this report**

<b>Option</b>	<b>Comment</b>
To not support the proposal in the petition to create a new park on Maidenhead Golf Course  <b>This is the recommended option</b>	Subject to the Borough Local Plan Inspector's report, this would enable the delivery of up to 2,600 new homes including family homes, affordable housing and other supporting infrastructure on a highly sustainable site close to Maidenhead town centre, as well as the retention and enhancement of ecology and woodland and new publicly accessible green space.
To support the proposal in the petition to create a new park on Maidenhead Golf Course	This would result in the "loss" of 2,000 new homes (on the golf course land) and would put at risk the remaining parts of the AL13 allocation (a further 600 new homes). Indeed, supporting the petition would put at risk the ability to adopt the Borough Local Plan, even if alternative, less sustainable, Green Belt land was put forward for development elsewhere. The Golf Course, which is not publicly accessible land, would remain on the site until 2039, and so a new park could not be delivered.

### Background

- 2.1 As per the Council's Petition Protocol, a petition was submitted by the lead petitioner, Tina Quadrino and approved by the Council's Petition Officer. The petition was entitled: 'Save this wildlife rich green space in our town centre to create a new park for all the people of Maidenhead to enjoy'. The petition creator provided the following additional details:



*“Maidenhead Great Park will conserve and protect the trees and rolling parkland of Maidenhead Golf Course. This ‘green lung’ will then continue to combat climate change, increase biodiversity, improve air quality and the physical and mental health of all those who live and work in this rapidly expanding town. We have a unique ‘once in a generation’ opportunity to create a new park in the centre of our town. Once this land is developed it will be gone forever. The coronavirus pandemic has shown us even more clearly the importance of access to greenspace for everyone. Maidenhead Great Park could be an unspoilt area of greenspace where you can walk, cycle, run, play, relax, connect with wildlife and engage in community activities; made accessible for wheelchairs and pushchairs via nature trails and board walks, as well having outdoor learning facilities for schools. Maidenhead Great Park would be a destination that people in Maidenhead can easily walk or cycle to, and access easily via public transport. We need to show the Council that we want to keep this important piece of greenbelt land for the benefit of everyone. Please sign and show your support today.”*

- 2.2 The e-petition ran from 10<sup>th</sup> June until 10<sup>th</sup> December 2020 having received 4,448 electronic signatures. On the 21<sup>st</sup> December 2020, the lead petitioner formally submitted the petition to the Council, requesting it be debated at full Council. The Council’s Monitoring Officer and Head of Governance, in conjunction with the Head of Planning, have considered the petition and agreed that as it is not considered a consultation petition and does not relate to an existing planning application, the petition is considered a ‘Petition for Debate’ as the number of signatories exceeds 1,500.<sup>1</sup>
- 2.3 Maidenhead Golf Course is proposed to be allocated for development in the emerging Borough Local Plan (BLP). The BLP is currently at its Examination Stage, having been submitted to the Government for independent Examination on 31<sup>st</sup> January 2018. The Submission version of the Plan proposed to allocate Maidenhead Golf Course (HA6) for 2,000 homes and other uses. On 23<sup>rd</sup> October 2019, full Council approved the Proposed Changes version of the Plan, which included the proposed allocation AL13 (Desborough, Shoppenhangers and Harvest Hill Roads, South West Maidenhead”) which includes the Golf Course and adjoining land. Upon adoption of the BLP, the land would be removed from the Green Belt and would deliver approximately 2,600 homes, educational facilities, strategic public open space and community facilities. The site also forms part of the wider South West Maidenhead Strategic Placemaking Area (QP1b).
- 2.4 The BLP has been subject to extensive public consultation over several years and all interested persons have been given two opportunities to submit formal ‘Regulation 19’ representations on the Plan (in 2017 and 2019). These representations have been fully considered by the Inspector as part of the Examination. Stage 2 hearings were held into the Plan between October and December 2020, and this included a session specifically on the AL13 allocation (held on 17 November 2020). The Council is currently awaiting the Inspector’s post-hearings note and it is expected that further changes (Main Modifications) will be consulted on in Spring/Summer of this year. If the

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<sup>1</sup> See point numbers 30 to 32 of Part 7G of the Royal Borough of Windsor and Maidenhead Constitution – Part 7 – The Codes, Protocols and Advice, Petitions Protocol

Inspector finds the Plan to be 'sound', a report would be taken to Full Council recommending adoption later in 2021.

- 2.5 The Royal Borough is the freehold owner of the Maidenhead Golf Course land and this is leased to Maidenhead Golf Club Limited (MGCL), with a lease expiry date of 2039. However, there is an agreement in place between RBWM and MGCL, subject to adoption of the BLP, to surrender the lease by 2023. The terms of this Surrender Agreement are commercially confidential.

#### Response to the Petition

- 2.6 The petition seeks the creation of a new park on the site of the Golf Course to provide a 'green lung' for Maidenhead.
- 2.7 In June 2020, the Inspector for the BLP asked the Council to respond to the following question as part of her Matters, Issues and Questions (MIQs):  
*"Many representors express significant concerns at the loss of the Golf Course site as a "green lung" for resident's living in Maidenhead. What will be the effect of the development of this site upon the character of the town and upon open space/recreational provision? How have these matters been weighed in the decision to allocate the site?"*
- 2.8 In its response, the Council stated that the loss of the golf course had to be weighed against the many positive impacts of the development, including the provision of about 2,000 new homes on the golf course site alone. A large proportion of these new dwellings would be family-sized homes with gardens. In addition, 600 (30%) of the total 2,000 homes on the golf course would be for affordable housing.
- 2.9 The AL13 site is by far the largest allocation in the BLP and is central to its delivery. It is in a sustainable location close to Maidenhead town centre and will accommodate a large proportion of the Borough's required new housing, as well as providing for education, leisure and recreation needs. As the largest land parcel within the allocation (Maidenhead Golf Course) is owned by RBWM, this provides clear advantages for early and quick delivery of market and affordable housing.
- 2.10 The site proforma for proposed allocation AL13 (Desborough/SW Maidenhead) requires:
- a) the creation of a dense green/blue infrastructure network across the site
  - b) the provision of a highly connected green spine running from the northern edge near the railway station through to the employment site to the south and
  - c) the provision of a central green area combining existing ecological assets and new publicly accessible spaces, the retention of Rushington Copse together with other mature trees and hedgerows where possible.
- 2.11 In addition, Policy QP1b (South West Maidenhead placemaking area) in the BLP requires, amongst other things, "a strategic green infrastructure

framework and network of green spaces to meet strategic and local requirements, including retention of existing green spaces and edges where possible and provision of new public open space in accordance with the Council's standards." All these measures will maintain the sense of a leafy enclosure and setting to the development.

- 2.12 With regards to open space provision, the Open Space Study (2019) found that Maidenhead is well served by public parks and gardens, has excellent access to natural and semi-natural greenspace such as Windsor Great Park and Dorney Reach as well as sites within the town. Recently, the Council purchased a 45ha site to the north of Maidenhead known as Battlemead Common, which has been established as an informal, natural open space. It should be noted that Maidenhead Golf Course was not assessed by the Open Space Study as it is not publicly accessible (other than the public rights of way that pass through the golf course). Conversely, the greenspaces proposed to be created through the development of AL13 will be publicly accessible. The site is also very close to Ockwells Park to the west and Braywick Park to the east.
- 2.13 In short, when the golf course site is developed, the Council will ensure, through firm requirements in the BLP, that it contains significant amounts of public open space, including a green spine running through the site (north to south) and a central green area. Rushington Copse will be retained along with as many other mature trees and hedgerows as possible, and there will be mechanisms put in place for future stewardship.
- 2.14 In addition, the AL13 site would include community facilities, including a new secondary and primary school, formal playing pitch provision and a local centre containing retail, leisure and a multi-functional community hub. There would also be improved public transport provision and walking and cycling routes across the site. A [Statement of Common Ground](#) has recently been signed by all of the main landowners for the AL13 site confirming that they are supportive of the comprehensive and placemaking approach to AL13 and the South West Maidenhead area, as set out in the BLP, in order to create a highly sustainable extension to Maidenhead, with homes to be delivered from about 2024. A map showing the freehold ownerships of the parcels of land on AL13 is shown in Appendix 1.

### **3. KEY IMPLICATIONS**

#### Implications for the Borough Local Plan / Development Management

- 3.1 The Proposal in the petition would result in the direct "loss" of some 2,000 new homes that would have been built on the Golf Course site, and probably also the "loss" of the 600 homes on the remainder of the AL13 allocation.
- 3.2 Furthermore, these 2,000 to 2,600 homes would need to be delivered elsewhere. Identifying alternative sites to replace the allocation would be very difficult and given the unavailability of suitable brownfield sites, much of this would almost certainly have to be on alternative Green Belt land in less sustainable locations. As part of the process of identifying suitable housing allocations, a large number of sites were promoted by landowners and developers in Green Belt locations and most of these were rejected as they

made a strong or very strong contribution to Green Belt purposes (as assessed in the Green Belt Edge of Settlement Study (EoSS) 2016. A full list of the sites that were rejected for housing allocation is given in Appendix D of the [Housing Topic Paper 2019](#). The sites that were rejected primarily for Green Belt reasons are listed in Appendix 2 of this report (in Ward order).

- 3.3 It may also be necessary to increase the density of new housing development within town centres across the Borough, with more taller buildings, and the associated risk of detrimental impacts on local character and heritage assets.
- 3.4 The removal of the golf course site / AL13 from the BLP at this late stage in the plan making process would almost certainly result in the need to withdraw the plan from Examination or the plan being found unsound. This would result in the BLP process having to be started again and so the Royal Borough would also be without an up-to-date local plan for several more years. This would have consequences for development management as there would be no five-year housing land supply, making it far harder to resist speculative and less sustainable development proposals across the borough.
- 3.5 The family sized and affordable homes that would be delivered by the proposed allocation are also key to ensure the right homes are provided to meet the housing needs of the Borough and its residents. The removal of this allocation would have a detrimental impact on the Council's ability to ensure the housing needs of residents are met in relation to the aspirations set out in the (emerging) housing strategy.
- 3.6 It is worth noting that should the BLP not progress through to adoption, any re-submitted Plan would need to use the Standard Method for assessing housing need. This would see the housing need figure increase from 712 dwellings per annum ("dpa"), or 14,240 new dwellings over the Plan period of 2013-33) to 754 dpa (or 15,080 dwellings over a 20 year period), although with the Standard Method there is then no need to take account of historic under-delivery. This increase would likely mean that even more Green Belt land would need to be identified and developed.
- 3.7 It is important to note that under the terms of the lease surrender agreement with the Royal Borough, should the AL13 allocation not go ahead, the Golf Club would be entitled to remain in occupation of the land until 2039. As a result, there would be no prospect of a park being created for almost 20 years as it would remain a golf course. Importantly, many of the aspirations of the petition will be delivered by the BLP and AL13 allocation, in terms of creating large areas of new publicly accessible green space, protection of trees and areas of woodland etc. Indeed, these benefits will be delivered far earlier (i.e. over the next 10 years), rather than having to wait for the Golf Club to vacate the site in 2039.

### Conclusion

- 3.8 The proposal in the petition would result in the "loss" of some 2,000 new homes, as well as likely knock-on implications for the delivery of the remaining part of the AL13 allocation and the successful delivery of the housing strategy. Identifying alternative sites to replace the AL13 allocation would be very difficult, with the alternative almost certainly being Green Belt land in less sustainable locations. In any event, at this stage in the plan making process,

removal of the golf course site/ AL13 from the BLP would almost certainly result in the need to withdraw the plan from Examination or the plan being found unsound.

- 3.9 Moreover, the decision would hinder the Borough’s ability to ensure that an appropriate mix and size of homes are provided in line with the assessed needs set out in the 2016 Berkshire Strategic Housing Market Assessment (SHMA) and also in its emerging housing strategy. This would have a real human impact and hinder the creation of sustainable, mixed and balanced communities.
- 3.10 There would also be consequences for development management as it would be far harder to resist speculative planning application.
- 3.11 Importantly, many of the aspirations of the petition will be delivered by the BLP and AL13 allocation, in terms of creating large areas of new publicly accessible green space, protection of trees and areas of woodland etc.
- 3.12 The removal of the AL13 allocation would not, in any case, result in the creation of a new park as the Golf Club lease is not due to end until 2039. Indeed, these benefits will be delivered far earlier (i.e. over the next 10 years), rather than having to wait for the Golf Club to vacate the site in 2039.
- 3.13 Supporting the petition would also have significant financial and legal implications for the Council, including costs of starting Local Plan process again, and the financial and legal implications of withdrawing support for the AL13 site allocation, in terms of the Joint Venture with CALA Homes. More details on the financial and legal implications are given below.

**Table 2 Key Implications**

<b>Outcome</b>	<b>Unmet</b>	<b>Met</b>	<b>Exceeded</b>	<b>Significantly Exceeded</b>	<b>Date of delivery</b>
Petition not supported and AL13 allocated in BLP, which is adopted	Site not allocated, with BLP withdrawn. Golf club remaining on site until 2039	BLP adopted & Site delivered for 2,600 homes & other uses	N/A	N/A	BLP expected to be adopted in 2021. Homes delivered on AL13 from 2024/25

**4. FINANCIAL DETAILS / VALUE FOR MONEY**

- 4.1 Work on the Borough Local Plan commenced in around 2013 and it has now reached an advanced stage of production, with adoption expected to take place later this year. The cost of producing the BLP to date (to March 2020) has been about £1.74m (excluding officer salaries). If the petition is supported, the Borough Local Plan would be very unlikely to be found ‘sound’ by the Inspector or would need to be withdrawn from Examination. The process would then need to be started again (from the beginning), which would take several more years, with evidence base documents needing to be

updated. The substantial investment to date would therefore be largely abortive, and the cost of producing a new BLP again would be significant.

- 4.2 In addition to the many social and economic benefits of delivering new housing to meet local needs, the planned development at South West Maidenhead will deliver new schools, which contribute to the Council's duty to provide sufficient school places across the Borough. These wider community benefits are beyond just the site in question and the financial impact of having to deliver these will be borne by the Council without external funding. For example, the Infrastructure Delivery Plan identifies that a 7-form entry secondary school with sixth form costs about £35m, with the Basic Need grant from government typically covering less than half of that amount.
- 4.3 It is not just the loss of this site but having to start the BLP process again also leads to a risk of unplanned and speculative development which reduces the ability of the Council to collect meaningful contributions from developers to fund necessary infrastructure. Without external contributions the costs would have to be borne by the Council.
- 4.4 There will be a substantial CIL (Community Infrastructure levy), expected to be in the range of £26m to £35m, based on current CIL rates, payable by all landowners for site AL13, secured upon the granting of planning permission.
- 4.5 There will also be a capital receipt for the Council as landowner that will help to repay borrowing the Council has, and also support and contribute other capital projects needed across the Borough. The consequences of this will directly impact on the overall finances of RBWM as this will have longer term implications on our revenue budgets by increasing borrowing costs if capital receipts do not materialise as planned.
- 4.6 The Council would incur additional costs associated with any breach of contract with CALA Homes, their Joint Venture Partner for this development, should South West Maidenhead not proceed as planned.

## **5. LEGAL IMPLICATIONS**

- 5.1 The Planning and Compulsory Purchase Act 2004, as amended ("the 2004 Act") requires local planning authorities to prepare Local Plans. The Town and Country Planning (Local Planning) (England) Regulations 2012, as amended, ("the 2012 Regulations") set out the procedures to be followed in the preparation of such Plans.
- 5.2 The planning system is plan-led and making a development plan for a local authority area is a statutory duty. The Secretary of State has signalled a clear expectation that local planning authorities should make every effort to get a Local Plan in place which is up to date. The Council's Adopted Local Plan (1999) is not considered to be up to date for the purposes of development management decisions. The Secretary of State has the power to intervene in plan making; this includes power to notify or direct the Inspectorate to take certain steps in relation to the examination of a plan (section 20(6A) of the 2004 Act), or to intervene to direct modification of the plan, or that the plan be

submitted to the Secretary of State for approval (sections 21 to 21A of the 2004 Act).

- 5.3 The lease surrender agreement between the Council and Maidenhead Golf Club is conditional on the adoption of the BLP. Should the BLP not be adopted, or the site AL13 be removed from the BLP, then the agreement to surrender the lease would not go unconditional and the Golf Club would remain on site until the lease end date of 2039.
- 5.4 The Council has also entered into a Development Agreement with CALA Homes, our Joint Venture Partner which is subject to the adoption of the BLP. Should the BLP not be adopted, or the site AL13 be removed from the BLP, then the council would incur cost if they were in breach of this agreement.

## 6. RISK MANAGEMENT

- 6.1 As a key corporate project, the BLP is noted on the Corporate Risk Register and also has a risk register for the project. This register is kept up to date and the risk profile has changed as the project has progressed.
- 6.2 The headline risks are set out in Table 3 below.

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

<b>Risks</b>	<b>Uncontrolled risk</b>	<b>Controls</b>	<b>Controlled risk</b>
Inspector appointed to carry out the Independent Examination of the BLP concluding that the submitted BLP is not sound and/or not legally compliant	Very high	Actions set out in recommendation	Low
The Government intervenes in the plan-making process	High	Actions set out in recommendation	Low
The council incur costs for breach of contract with our Joint Venture Partners CALA Homes.	High	Actions set out in recommendation	Low

## 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 on particular groups, including those within the workforce and customer/public groups, have been considered. A EQIA (Equalities Impact Assessment) has been completed and is available as a background document.
- 7.2 Climate change/sustainability. Sustainability Appraisal (SA) has been undertaken at every key stage of the BLP preparation. The proposed allocation of the Golf Course land was assessed in the SA for the Submission BLP and also at the Proposed Changes stage. The SA stated that the loss of the “green lung” needed to be weighed against other factors, before concluding that the development of the site would lead to likely strong positive effects for housing, health, community, transport, education and waste objectives. To conclude, whilst the loss of the golf course will result in some negative impacts, the requirements in the proforma for AL13 will help to mitigate these by creating a sustainable, high quality new development with a strategic green infrastructure network across the site.
- 7.3 Data Protection/GDPR. No impacts

## 8. CONSULTATION

- 8.1 As stated in Section 2 above, the Borough Local Plan has been subject to extensive public consultation over several years.

## 9. APPENDICES

- 9.1 This report is supported by 2 appendices:
- Appendix 1 – Land Ownership at the AL13 site
  - Appendix 2 - Rejected sites for housing allocation in the BLP

## 10. BACKGROUND DOCUMENTS

- 10.1 This report is supported by 1 background document:
- [Equality Impact Assessment](#)

## 11. CONSULTATION (MANDATORY)

Name of consultee	Post held	Date sent	Date returned
Cllr Coppinger	Lead Member for Planning, Environmental Services and Maidenhead	17/2/21	18/2/21
Cllr Johnson	Leader of the Council	17/2/21	22/2/21
Duncan Sharkey	Managing Director	17/2/21	22/2/21
Adele Taylor	Director of Resources/S151 Officer	17/2/21	19/2/21



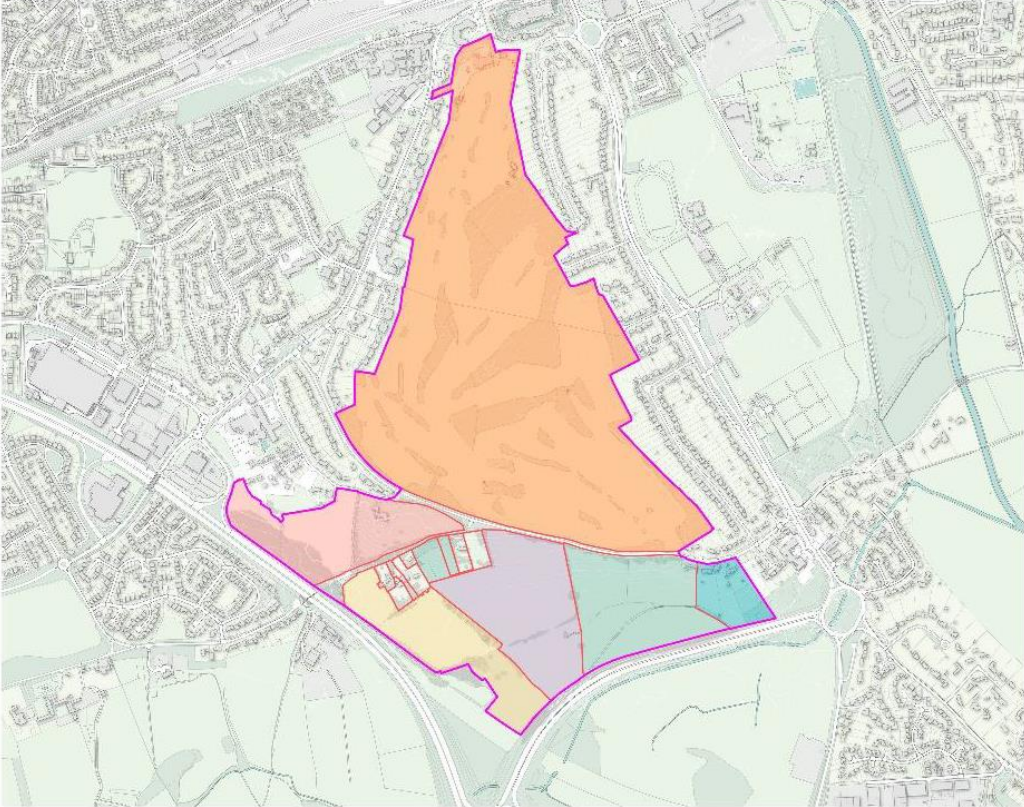
<b>Name of consultee</b>	<b>Post held</b>	<b>Date sent</b>	<b>Date returned</b>
Kevin McDaniel	Director of Children's Services	17/2/21	17/2/21
Hilary Hall	Director of Adults, Health and Commissioning	17/2/21	17/2/21
Andrew Vallance	Head of Finance	17/2/21	
Elaine Browne	Head of Law	17/2/21	19/2/21
Emma Duncan	Deputy Director of Law and Strategy / Monitoring Officer	17/2/21	
Nikki Craig	Head of HR, Corporate Projects and IT	17/2/21	19/2/21
Louisa Dean	Communications	17/2/21	
Karen Shepherd	Head of Governance	17/2/21	17/2/21

## **REPORT HISTORY**

<b>Decision type:</b> Council decision	<b>Urgency item?</b> No	<b>To Follow item?</b> No
Report Author: Adrien Waite, Head of Planning		

# Appendix 1 – Land Ownership at the AL13 site

## AL13 Land Ownership



- Key**
- AL13 Site Allocation Boundary
  - RBWM/CALA Homes Joint Venture
  - Berkeley Homes
  - Heyford Developments & St. Philips Homes
  - Harvest Hill Property Company
  - Staxlink
  - Vanderbilt Homes

## Appendix 2 – Rejected sites for housing allocation in the BLP

*This list of sites rejected primarily for Green Belt reasons has been extracted from Appendix D of the Housing Topic Paper, October 2019*

Ward	HEELA ID No.	Site Name	Reason for exclusion
Ascot and Sunninghill	00127	Land at Oakfield Farm, Ascot	Isolated Green Belt location. Not included in Edge of Settlement Study (EoSS). Development would be contrary to spatial strategy. Also constrained by ancient woodland. Eastern parts of the site are located within the Wells LWS and the Windsor Great Park and Woodlands biodiversity opportunity area.
Ascot and Sunninghill	00042a	Ascot Racecourse - Car park to the south of High Street	Green Belt location rejected by Edge of Settlement Study (EoSS)
Ascot and Sunninghill	00136a	Land at Ascot Wood, Ascot	Isolated greenfield Green Belt location not included in Edge of Settlement Study (EoSS). Development would be contrary to spatial strategy.
Bisham and Cookham	0004	Off A404 Henley Road Maidenhead SL6 6QW	Isolated greenfield Green Belt location not included in Edge of Settlement Study (EoSS). Development would be contrary to spatial strategy.
Bisham and Cookham	0005	Stubbings Compound, Henley Road, Maidenhead, SL6 6QL Option 1	Isolated greenfield Green Belt location not included in Edge of Settlement Study (EoSS). Development would be contrary to spatial strategy.
Bisham and Cookham	0006	Challen's Chickens Land Adjacent Honey House Winter Hill Road Cookham Maidenhead	Isolated greenfield Green Belt location not included in Edge of Settlement Study (EoSS). Development would be contrary to spatial strategy.
Bisham and Cookham	0318	Stubbings Nursery	Isolated site in the Green Belt. Most of the nursery is in the walled garden of the Grade 2 listed Stubbings House.

Ward	HEELA ID No.	Site Name	Reason for exclusion
Bisham and Cookham	0001a	Land at Stubbings Farm - East of Burchetts Green Road	Isolated greenfield Green Belt location not included in Edge of Settlement Study (EoSS). Development would be contrary to spatial strategy.
Bisham and Cookham	0001c	Land at Stubbings Farm - East of Burchetts Green Lane & Burchetts Green Road	Site is isolated greenfield site in Green Belt and would result in loss of best and most versatile agricultural land. Development would be contrary to spatial strategy and considered not developable in next 15 years.
Bisham and Cookham	00035	The Walled Garden White Place Farm Sutton Road Cookham Maidenhead	Site is greenfield site in Green Belt and rejected in Edge of Settlement Study (EoSS). None of the site is in FZ1 and with the majority in FZ3a (52%) and functional floodplain (8%).
Bisham and Cookham	0275	Grange Farm, Cookham	Site is a greenfield Green Belt location rejected in the Edge of Settlement Study (EoSS). Not considered developable in next 15 years.
Bisham and Cookham	0002c	Land to The North of Greenacres Switchback Road North Maidenhead (Cemetery Field, Maidenhead)	Site is greenfield Green Belt location and was rejected in the Edge of Settlement Study (EoSS). Not considered developable in next 15 years. Would also involve the loss of best and most versatile agricultural land
Bisham and Cookham	0031a	Land Rear of 99 To 119 Whyteladyes Lane Cookham Maidenhead (Land West of Whyteladyes Lane)	Green Belt location rejected by Edge of Settlement Study (EoSS)
Bray	00154	Land adjacent to Fifield Road, Fifield	Isolated greenfield Green Belt location not included in Edge of Settlement Study (EoSS). Development would be contrary to spatial strategy.
Bray	00234	Land at Oakley Green Lodge	Isolated Green Belt location and most versatile agricultural land. Development contrary to spatial strategy.

Ward	HEELA ID No.	Site Name	Reason for exclusion
Bray	0242	Down Place, Water Oakley, Windsor, SL4 5UG	Site is isolated greenfield Green Belt location and development would be contrary to spatial strategy. Not considered developable in next 15 years. Would also involve the loss of Grade 1 agricultural land.
Bray	0244	Fifield Polo Club	Isolated Green Belt site. Development would be contrary to spatial strategy. Would result in loss of sporting facilities/community space.
Bray	0245	Fifield Polo Club Yard and Buildings	Isolated Green Belt site. Development would be contrary to spatial strategy. Would result in loss of sporting facilities/community space.
Bray	0246	Land to the rear of The Queens Head, Windsor Road, Water Oakley, Windsor, SL4 5UL	Isolated greenfield Green Belt location not included in Edge of Settlement Study (EoSS). Development would be contrary to spatial strategy.
Bray	00256	Bray Marina Monkey Island Lane Bray Maidenhead	It is also a greenfield Green Belt location. None of the site is in FZ1 and with the majority in FZ3b (59.9%).
Bray	0269	Ledger Farm, Forest Green Road, Fifield	Isolated greenfield Green Belt location not included in Edge of Settlement Study (EoSS). Development would be contrary to spatial strategy.
Bray	0272	Land adjacent to Down Place/ Bray Studios	Site is isolated greenfield Green Belt location and development would be contrary to spatial strategy. Not considered developable in next 15 years. Would also involve the loss of Grade 1 agricultural land.
Bray	0277	Land north of The Guild House, Monkey Island Lane	Site is a greenfield Green Belt location rejected in the Edge of Settlement Study (EoSS). Not considered developable in next 15 years.

Ward	HEELA ID No.	Site Name	Reason for exclusion
Bray	00279	Land at Lodge Farm & Philberds (Lodge Farm and Water Tower, Ascot Road, Holyport, Maidenhead)	Green Belt location rejected by Edge of Settlement Study (EoSS)
Bray	00294	Land at Hawthorn Hill, part of Braywood Farm (Land North of Braywood Farm, Ascot Road, Maidenhead)	Green Belt location and most versatile agricultural land. Isolated pdl.
Bray	0319	Land on the west side of Fifield Road, Bray, SL6 2DY	Site is Green Belt location and was rejected in the Edge of Settlement Study (EoSS). Not considered developable in next 15 years.
Bray	0327	Land off Bartletts Lane, Holyport (also known as Moneygrow Green (Land rear of 4 Dairy Court)	Isolated Green Belt location. Not included in Edge of Settlement Study (EoSS). Development would be contrary to spatial strategy. Also, most versatile agricultural land.
Bray	0328	Land at Tarbay Farm, Tarbay Lane	Isolated greenfield Green Belt location not included in Edge of Settlement Study (EoSS). Development would be contrary to spatial strategy.
Bray	00421	Willow Manor, Fifield Road, Fifield, Maidenhead, SL6 2PG	Isolated Green Belt site. Development would be contrary to spatial strategy.
Bray	00423	Oakley Green Mushroom Farm Oakley Green Road Oakley Green Windsor SL4 5UL - Option B	Isolated greenfield Green Belt location not included in Edge of Settlement Study (EoSS). Development would be contrary to spatial strategy. Less than 50% of the site in FZ1
Bray	00443	Land East of Tarbay lane and South of Dedworth Road, Oakley Green, Windsor, Berkshire	Green Belt location rejected by Edge of Settlement Study (EoSS)

Ward	HEELA ID No.	Site Name	Reason for exclusion
Bray	01314	Land adjacent to Braywood Farm	Isolated greenfield Green Belt location not included in Edge of Settlement Study (EoSS). Development would be contrary to spatial strategy.
Bray	90270	Land west of Bray Upper Road, Bray, SL6 2DA	Green Belt location. The majority of the site is in FZ3a (95.5%).
Bray	90335	Land off Duncannon Crescent (A)	Site is greenfield site in Green Belt location and was rejected in the Edge of Settlement Study (EoSS). Not considered developable in next 15 years.
Bray	90337	Land at St Leonards Farm	Site is greenfield site in Green Belt location and was rejected in the Edge of Settlement Study (EoSS). Not considered developable in next 15 years.
Bray	00034a	Coningsby Farm, Coningsby Lane, Fifield, Maidenhead, SL6 2PF	Isolated greenfield Green Belt location not included in Edge of Settlement Study (EoSS). Development would be contrary to spatial strategy.
Bray	00235d	Land off Duncannon Crescent St. Leonards Farm (B)	Site is greenfield site in Green Belt and rejected in Edge of Settlement Study (EoSS). Considered not developable in next 15 years.
Bray	00235e	Land at St Leonards Hill, Windsor	Green Belt location rejected by Edge of Settlement Study (EoSS)
Bray	00235f	Land at St Leonards Hill, Windsor	Site is greenfield Green Belt location and was rejected in the Edge of Settlement Study (EoSS). Not considered developable in next 15 years.

Ward	HEELA ID No.	Site Name	Reason for exclusion
Bray	00250a	Land at Water Oakley Farm	PDL in GB where intensification of development proposed.
Bray	00252a	Land at Homefield, Fifield Road and 274 Windsor Road Bray	Green Belt location rejected by Edge of Settlement Study (EoSS)
Bray	00253c	Land to rear of 226, 230 and 232 Windsor Road and 7, 8 & 9 Oakley Gardens (Area 1)	Green Belt location rejected by Edge of Settlement Study (EoSS)
Bray	00423a	Oakley Green Mushroom Farm Oakley Green Road: Option 1	Isolated greenfield Green Belt location not included in Edge of Settlement Study (EoSS). Development would be contrary to spatial strategy. Less than 50% of the site in FZ1
Bray	0061a	R/O Holyport Street, Holyport, Maidenhead (Site A)	Isolated Green Belt site. Development would be contrary to spatial strategy.
Bray	0061b	R/O Holyport Street, Holyport, Maidenhead (Site B)	Isolated greenfield Green Belt location not included in Edge of Settlement Study (EoSS). Development would be contrary to spatial strategy.
Bray	0326	Land at Queens Acre Cottage, Windsor Road, Berkshire, SL4 5UJ	Isolated Green Belt site. Development would be contrary to spatial strategy.
Bray	0070a	Land adjacent to Tarbay Lane, Old Malt House, Dedworth Road, Windsor	Green Belt location rejected by Edge of Settlement Study (EoSS)



Ward	HEELA ID No.	Site Name	Reason for exclusion
Bray	0226	Land at Lodge Farm - Option 2	Site is greenfield Green Belt location and was rejected in the Edge of Settlement Study (EoSS). Loss of Grade 3 agricultural land. Not considered developable in next 15 years.
Bray	0227	Land at Lodge Farm - Option 3	Green Belt location rejected by Edge of Settlement Study (EoSS)
Clewer and Dedworth East	0300	Land north of Maidenhead Road (Windsor Racecourse)	Isolated Green Belt site. Development would be contrary to spatial strategy. No part of site in FZ1. 53.4% in functional floodplain
Clewer and Dedworth West	0030a	The Old Orchard, Dedworth Road, Windsor	Greenfield Green Belt with majority in FZ1 (65%) assessed as making moderate contribution to Green Belt.
Cox Green	01112	Land to the South of Woodlands Park Woodlands Park Maidenhead Berkshire SL6 3JB	Site is Green Belt location and was rejected by Edge of Settlement Study (EoSS). Not considered developable in next 15 years. Would also involve the loss of Grade 1 agricultural land.
Cox Green	00072a	Ridgeway Site Cannon Lane, Maidenhead	Site is Green Belt location and was rejected in the Edge of Settlement Study (EoSS). Not considered developable in next 15 years.
Cox Green	00311c	Firtree Farm, Ockwells Road, Maidenhead	Site is also a greenfield Green Belt location that was rejected by Edge of Settlement Study (EoSS). Less than 50% of site is in FZ1 (23%) with 34% in functional floodplain.
Datchet, Horton and Wraysbury	0284	Riding Court Farm, Riding Court Road, Datchet	Green Belt location not included in EOS The majority of the site is in FZ3a (38.3%).

Ward	HEELA ID No.	Site Name	Reason for exclusion
Datchet, Horton and Wraysbury	00194	Land adjacent to Coppermill Road, Horton (Land to The Rear of 80 Adjacent Wraysbury Reservoir Coppermill Road Wraysbury)	Isolated Greenfield Green Belt site not considered in Edge of Settlement Study (EoSS). Development would perpetuate existing historic ribbon development. Constrained by the neighbouring SSSI and width of site.
Datchet, Horton and Wraysbury	00197	Stanwell Road, Horton (Home Close Farm, Horton)	Isolated greenfield Green Belt location not included in Edge of Settlement Study (EoSS). Development would be contrary to spatial strategy.
Datchet, Horton and Wraysbury	0236	Ashgood Farm, Stanwell Road, Horton, SL3 9PA	Isolated greenfield Green Belt location not included in Edge of Settlement Study (EoSS). Development would be contrary to spatial strategy and not developable in next 15 years
Datchet, Horton and Wraysbury	00014a	Land at Park Lane, Horton SL3 9PR	Isolated Green Belt site with less than half in FZ1 and 29% in Functional floodplain
Datchet, Horton and Wraysbury	00023a	Land to the East of Horton Road and to the West of the Colne Valley Way, Horton, Berkshire, SL3 OLP	Green Belt location rejected by Edge of Settlement Study (EoSS)
Datchet, Horton and Wraysbury	00196a	Land adjoining Eric Mortimer Rayner Memorial Lakes	Isolated greenfield belt site. Development would be contrary to spatial strategy.
Datchet, Horton and Wraysbury	00196b	Berkyn Manor Farm, Stanwell Road, Horton	Isolated pdl in Green Belt. Development would be contrary to spatial strategy. Appears to be site or part of site in draft M&W Plan for mineral extraction/Green energy from waste. Likely to be included in Reg 19 M&W Plan.
Datchet, Horton and Wraysbury	00178	Land south of The Drive, Wraysbury	Site is greenfield site in Green Belt. None of the site is in FZ1 and with the majority in FZ3a (46.2%) and FZ3b (51.00%).

Ward	HEELA ID No.	Site Name	Reason for exclusion
Eton and Castle	90256	Land South of Eton Wick Road and adjacent to Railway Viaduct	Isolated greenfield Green Belt location not included in Edge of Settlement Study (EoSS). Development would be contrary to spatial strategy. The majority of the site is in FZ3a (49.5%). West of the main part of the site is almost entirely in FZ3b (15.8%).
Eton and Castle	00210	Land at Crown Farm, Eton Wick (Common Gate Farm Crown Farm Eton Wick Road Eton Wick)	Green Belt location not included in EOS. The majority of the site is in FZ3a (99.9%).
Eton and Castle	0255	Land at Church Field, Eton	Isolated greenfield Green Belt site and development would be contrary to spatial strategy. None of the site is in FZ1 and 100% of site is in FZ3a
Eton and Castle	0259	Land at Manor Farm, Eton	Green Belt location not included in Edge of Settlement Study (EoSS). Also isolated Green Belt site. The majority of the site is in FZ2 (76.3%).
Eton and Castle	00410	Crown Farm, Eton Wick Road, Eton Wick (Site A)	Green Belt site rejected in Edge of Settlement Study (EoSS). None of the site is in FZ1 and 100% of site is in FZ3a.
Hurley and Walthams	0018	Flics Cafe yard and Wingroves nursery, Bath Road, Knowl Hill, Reading	Site is isolated Green Belt location and development would be contrary to the spatial strategy.
Hurley and Walthams	0019	Land adjacent to Keeleys Transport, Bath Road, Knowl Hill, Reading	Site is isolated Green Belt location. It is common land and not considered developable in next 15 years.
Hurley and Walthams	0291	Berkshire College of Agriculture - Sewage Works	Site is in an isolated Green Belt location and development would be contrary to spatial strategy. Not considered developable in next 15 years. Development is also considered unsuitable due to the loss of Grade 1 agricultural land and for heritage and TPO reasons.

Ward	HEELA ID No.	Site Name	Reason for exclusion
Hurley and Walthams	0013a	Berkshire College of Agriculture - Honey Lane	Isolated greenfield Green Belt location not included in Edge of Settlement Study (EoSS). Development would be contrary to spatial strategy. Potential impact on ancient woodland and the loss of best and most versatile agricultural land.
Hurley and Walthams	0013b	Land South of Berkshire College of Agriculture, Burchetts Green Road, Maidenhead, SL6 6QR	Isolated greenfield Green Belt location not included in Edge of Settlement Study (EoSS). Development would be contrary to spatial strategy.
Hurley and Walthams	00150a	Land Adjacent A4 Frogmore Farm, Littlewick Green, Maidenhead Berkshire	Isolated greenfield Green Belt location not included in Edge of Settlement Study (EoSS). Development would be contrary to spatial strategy.
Hurley and Walthams	0021	Land to North of Milley Road Land at The South of Burdons Farm And North of Milley Road Waltham St Lawrence Reading	Isolated greenfield Green Belt location not included in Edge of Settlement Study (EoSS). Development would be contrary to spatial strategy.
Hurley and Walthams	0247	Burdon Farm, Milley Road, Waltham St Lawrence	Site is isolated Green Belt location and development would be contrary to the spatial strategy. Not considered developable in next 15 years. Site is also entirely Grade 2 agricultural land.
Hurley and Walthams	0028	Land west of White Waltham Church	Isolated Green Belt location not included in Edge of Settlement Study (EoSS). Development would be contrary to spatial strategy.
Hurley and Walthams	00148	Land at Cherry Garden Lane/Westacott Way	Isolated greenfield Green Belt location not included in Edge of Settlement Study (EoSS). Development would be contrary to spatial strategy.
Hurley and Walthams	00306	Land east of Cherry Garden Lane, Littlewick Green, Maidenhead	Isolated greenfield Green Belt location not included in Edge of Settlement Study (EoSS). Development would be contrary to spatial strategy.

Ward	HEELA ID No.	Site Name	Reason for exclusion
Hurley and Walthams	0333	White Waltham Airfield	Site is Green Belt location and was rejected in the Edge of Settlement Study (EoSS). Not considered developable in next 15 years.
Hurley and Walthams	00033a	Hangers at White Waltham Airfield Waltham Road Maidenhead	Green Belt location rejected by Edge of Settlement Study (EoSS)
Hurley and Walthams	00043a	Land East of School Lane Littlewick Green	Isolated greenfield Green Belt location not included in Edge of Settlement Study (EoSS). Development would be contrary to spatial strategy.
Hurley and Walthams	00113a	Woodlands Park Avenue/Snowball Hill Woodlands Park Maidenhead Berkshire SL6 3LU	Green Belt location rejected by Edge of Settlement Study (EoSS)
Hurley and Walthams	00116a	Land to the north of Church View White Waltham Maidenhead Berkshire SL6 3JQ	Site is greenfield Green Belt location and was rejected in the Edge of Settlement Study (EoSS). Not considered developable in next 15 years.
Hurley and Walthams	00117a	Land to the South of Vicarage Gardens White Waltham Maidenhead Berkshire SL6 3JE	Isolated greenfield Green Belt location not included in Edge of Settlement Study (EoSS). Development would be contrary to spatial strategy.
Hurley and Walthams	00118a	Land to the West of Grove Park White Waltham Maidenhead Berkshire SL6 3SD	Isolated greenfield Green Belt location not included in Edge of Settlement Study (EoSS). Development would be contrary to spatial strategy.
Hurley and Walthams	00149a	Ffiennes Farm, Littlewick Green, Maidenhead Berkshire	Isolated greenfield Green Belt location not included in Edge of Settlement Study (EoSS). Development would be contrary to spatial strategy.

Ward	HEELA ID No.	Site Name	Reason for exclusion
Hurley and Walthams	0334	Land to South of Church view and East of Grove Park Business Estate	Site is greenfield Green Belt location and was rejected in the Edge of Settlement Study (EoSS). Not considered developable in next 15 years.
Old Windsor	00170	Crimp Hill, Old Windsor (North)	Site is greenfield site in Green Belt and rejected in Edge of Settlement Study (EoSS). Not considered developable in next 15 years.
Old Windsor	00175	Priory Stables Sites B, Old Windsor	Site is a greenfield Green Belt location. None of the site is in FZ1 and with the majority in FZ3a (59.0%) and FZ3b (36.8%).
Old Windsor	00176	Priory Stables Site A, Old Windsor	Site is greenfield site in Green Belt. None of the site is in FZ1 and the majority lies in FZ3 (89.9%).
Old Windsor	0229	Land adjacent to Pelling Hill, Old Windsor, SL4	Site is greenfield Green Belt location and was rejected in the Edge of Settlement Study (EoSS). Not considered developable in next 15 years.
Old Windsor	0237	Moram Lodge, Datchet Road, Old Windsor	It is also a Green Belt location that was rejected by Edge of Settlement Study (EoSS). None of the site is in FZ1 and with the majority in FZ3a.
Old Windsor	0341	Land south of Crimp Hill, Old Windsor	Site is Green Belt location and rejected in Edge of Settlement Study (EoSS). Not considered developable in next 15 years.
Pinkneys Green	00128a	Land North of Furze Platt Road, Maidenhead	Green Belt location rejected by Edge of Settlement Study (EoSS)

Ward	HEELA ID No.	Site Name	Reason for exclusion
Riverside	00075	Land to the North of Summerleaze Road, Maidenhead SL6 8HZ	Green Belt site with no FZ1 and almost entirely in FZ3a (99%) with the remainder in functional floodplain. Loss of existing community/leisure use.
Sunningdale and Cheapside	00162a	Sunningdale Broomhall Centre	Site is greenfield site in Green Belt and rejected in Edge of Settlement Study (EoSS). Not considered developable in next 15 years. Smaller version of the site without the green belt is selected.
Sunningdale and Cheapside	0220	Land to the South of Bedford Lane	Site is a greenfield Green Belt site rejected in Edge of Settlement Study (EoSS). Not considered to be developable in next 15 years.
Sunningdale and Cheapside	0332	Wardour Lodge, Sunningdale	Site is greenfield Green Belt location and was rejected in the Edge of Settlement Study (EoSS). Not considered developable in next 15 years.
Sunningdale and Cheapside	00441	Broadlands Farm and Broadlands Farm Cottage, Bagshot Road, Ascot	Site is a Green Belt site rejected in Edge of Settlement Study (EoSS). Not considered to be developable in next 15 years.
Sunningdale and Cheapside	00161c	Land at Broomhall Lane, Sunningdale	Green Belt location rejected by Edge of Settlement Study (EoSS)
Sunningdale and Cheapside	00162b	London Road Car Park and Land north of London Road, Sunningdale	Site is Green Belt location and rejected in Edge of Settlement Study (EoSS). Not considered developable in next 15 years.
Sunningdale and Cheapside	00150	Kings Beeches Devenish Road Sunningdale Ascot	Green Belt location rejected by Edge of Settlement Study (EoSS)

Ward	HEELA ID No.	Site Name	Reason for exclusion
Sunningdale and Cheapside	00038	Land at Ashurst Park Ashurst Park Church Lane Ascot	Green Belt location rejected by Edge of Settlement Study (EoSS). Employment site
Sunningdale and Cheapside	00125	Silwood Park Nurseries Cheapside Road Ascot	Isolated Green Belt location. Development would be contrary to spatial strategy.
Sunningdale and Cheapside	00137	The Pavilion London Road Sunninghill Ascot SL5 OPH	Green Belt location rejected by Edge of Settlement Study (EoSS)
Sunningdale and Cheapside	00139	Site at Larch Avenue, Sunninghill (Land Rear of Cary Cottage London Road)	Site is greenfield site in Green Belt and rejected in Edge of Settlement Study (EoSS). Not considered developable in next 15 years.
Sunningdale and Cheapside	0276	Former Hurst Lodge School/Earleywood	PDL site in the Green Belt where intensification of development is proposed.
Sunningdale and Cheapside	00106a	Beechgrove, Church Lane, Sunninghill	Site is a Green Belt site rejected in Edge of Settlement Study (EoSS). Not considered to be developable in next 15 years.



Report Title:	<b>Community Governance Review – Windsor Town Council – Draft Recommendations</b>
Contains Confidential or Exempt Information	No - Part I
Lead Member:	Councillor Shelim, Chairman of the Community Governance Review Working Group
Meeting and Date:	Extraordinary Full Council – 2 March 2021
Responsible Officer(s):	Emma Duncan, Deputy Director of Law and Strategy and Monitoring Officer/ Karen Shepherd, Head of Governance
Wards affected:	Clewer & Dedworth East, Clewer & Dedworth West, Clewer East, Eton & Castle, Old Windsor

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## REPORT SUMMARY

*In July 2020 full Council approved the Terms of Reference to formally commence a Community Governance Review (CGR) to consider the formation of a town council for Windsor*

*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 has drafted a set of recommendations for the formation of a Windsor Town Council for consultation, which are recommended to full Council.*

### 1. DETAILS OF RECOMMENDATION(S)

**RECOMMENDATION:** That full Council notes the report and considers the recommendation of the Community Governance Review Working Group to:

- i) **Approve for consultation the draft recommendations for the formation of a new town council for Windsor as detailed in Appendix A.**

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

#### Options

**Table 1: Options arising from this report**

Option	Comments
Approve the draft recommendations for consultation	Consultation on the draft recommendations is the next step in the formal CGR process;
<b>This is the recommended option</b>	approval will allow the consultation to take place to meet the timetable for the review

<b>Option</b>	<b>Comments</b>
Modify the draft recommendations for consultation	The draft recommendations have been developed by a cross-party Member Working Group taking into account the responses to the first consultation and therefore amendments are not recommended.
Do not approve the draft recommendations for consultation.	This option would only be appropriate if the Council wishes to terminate the community governance review process. It should be noted that the Council has a duty to complete the remaining stages of the review and conclude the process within twelve months of publishing the Terms of Reference, even where it deems the existing governance arrangements for Windsor to be sufficient.

- 2.1 The Council can undertake a review of the parish governance arrangements in its local area at any time and has a duty to ensure effective and convenient governance arrangements are in place
- 2.2 The CGR Working Group established to manage the CGR process comprises 5 elected members: Councillors Shelim (Chairman), Cannon (Vice Chairman) Davies, Hilton and Knowles. Supported by officers from across the council, the CGR Working Group has held ten meetings, initially to plan the first round of consultation, then to consider the consultation results and draft recommendations for a second round of consultation.

### **3. KEY IMPLICATIONS**

- 3.1 The draft recommendations as detailed in Appendix A propose that the council is minded to consider the creation of a Windsor Town Council on the basis that the electorate and any other stakeholders remain 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 is required to ascertain the level of support for a Town Council established under the electoral arrangements detailed in Appendix A.

**Table 2: Key Implications**

<b>Outcome</b>	<b>Unmet</b>	<b>Met</b>	<b>Exceeded</b>	<b>Significantly Exceeded</b>	<b>Date of delivery</b>
Consultation on draft recommendations	Consultation does not take place	Consultation takes place	N/A	N/A	March-June 2021

**4. FINANCIAL DETAILS / VALUE FOR MONEY**

- 4.1 The only direct financial consequences arising from the decision to carry out a second round of consultation as part of the community governance review is the cost (c. £1750) to send a consultation leaflet to all residential properties in the review area. There may be other modest expenses incurred in undertaking the consultation in respect of carrying out a public engagement strategy to raise awareness and to encourage local engagement, but these would be contained within existing budgets.
- 4.2 It should be noted that if the outcome of the review is in favour of creating a town council for Windsor, there will be financial implications arising from this decision which will concern the setting of a parish precept for the new council as well as impacts on the special expenses precept for currently non-parished areas within RBWM. Further details are included in Appendix A.

**5. LEGAL IMPLICATIONS**

- 5.1 The Council has the power to facilitate a process to review and amend existing community governance arrangements under the Local Government and Public Involvement in Health Act 2007.

**6. RISK MANAGEMENT**

6.1

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

<b>Risk</b>	<b>Level of uncontrolled risk</b>	<b>Controls</b>	<b>Level of controlled risk</b>
A community governance review is not conducted in accordance with the statutory framework	Medium	An appropriate consultation is undertaken on the draft recommendations.	Low

**7. POTENTIAL IMPACTS**

- 7.1 Equalities. An [EQIA screening](#) has been undertaken; a full EQIA is not considered to be required.
- 7.2 Climate change/sustainability. None identified.
- 7.3 Data Protection/GDPR. The contact details of individuals responding to the consultation will be processed in accordance with GDPR.

**8. CONSULTATION**

- 8.1 The Community Governance Review Working Group has been involved in managing all stages of the review. [Responses to the first round of consultation](#)

were considered by the Working Group at its meetings between October 2020 – February 2021.

8.2 All interested parties will have an opportunity to provide feedback on the draft recommendations as part of the second round of consultation.

## 9. TIMETABLE FOR IMPLEMENTATION

9.1 The full implementation stages are set out in table 4.

**Table 4: Implementation timetable**

<b>Date</b>	<b>Details</b>
2 March 2021	Consideration of the Draft Recommendations
2 March – 2 June 2021	Public consultation on the Draft Recommendations Further meetings of the CGR Working Group as required, including consideration of consultation responses and drafting of final recommendations.
July 2021 (full Council date tbc)	Consideration of the Final Recommendations by full Council
	<i>If Final Recommendations include approval of the creation of a Windsor Town Council:</i>
December 2021	Reorganisation Order made
4 May 2023	Elections to Windsor Town Council

## 10. APPENDICES

10.1 This report is supported by one appendix:

- Appendix A – Community Governance Review – Windsor Town Council – Draft Recommendations

## 11. BACKGROUND DOCUMENTS

11.1 This report is supported by four background documents:

- [Guidance on community governance reviews](#), published by the Local Government Boundary Commission for England and the Department for Communities and Local Government
- The [Terms of Reference](#) of the CGR
- [Responses](#) to the first round of the consultation
- [Minutes](#) of the CGR Working Group meetings

## 12. CONSULTATION (MANDATORY)

<b>Name of consultee</b>	<b>Post held</b>	<b>Date sent</b>	<b>Date returned</b>
Cllrs Shelim, Cannon, Davies, Hilton and Knowles	Members of the Community Governance Review WG	11/2/21	14/2/21

Duncan Sharkey	Managing Director	2/2/21	3/2/21
Adele Taylor	Director of Resources/S151 Officer	2/2/21	9/2/21
Kevin McDaniel	Director of Children's Services	2/2/21	3/2/21
Hilary Hall	Director Adults, Commissioning and Health	2/2/21	3/2/21
Andrew Vallance	Head of Finance	2/2/21	9/2/21
Elaine Browne	Head of Law	2/2/21	9/2/21
Nikki Craig	Head of HR, Corporate Projects and IT	2/2/21	5/2/21
David Scott	Returning Officer/Electoral Registration Officer	2/2/21	9/2/21
Chris Joyce	Head of Infrastructure, Sustainability and Economic Growth	2/2/21	5/2/21

## REPORT HISTORY

<b>Decision type:</b>	<b>Urgency item?</b>	<b>To follow item?</b>
Council decision	No	No

Report Author: Suzanne Martin, Electoral & Information Governance Services Manager, 01628 682935.
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# ROYAL BOROUGH OF WINDSOR & MAIDENHEAD

## COMMUNITY GOVERNANCE REVIEW WINDSOR TOWN COUNCIL

### DRAFT RECOMMENDATIONS

**THESE DRAFT RECOMMENDATIONS HAVE BEEN PUBLISHED BY THE  
ROYAL BOROUGH ON:**

*Date tbc once approved*

**REPRESENTATIONS AND COMMENTS ON THESE RECOMMENDATIONS  
SHOULD BE MADE BY:**

*Date tbc once approved*

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## 1. Introduction

- 1.1 The Royal Borough of Windsor and Maidenhead is carrying out a community governance review pursuant to the provisions of the Local Government and Public Involvement in Health Act 2007.
- 1.2 The Royal Borough is required to have regard to the "[Guidance on Community Governance Reviews](#)" issued by the Secretary of State for Communities and Local Government published in 2008. In addition to this guidance, the Royal Borough will be mindful of the provisions set out in the Local Government Act 1972, the Local Government (Parishes and Parish Councils)(England) Regulations 2008 and the Local Government Finance (New Parishes) Regulations 2008 which regulate consequential matters arising from the review.
- 1.3 The Local Government and Public Involvement in Health Act 2007 transferred the powers for conducting community governance reviews to principal councils, which had previously been shared with the Electoral Commission's Boundary Committee for England under the Local Government Act 1997. The Royal Borough of Windsor and Maidenhead is statutorily responsible for carrying out the review.
- 1.4 A community governance review is the process used to consider whether existing parish arrangements under the jurisdiction of the local authority should be changed in any way. Community governance reviews can address the following:
  - Altering the boundaries of existing boundaries
  - Changing the names of existing parishes
  - Creating or abolishing parish councils
  - The electoral arrangements for parish councils (including the number of councillors and arrangements for parish warding)
  - The grouping or de-grouping of parish councils (and consequential changes to their electoral arrangements)
  - The "style" of a parish (enabling an area to be known as a town, community, neighbourhood or village rather than a parish).

## 2. Background

- 2.1 At a meeting of Full Council on 28 July 2020, the Council approved the Terms of Reference for the review. The review area is limited to the currently unparished parts of Windsor located in and around the town centre and this specified area forms the scope of the review. The unparished parts of Windsor comprise twelve polling districts spanning the wards of Clewer & Dedworth East, Clewer & Dedworth West, Clewer East, Eton & Castle and Old Windsor.



2.2 The intention to consider the formation of a new town council for Windsor had arisen from interest raised by members of the local community. An [e-petition](#) calling for the local authority to undertake a community governance review was started in September 2019, led by a group of local residents. In order for the petition to be successful, 7.5% of the local government electorate for the review area (the unparished parts of Windsor) needed to support the proposal, which equalled 1,661 electors. As at February 2020, when the e-petition closed, the number of valid signatories on the open petition was 606 (36% of the required amount). To date, the e-petition has not been formally submitted to the council.

2.3 However, having approved the terms of reference at its meeting on 28 July 2020, the council took the view to commence a community governance review of its own accord, removing the requirement to do so had a valid petition been received. The council committed to undertake the review as it recognised that the possible formation of a new town council is a relevant and topical subject amongst the local community.

### **3. Existing Parish Governance Arrangements**

3.1 The Royal Borough believes that parish councils play an important role in terms of community empowerment at a local level. Parish governance should continue to be robust and representative to meet the challenges that lie before it.

3.2 There are fifteen parishes (fourteen parish councils and one parish meeting) that operate within the Royal Borough's administrative area. Seven parishes are warded. Elections to the parish councils take place once every four years at the same time as elections to the principal council. The most recent changes to parish governance took effect in May 2019 where minor, consequential changes were made to the parishes of Bray and Sunninghill & Ascot by the Local Government Boundary Commission for England as a result of the borough-wide electoral review which took place in 2018/2019. The electoral boundaries for the internal wards of these two parishes were adjusted and the number of seats to each ward redistributed across each parish.

3.3 Unlike an electoral review which examines the electoral arrangements for a principal council, there is no provision in legislation that stipulates that each parish councillor should represent, as far as possible, the same number of electors. That said, the Royal Borough is committed to ensuring equitability amongst the parishes and its internal wards as far as possible, to ensure effective and convenient local government and that electors across the parished areas are treated fairly. Any recommendations made by the review which results in the formation of a new town council for Windsor must adhere

to the legal minimum number of parish councillors for any parish council, which is five. There is no legal maximum number of parish councillors.

- 3.4 Parish councils set their own precept on an annual basis and therefore have the power to spend a significant amount of council tax-payer money. A breakdown of the precepts for each current parish for 2019/2020 and 2020/2021 is shown in Appendix 2. A new town council would be able to set its own precept and allocate this funding to projects within its defined area.

#### 4 Revised Timetable

- 4.1 Further to publication of the terms of reference in July 2020, the original timetable for the review has been slightly revised. The draft recommendations are therefore being published in March 2021, but this has no impact on the amount of time available for the second round of consultation.
- 4.2 The revised timetable for the review is set out below in Table 1:

Table 1: - Timetable for the review

Stage	Activity	Date	Duration
Stage 1	Publication of the Terms of Reference	28 July 2020	-
	Consultation 1 on Terms of Reference	28 July 2020 – 28 October 2020	3 months
	Initial meeting(s) of the CGRWG	July - October 2020	As required
	CGRWG consideration of representations received and meetings of the CGRWG	29 October 2020 – February 2021	4 months
Stage 2	Publication of the Draft Recommendations	2 March 2021	-
	Consultation 2 on Draft Recommendations	2 March 2021 – 2 June 2021	3 months
	CGRWG consideration of representations received	2 March 2021 – 30 June 2021	4 months

Conclusion	Publication of the Final Recommendations	July 2021	-
	Reorganisation Order made ( <i>if applicable</i> )	By December 2021	-
	Elections to Windsor Town Council ( <i>if applicable</i> )	4 May 2023	-

## 5 Stage 1 – Consultation on Terms of Reference

- 5.1 The cross-party Member-led Community Governance Review Working Group (CGRWG) appointed for the purposes of formulating the review’s Draft and Final Recommendations met ten times between August 2020 and February 2021. The Members of the Working Group are Councillors Shamsul Shelim (Chairman), David Cannon (Vice-Chairman), Neil Knowles, Karen Davies and John Story (replaced by David Hilton in December 2020.) Minutes of the meetings are available to view on the CGR [webpage](#).
- 5.2 The public consultation on the terms of reference ran from July to October 2020. The aim of the first consultation was to gauge how much public support there was for a new town council amongst people living in the review area and whether a new layer of governance would be the best way to deliver effective and convenient local government to residents. Any new governance arrangements would need to reflect the communities and identities of the people it was established to represent.
- 5.3 Section 93(3) of the Local Government and Public Involvement in Health Act requires the principal council to consult with local residents and any other third parties who might have an interest in proceedings. The primary task of the Working Group during the first stage of the review was to establish a comprehensive consultation database of stakeholders who could be consulted directly to make them aware of the process and how they could contribute their views during the consultation. With the assistance of the wider Member cohort and the relevant internal council departments, the Working Group approved a consultation stakeholder database comprising the following groups;
- Windsor primary and secondary schools across the local authority area – 30
  - Parish councils - 14 (and 1 parish meeting)
  - Local organisations / community groups / businesses / political groups – 250

- 5.4 The targeted consultation activity took place over August, September and October, where stakeholders were sent two emails from Electoral Services inviting them to take part in the consultation and pinpointing them to the webpages where the consultation resources could be accessed. As part of the wider communications strategy for raising awareness about the review amongst the electorate, references to the review and consultations were highlighted in residents' newsletters and other corporate communications including social media channels.
- 5.5 To provide clarity on what areas of discussion consultees were requested to comment on as part of the first consultation, the following questions were formulated:
- *What is the appetite for creating a new town council for Windsor? Is a parish council needed or desired?*
  - *Is there a sense of community identity in the review area and should this community be represented by its own parish council?*
  - *How could a new parish council take shape?*
  - *Should a new parish council be warded to reflect the communities that exist in the review area? If so, how should these boundaries be drawn?*
- 5.6 69 responses were received during the consultation period, broken down into the following categories:
- Four representations from existing parish councils
  - Six responses from local organisations.
  - Three responses from political parties
  - Three responses from Borough councillors.
  - Fifty-three individual responses from residents.
- 5.7 The consultation responses were published on the [community governance review webpages](#) in November 2020, with all personal information of consultees redacted.
- 5.8 Respondents to the consultation expressed a range of views about whether a new town council for Windsor would be a favourable outcome. The majority of responses expressed support for the principle of creating a new town council, and that if it came into place, the area under review should be divided into electoral divisions, known as wards. There was an emphasis among consultees that the area of west Windsor should not be separated from central Windsor and that one town council, as opposed to multiple parish councils, would be preferable. The boundaries for wards within the town council area should not be drawn to simply match the current Borough ward boundaries; there was a strong sentiment that the ward boundaries which came into effect in 2019 following the Local Government Boundary Commission's review did not effectively reflect community identities in some areas. An example would be the separation of the area known as the Boltons, located in central

Windsor, but belonging to the Old Windsor borough ward. It was felt that a fresh approach to drawing internal wards for the purposes of establishing a new parish governance tier was needed to correct the anomalies of the borough-wide electoral review.

- 5.9 It should be noted that a small number of responses questioned the benefits a new town council and an extra layer of government would bring. Some cited concerns that a new town council would simply add extra bureaucracy and costs for residents.

## **6. Draft Recommendations of the Working Group**

- 6.1 When formulating the draft recommendations, the Working Group considered the representations received during the first consultation. The group took the decision that it was minded to support the formation of a Windsor Town Council on the basis that the electorate and any other stakeholders remained supportive of its formation once further information had been supplied about potential costs and the impact its creation would have on the local community.
- 6.2 The Working Group has considered Section 93 of the Local Government and Public Involvement in Health Act 2007 and its duty to ensure that community governance within the area under review will be:
- Reflective of the identities and interests of the community in the area and be
  - Effective and convenient.
- 6.3 The Working Group has also taken into account a number of influential factors, including:
- The impact of community governance arrangements on community cohesion and
  - The size, population and boundaries of a local community or parish.
- 6.4 In publishing its draft recommendations, the council is taking the approach of putting forward draft electoral arrangements (how the town council could be structured, e.g. number of councillors, year of first elections and warding patterns) and which powers and assets the principal council could potentially transfer to the new town council, if it were to come into being. Information regarding an illustrative precept, the powers that a town council could potentially execute and what this would mean for residents both financially and practically when receiving local services is set out as part of the draft recommendations. This information will help residents and other stakeholders to give an informed view as to whether they support the principle of a new town council as part of the second consultation process. A definitive list of powers and assets to be transferred to a new town council would be drawn up

following the review process, should the outcome of the review be that a new town council is created.

## Electoral Arrangements

- 6.5 The Working Group carefully considered the views of residents and other stakeholders provided during the first consultation in relation to what electoral arrangements could best support a well-functioning town council. The group propose that one town council should be formed covering the whole of the review area and that it should be warded.
- 6.6 The group considered how many councillors should be appointed to represent the 20,500 electors resident in the review area. In order to make this decision, the group considered how parish representation worked for the Royal Borough's existing parishes and guidance issued by the National Association of Local Councils (NALC) and Aston Business School about recommended levels of representation.
- 6.7 Guidance issued by Aston Business School and NALC recommends the following levels of parish representation:

Table 2 – Aston Business School (1992)

<b>Electors</b>	<b>Councillors</b>
<500	5 – 8
501 – 2,500	6 – 12
2,501 – 10,000	9 – 16
10,0001 – 20,000	13 – 27
>20,000	12 - 32

- 6.8 Similar comparisons can be made with guidance previously issued by NALC:

Table 3 – NALC (1988)

<b>Electors</b>	<b>Councillors</b>
900	7
1400	8
2000	9
2700	10
3500	11
4400	12
5400	13
6500	14
7700	15
9000	16
10400	17
11900	18
13500	19

15200	20
17000	21
18900	22
20900	23
23000	24
Over 23000	25

- 6.9 Representation across the Royal Borough's existing parishes is varied. Horton Parish Council represents the smallest electorate (857 electors at 1 December 2020) and Sunninghill & Ascot represents the largest number of electors (9050 at 1 December 2020). Half of the parishes are warded and half of them are not. The number of councillors sitting on each parish council is also varied and depends on the demography of the area. Where parishes are warded, there is no common pattern as to the distribution of seats. Broadly speaking, they should be distributed fairly according to the size of the electorate per ward. Sunninghill & Ascot has the highest number of parish councillors with 16 available seats and is divided into three wards. The average number of electors per parish councillor across all parishes is 313.
- 6.10 In order to determine an appropriate number of councillors for the review area, the Working Group considered the ward boundaries that would need to be drawn. The twelve polling districts in the review area are the smallest building blocks for creating wards. A ward at parish level could comprise more than one polling district or a single polling district but a boundary line cannot divide an existing polling district. It is not possible for part of a polling district to belong to one electoral division and another part of the same polling district to a different division. A polling district and polling places review would be required in this instance, to reshape the boundary of the polling district, if this was desired.
- 6.11 The Working Group propose wards for the town council that would be based on the current polling district divisions. Most of the current polling districts range in size between 1800 and 2500 electors. The principle that each single polling district would form its own ward and would be represented by two councillors was applied. It is proposed to amalgamate three of the smallest polling districts to form one ward and to assign three councillors to this ward. Another polling district is kept as a single ward but assigned only one councillor. **The final outcome is the proposal that ten wards be created returning a total of 21 councillors.**
- 6.12 The review area comprises circa 20,500 local government electors and 15,000 residential properties. Table 4 below shows the distribution of seats, proposed ward boundaries and ward names. A map showing the proposed ward boundaries can be found in Appendix 1.

Table 4: Warding Pattern

WARD	POLLING DISTRICT CODE	PARISH WARD NAME	LOCAL ELECTORS (DEC 20)	LOCAL ELECTORS (DEC 25)	COUNCILLORS	ELECTORS PER COUNCILLOR
CLEWER & DEDWORTH EAST	WCDE1	DEDWORTH MANOR	2,005	2,037	2	1003
	WCDE2	CLEWER HILL	2,150	2,184	2	1075
CLEWER & DEDWORTH WEST	WCDW1	DEDWORTH RIVERSIDE	2,257	2,293	2	1129
	WCDW3	DEDWORTH GREEN	2,044	2,077	2	1022
CLEWER EAST	WCE1	CLEWER NEW TOWN	1,805	1,834	2	903
	WCE2	SPITAL	2,056	2,089	2	1028
	WCE3	CLEWER VILLAGE	892	906	1	892
ETON & CASTLE	WEC1	TRINITY	2,881	2,927	3	960
	WEC2	CASTLE	2,047	2,080	2	1024
OLD WINDSOR & CLEWER & DEDWORTH EAST (PARTIAL)	WOW3	BOLTONS & ST LEONARD'S HILL	86	87	3	818
	WOW4		1,497	1,521		
	WCDE3		873	887		
			<b>20,593</b>	<b>20,922</b>	<b>21</b>	

- 6.13 The pattern proposed by the Working Group provides consistent representation across all ten polling districts, with an average of 904 electors per councillor. Whilst it is noted that the average number of electors per councillor is considerably higher than the average number of 313 electors per councillor for the Royal Borough's existing parishes, it should be borne in mind that no existing parish is of the same demographic or size of the proposed town council for Windsor. The area of the proposed Windsor town council is more than double the size of Sunninghill & Ascot Parish Council, the largest parish, and is more urban in nature.
- 6.14 The Working Group has considered when the first elections to the new town council should take place. A number of consultation participants had expressed a preference for the elections to take place as soon as possible and earlier than May 2023, the date which had been referenced in the review's Term of Reference. An alternative date of May 2021 had been suggested. It would not be possible to hold the first elections in May 2021 for logistical reasons as the review process would not conclude until the summer of 2021.



- 6.15 The Working Group considered whether elections in May 2022 would be a viable option but concluded that elections in May 2023 would be more appropriate. Section 98(6) of the Local Government and Public Involvement in Health Act 2007 allows principal councils to modify or exclude the application of Sections 16(3) and 90 of the Local Government Act 1972 and the election rules in a reorganisation order so that the first election to a parish or town council is held in an earlier year. This might result in councillors serving either a shortened or lengthened first term, allowing the parish or town council's electoral cycle to then return to its regular cycle.
- 6.16 It is the proposal of the Working Group to recommend that the first set of elections should take place in May 2023, the next scheduled date for the combined parish and borough elections. The cost of delivering an election to a parish of the size of Windsor is estimated to be in the region of nearly £20,000. A number of costs associated with the delivery of the parish elections in 2023 will be shared, where possible, with the Borough, whereas standalone elections in 2022 would need to be met solely by the new town council. **It is proposed that the first elections to a new Windsor town council take place on 4 May 2023.**

## Consequential Matters

### Finance

- 6.17 Parish and town councils rely on income from a number of limited sources to finance their affairs. If a new town council were created for Windsor, the town council would be entitled to receive a portion of the Community Infrastructure Levy (CIL) currently collected by the Royal Borough for planning developments in the review area. The Royal Borough has collected £1.7 million in CIL in the unparished part of Windsor since September 2016. As the area is currently unparished, the Royal Borough retains 15% of the neighbourhood portion as a neighbourhood plan has not been adopted for the area. The amount of neighbourhood CIL that has been collected since 2016 is circa £250,000. If a neighbourhood plan is adopted, then the portion which can be retained increases to 25%. Any new town council would receive the future neighbourhood portion instead of the Royal Borough and would receive this on a six-monthly cycle dependent on when CIL monies from developments are received.
- 6.18 The local planning authority determines how Section 106 monies is to be spent. Parish and town councils are consulted as part of the process of determining the allocation of Section 106 monies when the Royal Borough negotiates funding with developers.

- 6.19 Residents who are represented by a parish or town council pay a percentage of their council tax bill to the parish for the delivery of services. The precept is the main source of income for parish councils. This amount is known as the precept. Residents are not able to opt out of paying the precept.
- 6.20 In unparished areas residents pay an additional precept for various services that would otherwise be provided by a parish council but are provided by the Royal Borough. Residents in the review area currently pay £34.31 (Band D equivalent) as their precept. This amount is included in the Royal Borough's Special Area Expenses (SAE) account. The amount of the SAE which can be apportioned to the currently unparished area of Windsor is £469,000. The services funded by the SAE account include allotments (1%), street and footway lighting (25%), and recreation grounds and open spaces (74%). If a new town council were established, the Borough would no longer receive funding of £469,000 currently collected through the SAE. However, it would continue to be responsible for, and incur the costs of, the services currently provided by the SAE.
- 6.21 If a new town council were established, the amount that residents would be required to pay could be considerably more than the current £34.31 paid to the Royal Borough. As parish councils do not receive money from central government as principal councils do, they are reliant on income raised through the precept. The precept for a new town council would not only reflect the delivery of services but would also need to reflect the running costs of the town council; overheads which are currently covered by the borough council. These costs are likely to include office accommodation costs (rates, rents, overheads), and administration (employment of a town clerk and other staff, HR and IT requirements).
- 6.22 The current precepted amounts for comparable parish (town) councils in Berkshire are set out in Table 5 for comparative purposes:

Table 5 – Parish (Town) council precepts in Berkshire

Parish	Precept (Band D equivalent)
Wokingham	£57
Sandhurst	£75
Earley	£81
Newbury	£86
Bracknell	£88
Woodley	£112

- 6.23 If the outcome of the review is that a new town council should be formed, the Royal Borough would be required to set the parish precept for the first year of the parish's existence, as at this point no town councillors would have been elected. **Whilst it is not possible to set an exact, prospective precept at this stage, it is anticipated that the precept could be similar to those in**

**Table 5 but would be dependent on the scope of services included within its remit. This could mean that residents in the review area would be paying a greater amount than they currently pay, potentially even double.**

- 6.24 The average precept of the fourteen parish councils within the Royal Borough is £51.96. The lowest is set at £31 and the highest at £99.74. (See Appendix 2 for further details)
- 6.25 The new town council would set its own precept in the subsequent years. It is important to note that parish councils are not currently subject to the capping rules that principal councils must adhere to; this means that potentially the precept could increase in later years.

### Powers and Assets

- 6.26 Parish councils are potentially able to take on a wide range of powers that relate to local matters including looking after community buildings, maintaining allotments, play areas and open spaces and street lighting, as a few examples. The Royal Borough's existing parishes deliver a range of services which have been established over time.
- 6.27 The creation of new town and parish councils adds an additional tier of local government but does not rescind the powers of the principal council and its relationship with electors who are served by a parish or town council. In the event that a new town council for Windsor is created, the significant majority of services that residents receive will continue to be delivered directly by the Royal Borough. The new town council and the Royal Borough should work collaboratively to deliver services to residents.
- 6.28 The chairman of a new town council for Windsor may wish to call themselves the mayor or mayoress of the town, a practice which is common for other town councils such as Eton Town Council. It should be noted however, that the mayor of a Windsor Town Council would not replace the Mayor of the Royal Borough of Windsor and Maidenhead for residents in Windsor. The Royal Borough's Mayor would retain the civic and ceremonial duties they currently hold.
- 6.29 The role of parish or town councillor is one of considerable responsibility and is a serious undertaking. Those elected to the office of parish or town councillor have a statutory duty to represent the best interests of the electorate they serve during their term of office. Those elected to the 21 (proposed) available seats for a new Windsor town council could have responsibility for a budget of circa £1 million for each financial year. Town

councillors will be bound by a code of conduct and will be accountable to the Borough's Monitoring Officer, providing a layer of independent scrutiny much in the same way as for Borough councillors.

- 6.30 As this community governance review concerns the creation of a brand-new town council where no parish governance currently exists, it is proposed that a limited number of powers are transferred for the council's first year of operation. Over time, once individuals have been elected to sit on the council and the town council has established itself the town council could undertake additional duties if the principal council agrees to discharge these functions. The system of negotiating the ongoing relationship between principal and parish councils and the delivery of local services is a well-established process and is standard practice in the creation of new town and parish councils. There is no requirement on either council to accept any further changes.
- 6.31 When establishing a new town council, it should be noted that the precept is based on the potential transfer of functions currently provided for in the Special Area Expenses account and any costs associated with staffing, accommodation and other overheads. If it were agreed that a town council was to be established, significant further work by the borough would be required to determine which services would be appropriate for transfer in the first year and these would not necessarily be those currently covered by the SAE. It should be noted that the majority of key services and those which are statutory functions would remain the responsibility of the principal council.
- 6.32 The delivery of waste services, highways, parking and street-cleansing, all within scope to be potentially delivered by a town council, are interlinked with other services delivered by the Royal Borough that collectively form the organisation's wider strategic vision such as the climate change and sustainability strategy. It would not be desirable for the Royal Borough to hand over the delivery of those services when they form an essential part of the corporate agenda.
- 6.33 The three paragraphs below provide further detail on the services currently delivered by the Borough under the SAE.
- 6.34 Regulation 9 of The Local Government (Parishes and Parish Councils)(England) Regulations 2008 provides that land held or vested in a principal council for purposes of the Allotments Acts 1908 to 1950 in an area constituted as a parish by a reorganisation order shall on the date of the order, transfer to and be vested in the parish council. There are eight allotments located in the vicinity of the review area. A voluntary group, Windsor Allotment and Home Gardens Associations currently operates allotments in the Windsor area on behalf of the Royal Borough. It may be appropriate to make amendments to the existing leases in place between the Royal Borough and the freeholder, should management and strategic

oversight of allotments be transferred to the town council. It should be borne in mind that the costs of maintaining allotments would need to be met through money raised by the precept.

- 6.35 There are thirty-two parks in the review area, ranging in size, which collectively cost £582,519 for the Royal Borough to maintain through contract with the service provider Tivoli. In other areas of the Borough, parish councils might have responsibility for managing small parks and play areas. Should the new town council wish to assume responsibility for managing any of the parks in the review area, each asset would need to be considered on an individual basis. The maintenance costs for parks and open spaces would be met through money raised by the precept.
- 6.36 The number of streetlights in the Windsor and Eton area is 4,775. The cost of maintaining these assets which includes electrical testing and emergency call outs where needed is approximately £51,000. There is no precedent for existing parish councils in the Borough to take on the management of streetlighting. Further, it is important to note that the delivery of streetlighting is a service area integral to the wider climate change and sustainability strategy and it may therefore not be desirable for the Royal Borough to discharge responsibility of this function from the perspective of the Highway Authority.
- 6.37 In the event that a new town council came into being, the new body would be required to appoint a Proper Officer and a Responsible Financial Officer. In practice, the parish clerk often assumes both of these statutory positions but there is no legal requirement to do so. As a bare minimum, a salary for the parish clerk would need to be reflected in the calculation of the precept. A number of other officer posts may be considered as desirable to support the clerk, especially given the size of the town council area. The funding of all possible salaries and associated costs of the town council functioning as an employer (e.g. HR and IT costs) would need to be reflected in the calculation of the precept.
- 6.38 The costs of office accommodation also need to be factored into the calculation of a precept. Office space in Windsor currently costs between £30 and £38 per square foot and is dependent on the quality of the accommodation. As a minimum, the town council will require office space so that the clerk can carry out their duties but it should also be acknowledged that larger premises will be required for conducting council meetings.

## **7 Summary of Draft Recommendations**

- 7.1 In summary, the council is minded to support the formation of a new town council for Windsor on the basis that the electorate and any other stakeholders remain 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, established as below:

Table 6: A Windsor Town council

Electoral arrangements	<ul style="list-style-type: none"> <li>• 1 town council comprising the twelve polling districts as defined in the terms of reference’s review area.</li> <li>• 21 elected representatives</li> <li>• 10 wards of the parish</li> <li>• First elections to the town council to be held on 4 May 2023</li> </ul>
Powers	<p>The town council would be responsible for the delivery of the following services:</p> <ul style="list-style-type: none"> <li>• Allotments</li> <li>• Others to be determined</li> </ul>
Finance	<p>The following aspects would need to be funded through the precept:</p> <ul style="list-style-type: none"> <li>• Maintenance of allotments</li> <li>• Appointment of staff and employer oncosts</li> <li>• Office and meeting room accommodation costs</li> </ul> <p>The precept would be at least the current level that properties pay towards the special area account (£34.31) but could be more in the first year. The amount in following years could be increased and would be determined by the town council.</p>

## 8 Next Steps

8.1 The council would like to hear the views of residents and any other interested parties on its draft recommendations.

8.2 A period of public consultation will open from 2 March until 2 June 2021. Residents may submit their views to the council in a number of ways:

- Write to us at Electoral Services, Royal Borough of Windsor and Maidenhead, Town Hall, St Ives Road, Maidenhead, SL6 1RF.
- Email us at [Electoral.Registration@rbwm.gov.uk](mailto:Electoral.Registration@rbwm.gov.uk)
- Complete the [questionnaire](#)
- Drop-off hard copy responses to Windsor library for onward delivery to the Town Hall.

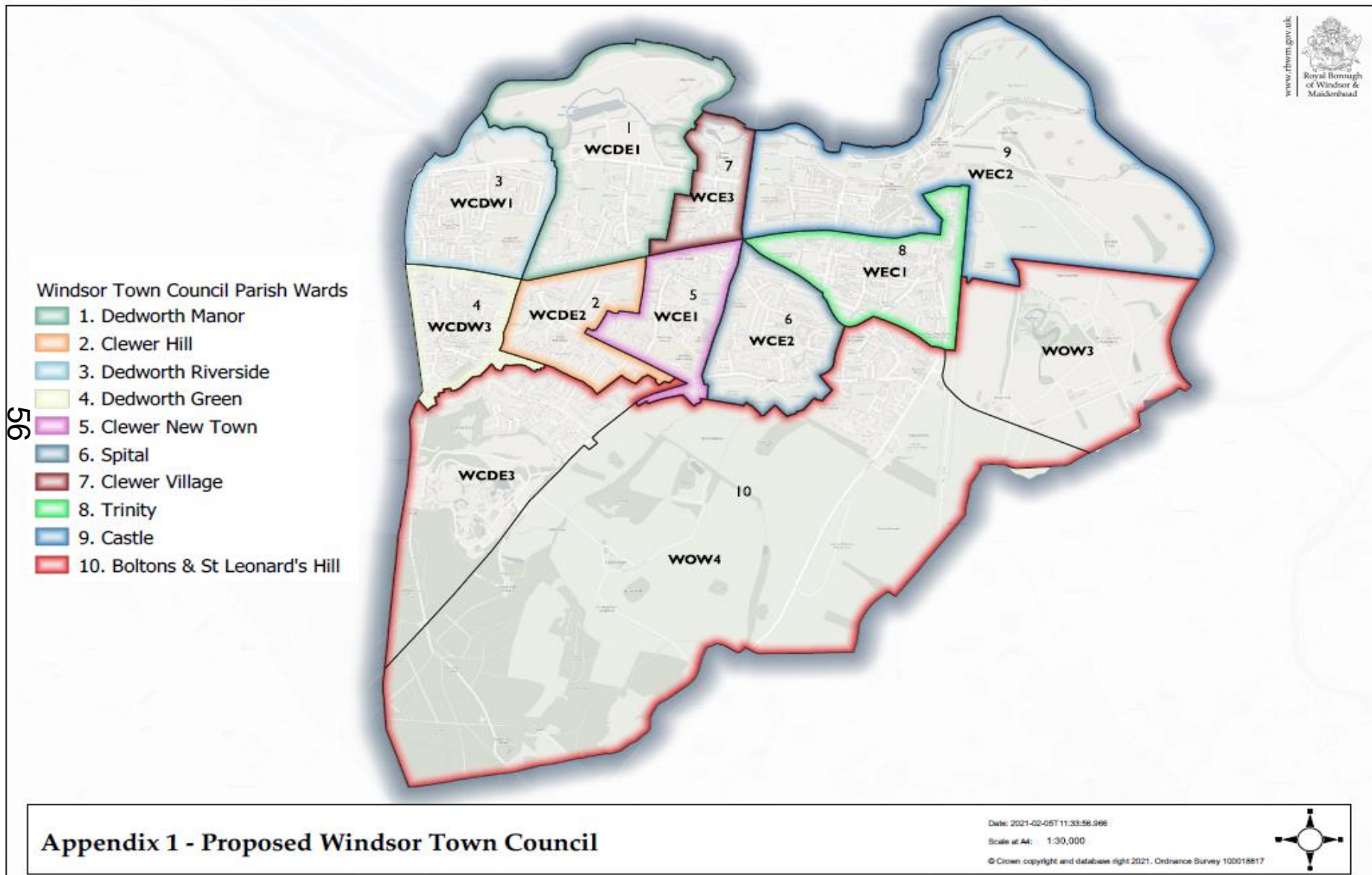
8.3 As for the first consultation, the council will be consulting directly with a number of community groups. In addition to the individuals and groups who form the consultee database used for the first consultation, the council will be

consulting directly with everyone who submitted comments and representations during the first round of consultation in autumn 2020.

- 8.4 Every residential property in the review area will receive an information leaflet about the review. The leaflet will provide background to the review process, summarise the draft recommendations of the council and explain how residents can get involved and participate in the consultation. A copy of the leaflet is provided in Appendix 3.
- 8.5 An advert will be placed in a local newspaper at the start of the consultation period to raise awareness about the review and to encourage local people and any other interested parties to engage in the process.

DRAFT

# Appendix 1 – Proposed Windsor Town Council





## Appendix 2 – Parish Council Precepts

Parish	2019/20	2020/21	2020/21 Band D
	Precept (£)	Precept (£)	Charge (£)
Shottesbrooke	Nil	Nil	Nil
Sunninghill & Ascot	171,507	201,690	31.00
Waltham St Lawrence	24,500	24,500	36.07
Hurley	35,124	38,351	38.11
Bray	156,796	171,460	38.97
Wraysbury	81,700	84,800	39.65
Cookham	91,975	123,973	41.86
Bisham	25,702	31,139	42.07
Cox Green	146,909	150,341	49.33
Eton	78,168	94,647	52.02
Sunningdale	184,214	192,379	55.51
Datchet	142,818	142,818	63.70
Old Windsor	153,500	160,500	66.78
Horton	25,430	33,556	72.67
White Waltham	128,605	126,687	99.74



## Have your say

We would like to hear your views on our draft recommendations.

Full details about the draft recommendations can be viewed on our webpages: <https://www.rbwm.gov.uk/home/council-and-democracy/elections-and-voting/community-governance-reviews>.

We would like to hear your views in respect of the following questions:

- Do you believe the creation of a Windsor Town Council as set out in our draft recommendations delivers effective and convenient local government for the residents of Windsor? Please explain why.
- Do you support the creation of a Windsor Town Council under the electoral arrangements set out in our draft recommendations? If not, what alternative electoral arrangements would you suggest?
- Do you support the creation of a Windsor Town Council as an additional layer of local government or do you believe the existing governance arrangements and representation for residents is sufficient. Please provide reasons to substantiate your view?

We would also welcome any other comments on the content of our draft recommendations.

## How to respond

You can submit your views to the council in a number of ways. We will be accepting responses until **Wednesday 2 June 2021**.

- Write to us at Electoral Services, Royal Borough of Windsor & Maidenhead, Town Hall, St Ives Road, Maidenhead, SL6 1RF.
- Email us at [Electoral.Registration@rbwm.gov.uk](mailto:Electoral.Registration@rbwm.gov.uk)
- Complete the online questionnaire at <https://www.rbwm.gov.uk/home/council-and-democracy/elections-and-voting/community-governance-reviews>.
- Drop-off hard copy responses to Windsor Library.

Consultation deadline is  
**Wednesday 2 June 2021**



# Have your say

[www.rbwm.gov.uk](http://www.rbwm.gov.uk)



## Public Consultation into the creation of a Windsor Town Council

We are running a community governance review to look at the issue of whether a new town council should be created to serve the people of Windsor. As a resident of Windsor, we would like to hear your views on the draft proposals before we make any final decision about whether or not a new town council for Windsor should be created.

### What is a community governance review?

Community governance reviews consider whether existing parish arrangements under the jurisdiction of the local authority should be changed in any way. They might address the following:

- Altering the boundaries of existing parishes
- Changing the names of existing parishes
- Creating or abolishing parish councils
- The electoral arrangements for parish councils (such as the number of councillors and parish warding).

### Why is a community governance review taking place?

The council has been asked to consider creating a new town council for Windsor because of interest from members of the local community. An e-petition calling for the local authority to undertake a community governance review was started in September 2019 and was led by a group of residents.

The e-petition was not formally submitted but the council committed to undertake a community governance review. The review formally started in July 2020, following publication of the Terms of Reference.

### What is the aim of the community governance review?

The aim of the community governance review is to decide whether a new town council, to be called Windsor Town Council, should be created.

## How is the review being run?

The community governance review takes place over the course of a year and is divided into distinct stages of activity. The decision on whether a new town council should be created rests with the Royal Borough. We have a duty to consult with residents and any other parties who might be interested in the review and to take their views into account when making the decision.



## What is the difference between a town and parish council?

A town council has the same powers as a parish council – the title of town council tends to be used in urban areas. We already have one town council in the borough which is Eton Town Council. Elections to town and parish councils are held every four years.

## What are the benefits of having a town council?

Town councils are an essential part of the structure of local democracy and have a vital role in acting on behalf of the communities they represent. They:

- Give views on behalf of the community, on planning applications and other proposals that affect the parish.
- Undertake projects and schemes that benefit residents.
- Work in partnership with other bodies to achieve benefits for the parish.
- Alert relevant authorities to problems that arise or work that needs to be undertaken.
- Help the other tiers of local government keep in touch with their local communities.

## How would local government work in Windsor if it had a town council?

Until now, Windsor residents have not had a town or parish council(s) because they are represented by the Royal Borough of Windsor & Maidenhead and a Windsor Town Forum meeting takes place. However, some residents in Windsor have expressed a wish to have their own separate town council to operate at parish level.

A new town council would provide an additional tier of local government for the residents of Windsor; it would not replace the Royal Borough of Windsor & Maidenhead as a local authority. Most services would continue to be delivered by the Royal Borough.

At this stage it is not possible to specify exactly what local services the town council would manage or what level of council tax precept residents would be charged.

## How would a town council for Windsor be funded?

Town councils rely on income from a number of limited sources to finance their affairs. The precept is the main source of income for town councils. Residents who are represented by a town council pay a percentage of their council tax bill to the parish for the delivery of services. Residents are not able to opt out of paying the precept.

The precept for a new town council would reflect the delivery of services and the running costs of the town council - overheads which are currently covered by the Royal Borough. These costs are likely to include office accommodation costs (rates, rents, overheads etc.) and administration (employment of a town clerk and other staff, HR and IT requirements etc.). The precept for the town council would be set by the Royal Borough for its first year but in subsequent years it would be set by the town council.

## What powers and duties would a town council undertake?

Town councils are potentially able to take on a wide range of powers that relate to local matters, including looking after community buildings, maintaining allotments, play areas and open spaces, and street lighting, as a few examples. The Royal Borough's existing parishes deliver a range of services which have been established over time. As this review concerns the creation of a brand-new town council where no parish governance currently exists, it is proposed that a limited number of powers are transferred for the council's first year of operation.

Over time, once individuals have been elected and the town council has established itself, it could take on additional duties if the Royal Borough agrees to discharge these functions.

## What are our draft recommendations?

The table below shows our draft recommendations regarding the electoral and financial arrangements, and the transfer of powers and assets, of the new town council.

Draft recommendations for new Windsor town council	
<b>Electoral arrangements</b>	<ul style="list-style-type: none"><li>• One town council comprising the twelve polling districts as defined in the term of reference's review area.</li><li>• 21 elected representatives</li><li>• 10 wards of the parish</li><li>• First elections to the town council to be held on 4 May 2023</li></ul>
<b>Powers</b>	The town council would be responsible for the delivery of the following services: <ul style="list-style-type: none"><li>• Allotments</li><li>• Others to be determined</li></ul>
<b>Finance</b>	The following aspects would need to be funded through the precept: <ul style="list-style-type: none"><li>• Maintenance of allotments</li><li>• Appointment of staff and employer oncosts</li><li>• Office and meeting room accommodation costs</li></ul> The precept would be at least the current level that properties pay towards the special area account (£34.31) but could be more in the first year. The amount in following years could be increased and would be determined by the town council.

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Report Title:	<b>2021/22 Programme of Meetings</b>
Contains Confidential or Exempt Information	No - Part I
Lead Member:	Councillor Johnson, Leader of the Council
Meeting and Date:	Extraordinary Full Council 2 March 2021
Responsible Officer(s):	Emma Duncan, Deputy Director of Law and Strategy & Monitoring Officer/ Karen Shepherd, Head of Governance
Wards affected:	All

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## REPORT SUMMARY

*This report sets out the programme of meetings for the Council, Cabinet and the various panels, forums and other bodies for the 2021/22 Municipal Year, for Council approval.*

### 1. DETAILS OF RECOMMENDATION(S)

**RECOMMENDATION:** That full Council notes the report and:

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

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

#### Options

**Table 1: Options arising from this report**

Option	Comments
Approve the programme of meetings for 2021/22  <b>This is the recommended option</b>	It is considered that the proposed schedule best reflects the operation of the council from May 2021 onwards.
A number of variances to the 2021/22 meeting dates could be developed if Council wishes.	Although a number of variances to the meeting dates could be developed, it is considered that the proposed schedule best reflects the operation of the council as detailed in the constitution.

- 2.1 The proposed council programme of meetings for 2021/22 (attached as Appendix A) has been developed to align with the committee, panel and forum structure set out in the council constitution

- 2.2 A number of panels, sub committees and forums meet on an ad hoc basis. Dates for such meetings will be publicised as and when arranged, in consultation with the relevant Chairman
- 2.3 Meeting dates for a number of forums considered as outside or associated bodies but administered by Democratic Services and supported by council officers from the relevant service area have been included in the schedule to ensure alignment with the corporate calendar. They are therefore included in Appendix A, but under a separate section.
- 2.4 The programme includes dates for the Royal Borough Development Management Panel, the only Development Management Panel currently in the council's meeting structure. A Working Group is currently reviewing the structure in relation to Development Management Panels. The programme has been designed to ensure regular meeting slots would be available if, as a result of the review currently underway, a second Development Panel is established
- 2.5 The terms of reference for the four Overview and Scrutiny Panels state 'Each Overview and Scrutiny Panel shall ordinarily meet four times a year and the first meeting being held within 30 days of Annual Council meeting'. The programme therefore includes four scheduled meetings for each Overview and Scrutiny Panel. Each Overview and Scrutiny Panel can agree to call additional meetings to enable it to undertake its Work Programme. A further two meetings have been proposed for the Corporate Overview and Scrutiny Panel, to enable it to undertake budget monitoring on a regular basis.

### 3. KEY IMPLICATIONS

#### 3.1

**Table 2: Key Implications**

Outcome	Unmet	Met	Exceeded	Significantly Exceeded	Date of delivery
Full programme of council meetings approved for the start of the 2021/22 municipal year.	Programme of meetings not approved	Programme of meetings approved	n/a	n/a	Meetings to take place from 25 May 2021 onwards

### 4. FINANCIAL DETAILS / VALUE FOR MONEY

- 4.1 The costs of holding the meetings detailed in Appendix A are contained within revenue budgets

### 5. LEGAL IMPLICATIONS

- 5.1 There are a number of Acts of Parliament, Regulations, Statutory Instruments and guidance which govern meetings of the Council; the principal ones being

the Local Government Act 1972, the Local Government Act 2000 and the Localism Act 2011.

## 6. RISK MANAGEMENT

6.1

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

<b>Risk</b>	<b>Level of uncontrolled risk</b>	<b>Controls</b>	<b>Level of controlled risk</b>
Council business not transacted in a timely manner	Medium	Agreed programme of meetings in place	Low

## 7. POTENTIAL IMPACTS

7.1 Equalities. An EQIA screening has been undertaken; a full EQIA is not considered to be required.

7.2 Climate change/sustainability. None identified.

7.3 Data Protection/GDPR. None identified.

## 8. CONSULTATION

8.1 Directors and Heads of Service have been consulted to ensure the programme aligns with the budget and policy framework. Partner organisations have been consulted where appropriate:

## 9. TIMETABLE FOR IMPLEMENTATION

9.1 The full implementation stages are set out in table 4.

**Table 4: Implementation timetable**

<b>Date</b>	<b>Details</b>
25 May 2021 onwards	Meetings to take place following Annual Council 25 May 2021

## 10. APPENDICES

10.1 This report is supported by one appendix:

- Appendix A – draft programme of meetings 2021/22

## 11. BACKGROUND DOCUMENTS

11.1 This report is supported by one background document:

- The [council constitution](#)

## 12. CONSULTATION (MANDATORY)

<b>Name of consultee</b>	<b>Post held</b>	<b>Date sent</b>	<b>Date returned</b>
Cllr Johnson	Leader of the Council	10/2/21	17/2/21
Cllr Rayner	Deputy Leader of the Council, Resident and Leisure Services, HR, IT, Legal, Performance Management and Windsor	10/2/21	11/2/21
Duncan Sharkey	Managing Director	2/2/21	9/2/21
Adele Taylor	Director of Resources/S151 Officer	21/1/21	29/1/21
Kevin McDaniel	Director of Children's Services	2/2/21	9/2/21
Hilary Hall	Director of Adults, Health and Commissioning	2/2/21	2/2/21
Andrew Vallance	Head of Finance	21/1/21	29/1/21
Elaine Browne	Head of Law	2/2/21	9/2/21
Nikki Craig	Head of HR, Corporate Projects and IT	2/2/21	8/2/21

### REPORT HISTORY

<b>Decision type:</b>	<b>Urgency item?</b>	<b>To follow item?</b>
Council decision	No	No

Report Author: Karen Shepherd, Head of Governance, 01628 796529
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ROYAL BOROUGH OF WINDSOR AND MAIDENHEAD PROGRAMME OF MEETINGS 2021/2022													
MEETING	May	June	July	August	September	October	November	December	January	February	March	April	May
Council (6.15pm)	25 (Annual)		20		28		23		25	22 (Budget)		26	24 (Annual)
Cabinet (6.15pm)	27	24	22	26	30	28	25	16	27	10 (Budget) & 24	30	28	26
Corporate Overview and Scrutiny Panel (6.15pm)*		23	26			4	29		26 (Budget)			4	
Adults, Children and Health Overview & Scrutiny Panel (6.15pm)*		9			22				20 (Budget)			27	
Infrastructure Overview & Scrutiny Panel (6.15pm)*		8			21				18 (Budget)			13	
Communities Overview & Scrutiny Panel (6.15pm)*		15				7			17 (Budget)			12	
Audit and Governance Committee (6.15pm)			29		23	21				17			19
Royal Borough Development Management Panel (6.15pm)		16	21	18	15	20	17	15	19	16	16	20	18
Licensing Panel (6.15pm)			6			12				1		19	
Windsor Pension Fund Committee (4.00pm)		14			20			6			7		
Grants Panel (10.00am)									12				
Windsor Town Forum (6.15pm)	26		13		2		16		13		8		17
Maidenhead Town Forum (6.15pm)			8		6		11		11		17		12
Corporate Parenting Forum (5.30pm)		30			7	19		8		9		5	
School Improvement Forum (5.00pm)		7				14				7			
* Overview and Scrutiny Panels set their own work programme and confirm the schedule of meetings at their first meeting of the municipal year, held within 30 days of Annual Council. Meeting dates other than June 2021 may therefore be amended or added to. Additional Corporate O&S Panel dates have been scheduled to align with the council's budget monitoring process.													
N.B. Council meetings programmed on an ad hoc basis: Aviation Forum, Constitution Sub Committee, Health & Wellbeing Board, Appeals Panel, Licensing and PSPO Sub Committee, Employment Appeals Sub Committee, Member Standards Panel and Sub Committee, Appointment Committee, Rights of Way and Highway Licensing Panel, Independent Remuneration Panel, Statutory Officer Panel													
OUTSIDE/ASSOCIATED BODY ADMINISTERED BY RBWM													
One Borough (11.00am) - 2022 dates tbc		22			14			7					
Rural Forum (5.30pm)							24				23		
Flood Liaison Group (6.15pm)			27			13			31			21	
Standing Advisory Council on Religious Education (6.15pm)		17			13			9			24		
Local Access Forum (6.15pm)			5					2					
Schools Forum (2.00pm)			15		16		18	16	20			28	
Disability and Inclusion Forum (11.00am)		21			13			13			14		

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Report Title:	Constitutional Amendments – Designation of Polling Places
Contains Confidential or Exempt Information	No - Part I
Lead Member:	Councillor Johnson, Leader of the Council
Meeting and Date:	Extraordinary Full Council - 2 March 2021
Responsible Officer(s):	Emma Duncan, Deputy Director of Law and Strategy & Monitoring Officer / David Scott, Returning Officer
Wards affected:	All

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## REPORT SUMMARY

*Changes to delegations to officers require amendments to the council constitution; the power to make such changes resides with full Council.*

*Members are therefore asked to delegate authority to enable the Returning Officer to re-designate new Polling Places where such becomes unavailable or unsuitable before an election.*

### 1. DETAILS OF RECOMMENDATION(S)

**RECOMMENDATION:** That full Council notes the report and:

- i) Approves amendments to the constitution detailed in Appendix A.**
- 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 Appendix A  <b>This is the recommended option</b>	The delegation will allow the council to fulfil its statutory duty to run the elections scheduled for 6 May 2021. The updated constitution will promote best practice and confidence in decision making.
Modify the changes proposed in Appendix A and approve modified changes.	Members may wish to propose and consider amendments to the recommended changes, however any amendments would need to ensure that the council's ability to

Option	Comments
	fulfil its statutory duty to run the elections scheduled for 6 May 2021 was not affected.
Do not approve the changes detailed in Appendix A	The council will not be able to fulfil its statutory duty to run the elections scheduled for 6 May 2021.

- 2.1 The Local Government and Police and Crime Commissioner (Coronavirus) (Postponement of Elections and Referendums) (England and Wales) Regulations were made on 7 April 2020. The effect of these regulations delayed the Police and Crime Commissioner elections due to take place on 7 May 2020 to 6 May 2021.
- 2.2 In addition to delaying the delivery of the scheduled Police and Crime Commissioner elections, the Regulations also postponed any other polls (by-elections for Borough and Parish casual vacancies and local referendums, including neighbourhood plans) due to take place between 15 March 2020 and 5 May 2021 to 6 May 2021.
- 2.3 Unless further legislation is introduced to delay elections to a later date, the Royal Borough will be required to hold the following elections on 6 May 2021:
- Police and Crime Commissioner
  - Windsor Neighbourhood Plan referendum
  - Parish by-elections; Eton Town Council and Cookham Parish Council. Additional parish by-elections may be called before May and the number may increase
- 2.4 The power to designate polling districts and polling places lies with the Council. Polling Stations are designated by the Returning Officer. The Royal Borough's Polling Places are designated as specific buildings, which is the practice recommended by the Electoral Commission, although the legislation does allow Polling Places to be designated loosely as the Polling District. The Royal Borough's Polling Stations, designated by the Returning Officer, are the same as the designated Polling Place.
- 2.5 The Returning Officer and his team have been reviewing and amending plans for the management of the elections in light of the ongoing COVID-19 pandemic. One of the actions has been to write to all designated Polling Places to ask them to confirm the venue is available to host a COVID-safe polling station on 6 May 2021. At the time of writing, four privately-owned polling venues and two schools have indicated that due to the ongoing pandemic, they do not believe that their venues can be used as a Polling Station on 6 May 2021.
- 2.6 The Department of Education has advised against the use of schools where possible, where it requires the school to be shut to pupils to avoid further disruption to education. Whilst the Returning Officer reserves the right to commandeer the use of schools as polling stations every Polling Place that is a school is being reviewed to minimise disruption.

- 2.7 Whilst the Returning Officer is working with all venues to negotiate a safe voting environment for May, there may also be a need to identify a number of alternative Polling Places for venues that are privately owned:
- Mill House Family Centre, Riverside Ward (MRS2). The property is due to be sold before May 2021.
  - Ascot District Day Centre (WAS3) Ascot and Sunninghill Ward
  - Kipling Court (WCE2) Clewer East Ward
  - Windsor Gospel Hall (WCDW3) Clewer and Dedworth West Ward
- 2.8 Regulation 10 of the Police and Crime Commissioner Elections Order 2012 states that the same polling districts and polling places must be used as those designated for the purposes of UK Parliamentary elections.
- 2.9 Officers are working to identify alternative Polling Places where required but the timescales involved mean it will not be possible to seek full Council approval for each alternative Polling Place before the relevant deadlines in advance of 6 May 2021. It is therefore proposed to amend the scheme of delegation in the constitution to delegate authority to the Returning Officer to make changes to the scheme outside of the Polling District Review process. It is considered a sensible plan for business continuity purposes to have such a delegation in place to enable the Returning Officer to deal with urgent changes that may arise in any elections, and as such it is proposed this delegation will remain beyond May 2021 to provide a suitable contingency in the event of urgent needs for future elections.
- 2.10 Although the delegation would remain available for use in future elections, any changes to Polling Places for the May 2021 elections would be temporary. All Polling Places currently in the designated polling scheme (as agreed at full Council in January 2019) would remain and be used for all future elections after 6 May 2021.

### 3. KEY IMPLICATIONS

#### 3.1

**Table 2: Key Implications**

<b>Outcome</b>	<b>Unmet</b>	<b>Met</b>	<b>Exceeded</b>	<b>Significantly Exceeded</b>	<b>Date of delivery</b>
Updated Constitution	Amendments not approved	Amendments approved and updated constitution published	n/a	n/a	March 2021
Polling Places established for May 2021 elections	Alternative Polling Places not identified where needed	Alternative Polling Places identified where needed	n/a	n/a	March 2021 (in advance of elections)

Outcome	Unmet	Met	Exceeded	Significantly Exceeded	Date of delivery
					6 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, Local Democracy, Economic Regeneration and Construction Act 2009, Localism Act 2011 and any other relevant statutory acts or guidance.

5.2 The Police and Crime Commissioner Elections Order 2012 sets out the requirements for determining Polling Places.

5.3 A Returning Officer has the right by law (Para 22, Part 3, Schedule 1 of the Representation of the People Act 1983) to use a room within a school (which is maintained or assisted by the Local Authority) as a polling station. Therefore, where there is no alternative venue, it would be for the headteacher then to determine whether or not the school can remain open for pupils.

#### 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
Failure to identify suitable Polling Places affects the running of the May 2021 elections	High	Delegated authority to the Returning Officer to determine alternative Polling Places	Low

#### 7. POTENTIAL IMPACTS

7.1 Equalities. Equalities: An EQIA screening form has been completed and published to the [council website](#).

7.2 Climate change/sustainability. None identified.

7.3 Data Protection/GDPR. None identified.

## 8. CONSULTATION

8.1 Guidance issued by the electoral commission sets out factors to be considered when reviewing Polling Places. Section 8 gives specific guidance on changes to polling places due to unavailability.

8.2 When exercising the delegation, the Returning Officer would take into consideration the views of relevant Ward Councillors on the suitability of alternative polling stations.

## 9. TIMETABLE FOR IMPLEMENTATION

9.1 The full implementation stages are set out in table 4.

**Table 4: Implementation timetable**

Date	Details
2 March 2021	Full Council consider proposed amendments
March 2021	Updated constitution published to the council website
March 2021 onwards	Returning Officer to determine polling places for elections to be held on 6 May 2021

## 10. APPENDICES

10.1 This report is supported by one appendix:

- Appendix A – Part 2B (The Full Council) of the council constitution – proposed changes

## 11. BACKGROUND DOCUMENTS

11.1 This report is supported by two background documents:

- Electoral Commission Guidance on [Polling Place Reviews](#)
- The [current council constitution](#)

## 12. CONSULTATION (MANDATORY)

Name of consultee	Post held	Date sent	Date returned
Cllr Johnson	Leader of the Council	12/2/21	17/2/21
Cllr Rayner	Lead Member for Resident and Leisure Services, HR, IT, Legal, Performance Management and Windsor	12/2/21	12/2/21

Duncan Sharkey	Managing Director	25/1/21	26/1/21
Adele Taylor	Director of Resources/S151 Officer	25/1/21	25/1/21
Hilary Hall	Director of Adults, Health and Commissioning	25/1/21	26/1/21
Elaine Browne	Head of Law	25/1/21	9/2/21 & 12/2/21
Sean O'Connor	Shared Legal Services	18/1/21	25/1/21
Kevin McDaniel	Director of Children's Services	25/1/21	26/1/21
Nikki Craig	Head of HR, IT and Corporate Projects	25/1/21	27/1/21

## REPORT HISTORY

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

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**Appendix A**

Part 2B – The Full Council

**B. Responsibility for Council Functions**

These are functions which must not be the responsibility of an authority’s Cabinet from Schedule 1 to *The Local Authorities (Functions and Responsibilities) (England) Regulations 2000*, as amended.

The full Council can discharge these functions itself or may delegate one or more functions to a committee or sub-committee of councillors, an officer of the Council or another authority. The full Council may always exercise powers it has delegated to the other bodies or persons set out above. It may also discharge its functions jointly with one or more other Councils.

Delegations to Officers are listed in the Articles, under the Scheme of Delegation to Officers under Part 5 and the terms of reference to committees contained in Part 6.

.....

Function	Decision making body
Functions relating to <b>elections</b> as listed in Section D of Schedule 1 to the Regulations and as may be amended by law from time to time	Council. In addition there are delegations to Officers within this Constitution and the Council’s Scheme of Delegation <u>including permitting the Returning Officer to re-designate new Polling Places where such becomes unavailable or unsuitable before an election.</u>

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