

NOTICE OF MEETING

CABINET

will meet on

THURSDAY, 22ND JULY, 2021

At 7.00 pm

by

GREY ROOM - YORK HOUSE, AND ON [RBWM YOUTUBE](#)

TO: MEMBERS OF CABINET

Councillor Johnson, Leader of the Council and Chairman of Cabinet, Business, Economic Development and Property

Councillor Rayner, Deputy Leader of the Council, Corporate & Resident Services, Culture & Heritage, and Windsor

Councillor Carroll, Deputy Chairman of Cabinet, Adult Social Care, Children's Services, Health and Mental Health

Councillor Cannon, Public Protection and Parking

Councillor Clark, Transport, Infrastructure, and Digital Connectivity

Councillor Coppinger, Planning, Environmental Services and Maidenhead

Councillor Hilton, Finance and Ascot

Councillor McWilliams, Housing, Sport & Leisure, and Community Engagement

Councillor Stimson, Climate Change, Sustainability, Parks and Countryside

Karen Shepherd – Head of Governance - Issued: Wednesday, 14 July 2021

Members of the Press and Public are welcome to attend Part I of this meeting. The agenda is available on the Council's web site at www.rbwm.gov.uk or contact the Panel Administrator **David Cook** 01628 796560

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

AGENDA

PART I

<u>ITEM</u>	<u>SUBJECT</u>	<u>PAGE NO</u>
1.	<u>APOLOGIES FOR ABSENCE</u> To receive any apologies for absence	-
2.	<u>DECLARATIONS OF INTEREST</u> To receive any declarations of interest	7 - 8
3.	<u>MINUTES</u> To consider the Part I minutes of the meeting held on 24 th June 2021.	9 - 20
4.	<u>APPOINTMENTS</u>	-
5.	<u>FORWARD PLAN</u> To consider the Forward Plan for the period August 2021 to November 2021.	21 - 28
6.	<u>CABINET MEMBERS' REPORTS</u> Leader of the Council and Chairman of Cabinet, Business, Economic Development, and Property	-
	i. Draft Corporate Plan framework for Public Consultation Finance and Ascot	29 - 40
	ii. 2021/22 Finance Update - Revenue and Capital Leader of the Council and Chairman of Cabinet, Business, Economic Development, and Property	41 - 80
	iii. Nicholsons Quarter Appropriation Finance and Ascot	81 - 112
	iv. Medium Term Financial Plan 2022/23 - 2026/27 Leader of the Council and Chairman of Cabinet, Business, Economic Development, and Property	113 - 128
	v. Review of Council Governance of PropCo	To Follow

7. LOCAL GOVERNMENT ACT 1972 - EXCLUSION OF THE PUBLIC

To consider passing the following resolution:-

"That under Section 100(A)(4) of the Local Government Act 1972, the public be excluded from the remainder of the meeting whilst discussion takes place on items 8-9 on the grounds that they involve the likely disclosure of exempt information as defined in Paragraphs 1-7 of part I of Schedule 12A of the Act"

PART II

<u>ITEM</u>	<u>SUBJECT</u>	<u>PAGE NO</u>
8.	<u>MINUTES</u> To consider the Part II minutes of the meeting held on 24th June 2021. <i>(Not for publication by virtue of Paragraph 1, 2, 3, 4, 5, 6, 7 of Part 1 of Schedule 12A of the Local Government Act 1972)</i>	129 - 130
9.	<u>CABINET MEMBERS' REPORTS</u> Deputy Leader of the Council, Corporate & Resident Services, Culture & Heritage, and Windsor i. Re-Tender Of The Council's Building Cleaning Contract <i>(Not for publication by virtue of Paragraph 3 of Part 1 of Schedule 12A of the Local Government Act 1972)</i> Details of representations received on reports listed above for discussion in the Private Meeting: None received	131 - 136

This page is intentionally left blank

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.***

This page is intentionally left blank

Agenda Item 3

CABINET

THURSDAY, 24 JUNE 2021

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

Also in attendance: Councillor Christine Bateson, Councillor Simon Werner, Councillor Gurch Singh, Councillor Catherine del Campo, Councillor Ewan Larcombe, Councillor John Baldwin, Councillor Mandy Brar, Councillor Amy Tisi and Councillor Gurpreet Bhangra. Barbara Richardson (RBWM Property Company)

Officers: Duncan Sharkey, Hilary Hall, Emma Duncan, Adele Taylor, Louisa Dean, David White, Andrew Durrant, Andrew Vallance, Angela Huisman, Louise Freeth and David Cook.

APOLOGIES FOR ABSENCE

Apologies for absence were received from Councillor Carroll.

DECLARATIONS OF INTEREST

None received.

MINUTES

RESOLVED UNANIMOUSLY: That the minutes of the meeting held on 27 May 2021 were approved.

APPOINTMENTS

None

FORWARD PLAN

Cabinet considered the contents of the Forward Plan for the next four months and noted the changes made since last published, including:

- Boulders Lock report not currently required.
- Review of Council Governance of Prop Co added to July Cabinet.
- Community Facilities Review moved to August Cabinet.

CABINET MEMBERS' REPORTS

A) LIBRARY TRANSFORMATION: CONSULTATION AND RECOMMENDATIONS

Cabinet considered the report regarding the approval to implement the recommended changes to the Library Service delivery model and to adopt the revised Library Transformation Strategy.

The Deputy Leader of the Council, Corporate & Resident Services, Culture & Heritage, and Windsor informed Cabinet that That she was proud to bring before Cabinet a paper that will significantly improve our library service. In January she presented a paper that showed

potential saving for the budget build that would go out to consultation. This paper shows the proposals following that consultation. It was originally thought that to achieve the required saving we would have to close 4 libraries, she was pleased to say that this report did not propose any closure of our libraries but provided instead for a more resilient modern service meeting residents needs.

The consultation lasted for 12 weeks with over a thousand responses and 38 engagement sessions were held with hundreds of residents attending virtually. This was also the first consultation done in British sign language. The results had been very positive and there had been commitments for £6,500 towards their libraries. The proposed savings had also been achieved, for example by stopping the container library being moved between sites saved £55k. We would also be looking at a pop up library in Sunningdale and if successful could be used elsewhere. The mobile library was to be retired and in its place 50 volunteers would deliver and collect books to those who find it difficult to get to their library. There would be new partnerships with Parish Council's and community organisations.

As well as the consultation an independent report was commissioned that showed how important the service was and in particular it highlighted Boyn Grove, Dedworth and Eaton Wick. There was also a lot of data on how residents used the service and comparative data that showed we had a higher than average use of the service. It also demonstrated, as per the CIPFA report, that it was a financially efficient service.

The service will also be improved and this was shown in the strategy at appendix 3. There had been a lot of successful transformation during the pandemic and this would be built upon such as mitigating isolated disadvantaged and digital exclusion. It was an exciting time for the service and the main assets were the incredible team.

The Cabinet Member for Finance and Ascot said that the report demonstrated what an excellent service was provided, the needs analysis was a fascinating read. The transformation strategy would maintain the excellent service whilst delivering the required savings without closing any libraries. He mentioned how the library in Sunninghill had been established in 1885 as a reading room and as the trust no longer had the resources to keep it open it found support from local parish councils and other local charities. The consultation had shown how parish councils had chosen to work with the local authority. They could use the precept to help cover the costs locally.

The Cabinet Member for Planning, Environmental Services and Maidenhead informed that Holyport residents had enjoyed using the mobile library but he was thankful that there was the proposal that would help elderly residents and those who found it difficult to leave their homes.

Mr Hill addressed Cabinet about a recently submitted petition to keep open Boyne Grove library. He thanked the 700 people who signed the petition, those who delivered flyers and all those who took part in the consultation. By bringing forward this paper it was evident that you had listened to public opinion and he thanked the excellent work undertaken by officers providing objective factual information. He also thanked Cllr Carroll and Cllr Bhangra as ward councillors who invited him to work with them on the collaborative steering group to save the library. They analysed the data and submitted a 20 page business and community case. He was pleased over a thousand residents had been listened to and an alternative approach was being presented. Proposals to save the library had been put forward such as an enhanced café provision and making better use of the space.

He was concerned that the opening hours was dropping to 13 a week especially as the analysis showed the area as being one of the most deprived in the borough. What efforts were being taken to assess the impact on the children who live locally, the Girls Forum had identified the importance of libraries as being a safe place for children to go after school. Some students may not have good wifi at home. He felt there was a case to retain the libraries hours. It is clear that the message to residents is use it or lose it and the library can not be

taken for granted, many residents would not be aware that the space could be hired out for as little as £12.50 per hour and he encouraged residents to use it.

It was clear that parished areas had an advantage as they had additional powers that could be used to help cover the costs of retaining a library. He also mentioned CIL or S106 could be used to retain services and he wondered why this was not happening. The service to replace the mobile library sounded promising as long as it did not wither with time. He thanked Cllr Rayner and officers for the report but asked that the use of development contributions to increase the opening hours be looked into.

The Cabinet Member presenting thanked Mr Hill for his comments and was pleased to listen to the results of the consultation. With regards to the opening hours she mentioned that unfortunately there was no funds to open it longer, however she agreed that residents should be encouraged to use the facilities. The libraries that were in school locations would be open after school hours. This was a great step forward with the first action was to find the 50 volunteers.

The Chairman also thanked Mr Hill for the hard, collaborative work that had been undertaken to get a positive result. There will still be work to do in the future but we are now in a better place than a few months ago.

Cllr Tisi informed Cabinet that she welcomed the changes that were mitigated against the worst of the previous proposals. Residents and councillor's had worked very well together to get the message out there regarding the consultation. Dedworth library was proposing new ways to bring income in and had successfully found six new volunteers. It was clear that the local community new the value of the library service. She asked if Cabinet supported the aim that the library should have 'friends of libraries' to support their local need. She mentioned that the needs analysis was the route of Cabinets U turn on the proposed cuts. As the library was in one of the most deprived areas within the borough there was a case to keep it open longer. This made her question the validity of the original equalities impact assessment. Why was it not known that there would be these impacts before the original cuts were published and had a detrimental impact on communities.

The reporting Cabinet Member replied that there already existed a Friends of Our Libraries organisation and she would support local ones. She mentioned that there had been no U-turn as the consultation was about listening and formulating proposals for the future of the service. Proposals had to be put forward as part of the budget build and she never wanted to see libraries close.

Cllr Bond reiterated the thanks to officers who had put forward the proposals. He endorsed what had been said and was thankful that we has local support in the friends of our libraries and local residents were keen on establishing one for Boyn Grove.

Cllr Brar mentioned that the report mentioned that the parish council would be subsidising 7 hour of the libraries opening time but this had not been agreed by the parish council. She was informed that the report did say that some of the proposals were subject to parish council approval and the hours would be subsidised by the local authority until the decision had been made.

Cllr Del Campo echoed the points already made about the excellent library team and she was pleased that the administration had backed down from its proposals to close libraries. Many of the points made during the consultation had already been made by councillors in January so the process could have been improved if they had been listened to. The lose of the mobile library was a concern as there may be residents in the middle who would lose out. It was important to have an effective communications strategy so residents new what the offer was. In response she was informed that there had been no back down but a proper process had been followed.

Cllr Bhangra said he welcomed the report and reiterated the work done by himself, Cllr Carroll and the support of many local residents such as Mr Hill. He had been concerned about some using the process as a political football. They would continue to campaign in a positive way to try and increase the hours in Boyne Grove.

Cllr Singh mentioned that it was disappointing that the administration had taken 5 months to alleviate the concerns residents who wanted to keep libraries open. If there had been effective engagement with the opposition then residents' concerns would have been mitigated. He questioned if this was a member lead authority or one lead by officers. He was informed that as mentioned a balanced budget was required and by following due process, the administration were able to put forward proposals that did not require libraries to close and enhanced the service.

The Chairman informed that he was immensely proud to be leading a council with a library service as good as this. It has stepped up to the challenge of meeting the budget saving but also delivered a transformative change, a vision going forward and also being the most efficient library service in England. He paid tribute to the service and the constructive partners. He was also pleased to hear how well the consultation had been undertaken and received. There was no U turn, this was a listening Council and that is what we had done. This was an excellent opportunity to take forward the library service and to work in partnership with parish councils.

Resolved unanimously: that Cabinet:

- i) Notes the outcome of the Consultation and the Comprehensive Needs Analysis**
- ii) Approves the adoption of the Library Transformation Strategy, the recommended changes to the service and the associated savings.**

B) ASSET REVIEW AND DISPOSAL

Cabinet considered the report regarding the potential use of the Sports Able building.

The Leader of the Council and Chairman of Cabinet, Business, Economic Development and Property informed Cabinet that unfortunately, the Trustees announced the closure of the Sports Able Charity early in 2021. Under the terms of the lease dating back to 1983 the Trustees were able to surrender the lease of the clubhouse premises back to the Council with the Council having pay £100,000 towards the initial construction of the building. The building was vacated at the end of May 2021.

Several options for the future use of the building including disposing of the building to Maidenhead Heritage Centre in return for the acquisition of the current Heritage Centre on Park Street. This would maintain the building for community use and allow the heritage centre to expand its offer. They have a lot of exhibitions in storage that they currently can not show, such as one of the first fire engines. The current centre would fall into the York Road development site. Consideration had also been undertaken from a number of other community groups and if they are not successful we would try and work with them for other solutions, although no guarantees can be given.

The Cabinet Member for Planning, Environmental Services and Maidenhead gave a history of the fire engine and how it was one of the first horse drawn engines that had been displayed by Bray Parish Council but was now in storage. This provided an opportunity for Maidenhead to show its heritage.

Mr Hill addressed Cabinet and informed that Its good to see the building has a sustainable use and he was sure that the heritage centre would be pleased to move there. He did have

concern about the loss of community space as the report did mention groups that had come forward such as the Hindu Society and Sporting Mind but there was no mention of this in the equalities impact assessment for disability or religious impact. Although its an empty building he thought some consideration should be given to potential us and impact.

The Chairman said that if the paper was approved he hoped the negotiations with the heritage centre would be concluded and the building would remain as a community facility and would help educate children and be a visitor attraction. He had been approached by other community groups but he had to balance what was best for the site and its community value.

The Director of RBWM Property Company addressed the equality's impact assessment and informed that they had looked at the existing use of the building and if Sports Able leaving disadvantaged groups. As Sports Able had been successful within the borough there were plenty of facilities remaining for those with disabilities. With regards to incoming use there was nothing to suggest that the heritage centre would not provide for all user groups. The building would remain accessible and thus no adverse impact was identified.

Mr Sharma addressed Cabinet on behalf of the Hindu Society of Maidenhead. We have been working for the past 15 years with the growing community to meet our cultural, social and religious needs. Recently this group has been the borough's response to the recent pandemic. They had been instrumental in promoting and raising awareness amongst the community. Due to the lack of community space they struggled to maximise the potential of their members. The Sports Able site would be ideal for their use and as a hub and focal point for communities to help get over the impact of the pandemic. Once they had a site it would help in having a stronger strategic link with the council. Other the last few years other sites had been investigated and this included a failed planning application at cost. He asked for consideration be given to their needs and read out a legal statement with regards to the Human Rights Act and equalities.

The Chairman paid tribute to the work the society had done especially during the pandemic, however the report outlined the plan to work with the heritage centre, but if those plans did not work then they would come back and look at other options. Although he could not make any promises he would continue to work with them to try and find a solution.

Cllr Werner said he was pleased that the Sports Able building would remain in community use and that the heritage centre would be a new home, however he also agreed with Mr Sharma in that there were other groups that would benefit from a new home. He raised concern about recommendation 2 in the report that said if the deal with the heritage centre did not work then they would look at a commercial deal. He recommended that this be changed to they look at other community solutions.

The Chairman responded that they had explored all options and unlike leaflets that had been distributed there were no intentions to make the heritage centre homeless, he suggested that if the leaflets were corrected then he could amend the recommendations. As mentioned when looking at use for the building he had to consider the value for money for our tax payers and the community benefits.

Resolved unanimously: that Cabinet notes the report and:

- i) Approves the disposal of the former Sports Able Building to Maidenhead Heritage Centre in return for the acquisition of the current Heritage Centre on Park Street.**
- ii) Approves the leasing of the former Sports Able building on a commercial basis in the event that the transaction to the Maidenhead Heritage Centre does not proceed and after further discussions had been held with other community groups.**
- iii) Delegates authority to the Chief Executive in consultation with the Cabinet Member for Business, Economic Development & Property**

to negotiate the legal contracts required to complete the transactions.

C) 2020/21 END OF YEAR DATA AND PERFORMANCE REPORT

Cabinet considered the report regarding the 2020/21 End of Year Data & Performance Report

The Cabinet Member for Corporate & Resident Services, Culture & Heritage and Windsor informed Cabinet that in July 2020 Cabinet approved a new Interim Council Strategy 2020/21 for immediate adoption on the basis that the Covid-19 pandemic has significantly altered the context in which the council is currently operating.

The Interim Council Strategy clarifies the three revised priorities to which the council is responding. The three revised priorities for 2020/21 were:

- Covid-19 objectives: focusing on the immediate response, long-term recovery, and new service requirements.
- Interim Focus Objectives 2020-21: focusing on revised service operating plans, development of the Transformation Strategy, Climate Strategy, Governance, and People Plan.
- Revised Medium Term Financial Strategy: focusing on the impact of Covid-19, economic downturn, and government policy.

All performance reports for Q2 2020/21 onwards had been refocused to provide insights into the Interim Council Strategy's three priorities and how they were progressing.

The global pandemic has been life-changing for many and our thoughts with those families affected. As a council our response to the pandemic has been to protect our residents and the vulnerable this has been achieved particularly by galvanizing the community in action, together to work and support those needing help and clinically vulnerable officially there were eight thousand shielding but many more needed help 76 incredible community-based initiatives arose to help across whole borough and they must be highly commended. The council strategically facilitated this with practical and financial help, a new database Leon was developed by the council and this was crucial to the council's success of this response £45,000 pounds was given to local groups

Supporting vulnerable individuals and families and the further £230,000 pounds was distributed through food vouchers over the Christmas holidays, winter half term and easter holidays supporting 2037 children. Credit goes to the Democratic Team who arranged hundreds of meetings virtually allowing better engagement. We also had a number of champions who allowed important Covid messages to reach our residents. The leisure centres were brilliant in dealing with a lateral flow testing giving residents another extra layer of protection and ensuring the virus is detected quickly.

The council worked across the Thames valley authorities and organizations to determine the best practices for the Royal Borough recovery strategy which was approved in September 2020. The library and customer service supported superbly with over 20 000 phone calls made to vulnerable residents many other services work long and difficult hours delivering their services to residents at the time of a global pandemic. There is still a lot of work continuing these areas as we slowly open up but the community resilience has given way to a new model of working and improving culture.

The impact of Covid on the community and the economy has been felt in a number of areas of the council's operations, and this has been reflected in the council's key performance indicators A key issue across the borough has been the disruption to household waste and recycling collections. The impact on residents has had a knock-on effect on the volume of calls to the customer contact centre. The council continues to work with its contractor to improve the service and bring in strategies to help with climate change.

Despite these challenges, with one exception, all performance indicators are on or near target at the end of the year, of particular note is the sustained improvement in the average number of days to process new claims and changes in circumstances for Housing Benefits, the increase in household waste sent for reuse and recycling compared to previous annual outturns, and the high volumes of households where the prevention duty has been ended successfully. There was an increase in people requiring temporary accommodation as a result of central government's "Everyone In" requirement and the wider impact of Covid-19 on homelessness. The indicators and any remedial actions had been via our O&S Panels.

Cllr Werner mentioned that due to the pandemic it was acceptable that not all targets would be met, however he mentioned that climate change was in the new interim council plan yet he had been contacted by a number of stakeholders who felt there had been no engagement of the climate change strategy and he asked how this could be improved.

The reporting Cabinet Member that the climate change was part of the interim strategy and a lot had been achieved. Cllr Stimson mentioned that £1.2 million of funding had been achieved for school and public buildings, that two new officers were in post, that there was 5 stockholders on the working group and all 80 stockholders would be contacted as we move onto the next stages.

Resolved unanimously: that Cabinet notes the report and:

- I. Notes the End of Year Data & Performance Report in Appendix A.**
- II. Notes the intention to continue to deliver performance reports in their current format until such time as the new Corporate Plan and associated performance management framework is in place.**
- III. Delegates responsibility to Directors in conjunction with Cabinet Members to review and amend targets for existing measures as appropriate.**
- IV. Requests relevant Cabinet Members, Directors and Heads of Service to maintain focus on performance.**

D) SUFFICIENCY STRATEGY FOR CHILDREN LOOKED AFTER, 2020 TO 2025

Cabinet considered the report regarding the Sufficiency Strategy for Children Looked After, 2020 To 2025.

The Chairman reported that the Cabinet Member for Adult Social Care, Children Services, Health and Mental Health was not able to present the report due to Government commitments.

The Chairman informed Cabinet that the Sufficiency Strategy outlines how the Royal Borough will ensure that children and young people who need to be in care, can grow up in high quality homes that meet their immediate needs and provide them with permanence at the earliest opportunity.

It sets out how the Council will meet the placement and housing needs of these children and young people, including increasing opportunities for children to live in local foster families, developing local residential care provision and supported accommodation, and by commissioning specialist placements where this is required.

The Executive Director of Children's Services informed that the report had been produced in partnership with AFC. There had been a delay in producing the strategy due to the Pandemic. As corporate parents, the Royal Borough was committed to ensuring children and young

people in care achieve the best possible outcomes and are well prepared and supported to move confidently into adulthood with the support they need.

There had been a focus on sharper commissioning and securing local placements and the development of Achieving for Children's independent fostering agency and an in-house residential children's home, Hope House in Teddington, has helped to increase in house provision but further work was required to ensure there are sufficient local housing and care placements for the Royal Borough's children in care.

Because of the trauma coming into care may require initial therapeutic care before a child's placement is found. Paragraph 2.6 of the report showed the Sufficiency Strategy outlines 11 priorities to improve the availability of housing and care placements for the children in care.

Cllr Tisi mentioned that she would encourage people to consider becoming foster parents and was pleased to see the in house fostering agency. She mentioned that the report says that demand would outstrip supply and it costs more to place children further away. We do not currently have a foster home within the borough and if going down the same line as Richmond it seems we will have a small home. Children have better outcomes if in a foster care placement. She asked if there was a conflict with the need to save money against providing the best for our young people.

The Executive Director replied that she was absolutely right that we have to make sure that any provision is the right provision for a young person to give them the best quality care. What we have experienced through AFC is they have been able to provide a stable group of professionals working around those young people who have not been walked away from. The support provided was not a cheap option but what it shows is a commitment to those young people and that we can help them transfer into a stable either family-based environment or as they perhaps reach adolescence a secure and safe independent living.

Cllr Baldwin mentioned the progression of young people within the system and the importance of transition between children's services and adult services, he asked if progress had been made. The Executive Director replied that the aim of this report is to provide support for children within the system so they would not need support from adult services. The aim is to have successful transition into adulthood with support continuing until the age of 25. For those who we know will need adult support transition plans were in place at the age of 13 to 25 and above the legal requirements.

Resolved unanimously: that Cabinet notes the report and:

Approves the publication and implementation of the Sufficiency Strategy for Children Looked After 2020 to 2025.

E) **BUS ENHANCED PARTNERSHIPS**

Cabinet considered the report regarding the proposed introduction of Bus Enhanced Partnerships.

The Cabinet Member Transport, Infrastructure and Digital Connectivity informed Cabinet that in March 2021, the Government announced a new national bus strategy 'Bus Back Better. This was followed by guidance on Bus Service Improvement Plans in May 2021. The strategy and guidance require Local Transport Authorities across the country to commit to a new model for operating bus services by June 2021 and to produce a Bus Service Improvement Plan by October 2021. This report was being presented as an urgent item, and had been approved so by the O&S Chairman, so we could meet the Governments timescale.

It was important for the council to meet the prescribed timescale to continue to receive the COVID-19 Bus Services Support Grant or any new sources of bus funding from the

Government's £3bn budget. This means that if we do not enter into enhanced partnerships, the council will miss out on significant existing and future funding streams.

There was a requirement to enter into statutory enhanced partnerships or franchising agreements if we wish to receive new funding to deliver improvements. This presents an opportunity for the Council to work with bus operators on ticketing, fares, timetables, routes and infrastructure. At this stage, no further detail has been provided.

Cllr Werner said that he welcomed the government looking to de regulate the bus services and the Cabinet Member for doing this. He asked that the recommendations were for the Cabinet Member to introduce the agreement and not to change current routes without further consultation. He mentioned that in his ward there used to be a bus every 30 minutes but when this was changed to every one hour it diminished its effectiveness and increased car journeys. We need better bus services and an effective impact on climate change. There needed to be effective consultation on what services are required and when, for example an effective night service.

The Cabinet Member replied that this was an enabling decision to engage with the Government to gain funding. There will be further consultation to have a bus service that is both fit for today but also the future. It was important that need was identified.

Resolved unanimously: that Cabinet notes the report and:

- i) Approves the transition to the model of Enhanced Partnerships for bus services within the Royal Borough.**
- ii) Delegates authority to the Head of Infrastructure, Sustainability and Economic Growth in consultation with the Cabinet Member for Transport, Infrastructure and Digital Connectivity, to enter into appropriate agreements with bus operators.**

F) APPOINTMENTS TO OUTSIDE AND ASSOCIATED BODIES

Cabinet considered the report regarding the appointment to outside bodies and associated bodies.

The Leader of the Council and Chairman of Cabinet, Business, Economic Development and Property outlined the purpose of the report and that recommended appointments were attached as appendix 1.

The Deputy Leader of the Council, Corporate and Resident Services, Culture and Heritage and Windsor seconded the recommendations and said it had been a privilege to be a representative on outside bodies and working with our communities.

Resolved unanimously: that Cabinet notes the report and:

- I. Appoints representatives to serve on the organisations listed in Appendix 1.**
- II. Delegates authority to the Head of Governance, in consultation with the Leader of the Council and Leaders of the Opposition Groups, to fill any ad hoc vacancies that might arise through the year from nominations received or make any changes to appointments as required.**
- III. Notes the feedback received from a consultation with all associated and outside bodies and agrees to permanently reduce council representation on the organisations listed in Appendix 1.**

G) AFFORDABLE HOUSING MAIDENHEAD

Cabinet considered the report regarding the acquisition of 18 shared ownership homes.

The Leader of the Council and Chairman of Cabinet, Business, Economic Development and Property informed that he was not going to go into too much detail as this was subject to a live planning application. He did inform that in March 2015 Cabinet approved the sale of the land at Ray Mill Road East to CALA Homes in a subject to planning land transaction. Part of the agreement gave ownership of 20 social rent properties, the council also purchased 17 shared ownership homes. Following this agreement CALA had submitted their planning application that had an additional shared ownership property. This report is requesting the ability to purchase this additional home.

The Cabinet Member for Housing, Sport & Leisure, and Community Engagement said he seconded the report as he welcomed the additional social housing for our residents managed by the RBWM Property Company.

Resolved unanimously: that Cabinet notes the report and:

- I. Agree that RBWM Property Company, acting on behalf of the Council, can progress with the offer to acquire 18 no. Shared Ownership Homes from CALA Homes.**
- II. Agree the reallocation of funds within the Affordable Key Worker Housing budget to enable the purchase of 18 no. Shared Ownership homes.**
- III. Agree the transfer of the 18 Shared Ownership homes to the RBWM Property Company, subject to Secretary of State approval.**

H) NEW UPPER SCHOOL PLACES IN WINDSOR

Cabinet considered the report regarding additional school places at Windsor Girls School.

The Chairman reported that the Cabinet Member for Adult Social Care, Children Services, Health and Mental Health was not able to present the report due to Government commitments.

The Chairman reported that the Royal Borough of Windsor and Maidenhead had carried out public consultation on a proposal to expand Windsor Girls' School from 208 to 230 places per year group from September 2022. This report sets out the positive response to that consultation. There had also been a petition relating to school provision in Windsor; Mr Swann, lead petitioner, was not able to attend the meeting but he had sent in a video that had been circulated to Cabinet and all RBWM members along with its transcript that had also been placed on the RBWM website.

The Executive Director for Children's Services informed that there would be a shortfall in places for Windsor and that we had a statutory provision to supply them. it's one of those situations where we have to make sure that there isn't one too few but we can have a few. More hence rounding it up and by rounding it and by rounding up to 230 we give the girls school the best chance to run an economic class size of best use of public money to pay for their teachers and their resources so we are proposing following our consultation we're proposing to support wings or girls schools with six further classrooms and some extensions to their pitches and their parking to enable the site to work.

The petitioner Mr Swann noted that the Windsor system had limited co education options. Windsor Boys and Girls were both part of the Windsor Learning Trust and they provide a range of services for young people of all sorts of needs. The petitioner made notes about how we might deal with young people who are unsure about their gender but the director was very confident having spoken to the Chief Executive of the trust that the schools made great

provision today for those young people but do recognize that it is an emerging issue something we perhaps should consider.

The petitioner also made the point about the use of Church Mead School and how it was a distance to travel and did not go with a three tier system. It was clear to build another school in Windsor that's co-educational we would have to be adding another 200 places a year and we do not have the need or capital funding. The new school would also be short of revenue funding without pupil need.

The Executive Director could see the general pros and cons for co-education education and individual gender and it's a conversation we're happy to engage in going forward but for tonight if we don't make a decision to extend the Windsor Girls school for next year we will fall short of our statutory duty to ensure there are sufficient places, this report then sets out the details for those Numbers and sets out the basis on which we would move forward.

Cllr Tisi mentioned that she was pleased to see the expansion of the school but mentioned the consultation had raised concerns about traffic and congestions and she asked if anything would be done prior the expansion. She was informed that the school had agreed a small expansion prior to this reports recommendation and they would be looking at their school travel plans.

Resolved Unanimously: that Cabinet notes the report and:

i) Recommends the budget estimate set out in Appendix F (Part II) to Council for approval and, subject to that being given, authorises the Executive Director of Children's Services to undertake procurement and enter into contracts to deliver the expansion of Windsor Girls' School.

ii) Authorises the Executive Director of Children's Services to agree and sign a Memorandum of Understanding in relation to the proposed expansion of Windsor Girls' School.

LOCAL GOVERNMENT ACT 1972 - EXCLUSION OF THE PUBLIC

RESOLVED UNANIMOUSLY: That under Section 100(A)(4) of the Local Government Act 1972, the public were excluded from the remainder of the meeting whilst discussion took place on the grounds that they involved the likely disclosure of exempt information as defined in Paragraphs 1 and 3 of part I of Schedule 12A of the Act.

The meeting, which began at 7.00 pm, finished at 9.31 pm

CHAIRMAN.....

DATE.....

This page is intentionally left blank

Agenda Item 5

CABINET

FORWARD PLAN - CHANGES MADE SINCE LAST PUBLISHED:

ITEM	SCHEDULED CABINET DATE	NEW CABINET DATE	REASON FOR CHANGE
Council Tax Exemptions – Care Leavers	n/a	Oct 2021	New item

FORWARD PLAN OF CABINET DECISIONS

CABINET Member, Councillor Johnson Leader of the Council and Chairman of Cabinet, Business, Economic Development, and Property, Councillor Rayner Deputy Leader of the Council, Corporate & Resident Services, Culture & Heritage, and Windsor, Councillor Carroll Deputy Chairman of Cabinet, Adult Social Care, Children's Services, Health and Mental Health, Councillor Cannon Public Protection and Parking, Councillor Clark Transport, Infrastructure, and Digital Connectivity, Councillor Coppinger Planning, Environmental Services, and Maidenhead, Councillor Hilton Finance and Ascot Councillor McWilliams Housing, Sport & Leisure, and Community Engagement, Councillor Stimson Climate Change, Sustainability, Parks and Countryside

All enquiries, including representations, about any of the items listed below should be made in the first instance to Democratic Services, Town Hall, St Ives Road, Maidenhead. Tel (01628) 796560. Email: democratic.services@rbwm.gov.uk

FORWARD PLAN

ITEM	Private Meeting - contains exempt/confidential information? See categories below.	Short Description	Key Decision, Council or other?	REPORTING MEMBER (to whom representations should be made)	REPORTING OFFICER / DIRECTOR (to whom representations should be made)	Consultation (please specify consultees, dates (to and from) and form of consultation), including other meetings	Date and name of meeting	Date of Council decision (if required)
22 New primary school places in Maidenhead	Fully exempt - 3	This report provides the outcome of public consultation on a proposal to provide new primary school places in Maidenhead, and recommends next steps to be taken with regard to the proposal.	Yes	Deputy Chairman of Cabinet, Adult Social Care, Children's Services, Health and Mental Health (Councillor Stuart Carroll)	Kevin McDaniel		Cabinet 26 Aug 2021	

N.B. All documents to be used by the decision maker to be listed in the report to Cabinet

ITEM	Private Meeting - contains exempt/confidential information? See categories below	Short Description	Key Decision, Council or other?	REPORTING MEMBER (to whom representations should be made)	REPORTING OFFICER / DIRECTOR (to whom representations should be made)	Consultation (please specify consultees, dates (to and from) and form of consultation), including other meetings.	Date and name of meeting	Date of Council decision (if required)
23 Berkshire Records Office Extension	-	To recommend to Council the Royal Borough's capital contribution to build an extension on the Berkshire Records Office which is managed as a joint arrangement between the six Berkshire authorities.	Yes	Deputy Leader of the Council, Corporate & Resident Services, Culture & Heritage, and Windsor (Councillor Samantha Rayner)	Hilary Hall		Cabinet 26 Aug 2021	
Community Facilities Review	Fully exempt - 3	Strategic Asset Management and Assessment of community assets.	Yes	Leader of the Council and Chairman of Cabinet, Business, Economic Development and Property (Councillor Andrew Johnson)	Duncan Sharkey	Internal process	Cabinet 26 Aug 2021	
Finance Update	-	Latest financial update.	Yes	Cabinet Member for Finance and Ascot (Councillor David Hilton)	Adele Taylor		Cabinet 30 Sep 2021	
School place planning annual report	Open	This report provides an update on projected demand for school places in the Royal Borough and may propose options for further development and consultation.	Yes	Deputy Chairman of Cabinet, Adult Social Care, Children's Services, Health and Mental Health (Councillor Stuart Carroll)	Kevin McDaniel	External	Cabinet Oct 2021	

N.B. All documents to be used by the decision maker to be listed in the report to Cabinet

ITEM	Private Meeting - contains exempt/confidential information? See categories below	Short Description	Key Decision, Council or other?	REPORTING MEMBER (to whom representations should be made)	REPORTING OFFICER / DIRECTOR (to whom representations should be made)	Consultation (please specify consultees, dates (to and from) and form of consultation), including other meetings.	Date and name of meeting	Date of Council decision (if required)
Council Tax Exemption	Open -	Extending Council Tax Exemption for our Care Leavers up to the age of 25	Yes	Deputy Chairman of Cabinet, Adult Social Care, Children's Services, Health and Mental Health (Councillor Stuart Carroll)	Kevin McDaniel	External	Cabinet Oct 2021	
Finance Update	Open -	Latest financial update.	No	Lead Member for Finance and Ascot (Cllr Hilton)	Adele Taylor	Internal	Cabinet Nov 2021	
Taxbase	Open -	To approve the taxbase	No	Lead Member for Finance and Ascot (Cllr Hilton)	Adele Taylor	Internal	Cabinet Nov 2021	
24 Draft Budget 2022/23	Open -	To approve the draft budget	No	Lead Member for Finance and Ascot (Cllr Hilton)	Adele Taylor	Internal	Cabinet Nov 2021	
Draft Capital Programme 2022/23	Open -	To approve the draft capital programme	No	Lead Member for Finance and Ascot (Cllr Hilton)	Adele Taylor	Internal	Cabinet Nov 2021	
Council Performance Management Framework Quarter 1 & 2	Open -	Latest performance report	No	Deputy Leader of the Council, Resident and Leisure Services, HR, IT, Legal, Performance Management and Windsor (Councillor Samantha Rayner)	Emma Duncan	Internal	Cabinet Nov 2021	
Annual Consultation on School Admission Arrangements	Open -	To consult on admission arrangements	No	Deputy Chairman of Cabinet, Adult Social Care, Children's Services, Health and Mental Health (Councillor Stuart Carroll)	Kevin McDaniel	External	Cabinet Nov 2021	

N.B. All documents to be used by the decision maker to be listed in the report to Cabinet

ITEM	Private Meeting - contains exempt/confidential information? See categories below	Short Description	Key Decision, Council or other?	REPORTING MEMBER (to whom representations should be made)	REPORTING OFFICER / DIRECTOR (to whom representations should be made)	Consultation (please specify consultees, dates (to and from) and form of consultation), including other meetings.	Date and name of meeting	Date of Council decision (if required)
25 Achieving for Children Reserved Matters - Contract Awards	Fully exempt - 3	As an owner of AfC the Council is responsible for making a number of reserved matter decisions. There are two procurements that meet the threshold for a reserved matter decision. These relate to: Appointment of External Auditors Agency Staff contract procurement decision	Yes	Deputy Chairman of Cabinet, Adult Social Care, Children's Services, Health and Mental Health (Councillor Stuart Carroll)	Kevin McDaniel	Internal	Cabinet Nov 2021	
Transformation of Day Opportunities	Open -	This report recommends the transformation of day opportunities for older people, people with dementia, learning disabilities or additional complex needs taking into account the	Yes	Deputy Chairman of Cabinet, Adult Social Care, Children's Services, Health and Mental Health (Councillor Stuart Carroll)	Hilary Halli	Internal	Cabinet Nov 2021	

N.B. All documents to be used by the decision maker to be listed in the report to Cabinet

ITEM	Private Meeting - contains exempt/confidential information? See categories below	Short Description	Key Decision, Council or other?	REPORTING MEMBER (to whom representations should be made)	REPORTING OFFICER / DIRECTOR (to whom representations should be made)	Consultation (please specify consultees, dates (to and from) and form of consultation), including other meetings.	Date and name of meeting	Date of Council decision (if required)
		outcome of the public consultation which included the proposal to close Windsor Day Centre and the Oakbridge Centre.						

ITEM	Private Meeting - contains exempt/confidential information? See categories below	Short Description	Key Decision, Council or other?	REPORTING MEMBER (to whom representations should be made)	REPORTING OFFICER / DIRECTOR (to whom representations should be made)	Consultation (please specify consultees, dates (to and from) and form of consultation), including other meetings.	Date and name of meeting	Date of Council decision (if required)
------	--	-------------------	---------------------------------	---	---	---	--------------------------	--

DESCRIPTIONS OF EXEMPT INFORMATION: ENGLAND

- 1 Information relating to any individual.
- 2 Information which is likely to reveal the identity of an individual.
- 3 Information relating to the financial or business affairs of any particular person (including the authority holding that information).
- 4 Information relating to any consultations or negotiations, or contemplated consultations or negotiations, in connection with any labour relations matter arising between the authority or a Minister of the Crown and employees of, or office holders under, the authority.
- 5 Information in respect of which a claim to legal professional privilege could be maintained in legal proceedings.
- 6 Information which reveals that the authority proposes:
 - (a) to give under any enactment a notice under or by virtue of which requirements are imposed on a person; or
 - (b) to make an order or direction under any enactment.
- 7 Information relating to any action taken or to be taken in connection with the prevention, investigation or prosecution of crime.

N.B. All documents to be used by the decision maker to be listed in the report to Cabinet

This page is intentionally left blank

Report Title:	Draft Corporate Plan framework for public consultation
Contains Confidential or Exempt Information	No – Part I
Cabinet Member:	Councillor Johnson, Leader of the Council
Meeting and Date:	Cabinet, 22 July 2021
Responsible Officer(s):	Emma Duncan, Monitoring Officer and Deputy Director of Law and Strategy
Wards affected:	All



REPORT SUMMARY

The council is currently working to an Interim Strategy, adopted in July 2020 in recognition of the significantly changed operating context brought about by the COVID-19 pandemic. There is a need to succeed the Interim Council Strategy with a new, forward-looking Corporate Plan that clearly sets out the council’s strategic focus over a period of years.

The new plan is being designed through an evidence-based approach with the final plan proposed to Full Council for adoption in the autumn. The new plan will, by consequence, look and feel very different to plans adopted by the council previously. The plan will be designed to crystallise focus on where the council most needs to drive change and help guide the allocation of our resources and energies to delivering that change.

In line with good practice, the Objectives, Goals, Strategies, Measures (OGSM) Model (Appendix A) has been adopted to help us formulate the final Plan. The purpose of this report is to propose the draft plan framework (Appendix B) for a 6-week period of public consultation. The framework sets out, on one page, the high-level commitments, outcomes, and supporting approach that is guiding our thinking on the plan’s development. The framework has been informed by an internal review of our strategic landscape and related consultation with Cabinet Members, the Corporate Leadership Team and council staff. The plan’s development has been discussed with Opposition Group Leaders and, as part of an early engagement exercise, parishes, partners and all Elected Members have been approached for feedback on the early thinking behind where the Plan should be focused.

The purpose of the next stage of the public consultation is to invite our residents, partners and businesses into the development of the Plan and give them the opportunity to share their views on the draft framework so that we may take them into consideration when drafting the full Plan.

1. DETAILS OF RECOMMENDATION(S)

RECOMMENDATION: That Cabinet notes the report and:

- i) Agrees the draft Corporate Plan framework for public consultation, and**
- ii) Notes the timelines for implementation.**

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

Options

Table 1: Options arising from this report

Option	Comments
Agree the draft plan framework for public consultation. This is the recommended option	The framework has been informed by internal review of our strategic landscape and related data, and consultation/discussion with stakeholders, including: Cabinet Members, the Corporate Leadership Team, council staff and Opposition Group Leaders. Feedback has also been sought from all Elected Members, partners and parishes as part of an early engagement exercise.
Not accept the recommendations and request a revised framework is developed for consultation.	This would disregard all consultation to date and delay the strategic planning process.
Determine not to implement a new Corporate Plan (do nothing option)	This would not allow clarity of priorities, nor would it address the fact that the current council strategy was approved on an interim basis as a result of the COVID-19 pandemic.

- 2.1 A Corporate Plan is an essential component of good governance and sets out, at the highest level, the council's strategic direction and focus. The development of a new Corporate Plan to succeed the former Council Plan 2017-2021 was originally scheduled to start in 2020, however this work was paused due to the pandemic. An Interim Council Strategy 2020/21 was approved by Cabinet for immediate adoption on 30 July 2020 in recognition of the significantly changed operating context that resulted from the global pandemic. In the interests of good governance and transparency, the Interim Strategy sought to clarify the revised priorities to which the council needed to respond, acknowledging that former strategic priorities were no longer as relevant in the context of the pandemic.
- 2.2 Work to develop the new Corporate Plan 2021-2026 began in February 2021. The council is taking an evidence-led approach to the plan's development and an internal review of the strategic landscape and related data was undertaken by the Corporate Leadership Team in March 2021 as a foundational basis for further consultation and engagement with stakeholders.
- 2.3 It is acknowledged that, broadly, the borough is a healthy, safe, affluent and pleasant place in which to live, work and visit. Working together with partners across all sectors, our role is to ensure that this continues to be the case. Whilst overall deprivation in the borough is low there are, however, pockets of deprivation and a wide variation of need across the whole borough and within neighbourhoods. Inequalities need to be addressed if everyone is to have the best chance in life. Housing, physical and digital infrastructures are otherwise

recognised as key to shaping people’s lives, wellbeing, communities and the economy. Our residents face particularly acute housing costs and securing sustainable rented accommodation and getting onto the housing ladder is difficult for many. The new Corporate Plan must prioritise change in these areas.

- 2.4 Appendix B sets out the draft plan framework that has been developed in consultation with Cabinet Members, Directors and council staff. Its structure at this point is not representative of how the final Plan will look; the next stage of the plan’s development is to set out more detailed objectives, goals and measures in line with the OGSM approach. It is important that we invite our communities into the development of the plan and give them the opportunity to share their views on the draft framework so that we may take them into consideration when drafting the full plan. The proposed consultation questionnaire is set out at Appendix C.
- 2.5 In formulating the “approach” section at Appendix B, particular consideration has been given to our learning from the last 12 months: we recognise the strong foundations of innovation and community-empowerment that developed quickly in the last 12 months and are committed to using every tool available to us to build on these foundations. We must move towards becoming an “enabling” council, working with communities to build on their strengths and potential, promoting greater self-reliance rather than dependence. This in turn allows the council and its partners to focus our limited resources on those that need help the most, and to sustain the services that are important to our residents. We must be unafraid to transform our traditional service-delivery models, shaping our service-delivery around our communities’ diverse needs and “getting things right first time”. And across all our decision-making must be the promotion of a clean, sustainable and biodiverse environment.
- 2.6 The draft plan will be brought to Cabinet in October to approve its referral to Full Council in November 2021.

3. KEY IMPLICATIONS

- 3.1 The key implication of this report is the advancement of the council’s strategic planning process.

Table 2: Key Implications

Outcome	Unmet	Met	Exceeded	Significantly Exceeded	Date of delivery
Adoption of a strong corporate plan is an essential part of good governance.	Not having a strong corporate plan is a significant governance risk.	Addresses governance risks.	N/A	N/A	Nov-21

4. FINANCIAL DETAILS / VALUE FOR MONEY

4.1 There are no direct financial implications arising from the proposed recommendations in this report. The final Corporate Plan has significant influence on council priorities and spend. The council’s Medium Term Financial Strategy and Plan underpins the delivery of the Corporate Plan and therefore having a longer-term plan in place will drive the resourcing priorities of the council.

5. LEGAL IMPLICATIONS

5.1 The Corporate Plan is an integral part of a robust governance framework and doesn’t have any direct legal implications at this stage.

6. RISK MANAGEMENT

6.1 The risks and mitigations are identified in Table 3.

Table 3: Impact of risk and mitigation

Risk	Level of uncontrolled risk	Controls	Level of controlled risk
Not having a Corporate Plan presents a significant governance risk	HIGH	Develop and adopt a Corporate Plan.	LOW
Low volume of responses to the public consultation on draft Plan framework caused by lack of awareness.	MEDIUM	A supporting Communications Plan will be delivered to promote awareness of the consultation.	LOW
Low volume of responses to consultation on draft Plan framework caused by lack of digital access.	MEDIUM	Online consultation can be accessed via digital facilities in libraries with assistance as required to complete.	LOW

7. POTENTIAL IMPACTS

7.1 Equalities. Equality Impact Assessments are published on the [council’s website](#). The draft Plan framework set out in Appendix B is not the final Plan proposed for adoption. An initial screening form has therefore been completed in relation to the public consultation on the draft Plan framework. A further EqIA will be prepared in relation to the final Corporate Plan that is proposed for approval by Full Council.

7.2 Climate change/sustainability. The draft Plan set out in Appendix B is not the final Plan proposed for adoption. There are no direct climate change/sustainability impacts as a result of this report.

7.3 Data Protection/GDPR. The draft Plan set out in Appendix B is not the final Plan proposed for adoption There are no direct Data Protection/GDPR impacts as a result of this report.

8. CONSULTATION

8.1 There has been internal consultation with the Corporate Leadership Team and Cabinet Members through online meetings. Consultation with council staff has been undertaken using the council’s Engagement HQ digital platform. Discussion with Opposition Group Leaders in relation to the Plan’s development and key data insights has been undertaken by way of online meetings.

8.2 Early engagement with parishes and partners has been undertaken via email correspondence to promote awareness of the new plan’s development and to invite feedback on the early thinking behind where the Plan should be focused. All Elected Members have been approached with the same opportunity to comment through the Members’ Update bulletin.

9. TIMETABLE FOR IMPLEMENTATION

9.1 Implementation date if not called in: Immediately. The full implementation stages are set out in table 4.

Table 4: Implementation timetable

Date	Details
2 Aug – 12 Sep 2021	Public consultation.
28 Oct 2021	Cabinet consideration of draft Corporate Plan and approval to refer to Full Council.
23 Nov 2021	Full Council consideration of Corporate Plan for adoption.

10. APPENDICES

10.1 This report is supported by two appendices:

- Appendix A: OGSM Planning Model
- Appendix B: Draft Plan Framework
- Appendix C: Draft consultation questionnaire

11. BACKGROUND DOCUMENTS

11.1 There are no background documents to this report.

12. CONSULTATION (MANDATORY)

Name of consultee	Post held	Date sent	Date returned
Cllr Johnson	Leader of the Council	24.06.21	01.07.21

Duncan Sharkey	Chief Executive	21.06.21	24.06.21
Adele Taylor	Executive Director of Resources/S151 Officer	21.06.21	23.06.21
Andrew Durrant	Executive Director of Place	21.06.21	24.06.21
Kevin McDaniel	Executive Director of Children's Services	21.06.21	24.06.21
Hilary Hall	Executive Director of Adults, Health and Housing	21.06.21	22.06.21
Andrew Vallance	Head of Finance	21.06.21	
Elaine Browne	Head of Law	21.06.21	24.06.21
Emma Duncan	Deputy Director of Law and Strategy / Monitoring Officer	21.06.21	21.06.21
Nikki Craig	Head of HR Corporate Projects and IT	21.06.21	24.06.21
Louisa Dean	Communications	21.06.21	21.06.21
Karen Shepherd	Head of Governance	21.06.21	21.06.21

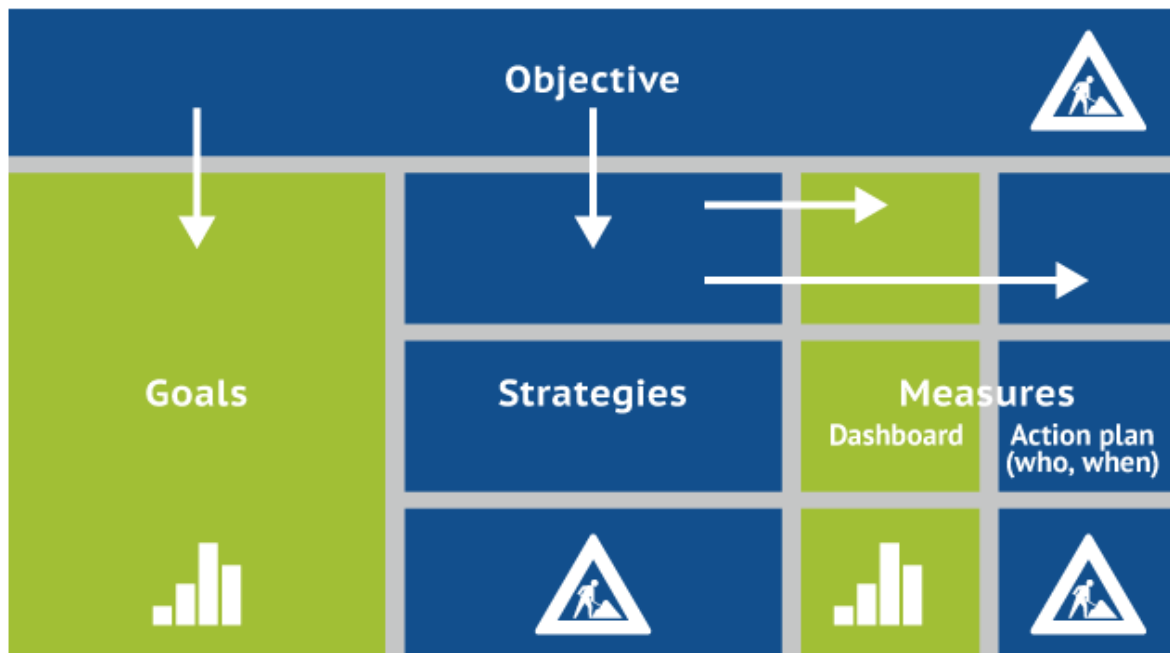
REPORT HISTORY

Decision type:	Urgency item?	To follow item?
Non-key decision	No	No

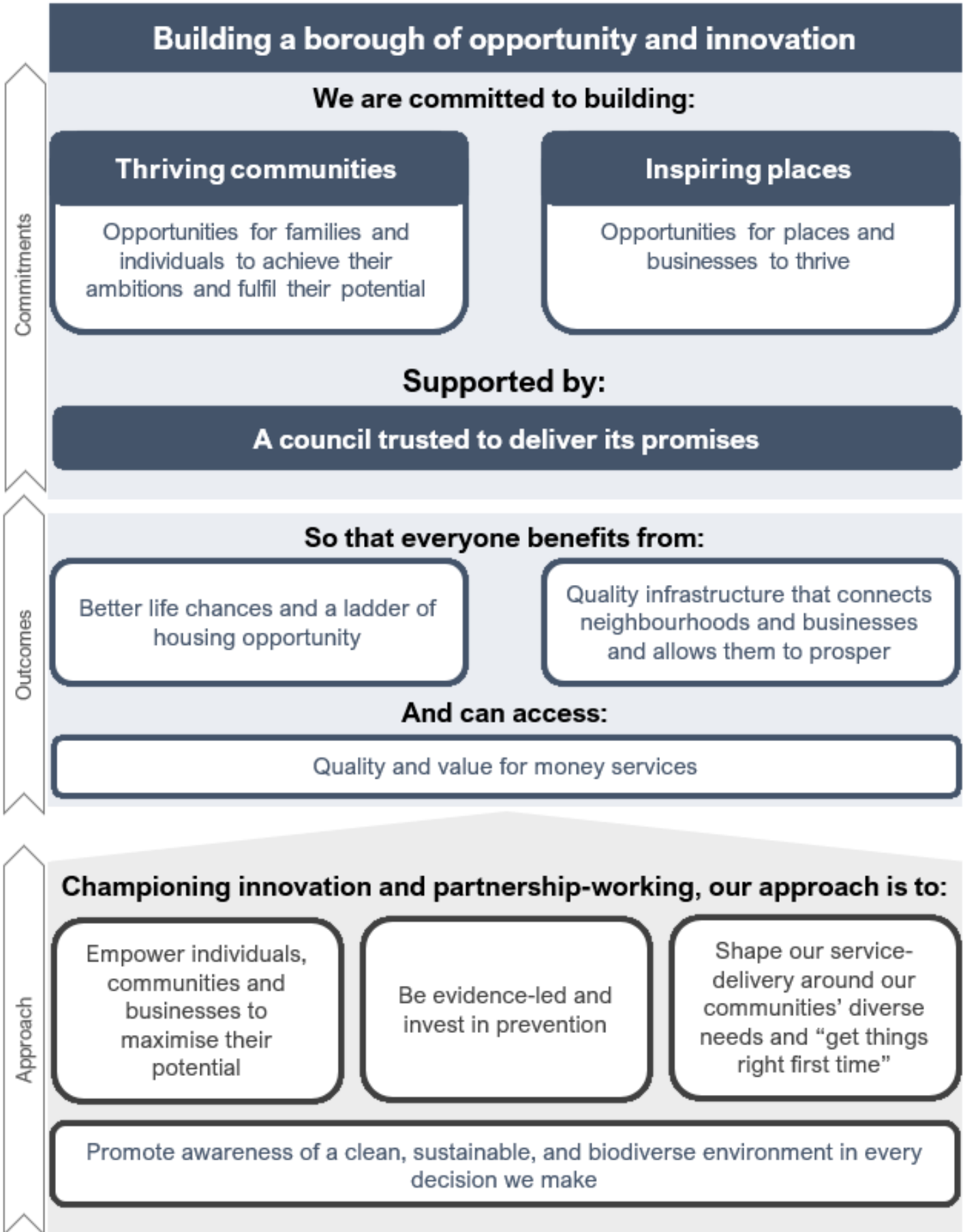
Report Author: Emma Duncan, Monitoring Officer and Deputy Director of Law and Strategy, 01628 796553
--

APPENDIX A: The OGSM Planning Model

Source: <https://www.smartinsights.com/marketing-planning/marketing-models/ogsm-model-framework/>



- **Objective:** Defining an over-arching breakthrough vision (Stable, concise, linked to mission)
- **Goals:** Stepping-stones to achieving the higher level objective (Specific, Measurable, Achievable, Compatible)
- **Strategies:** the choices we make to achieve our objective (Where we choose to focus)
- **Measures:** Numerical benchmarks on our progress (KPIs used as checkpoints to determine if our strategies are working)



APPENDIX C: DRAFT CONSULTATION QUESTIONNAIRE (subject to refinement)

What are we doing and why?

A Corporate Plan is a key driver for the council as it sets out our priorities to help us ensure our resources and energies are focused on the areas in which we can make the biggest difference.

We have been looking at key data to understand the Royal Borough's most pressing issues to highlight where to focus our efforts. We know that, broadly, the borough is a healthy, safe, affluent, and pleasant place to live. Our challenge is to keep it this way, to deliver quality and value for money services and to bring about positive change where it is needed most.

We have developed a framework of headline areas of where to concentrate our efforts, and we would like to know what you think via this questionnaire.

Thank you for your time.

1. In what capacity do you wish to respond to this consultation:

- As a local resident
- On behalf of a local resident
- On behalf of a local business
- On behalf of a community or voluntary group (please specify)
- Other (please specify)

2. What is the postcode of your principal place of residence (or work if you do not live in the borough):

3. Which age band best describes you:

- Under 18
- Aged 18-24
- Aged 25-34
- Aged 35-44
- Aged 45-54
- Aged 54-65
- 65 and over

4. Our overarching ambition is to “build a borough of opportunity and innovation”. Our framework sets out some headline commitments related to that. To what extent do you agree/disagree that these headline commitments reflect your ambitions for the borough?

	Strongly agree	Agree	Neither agree or disagree	Disagree	Strong disagree
Opportunities for families and individuals to achieve their ambitions and fulfil their potential	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Opportunities for places and businesses to thrive	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
A council trusted to deliver its promises	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

5. Please provide any further comments you may wish to make in relation to these headline commitments. *[Free-text option]*

6. We have identified three headline outcomes related to our headline commitments. To what extent do you agree/disagree that these are the right areas of focus based on your experience of living/working/volunteering here?

	Strongly agree	Agree	Neither agree or disagree	Disagree	Strongly disagree
Everyone benefits from better life chances and a ladder of housing opportunity	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Everyone benefits from quality infrastructure that connects neighbourhoods and businesses and allows them to prosper	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Everyone can access quality and value for money services	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

7. Please provide any further comments you may wish to make in relation to these headline outcomes here. *[Free-text option]*

8. Our framework sets out our approach to delivery. To what extent do you agree or disagree with each element of our approach?

	Strongly agree	Agree	Neither agree or disagree	Disagree	Strong disagree
Empower individuals, communities and businesses to maximise their potential	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Be evidence-led and invest in prevention	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Shape our service-delivery around our communities' diverse needs and "get things right first time"	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Promote awareness of a clean, sustainable, and biodiverse environment in every decision we make	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

9. Please provide any further comments you may wish to make in relation to this approach. *[Free-text option]*

10. Overall, to what extent do you agree/disagree that the draft Corporate Plan framework meets your expectations of the council's direction?

Strongly agree	Agree	Neither agree or disagree	Disagree	Strong disagree
<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

11. Please provide any further comments that you think we should take into consideration. *[Free-text option]*

Declaration: Translated materials are available on request. Please contact communications@rbwm.gov.uk

This page is intentionally left blank

Report Title:	2021/22 Finance Update – Revenue and Capital
Contains Confidential or Exempt Information	No - Part I
Cabinet Member:	Councillor Hilton, Cabinet Member for Finance and Ascot
Meeting and Date:	Cabinet – 22 July 2021
Responsible Officer(s):	Andrew Vallance, Head of Finance and Deputy S151 Officer Adele Taylor, Executive Director of Resources and S151 Officer
Wards affected:	All

www.rbwm.gov.uk



1. REPORT SUMMARY

- 1.1 This report sets out the financial position of the Council in respect of the 2021/22 financial year as at the end of Month 2.
- 1.2 The report reviews the various elements of the Council’s financial position including the revenue budget and its funding, the capital programme, and the Council’s financial reserve position.
- 1.3 The report reviews the main areas of financial risk impacting on the revenue and capital budgets and in respect of these risks sets out the assumptions that underpin the forecast position for the year.

2. DETAILS OF RECOMMENDATION(S)

RECOMMENDATION: That Cabinet:

i) Notes the report including:

- a. The Council’s projected revenue and capital position for 2021/22;**

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

Options

Table 1: Options arising from this report:

Option	Comments
Cabinet are requested to note the Council’s financial position	This is the recommended option

4. KEY IMPLICATIONS

- 4.1 RBWM faces considerable financial risks that can have a potentially significant and immediate impact on its finances. To mitigate and smooth the impact on the

budget, reserves and a contingency budget are held. However, these are currently at, or close to, the minimum levels required to protect the Council from these financial risks as well as potential service risks that it may also face.

Across the Medium-Term Financial Plan, the assumption is that RBWM will identify sustainable savings and therefore remain above the minimum level of reserves identified by the S151 Officer.

Table 2: Key Implications

Outcome	Unmet	Met	Exceeded	Significantly Exceeded	Date of delivery
General Fund Reserves Achieved	<£6,700,000	£6,701,000 to £6,900,000	£6,900,001 to £16,900,000	> 16,900,000	31 May 2022

5. FINANCIAL DETAILS / VALUE FOR MONEY

- 5.1 The projected revenue service outturn position for 2021/22 shows **an adverse variance of £1,257,000** as shown in **Table 3** below. The service projected overspend of £1,257,000 mainly arises as a result of overspends in Adult's (£618,000) and Children's Services (£659,000). These overspends are after part mitigation by the release of demography budgets totalling £1,175,000 (Adult's £750,000 and Children's £368,000). Further details on all the variances are given in the relevant service narrative starting at **Section 6**.
- 5.2 **The current projected outturn position for the Council is an overspend of £244,000 in 2021/22.**
- 5.3 The Council estimated that it would receive £2,465,000 of Sales, Fees and Charges compensation for the period April to September 2021 in the budget set in February 2021. The latest estimate for this compensation is £3,165,000, which is an additional £700,000 relating to further compensation for income loss predominantly in Car Parking and Leisure as shown in Appendix A.
- 5.4 The adverse projected outturn position of £244,000 leads to a reduction in the general fund reserve, which now stands at £6,816,000.
- 5.5 The projected service budgets outturn of £96,308,000 is a projected adverse variance of £1,257,000.
- 5.6 Non-service budgets of £16,797,000 as shown in the February 2021 Medium Term financial plan are projecting a favourable variance of £1,013,000 as a result of brought forward covid-19 tranche funding and projected additional Covid-19 SFC compensation.
- 5.7 A full breakdown of variances against each service area is attached at **Appendix A** and the reconciliation of the variance against the current 2021/22 Budget is set out in the table below:

This table is the Directorate summary of the 2021/22 projected revenue outturn.

Table 3: Summary 2021/22 Revenue Outturn position.

Directorate	Current Budget	Projected Outturn	Projected Outturn Variance	Projected Covid-19 Costs for 2021/22
	£000	£000	£000	£000
Chief Executive	(1,161)	(1,086)	75	1,500
Law & Governance	3,816	3,765	(51)	109
Children's Services	24,907	25,566	659	750
Adults, Health & Commissioning	41,770	42,338	618	1,070
Resources Directorate	8,491	8,199	(292)	672
Place Directorate	16,269	16,574	305	5,452
Contingency and Corporate	1,709	1,652	(57)	0
Total Service Expenditure	95,801	97,058	1,257	9,553
Non service costs	10,674	10,676	2	0
Covid-19 funding	(3,118)	(3,118)	0	0
Sales, fees and charges compensation	(2,465)	(3,165)	(700)	0
Funding	(20,672)	(20,987)	(315)	0
Special Expenses	(1,216)	(1,216)	0	0
Transfer to/(from) Reserves	0	(244)	244	0
Net Council Tax requirement MTFP February 2021	78,254	78,254	0	0

Table 4: Significant service variances over £1,000,000

SERVICE	MONTH 2 PROJECTED VARIANCES
	£,000
Children's Service Achieving for Children contract	1,989
Dedicated School Grant income	(1,755)
TOTAL SIGNIFICANT VARIANCES	234

5.8 A summary of the significant variances is shown in **Table 4 above**. Further details can be found in the report as detailed below.

- **Children's services Achieving for Children contract adverse projected outturn of £1,989,000 for placements. Further details are in paragraph 8.3**
- **Dedicated School Grant income projected outturn actual of (£1,755,000) further details are in paragraph 8.5.**

5.9

Savings Tracker

The monitoring of built in savings for 2021/22 is shown in the savings tracker attached in Appendix B. The projected savings achievable as at Month 2 are £6,270,000 against a target of £7,768,000 resulting in potentially unachievable savings of £1,498,000. These savings are rag-rated and are included in the reported service variances in Appendix A; the status breakdown is shown in Table 5 below:

RAG Status:	2021/22 Savings Target £000	Total Savings Forecast in 2021/22 £000	% of target full year forecast
GREEN	3,535	3,514	99.4%
AMBER	3,557	2,506	70.5%
RED	676	250	37.0%
	7,768	6,270	80.7%

Details on the projected savings in 2021/22 are shown in **Appendix B**.

5.10

Covid-19 Sales Fees and Charges (SFC) – Compensation Allocation

This one-off Covid-19 compensation scheme was introduced by the government to compensate local authorities for irrecoverable and unavoidable losses from sales, fees and charges income generated in the delivery of services

The scheme is devised so that local authorities absorb losses up to 5% of their planned sales, fees and charges income, with government compensating them for 75p in every pound of relevant loss thereafter.

The 2021/22 budget included projected compensation of £2,465,000 for April to September 2021/22.

6 Chief Executive Directorate Revenue Forecast Outturn position 2021/22**6.1 The Directorate is forecasting an overspend position of £75,000 for the year 2021/22 as shown in Table 7 below.****6.2 All savings built in to the 2021/22 budget for the Directorate are expected to be achieved in year.**

Table 7: Chief Executive Revenue Forecast Outturn position 2021/22

Chief Executive	Current Budget	Forecast Outturn	Forecast Outturn Variance
	£000	£000	£000
Chief Executive	281	281	0
Property	(1,442)	(1,367)	75
Total Chief Executive	(1,161)	(1,086)	75

Areas of Risk & Opportunity (Significant)**6.3 Property**

6.4 Industrial & Commercial Estates include a miscellaneous income budget of £225,000. Although there are a few small premises rents that go against this budget much of it is for one-off or new rental income. This year £150,000 has been identified so far leaving a potential £75,000 pressure. The service is hoping that this will be mitigated during the year. In prior years rents from Sienna Court were used to meet this target. The property is now vacant awaiting re-development.

6.5 Included in the outturn are Covid-19 expected costs of £1,500,000 which are fully funded by the Covid-19 one-off budget in 2021/22. It is too early in the year to predict how much of it will be needed to mitigate against commercial income losses. Further clarity should be available for future Cabinet reports. No SFC compensation can be claimed for commercial rental income.

7 Law & Governance Directorate Revenue Outturn Forecast 2021/22

7.1 **The Directorate is forecasting an underspend of £51,000 for the year 2021/22 as shown in Table 8 below.**

7.2 Savings built into the 2021/22 budget amounted to £168,000 for the Directorate of which £157,000 are expected to be delivered in the year. Savings of £11,000 are unlikely to be achieved as face to face member meetings cannot be accommodated in the Council Chamber as it is too small to maintain social distancing, thus the saving on room hire will not be achieved this year (£1,000). This cost can be met from non-ring-fenced grant income. The schools buy back for the data protection service has not been as high as budgeted (£10,000 pressure), this is being mitigated in year from savings within the Directorate.

Table 8: Law & Governance Revenue Outturn Forecast 2021/22

Law & Governance	Current Budget	Forecast Outturn	Forecast Outturn Variance
	£000	£000	£000
Deputy Director of Law & Strategy	156	156	0

Law & Governance	Current Budget	Forecast Outturn	Forecast Outturn Variance
	£000	£000	£000
Communications & Marketing	378	378	0
Governance	2,194	2,143	(51)
Law	628	628	0
Performance Team	370	370	0
Policy Communication & Engagement	90	90	0
Total Law & Governance	3,816	3,765	(51)

7.3 Areas of Risk & Opportunity (Significant)

7.4 There are no significant variances being forecast by the directorate at this stage in the year.

7.5 **Land Charges Income** – this is currently ahead of budget as the property market remains buoyant as a result of the stamp duty holiday extension to the end of June. The service is forecasting to be £25,000 over target for income for the year.

7.6 **Facilities** – part year vacancy savings have been forecast of £20,000

7.7 Budgets of £109,000 included in 2021/22 for Covid-19 pressures are expected to be required this year. Estimated SFC compensation of £72,000 is forecast to be reclaimable based on estimated income losses.

8 CHILDREN'S SERVICES REVENUE OUTTURN 2021/22

The Directorate is forecasting an adverse outturn position of £659,000 for the year 2021/22 as shown in Table 9 below.

8.1 Children's Services Directorate revenue position as at Period 2 is a forecast overspend of £2,414,000 against a current budget including the Dedicated Schools Grant of £94,032,000 for the financial year 2021/22. Of this overspend £1,755,000 is offset to the Dedicated School deficit. This results in a net overspend on Children's Services of £659,000. The forecast variance includes the release of the RBWM held "demography" fund budgeted at £368,000 for Children's Services placement led activity. The financial position for 2021/22 is set out in Table 9.

Table 9: Children's Services budget position 2021/22

Service	Current Budget	Forecast Variance	Variance
	£000	£000	£000
Children's Services non-Dedicated Schools Grant			
* Social Care and Early Help	19,015	19,303	288
* Business Services	3,421	3,404	(17)
* Education	1,393	1,410	17
* Operational Strategic Management	324	324	0
* Public Health	1,583	1,615	32
* Special Educational Needs and Children with Disabilities	2,116	2,330	214
Children's Services – Retained	(2,945)	(2,820)	125
Total Children's Services Non-Dedicated Schools Grant	24,908	25,567	659
Dedicated Schools Grant			
* AfC Contract - Dedicated Schools Grant	12,035	13,490	1,455
Dedicated Schools Grant – Retained	57,089	57,389	300
Dedicated Schools Grant Income (transfer to DSG deficit)	(69,124)	(70,879)	(1,755)
Total Dedicated Schools Grant	0	0	0
Summary Position			
* Achieving for Children Contract	39,888	41,877	1,989
Children's Services – Retained	(2,945)	(2,820)	125
Dedicated Schools Grant – Retained	57,089	57,389	300
Total Children's Services budget	94,032	96,446	2,414

8.2 The services included within the Children's Services Directorate are set out in Appendix G.

8.3 The outturn variance of £659,000 consists of the following material variances as set in Table 10.

Table 10: Children's Services material variances

Service	Business as Usual	Covid-19	Outturn Variance	Note
	£000	£000	£000	
Total Social Care and Early Help	288	0	288	
Total Achieving for Children Other	246	0	246	
Total Achieving for Children	534	0	534	1
Children's Services – Retained	125	0	125	2
Total Children's Services Non-Dedicated Schools Grant	659	0	659	

AfC Contract - Dedicated Schools Grant	1,455	0	1,455	
Dedicated Schools Grant - Retained	300	0	300	
Total Dedicated Schools Grant	1,755	0	1,755	3
Total Dedicated Schools Grant transfer to Reserve	(1,755)	0	(1,755)	4
Total Net Dedicated Schools Grant	0	0	0	
Total Outturn Variance	659	0	659	

8.4 **Total Achieving for Children non-Dedicated Schools Grant (Note 1)**

The forecast overspend of £659,000 comprises of service pressures as reflected below:

- **Placements £nil (net)** – represents the full year effect of two high cost placements made during quarter 4 of 2020/21; the forecast includes an estimated Future Demand for further placements during the year of £340,000; this is reflective of previous years' demand. The overspend being matched by the release of RBWM held "demography" fund of £368,000 and additional grants for Unaccompanied Asylum Seeking Children and Staying Put Implementation (£261,000). The demography and additional grants have been transacted into the Achieving for Children contract to match against the related expenditure.
- **Employee related costs £300,000** - Child Focused posts retained to meet increased demand in Domestic Abuse & statutory services resulting from Covid-19. This pressure reflects the increased level of referrals and complexity of the demands on the service.
- **Home to School Transport £254,000** – requirement for additional route to be commissioned following removal of a public bus service used to transport pupils to schools within the Borough (£40,000) & the transport service currently in the process of retendering all routes which it is anticipated will deliver the remainder of the savings plan, however, at this stage the risk of non-achievement is estimated at £214,000. The outcome of the tender process will be confirmed in autumn 2021.

8.5 **Children's Services – Retained non-Dedicated Schools Grant (Note 2)**

The net overspend of £125,000 consists of service variances as set out below:

- Grants £100,000 - indicative reduction in the Troubled Families Programme grant £100,000; grant allocation expected in summer 2021
- Others net £25,000

Total Dedicated Schools Grant (Note 3)

The Dedicated Schools Grant overspend of £1,755,000 reflects an estimate of the continued cost associated with the provision of Independent Special schools and other associated direct support packages. This forecast is reflective of the activity in 2020/21 along with updates to reflect known changes. A more informed position will be confirmed in the autumn following the start of the new academic year when most pupils will be placed within the appropriate educational establishment.

In addition to the recent increased demand for services for children and young people with Special Educational Needs and Disabilities, the recent Covid-19 pandemic has created additional challenges. These challenges could impact on the progress of some of our most vulnerable pupils. It is highly likely that there will be requests for pupils to repeat an academic year increasing the demand and pressure on this service area and sector.

A further additional challenge already recognised is an increase in the number of parents opting to continue with “elective home education” for their children.

Total Dedicated Schools Transfer to Reserve (Note 4)

To fund the in-year overspend there will be a deficit balance transfer of £1,755,000 to the Dedicated Schools Grant reserve, resulting in a cumulative net carry forward as at 31st March 2022 of £3,550,000 (3%). This cumulative deficit includes earmarked reserves of £134,000; therefore, the non-earmarked deficit is £3,684,000 (3%).

All local authorities that have a cumulative Dedicated Schools Grant deficit are required to submit a recovery plan outlining how they will bring their deficit back into balance within a reasonable time frame. Achieving for Children have been in discussions with the DfE and a detailed deficit recovery plan will be presented to Schools Forum seeking their agreement.

9 Adults, Health and Housing Directorate

9.1 The Director & Support revenue position as at Period 2 is a forecast overspend of £44,000 against a current budget of £2,918,000 for the financial year 2021-22.

Table 11: Director & Support Revenue budget position

Service Area	Current Budget	Month 2 forecast position	Actual Variance	Change from previous month 1
	£'000	£'000	£'000	£'000
Director & Support Teams				
Transformation & Systems	512	512	0	0
Director, Procurement & Partnerships	434	440	6	0
Jnt Arr-Modern Records & Coroners	259	263	4	0
Commissioned -Community and Children	495	552	57	0
Adult Social Care Commissioning & Support	1,011	988	-23	0
Government Grant Income	163	163	0	0
Total – Director & Support teams	2,874	2,918	44	0

9.2 Director & Support Teams

For Adult Social Care Commissioning and Support

In line with government guidance, the Council is supporting providers of adult social care to meet the additional costs they are incurring in dealing with the Covid-19 pandemic. Infection Control Grant support payments of circa £1,150,000 will be made during May and June 2021 to providers; this funding is via government grant so is cost neutral for the Council.

9.3 Adult Social Care

The Directorate position at Period 2 is a forecast overspend of £570,000 against a current budget of £35,444,000 for the financial year 2021-22.

The total adult social care net budget for 2021/22 is £35,444,000.

The Period 2 forecast position for adult social care is an overspend of £570,000. There is additional demand on social care as a result of the pandemic with care and support being provided to residents now suffering more need. Implementation of two of the savings schemes has been delayed and this is reflected in the forecast overspend position; however, these two schemes are now being expedited.

A further pressure has been identified relating to the inflationary element attributable to the social care budget which now requires £1,550,000 as the inflation rate has increased; however a lower element of £953,000 was allocated during base budget build. Of this, £730,000 was to be applied to placements under the Optalis contract leaving a net inflationary element for RBWM of £223,000.

The reasons for the variation are detailed in **table 12 below**.

Table 12: Adult Social Care 2021/22 Revenue Monitoring Period 2 Position

Summary Type	Care Group / Service	Current Budget	Period 2 forecast position	Actual Variance	Change from Previous month
		£'000	£'000	£'000	£'000
	Summary Position				
Exp	RBWM Expenditure budgets	15,961	15,961	0	0
Inc	RBWM Income budgets	-13,648	-13,485	163	0
Optalis	Optalis contract -Total	32,120	32,550	430	0
	Adult Social care services budgets	34,433	35,026	593	0
	Commissioning & Support	1,011	988	-23	0
	Total Adult Social Care Net Budget	35,444	36,014	570	0

The cost of providing homecare is forecast to exceed budget by £1,100,000 due to increasing demand and costs. The budget for home care was estimated at a cost of £10,761 per day (including a one-off contribution from the Better Care Fund (BCF) of £862 per day). Currently the costs of home care are £13,887 per day, due to the levels of demand. The pressure on the domiciliary care budget has been offset by additional income from the BCF, NHS Frimley Clinical Commissioning Group (CCG)

and client contributions. The income received from the CCG has been provided to facilitate hospital discharge and to prevent hospital admissions. The estimated income receivable from the CCG has continued into this financial year as the Department of Health and Social Care (DHSC) announced that reimbursements will continue for the first 6 months of 2021/22. Allowance for additional income was made when setting the budget for 2021/22. The net overspend after taking into account all income on domiciliary services is £485,000. Further detail on the income received from the CCG in 2021/22 is shown in **Table 13 below**.

Table 13: Summary of CCG estimated income due to be received in 2021/22

Purpose of income	£'000
BCF -Minimum contribution to adult social care	£4,957
COVID related spend-Hospital discharge process (HDP)	£575
Free Nursing Care	£670
Shared Care and Other	£200
TOTAL INCOME	£6,402

The number of residents supported in long term care in nursing and residential homes had reduced significantly due to the impact of Covid-19 in 2020/21. At the start of 2021/22 the numbers have started to increase. As with domiciliary care, income from the CCG provided to facilitate hospital discharge and to prevent hospital admissions continues into this financial year for a period of 6 months. The period of care reimbursed to us from the CCG reduces in quarter 2 of this year and then ends.

9.4 Learning Disability

Table 14: Learning Disability services

Summary Type	Care Group / Service	Current Budget	Period 2 forecast position	Actual Outturn Variance	Change from previous month
		£'000	£'000	£'000	£'000
	Learning Disability (LD)				
Exp	Residential; Nursing; Supported Living - block	1,888	1,961	73	0
Optalis	Residential & Nursing care - spot	5,269	5,269	0	0
Optalis	Residential & Supported Living - Optalis provided	3,518	3,400	-118	0
Optalis	Supported Living - spot	3,589	3,589	0	0
Optalis	Day & Other Care - Optalis provided	2,096	2,318	222	0
Optalis	Income from charges	-1,485	-1,272	213	0
Inc	Other LD Income	-552	-471	81	0
Optalis	Care teams staffing	775	771	-64	0
	Learning Disability Total	15,098	15,505	407	0

The period 2 forecast overspend for LD services is £407,000. Please see **Table 14** above.

9.5 Mental Health

Table 15: Mental Health Services

Summary Type	Care Group / Service	Current Budget	Period 2 forecast position	Actual Outturn Variance	Change from previous month
		£'000	£'000	£'000	£'000
	Mental Health (MH)				
Optalis	Mental Health services	2,165	2,165	0	0
Optalis	Mental Health Team	1,165	1,165	0	0
Inc	Mental Health Income	-423	-430	-7	0
	Overall Mental Health Total	2,907	2,900	-7	0

Pressures have continued to increase on all care budgets for people with mental health issues, as anticipated given the current pandemic and restrictions. Following a detailed review of mental health service users, a potential £300,000 pressure has been mitigated.

9.6 Savings

Savings targets of £2,000,000 have been carried forward from 2020/21. There are also an additional £2,000,000 new savings identified in 2021/22 which are currently being worked on; please see the savings tracker.

9.7 In relation to the savings, progress has already been made as follows:

- There has been early success in reviewing Learning Disability cases to identify savings whilst still ensuring the right type of care and support continues to be provided.
- The proposed changes to day care provision are currently out to consultation, and if approved, savings will be made from reconfiguration of services. Changes that were required as a result of the Covid-19 pandemic have demonstrated how services can be delivered and residents can be better supported within their own communities.
- A new process has been developed and implemented for writing off bad debt when it is no longer viable to proceed legally to recover. A bad debt panel has been reconstituted to include the senior managers in the Royal Borough and Optalis to ensure there is traction in proceedings taking place. The top 20 debts have been identified and are all being progressed. Consideration regarding how we support self-funders within our processes is being looked at and steps put in place to ensure we are claiming all income due.

9.8 Public Health and Better Care Fund

The Public Health budget is fully funded by the £4,793,000 ring-fenced Public Health Grant. Underspends on this budget must be carried forward in a public health reserve. At the start of this financial year there was £511,000 in the Public Health reserve for use in 2021/22 or future years. The PH reserve will be used according to PH priorities in 2021/22.

The Contain Outbreak Management Fund (COMF including Test and Trace grant) also sits within Public Health. This grant is specifically to deal with issues arising

from the pandemic and was awarded for use over two financial years i.e. 2020/21 and 2021/22. The amount spent in 2020/21 on this grant was £618,000 while the balance has been carried forward into 2021/22 - £3,666,000.

Out of this £3.6m, £1.5m has already been allocated to various activities (Community programmes that support vaccination take up, Wellbeing, staffing, RBWM contribution towards shared additional Health protection, LFDT support etc.). The remaining funding is currently being discussed and will be allocated for wider recovery support and initiatives.

The Better Care Fund is a budget held in partnership with the CCG and is accounted for in totality in the Council's accounts as a pooled arrangement. Variances to planned spend on individual projects are shown in the service area to which that project relates. All decisions on spend are taken by the multi-agency Integrated Commissioning Board.

The Better Care Fund is mandated to include the Local Authority's capital income in respect of Disabled Facilities Grant. This income must be spent on items of a capital nature within the purposes for which the grant is allocated or the staffing administration of the scheme. We are currently reviewing the DFG process which is likely to result in revised staffing levels and structure. Expenditure on disabled facilities adaptations is below budget forecasts due in part to the Covid-19 restrictions and therefore £475,000 income has been brought forward within the BCF, to 2021/22. At the start of 2021/22 we have a budget as detailed below.

Table 15: Public Health Grant and Better Care Fund

Service	Current Budget	Period 2 forecast	Actual Variance	Change from previous Month
	£'000	£'000	£'000	£'000
Public Health – gross spend	4,793	4,793	0	0
COMF Grant (inc T&T)	3,666	3,666	0	0
Total expenditure	8,459	8,459	0	0
Public Health Grant & COMF	(8,459)	(8,459)	0	0
Better Care fund – expenditure	13,133	13,133	0	0
Better Care fund income	(13,133)	(13,133)	0	0

9.9 Housing

The annual budget for Housing is £2,494,000, as at period 2 the forecast variation on this budget is £4,000, please see table 16 below

Table 16 – Housing

Housing and Environmental Health	Current Budget	Period 2 Forecast position	Actual Variance	Change from previous Month
	£000	£000	£000	£000
Housing and Environmental Health:				
Head of Housing	242	242	0	0
Housing Strategy & Residential	2,898	2,902	4	0
Housing Operations	-966	-966	0	0
Environmental Health	1,112	1,112	0	0
Trading Standards & Licensing	-146	-146	0	0
Total Housing	3,140	3,144	4	0

Homelessness – the pressure on this service was significant in 2020/21. The effects of the pandemic and government directive to house all homeless in March 2020 (“Everyone in”) whilst ensuring social distancing within facilities added to the complexity of providing this accommodation. There had also been a general increase in demand for housing services. At the start of 2021/22, the focus has been on implementing the new procedure for the collection of income, which includes an annual invoice being raised for each household in temporary accommodation. Therefore, the income showing is the expected income for the whole financial year, based on current occupancy, not the income expected for the month being monitored. As a result of this invoicing process, a debt of approximately £3m has been produced which will need to be recovered by the service over the year.

The pressure being reported within Housing Strategy and Residential Services is related to an illegal encampment clearance from Windsor Great Park.

9.11 Future risks for Adult, Health and Housing

i) Achievement of savings

There are substantial savings required from adult social care for 2021/22, over £4m in total of which circa £1.3m is step up savings from the last financial year. The savings are set out in the transformation programme and require significant culture change across the service in the Royal Borough and Optalis. Therefore, as with any culture change, there are inherent risks which are being mitigated through robust programme management. As stated earlier, there have been some delays to the implementation of two of the savings schemes and these are now being expedited.

ii) Demographic growth

A budget was set at the commencement of this financial year based on numbers of residents in services at an average cost. This is being closely monitored monthly as we are already seeing additional demand at increased costs.

The figures used to set the budget are included in the table below, please note these are average figures across all care settings.

Client Group	Numbers	Average costs	Range
Older People	630	£642	£993- £260
Physical Disability	59	£1,032	£1,818- £370
Learning Disabilities	212	£824	£1,730- £207
Mental Health	99	£562	£1.096 - £158

As at the end of May 2021, numbers of older people, learning disability clients and mental health service users have increased. The weekly costs of care are also increasing; some of this is due to provider inflation, which was a budget issue for RBWM adult social care, and some is due to market capacity and market forces.

Current numbers as at the end of May 2021 are

Client Group	Numbers	Average costs	Range
Older People	704	£689	£1,135- £260
Physical Disability	56	£1,234	£2,625- £370
Learning Disabilities	216	£824	£1,730- £207
Mental Health	116	£573	£1.096 - £183

iii) Pressures

a) Learning Disabilities

Within Learning Disability services a detailed 'Forward Look' list is maintained, this includes any changes that we are aware of which may have an impact on adult social care budgets, such as transition cases from children's services, movements within joint packages of care with Health or residents moving away from health funded Continuing Health Care (CHC) funding to adult social care funding. Currently the LD Forward Look identifies additional costs and risks of up to £1,900,000 additional placements. Of this there is a risk that **£700,000** may transfer to our services during this financial year. This element is being closely monitored on a monthly basis and any adjustments to the Forward Look are identified and acted on.

b) Mental Health

Mental Health also maintains a Forward Look, within this we can identify additional pressures of £44,000 of cases that could transfer to adult social care services

c) Older adults spot purchasing arrangements.

The team is closely monitoring the numbers of vacancies within block arrangements and ensuring voids within block contracts are utilised appropriately before spot purchasing additional care. During Covid-19 the usage of nursing home beds increased, and residential beds decreased, and whilst we are still experiencing this change, we are expecting the mix of bed usage to revert to the more usual pattern. Currently we have a number of residential voids in block arrangements which would result in a risk to the budget of circa **£700,000**, as alternative bedded provision would need to be sourced under spot contract arrangements

d) Temporary accommodation

This area of spend will be closely monitored during this financial year, due to the challenges faced with monitoring temporary accommodation usage. Risks include the freeze on private sector evictions being lifted, therefore increasing the homeless presentations, and the potential of further restrictions resulting in additional parental/friend evictions. The mitigation to the challenge includes a private sector officer starting this month with a focus on discharging current households in temporary accommodation into suitable private rented sector property. The current statistical data demonstrates that the overall temporary accommodation numbers are starting to reduce due to the effective case management approach now undertaken within the service.

9.12 Summary Position for Adults Social Care and Housing Directorate

Table 17: Summary position for the Directorate as at Period 2

Service area	Current Budget	Period 2 forecast position	Actual Variance	Change from Previous month
	£'000	£'000	£'000	£'000
Adult social care services budgets	35,756	36,326	570	0
Director and Support Budgets	2,874	2,918	44	0
Housing Services	3,140	3,144	4	0
TOTAL	41,770	42,388	618	0

10 Resources Directorate

10.1 Resources Directorate is forecasting an underspend outturn position of **£292,000** for the year 2021/22 as shown in Table 18 below.

10.2 Savings of £660,000 built in to the 2021/22 budget for the Directorate are all expected to be delivered in year.

Analysis of the projected outturn is shown in **table 18** below:

Table 18: Resources Revenue Forecast 2020/21

Resources	Current Budget	Forecast Outturn	Forecast Outturn Variance
	£'000	£'000	£'000
Executive Director of Resources	214	214	0
Libraries & Residents Services	2,726	2,389	(337)
R&B Management and Administration	1,441	1,441	0
Housing Benefits	91	91	0
HR, Corporate Projects and IT	2,803	2,803	0
Corporate Management	(99)	(63)	36
Finance	1,306	1,325	9
Total Resources	8,491	8,199	(292)

10.3 **Areas of Risk & Opportunity (Significant)**

Included in the forecast outturn are Covid-19 expected costs and lost income of £672,000 and estimated SFC compensation of £86,000. One-off funding for Covid-19 pressures arising in 2021/22 and included in the Directorate's budget is £656,000.

10.4 **Libraries & Residents Services**

The one-off Covid-19 budget of £200,000 to support Libraries and Residents services in 2021/22 is not expected to be fully required. Registrars have invested in extra resources in order to meet new legislative requirements that came into force from 4th May. This will allow the service to continue to officiate the maximum number of weddings possible at the current time. Income carried forward for postponed weddings will cover the cost of increased capacity, although any income relating to Covid-19 related postponed weddings remains at risk of refund if existing restrictions are extended or increased.

SFC compensation for lost libraries income for the first 4 months of the year is estimated to be £37,000.

10.5 **Revenues & Benefits Management and Administration**

Magistrates' courts, although open (on-line), have restricted the numbers of cases that can be brought, thus delaying recovery of costs and tax. Fees are charged to help fund the costs of the Council Tax and Business Rates recovery service and it is forecast that this income will be down on budget by £322,000. This is fully funded by the one-off Covid-19 budget of £334,000 built into the budget this year. SFC compensation for lost income for the first 4 months of the year is estimated to be £49,000.

10.6 **Housing Benefits (HB)**

10.7 There is an income target of £755,950 in respect of housing benefit overpayment recovery. There are several factors which are likely to influence the ability to recover against this target including the economic effect of the pandemic on customers' income and the increasing numbers of customers who move onto universal credit thereby limiting the options for recovery. The pressure against this budget is expected to be £300,000 this year. Currently, this pressure is forecast to be mitigated by a better than forecast subsidy return on sums paid out in Housing Benefit. However, it should be noted that it is very early in the financial year to forecast this as any small fluctuation in subsidy reclaimed will affect this and the overall rate does decrease during the year as sums paid out increase.

11 **Place Directorate Revenue Forecast Outturn position 2021/22**

11.1 **The Directorate is forecasting an adverse outturn position of £305,000 for the year 2021/22 as shown in Table 19 below.**

- 11.2 Savings of £2,066,000 were built into the directorate's 2021/22 budget. Of these – 65% have been RAG rated Green and are expected to be delivered in full. The remainder are Amber and expected to be fully mitigated from savings within the service if not delivered in full this year.

Analysis of the overspend follows in **Table 19** below:

Table 19: Place Revenue Forecast 2020/21

Place	Current Budget	Forecast Outturn	Forecast Outturn Variance
	£000	£000	£000
Executive Director of Place	248	248	0
Neighbourhood Services	12,522	12,742	220
Planning	1,416	1,416	0
Communities	269	269	0
Infrastructure, Sustainability & Transport	1,814	1,898	85
Total Place	16,269	16,574	305

11.3 **Areas of Risk & Opportunity (Significant)**

Included in the forecast outturn are Covid-19 expected costs and lost income of £5,452,000.

11.4 **Neighbourhood Services** – forecast overspend of £220,000.

11.5 As a result of government guidance on bus support during the Covid-19 emergency, savings within the **supported bus services** are unlikely to be delivered this year. The total undeliverable saving is £100,000 for 2021/22 and an additional £100,000 built into the budget for 2020/21. A net overspend of £165,000 is forecast for the service as some smaller savings have partially mitigated this pressure.

11.6 Additional income from enforcement of **street works activity** – £100,000 built into the budget are considered to be achievable this year. The service has been redesigned to focus on robust enforcement with a review of the business case being undertaken by the service. Work so far has been promising in terms of income generated and recruitment of 2 FTE posts is underway to fully resource the team and drive the initiative forward.

11.7 **Waste** – Waste disposal saving of £175,000 are still considered possible although the saving delivery is likely to be from savings on tonnages based on previous years data - £65,000 forecast currently.

11.8 Also helping to mitigate savings - **Green waste income** is continuing to be ahead of budget as numbers of service users exceed budgeted expectations - £150,000 overachievement of income forecast.

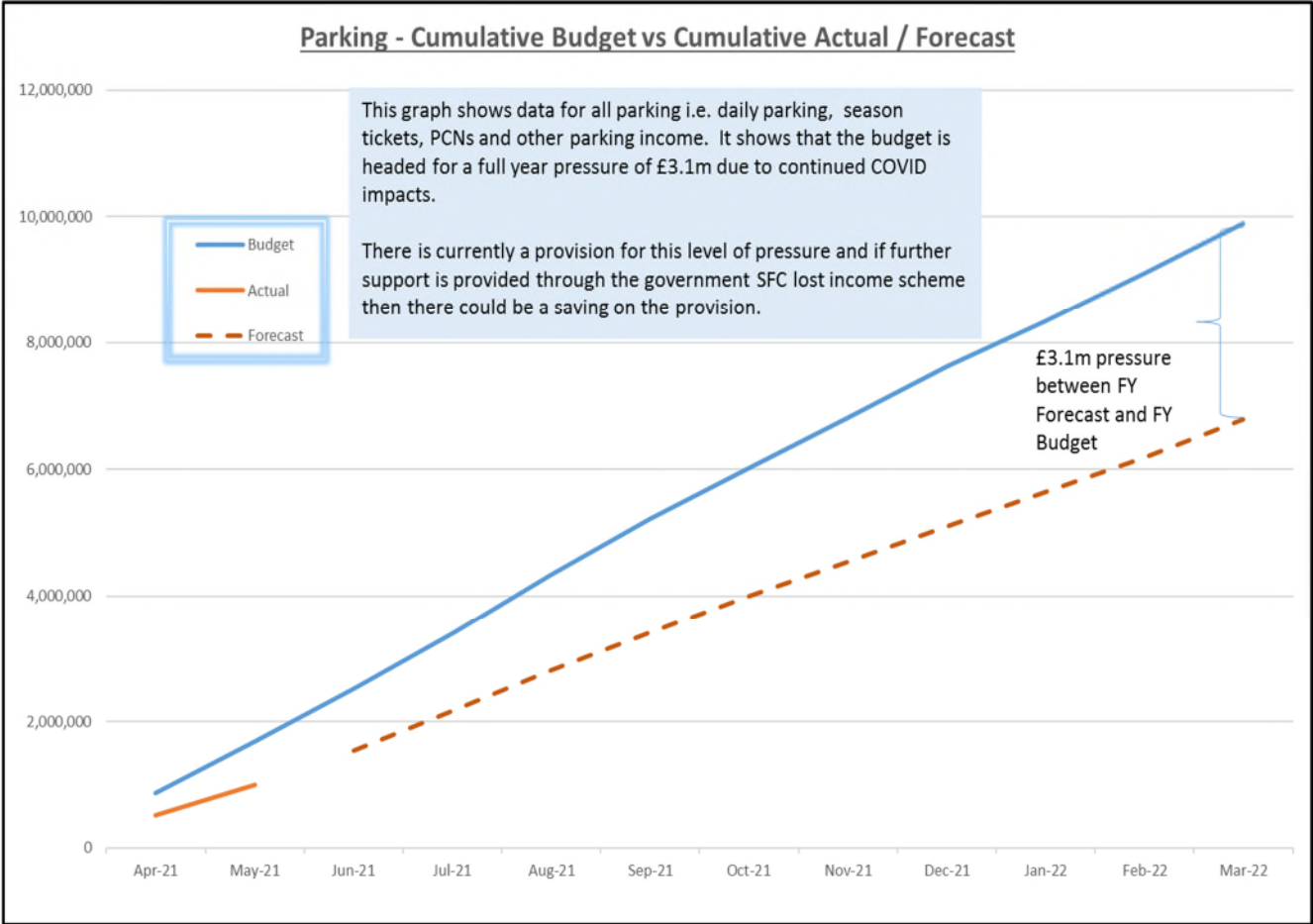
11.9 The service as a whole is expected to end the year with an underspend of £50,000.

11.10 **Car Parking Income** – income received from car parking across the borough for the first two months of the year was 40% down against the profiled pre-Covid19 budget of

£2,883,000. This was across both daily car parking and season ticket income. Whilst actual daily parking income was greater in Windsor than Maidenhead (£576,000 compared to £212,000) as a % of budgeted income, the loss was actually 43% in Windsor against 33% in Maidenhead. Based on data to date, the budget allocated to cover this ongoing loss of income as a result of Covid-19 restrictions of £3,090,000 is expected to be sufficient for the anticipated pressure this year.

11.11 Season ticket sales are a particular area of concern which is being closely monitored by the service to identify permanent changes in commuter behaviour that may impact this income stream on a permanent basis.

11.12



11.13 Communities -

11.14 **Leisure centres concession contract** – additional support for Leisure Focus will be required this year as social distancing restricts footfall and income generation within the leisure centres; this is anticipated to be £439,000 above the £1,758,000 put in the budget to support this pressure in 2021/22. The extension of the end of Covid-19 restrictions to the 19th of July means it is likely that this service may need further

support. This additional impact has not yet been evaluated and is not included in the forecast at month 2.

12 Contingency and Corporate Budgets

12.1 The contingency budget is made up of a number of risk-based elements that represent potential, but uncertain, liabilities known at the time the budget is set in February of each year. When these risks become certain costs and liabilities, budgets will be moved either as in-year or permanent virements to the relevant service. Corporate budgets represent those costs not relating to specific services

Analysis of the contingency and corporate budget follows in **Table 20** below.

Table 20: Contingency and Corporate budget position

Contingency & Corporate	Current Budget	Forecast Outturn	Forecast Outturn Variance
	£000	£000	£000
Corporate Contingency:			
Adults Contractual	331	331	0
Demographic growth Children's	63	63	0
Savings Delivery	1,300	1,300	0
Total Contingency	1,694	1,694	0
Corporate Budgets	15	(42)	(57)
Total Contingency and Corporate Budgets:	1,709	1,652	(57)

13 OTHER REVENUE BUDGET ISSUES

13.1 Collection Fund

The majority of Council spending relies on collecting Council Tax and Business Rates. The Council's budgeted share of these two precepts is £88,000,000 in 2021/22. Collection rates are therefore closely monitored. A total of £21,252 million of Council Tax has been collected, equating to a collection rate of 21.06% against a target collection rate of 21.5%. Business Rate collection was £10.184 million equating to a collection rate of 19.24% against a target collection rate of 20.00% as shown in **Table 21** below.

Table 21: Business Rates and Council Tax Collection 2021/22

REVENUES COLLECTION 2021/22							
	Total Collectable for Current year	Total Collected to date for Current Year	Total Collected this month for current year	% Collected for current Year	% Collected same period last year	Target as per SADC	Current year balance Outstanding
CTAX							
April	100,945,944	11,749,256	11,749,256	11.64%	11.51%	11.6%	89,196,688
May	100,930,216	21,252,177	9,502,921	21.06%	20.84%	21.5%	79,678,039
NNDR							
April	52,713,615	6,022,929	6,022,929	11.43%	10.70%	12.0%	46,690,685
May	52,941,908	10,183,936	4,161,006	19.24%	19.98%	20.0%	42,757,973
CTS COLLECTION FIGURES 2021/22							
	Total Collectable for Current year	Total Collected to date for Current Year	Total Collected this month for current year	% Collected for current Year	% Collected same period last year	Target as per SADC	Current year balance Outstanding
CTAX							
April	868,332	109,822	109,822	12.65%	10.75%	10.8%	758,510
May	863,961	167,366	57,544	19.37%	17.73%	18.7%	696,595

14 Outstanding Sundry Debt

- 14.1 The current level of outstanding sundry debts is £7,536,000 as at 31 May 2021, this is an increased level of debt of £42,000 since 31st March 2021. The age of the debts is shown in **Table 22** below.

Table 22: Outstanding Sundry Debts

2021/22 OUTSTANDING DEBTS AND BAD DEBT PROVISION REQUIREMENT AS AT 31st MAY 2021									
SERVICE	2020/21		2020/21 Debt Outstanding as at 31st of May 2021	2021/22					Bad Debt Provision for 2021/22
	Debt Outstanding	Bad Debt Provision		<1 month	>1 mth and < 6 months	> 6 months < 1 year	1 to 2 years	> 2 years	
	£,000	£,000	£,000	£,000	£,000	£,000	£,000	£,000	£,000
Education, Youth and Foster Schools	81	63	74	2	8	1	0	63	64
Housing Loans	1,075	0	26	4	20	3	0	0	3
Temporary Accommodation - bed & bfast	327	242	334	10	1	0	11	312	240
Adult Social care	449	148	3,077	411	2,477	66	93	30	387
Adult deferred payments	3,830	1,464	3,501	991	742	490	641	637	1,529
Corporate including Highways and Leisure	601	191	588	0	56	88	150	295	0
Commercial Property**	841	223	827	206	378	111	86	46	262
	332	332	540	14	241	183	81	22	232
TOTAL DEBT	7,536	2,663	8,966	1,639	3,922	942	1,061	1,404	2,717
% of outstanding debt				18%	44%	11%	12%	16%	

15 Revenue Budget Movements

There are no movements to the revenue budget since the March 2021 cabinet report.

16 Revenue Reserve

At 31 March 2021, the Council had general fund reserves of £7,059,000. The projected outturn position of £244,000 overspend results in a general fund reserve of £6,816,000; £116,000 above the minimum level approved by Council for 2021/22.

Table 23: General Fund reserve projection

General Fund Reserve at 31.05.2021	£000
Opening Balance 01.04.2021	7,059
Projected overspend	(244)
Current Projected Balance at 31.03.2022	<u>6,816</u>

17 Borrowing projection 2021/22

- 17.1 Throughout the year the Council's borrowing levels are updated based on cash-flow and spending on the capital programme as shown in **Appendix C**. Currently the Council is borrowing temporarily pending anticipated capital receipts in future years and short-term interest rates remain low. The details of the current borrowing are shown in **Table 24** below.

The graph in **Appendix E** shows the actual and forecast end of month gross borrowing levels for the year. In the table below the Council's investment balances are offset against the gross amount borrowed to give the net borrowing position.

Table 24 Total Borrowing

Borrowing Type	Actual Start of Year £000	Actual Previous Month £000	Actual Current Month £000	Year End Forecast Current Month £000
Long Term	57,049	57,049	57,049	56,264
Short Term – Local Authority	114,000	102,000	122,000	173,000
Short Term – LEP/Trusts	20,732	20,263	23,443	0
Investments	(23,909)	(17,102)	(35,590)	(14,000)
Net Borrowing	167,872	162,210	166,562	215,264

18 CAPITAL PROGRAMME

The gross capital expenditure for the current financial year 2021/22 is shown in **Table 25**. This summarises the outturn position by directorate. At this early stage there are no variances or slippage to report. The Council is projected to spend £66,629,000 on capital projects in the current financial year although slippage to 2022/23 is likely to be reported as the year progresses. Detail on the funding of the capital programme is shown in **Table 26**.

Table 25: Capital Programme projected outturn.

	Revised Gross Budget 2021/22 £'000	Forecast Gross slippage to 2022/23 £'000	Current year variances £'000	Projected Gross Outturn 2021/22 £'000
Managing Director	32,651	-	-	32,651
Law & Strategy	445	-	-	445
Place Directorate	24,177	-	-	24,177
Adults, Health & Commissioning	1,118	-	-	1,118
Children's Services	5,600	-	-	5,600
Resources	2,638	-	-	2,638
Total	66,629	-	-	66,629

18.1 Budget movements to arrive at the revised budget are detailed in **Appendix D**

18.2 **Capital Expenditure Financing.** The £66,629,000 capital expenditure will be funded by the income streams as set out in **Table 26**. At present it is projected that £48,187,000 of corporate funding is required for the financial year. Some of this cost is likely to slip to 2022/23. The cost of long term borrowing at a rate of 1.39% is estimated to cost £670,000.

Table 26: Capital Programme financing

Capital Programme funding	£'000
Government Grants	(9,391)
Developers' Contributions (s106 & CIL)	(9,026)
Other Contributions	(25)
Corporate funding	(48,187)
Total	(66,629)

Table 27: Capital programme status

	June 2021
Number of schemes in programme	208
Yet to start	12%
In progress	71%
Completed	7%
Ongoing programmes e.g. Disabled Facilities Grant	10%

19 LEGAL IMPLICATIONS

In producing and reviewing this report the Council is meeting its legal obligations to monitor its financial position.

20 RISK MANAGEMENT

Projected variance will require mitigation to reduce it during the financial year.

21 POTENTIAL IMPACTS

Equalities – none

Climate change/sustainability – none

Data Protection/GDPR – none

22 CONSULTATION

None.

23 TIMETABLE FOR IMPLEMENTATION

Implementation date if not called in: **Immediately.**

24 APPENDICES

This report is supported by seven appendices:

- Appendix A Revenue Monitoring Statement
- Appendix B Savings Tracker 2021-22
- Appendix C Capital budget summary
- Appendix D Capital monitoring report
- Appendix E Borrowing forecast
- Appendix F Children's variance analysis
- Appendix G Reserve Analysis

25 BACKGROUND DOCUMENTS

This report is supported by one background document:

- Budget Report to Council February 2021.

CONSULTATION (MANDATORY)

Name of consultee	Post held	Date sent	Date returned
Cllr Hilton	Cabinet Member for Finance and Ascot	28/6/2021	30/6/2021
Duncan Sharkey	Chief Executive	8/7/2021	
Adele Taylor	Executive Director of Resources/S151 Officer	8/7/2021	13/7/21
Andrew Durrant	Executive Director of Place	8/7/2021	9/7/21
Kevin McDaniel	Executive Director of Children's Services	8/7/2021	9/7/21
Hilary Hall	Executive Director of Adults, Health and Housing	8/7/2021	9/7/21
Andrew Vallance	Head of Finance	23/6/2021	25/6/21
Elaine Browne	Head of Law	8/7/2021	12/7/21
Emma Duncan	Deputy Director of Law and Strategy / Monitoring Officer	8/7/2021	
Nikki Craig	Head of HR Corporate Projects and IT	8/7/2021	
Louisa Dean	Communications	8/7/2021	
Karen Shepherd	Head of Governance	8/7/2021	

REPORT HISTORY

Decision type:	Urgency item?	To follow item?
For information	No	No

Report Author: Ruth Watkins, Chief Accountant

Revenue Monitoring Statement 2021/22					
Original Budget	SUMMARY	Revised Budget	Projected Outturn	Actual Variance	
£000		£000	£000	£000	£000
	Chief Executive				
277	Chief Executive	281	281	0	
(1,258)	Property	(1,442)	(1,367)	75	
(981)	Total Chief Executive's Directorate	(1,161)	(1,086)	75	
	Law & Governance				
0	Deputy Director of Law & Strategy	156	156	0	
321	Communications & Marketing	378	378	0	
1,867	Governance	2,194	2,143	(51)	
628	Law	628	628	0	
174	Performance Team	370	370	0	
0	Policy Communication & Engagement	90	90	0	
2,990	Total Law & Governance	3,816	3,765	(51)	
	Children's Services				
(79)	Director of Children's Services	(79)	(79)	0	
38,803	Achieving for Children Contract	39,888	41,877	1,989	
54,524	Children's Services - Retained	54,223	54,648	425	
(68,884)	Dedicated Schools Grant - Income	(69,125)	(70,880)	(1,755)	
24,364	Total Children's Services Directorate	24,907	25,566	659	
	Adults, Health and Commissioning				
2,409	Director, Support Teams & Provider support	2,874	2,918	44	
3,076	Housing	3,140	3,144	4	
320	Community Protection	325	325	0	
32,763	Adult Social Care	35,444	36,014	570	
13,747	Better Care Fund - Spend	13,133	13,133	0	
5,066	Public Health - Spend	5,056	5,056	0	
(17,586)	Grant & BCF Income	(18,202)	(18,202)	0	
39,795	Total Adults, Health & Commissioning Directorate	41,770	42,388	618	
	Resources				
210	Executive Director of Resources	214	214	0	
2,570	Library & Resident Services	2,726	2,389	(337)	
1,407	Revenues & Benefits	1,441	1,441	0	
90	Housing Benefit	90	90	0	
2,498	Human Resources, Corporate Projects & IT	2,803	2,803	0	
(94)	Corporate Management	(99)	(63)	36	
1,292	Finance	1,316	1,325	9	
7,973	Total Resources Directorate	8,491	8,199	(292)	
	Place				
244	Executive Director of Place	248	248	0	
12,722	Neighbourhood Services	12,522	12,742	220	
1,341	Planning Service	1,416	1,416	0	
254	Communities including Leisure	269	269	0	
1,792	Infrastructure, Sustainability & Transport	1,814	1,898	85	
16,353	Total Place Directorate	16,269	16,574	305	
4,557	Contingency and Corporate Budgets	1,709	1,652	(57)	
95,051	TOTAL SERVICE EXPENDITURE	95,801	97,058	1,257	

Original Budget	SUMMARY	Revised Budget	Projected Outturn	Actual Variance
£000		£000	£000	£000
	Non Service Costs			
5,910	Capital Financing inc Interest Receipts and bank charges	5,910	5,910	0
165	Environment Agency levy	165	165	0
4,199	Pensions deficit recovery	4,199	4,201	2
400	Contribution to/(from) Capital	400	400	0
	Funding			
(15,004)	NNDR Income	(15,004)	(15,004)	0
(210)	Income from trading companies	(210)	(210)	0
(315)	Education Services Grant	(315)	(315)	0
(2,800)	Government Grants(unringfenced)	(2,800)	(2,800)	0
(473)	New Homes Bonus	(473)	(473)	0
(3,170)	Use of Earmarked Reserve	(3,170)	(3,485)	(315)
0	Use of General Reserve	0	0	0
(300)	Transfer (surplus)/deficit to Council Tax Collection Fund	(300)	(300)	0
1,600	Transfer (surplus)/deficit to NNDR Collection Fund	1,600	1,600	0
(1,216)	Special Expenses	(1,216)	(1,216)	0
	Covid-19			
(3,118)	Covid-19 Tranche 5 funding	(3,118)	(3,118)	0
(1,359)	COVID 19 Sales, Fees and Charges Compensation Qtr 1 2021/22 allocated to services	(1,359)	(1,359)	0
(1,106)	COVID 19 Sales, Fees and Charges Compensation outstanding funding to Qtr 2 2021/22	(1,106)	(1,806)	(700)
0	Transfer from provision for redundancy	0	0	0
	Total Non-Service Net Costs	(16,797)	(17,810)	(1,013)
78,254	NET COUNCIL TAX REQUIREMENT	79,004	79,248	244
0	Transfer to / (from) balances	0	(244)	(244)
78,254	TOTAL INCLUDING TRANSFERS TO(FROM) BALANCES	79,004	79,004	0
	General Fund			
	Opening Balance	7,059	7,059	
	Contribution to / (from) Reserves	0	(244)	
	Budget Transfers (from) Balances	0		
		7,059	6,816	
	Transfers (from) Balances, Variance	(244)		
	Budget General Fund Outturn	6,816		

RBWM SAVINGS TRACKER 2021/22

MONTH: 2

Savings Ref	Directorate	Service	General Information				Financials							If savings impacted as a result of COVID-19 when will the full-year savings be achieved			
			MTFP Savings Title	Efficiency Category:	Lead Officer	Finance Lead	2021/22 Savings Target £000	Savings Achieved £000	Savings Forecast in Remainder of the Year £000	Total Savings Forecast in 2021/22 £000	% of target full year forecast	RAG for Remaining Savings Forecast	Explanation of Current Savings Forecast and Remedial Action planned to address underperformance and Mitigation Strategies	Covid-19 impact Yes / No	2021/22	2022/23	Saving not achievable at all
1	Resources	Library & Resident Services	Removal of one Benefit Assistant post	Income/Grants	Angela Huisman	Rhona Bellis	22	20	1	21	95.5%	GREEN					
2	Resources	Library & Resident Services	Stop moving the Container Library saving towage costs	Income/Grants	Angela Huisman	Rhona Bellis	28	0	28	28	0.0%	GREEN	This saving is dependent on Planning permission being granted, but support from parish means that we are hopeful this will be achieved				
3	Resources	Library & Resident Services	Reduction of Library hours	Income/Grants	Angela Huisman	Rhona Bellis	73		73	73	0.0%	GREEN					
4	Resources	Finance	Review of Accountancy structure	Income/Grants	Ruth Watkins	Rhona Bellis	35	35		35	100.0%	GREEN					
5	Resources	Finance	Review of Internal audit contract	Income/Grants	Andrew Vallance	Rhona Bellis	50	50		50	100.0%	GREEN					
6	Resources	Finance	Remove supplies and services budgets from finance team	Income/Grants	Ruth Watkins	Rhona Bellis	67	67		67	100.0%	GREEN					
7	Resources	Finance	Defer Discretionary NNDR write-off	Income/Grants	Ruth Watkins	Rhona Bellis	28	28		28	100.0%	GREEN					
8	Resources	Finance	Review of resourcing of the Insurance and Risk service	Income/Grants	Andrew Vallance	Rhona Bellis	45	45		45	100.0%	GREEN					
9	Resources	Finance	Removal of fax machine analogue lines	Income/Grants	Ruth Watkins	Rhona Bellis	2		2	2	0.0%	GREEN					
10	Resources	HR&IT	Removal of database and network contracts budget	Income/Grants	Nikki Craig	Rhona Bellis	63		63	63	0.0%	GREEN					
11	Resources	HR&IT	Stop software licences for employee relations advice	Income/Grants	Nikki Craig	Rhona Bellis	3		3	3	0.0%	GREEN					
13	Resources	HR&IT	Review of charging structure for provision of services to academies and schools	Income/Grants	Nikki Craig	Rhona Bellis	10		10	10	0.0%	GREEN					
14	Resources	HR&IT	Increase the admin charge for DBS checks	Income/Grants	Nikki Craig	Rhona Bellis	6		6	6	0.0%	GREEN					
15	Resources	HR&IT	Efficiencies from D360 document management system and iTrent HR system.	Income/Grants	Nikki Craig	Rhona Bellis	13		13	13	0.0%	GREEN					
16	Resources	HR&IT	Ceasing Quick Address software contract	Income/Grants	Nikki Craig	Rhona Bellis	2		2	2	0.0%	GREEN					
17	Resources	HR&IT	Restructure of OD function	Income/Grants	Nikki Craig	Rhona Bellis	30		30	30	0.0%	GREEN					
18	Resources	HR&IT	Restructure of Compliments and Complaints function	Income/Grants	Nikki Craig	Rhona Bellis	18		18	18	0.0%	GREEN					
19	Law & Governance	Law & Governance	Removal of Member training budget	Income/Grants	Emma Duncan	Rhona Bellis	2	2		2	100.0%	GREEN					
20	Law & Governance	Law & Governance	Reduction in budget Member's Special Responsibility Allowances	Income/Grants	Emma Duncan	Rhona Bellis	24	24		24	100.0%	GREEN					
21	Law & Governance	Law & Governance	Removal of room hire budget for council meetings	Income/Grants	Emma Duncan	Rhona Bellis	1			0	0.0%	RED	Need to hire external facilities - Holiday Inn for 4 members meetings - cannot fit all members into the chamber and maintain social distancing				
22	Law & Governance	Law & Governance	Reduction in budget for Member mileage claims	Income/Grants	Emma Duncan	Rhona Bellis	5	5		5	100.0%	GREEN					
23	Law & Governance	Law & Governance	Reduction in postage to Members	Income/Grants	Emma Duncan	Rhona Bellis	2	2		2	100.0%	GREEN					
24	Law & Governance	Law & Governance	Reduction in the annual support provided to the Twinning Committee	Income/Grants	Emma Duncan	Rhona Bellis	5	5		5	100.0%	GREEN					
26	Law & Governance	Law & Governance	Reduced MFD printing	Income/Grants	Emma Duncan	Rhona Bellis	30		30	30	0.0%	GREEN					
27	Law & Governance	Law & Governance	Reduction in Stationery purchased.	Income/Grants	Emma Duncan	Rhona Bellis	20		20	20	0.0%	GREEN					
28	Law & Governance	Law & Governance	Reduced Confidential waste collection	Income/Grants	Emma Duncan	Rhona Bellis	4		4	4	0.0%	GREEN					
30	Law & Governance	Law & Governance	Review of charging structure for Schools Data Protection Officer service	Income/Grants	Emma Duncan	Rhona Bellis	40	30		30	75.0%	AMBER	Schools take up on this Buy Back 21/22 has not been as high as last year. Only £30k of the target now likely to be achievable				

31	Law & Governance	Law & Governance	Reduce Borough By-Elections Budget	Income/Grants	Emma Duncan	Rhona Bellis	7	7		7	100.0%	GREEN						
32	Place	Neighbourhood Services	Additional income from green waste subscriptions	Income/Grants	Simon Dale (Int)	Rhona Bellis	50	8	42	50	16.7%	GREEN	Additional income currently being achieved.	No				
33	Place	Neighbourhood Services	Remove 50 on street parking machines	Efficiency	Simon Dale (Int)	Rhona Bellis	50	8	42	50	16.7%	GREEN	Have gone from 82 Parking machines down to 33. Looking to achieve estimated savings target.					
34	Place	Neighbourhood Services	Redesign provision of street cleansing	Contract	Simon Dale (Int)	Rhona Bellis	100	0	100	100	0.0%	AMBER	Some delays experienced however changes are progressing e.g. 2 x redundancies with contractor.					
35	Place	Neighbourhood Services	Introduce fortnightly residual waste collections whilst retaining weekly food waste and recycling collections	Contract	Simon Dale (Int)	Rhona Bellis	175	0	0	TBC	0.0%	AMBER	Contract negotiations likely to make this unachievable this year	No				
37	Place	Neighbourhood Services	Additional income from enforcement of street works activity	Income/Grants	Simon Dale (Int)	Rhona Bellis	100	0	100	100	0.0%	AMBER	Some issues with recruitment for invest-to-save posts.					
38	Place	Neighbourhood Services	Reduce the council's pool car fleet	Efficiency	Simon Dale (Int)	Rhona Bellis	20	20	0	20	100.0%	GREEN	Achieved. Pool cars removed.					
39	Place	Neighbourhood Services	Remodel street cleansing activity in town centres, estate and rural roads	Contract	Simon Dale (Int)	Rhona Bellis	50	0	50	50	0.0%	AMBER	Some delays with street cleansing change.					
40	Place	Neighbourhood Services	Activate optional one-year contract extension for parking enforcement	Efficiency	Simon Dale (Int)	Rhona Bellis	30	10	0	10	33.3%	GREEN	Saving was about no annual inflation, which was initially estimated at 3%. However, inflation later reduced which meant that full £30k could not be achieved.					
41	Place	Neighbourhood Services	Redesign the street cleansing pattern for the A404M/Marlow bypass	Contract	Simon Dale (Int)	Rhona Bellis	10	0	10	10	0.0%	AMBER	Some delays with street cleansing change.					
42	Place	Neighbourhood Services	Redesign the street cleansing pattern for Royal Windsor Way	Contract	Simon Dale (Int)	Rhona Bellis	10	0	10	10	0.0%	AMBER	Some delays with street cleansing change.					
43	Place	Neighbourhood Services	Deliver the waste incentivisation scheme through the Climate Change Strategy	Income/Grants	Simon Dale (Int)	Rhona Bellis	30	5	25	30	16.7%	GREEN	Proposed changes are being actioned and saving is on track.					
44	Law & Governance	Communications & Marketing	Maximise digital distribution of Around the Royal Borough	Income/Grants	LD	Rhona Bellis	14		14	14	0.0%	GREEN						
45	Law & Governance	Communications & Marketing	Implement a revised Advantage Card	Income/Grants	LD	Rhona Bellis	14		14	14	0.0%	GREEN						
46	Adults, Health and Commissioning	Adult Social Care - Spend	Develop alternative options for supporting residents in need of additional support	Transformation/Business Change	Hilary Hall	Margaret Ashton-Gray	200	0	200	200	0.0%	AMBER	technological solutions not yet in place but being worked on saving should take place later in the financial year	Yes	200			
47	Adults, Health and Commissioning	Adult Social Care - Spend	Deliver day opportunities for older people and people with learning disabilities in a different way	Transformation/Business Change	Hilary Hall	Margaret Ashton-Gray	300	0	300	300	0.0%	AMBER	Formal Consultation has launched. If the proposals are agreed, the full saving will be made in this financial year					
48	Adults, Health and Commissioning	Adult Social Care - Spend	Ensure value for money from residential care placements for people with learning disabilities	Efficiency	Hilary Hall	Margaret Ashton-Gray	200	200	0	200	100.0%	GREEN	A number of cases have been reviewed and alternative care arranged. Saving achieved					
49	Adults, Health and Commissioning	Adult Social Care - Spend	Ensure value for money from supported living packages for people with learning disabilities	Efficiency	Hilary Hall	Margaret Ashton-Gray	200	100	100	200	50.0%	AMBER	A shared lives service is being developed and alternative supplies of supported living accommodation are being sourced	Yes	200			
50	Adults, Health and Commissioning	Adult Social Care - Spend	Ensure value for money from community packages for people with learning disabilities	Efficiency	Hilary Hall	Margaret Ashton-Gray	200	200	0	200	100.0%	GREEN	A number of cases have been reviewed and alternative care arranged. Saving achieved					
51	Adults, Health and Commissioning	Adult Social Care - Spend	Extend the offer of reablement to all residents coming out of hospital	Transformation/Business Change	Hilary Hall	Margaret Ashton-Gray	500	0	250	250	0.0%	RED	recruitment is taking place to increase the reablement team to ensure this savings is achieved, there have been some delays to date but is now on track. Some savings are expected to be delivered.	Yes	250	250		
52	Adults, Health and Commissioning	Adult Social Care - Spend	End contract with People to Places for services that are no longer running	Contract	Hilary Hall	Margaret Ashton-Gray	90	90	0	90	100.0%	GREEN	Saving achieved contract ended					
53	Children's	Adult Social Care - Spend	Refocus the operation of the Health Visiting service	Transformation/Business Change	Kevin McDaniel	James Norris	150	26	124	150	17.3%	GREEN	Savings plan on track	Yes	Yes	Yes	No	
54	Adults, Health and Commissioning	Adult Social Care - Spend	Maximise the income due to the council from resident contributions	Income/Grants	Hilary Hall	Margaret Ashton-Gray	500	0	500	500	0.0%	AMBER	Debt process has been established, Debt panel has been reconstituted. Dincme levels are being scrutinised	Yes	500			
55	Place	Planning	Reshape Planning Support Team	Income/Grants	Adrien Waite	Rhona Bellis	29		29	29	0.0%	GREEN						
56	Place	Infrastructure, Sustainability & Transport	Reduction in Arts Grants	Income/Grants	Chris Joyce	Rhona Bellis	187		187	187	0.0%	GREEN						
57	Place	Infrastructure, Sustainability & Transport	Reshape museum and tourism information centre service	Income/Grants	Chris Joyce	Rhona Bellis	85		85	85	0.0%	GREEN						
58	Place	Infrastructure, Sustainability & Transport	Remove ongoing aviation budget	Income/Grants	Chris Joyce	Rhona Bellis	20	20		20	100.0%	GREEN						
59	Place	Communities, Enforcement and Partnerships	Remodel and reshape the Community Safety functions including the Community Safety Partnership and Community Wardens.	Income/Grants	David Scott	Rhona Bellis	300		300	300	0.0%	GREEN						

60	Place	Communities, Enforcement and Partnerships	Revise the management of the leisure contract	Income/Grants	David Scott	Rhona Bellis	62		30	30	0.0%	AMBER	Continued restrictins in leisure means this may not be fully delivered this year				
61	Place	Communities, Enforcement and Partnerships	Remove funding from Borough in bloom and community participation project	Income/Grants	David Scott	Rhona Bellis	86		86	86	0.0%	GREEN	No contract signed for 2021/22				
62	Place	Communities, Enforcement and Partnerships	Remove funding from SMILE and stop service	Income/Grants	David Scott	Rhona Bellis	58	58		58	100.0%	GREEN					
63	Place	Communities, Enforcement and Partnerships	Remove vacant community sports development post and projects	Income/Grants	David Scott	Rhona Bellis	54	54		54	100.0%	GREEN					
64	Place	Planning	Reshape the trees function	Income/Grants	Adrien Waite	Rhona Bellis	125		60	60	0.0%	AMBER	Delays to implementing process changes means this will not be fully achievable this year				
65	Children's	AFC Contract - LA Funded	Develop an increasingly indepenent school travel policy which is focused on the most vulnerable.	Income/Grants	Kevin McDaniel	James Norris	280	0	66	66	0.0%	AMBER	Policy changes only delivering up to £66,000 from new academic year, therefore, risk of non achievement circa £214,000, reflected in Forecast Update	Yes	No	Yes	No
66	Children's	AFC Contract - LA Funded	Independent Fostering Agency (IFA) development	Income/Grants	Kevin McDaniel	James Norris	15	2	13	15	13.3%	GREEN	Savings plan on track	No	Yes	Yes	No
67	Children's	AFC Contract - LA Funded	Greater use of virtual technologies	Income/Grants	Kevin McDaniel	James Norris	50	8	42	50	16.7%	GREEN	Savings plan on track	No	Yes	Yes	No
68	Children's	AFC Contract - LA Funded	Support for young person's transition to a sustainable adulthood.	Income/Grants	Kevin McDaniel	James Norris	15	2	13	15	13.3%	GREEN	Savings plan on track	No	Yes	Yes	No
69	Children's	AFC Contract - LA Funded	Care Leavers Accommodation	Income/Grants	Kevin McDaniel	James Norris	20	4	16	20	20.0%	GREEN	Savings plan on track	No	Yes	Yes	No
70	Children's	AFC Contract - LA Funded	Implement schools Inclusion Advisor	Income/Grants	Kevin McDaniel	James Norris	90	16	74	90	17.8%	GREEN	Savings plan on track	No	Yes	Yes	No
71	Children's	AFC Contract - LA Funded	Therapy assessment service	Income/Grants	Kevin McDaniel	James Norris	100	16	84	100	16.0%	GREEN	Savings plan on track	No	Yes	Yes	No
72	Children's	AFC Contract - LA Funded	Use external support for early years quality improvement needs	Income/Grants	Kevin McDaniel	James Norris	60	10	50	60	16.7%	GREEN	Savings plan on track	No	Yes	Yes	No
73	Children's	AFC Contract - LA Funded	Continue to optimise costs of placements for children in our care.	Income/Grants	Kevin McDaniel	James Norris	250	42	208	250	16.8%	GREEN	Savings plan on track	No	Yes	Yes	No
74	Resources	Library & Resident Services	Library Stock fund	Income/Grants	Angela Huisman	Rhona Bellis	20	20		20	100.0%	GREEN					
75	Chief Executive	Property Service	Consultancy costs	Income/Grants	Barbara Richardson	Rhona Bellis	70	70		70	100.0%	GREEN					
76	Children's	AFC Contract - LA Funded	Improve business support processes	Income/Grants	Kevin McDaniel	James Norris	45	8	38	45	16.7%	GREEN	Savings plan on track	No	Yes	Yes	No
77	Children's	AFC Contract - LA Funded	Account appropriately for financial support services.	Income/Grants	Kevin McDaniel	James Norris	55	4	51	55	7.3%	GREEN	Savings plan on track	No	Yes	Yes	No
78	Resources	Finance	Insurance savings	Income/Grants	Andrew Vallance	Rhona Bellis	100	100		100	100.0%	GREEN					
2019.1	Adults, Health and Commissioning	Adult Social Care - Spend	Introduce an online financial assessment for adults to calculate financial contributions for care and support	Transformation/Business Change	Hilary Hall	Margaret Ashton-Gray	70	0	25	25	0.0%	AMBER	Systems implementation dates have been delayed due to COVID	Yes	25	45	
2019.2	Children's	AFC Contract - LA Funded	Transform youth and early years services to be targeted at the most vulnerable	Income/Grants	Kevin McDaniel	James Norris	150	26	124	150	17.3%	GREEN	Savings plan on track	No	Yes	Yes	No
2019.3	Place	Neighbourhood Services	Increased re-cycling.	Transformation/Business Change	Simon Dale (Int)	Rhona Bellis	335	56	279	335	16.7%	GREEN	From prior year contract change to Serco.				
2019.7	Adults, Health and Commissioning	Adult Social Care - Spend	Deliver adult social care transformation programme	Transformation/Business Change	Hilary Hall	Margaret Ashton-Gray	1,205	200	600	800	16.6%	AMBER	this saving target is spread over a number of cost centres and areas. Saome savings have been achieved and the reaminder are expected to be delivered.	Yes	800	405	
2019.8	Adults, Health and Commissioning	Adult Social Care - Spend	Deliver system efficiencies through the new customer relationship management system	Transformation/Business Change	Dan Brookman	Margaret Ashton-Gray	25	0	25	25	0.0%	AMBER	Systems have been delayed due to COVID - not able to access people's homes	Yes	25		
2019.9	Adults, Health and Commissioning	Adult Social Care - Spend	Implement technology enabled care across adult services	Transformation/Business Change	Dan Brookman	Margaret Ashton-Gray	180	0		0	0.0%	AMBER	Systems have been delayed due to COVID - not able to access people's homes	Yes			
2020	Adults, Health and Commissioning	Adult Social Care - Spend	One-off saving reversed	Other	Hilary Hall	Margaret Ashton-Gray	(46)	(46)		(46)	100.0%	GREEN	Savings reversed				
2020.1	Place	Neighbourhood Services	Review and optimise the number of subsidised bus routes	Efficiency	Simon Dale (Int)	Rhona Bellis	100	0	0	0	0.0%	AMBER	The full saving will be unachievable based on Covid-19 government guidance on bus services.				
2020.2	Resources	Library & Resident Services	Library savings	Income/Grants	Angela Huisman	Rhona Bellis	45		45	45	0.0%	GREEN					
2020.3	Chief Executive	Property Service	New property income, Additional Management Fee to Countryside -adjustment down to bring overall savings budget to £200k	Income/Grants	Barbara Richardson	Rhona Bellis	(100)	(100)		(100)	100.0%	GREEN					
							7,768	1,557	4,713	6,270	20.0%						

Summaries: To be included within body of report

RAG Status:	2021/22 Savings Target £000	Total Savings Forecast in 2021/22 £000	% of target full year forecast
GREEN	3,535	3,514	99.4%
AMBER	3,732	2,506	67.1%
RED	501	250	49.9%
	7,768	6,270	80.7%

72

	2021/22 Original Budget			New Schemes – 2021/22 Approved Estimate A			Unspent budget from Schemes Approved in Prior Years B			Revised Budget 2021/22 A+B		
	Gross £000's	Income £000's	Net £000's	Gross £000's	Income £000's	Net £000's	Gross £000's	Income £000's	Net £000's	Gross £000's	Income £000's	Net £000's
Capital Programme Portfolio Summary												
Managing Director												
Property	16,675	(2,738)	13,937	18,677	(2,763)	15,914	13,974	0	13,974	32,651	(2,763)	29,888
Total Managing Director	16,675	(2,738)	13,937	18,677	(2,763)	15,914	13,974	0	13,974	32,651	(2,763)	29,888
Law & Strategy												
Corporate Communications	0	0	0	0	0	0	84	0	84	84	0	84
Democratic representation	0	0	0	0	0	0	361	0	361	361	0	361
Total Law & Strategy	0	0	0	0	0	0	445	0	445	445	0	445
Place Directorate												
Commissioning - Infrastructure	4,253	(3,285)	968	4,253	(3,285)	968	4,134	(1,174)	2,960	8,387	(4,459)	3,928
Local Enterprise Partner Schemes	1,178	(1,178)	0	1,178	(1,178)	0	10,349	(3,418)	6,931	11,527	(4,596)	6,931
Communities	340	(40)	300	340	(40)	300	1,001	(385)	616	1,341	(425)	916
Planning	300	0	300	300	0	300	1,005	(312)	693	1,305	(312)	993
Green Spaces & Parks	250	(40)	210	250	(40)	210	58	(10)	48	308	(50)	258
Infrastructure, Sustainability & Transport	835	(592)	243	835	(592)	243	474	(67)	407	1,309	(659)	650
Total Place Directorate	7,156	(5,135)	2,021	7,156	(5,135)	2,021	17,021	(5,366)	11,655	24,177	(10,501)	13,676
Adults, Health & Commissioning												
Housing	640	(640)	0	640	(640)	0	478	(423)	55	1,118	(1,063)	55
Total Adults, Health & Commissioning	640	(640)	0	640	(640)	0	478	(423)	55	1,118	(1,063)	55
Childrens Services												
Non Schools	0	0	0	0	0	0	557	(83)	474	557	(83)	474
Schools - Non Devolved	1,838	(1,838)	0	1,968	(1,968)	0	2,460	(1,430)	1,030	4,428	(3,398)	1,030
Schools - Devolved Capital	272	(272)	0	201	(201)	0	414	(417)	(3)	615	(618)	(3)
Total Childrens Services	2,110	(2,110)	0	2,169	(2,169)	0	3,431	(1,930)	1,501	5,600	(4,099)	1,501
Resources												
Finance	305	0	305	305	0	305	1,324	0	1,324	1,629	0	1,629
Technology & Change Delivery	222	0	222	222	0	222	215	0	215	437	0	437
Revenues & Benefits	0	0	0	0	0	0	30	0	30	30	0	30
Library & Resident Services	0	0	0	0	0	0	542	(16)	526	542	(16)	526
Total Resources	527	0	527	527	0	527	2,111	(16)	2,095	2,638	(16)	2,622
Total Committed Schemes	27,108	(10,623)	16,485	29,169	(10,707)	18,462	37,460	(7,735)	29,725	66,629	(18,442)	48,187

Portfolio Total (£'000) 27,108

(£'000) 66,629

External Funding

Government Grants	(5,916)	(9,391)
Developers' Contributions	(4,707)	(9,026)
Other Contributions	0	(25)

Total External Funding Sources (10,623) (18,442)

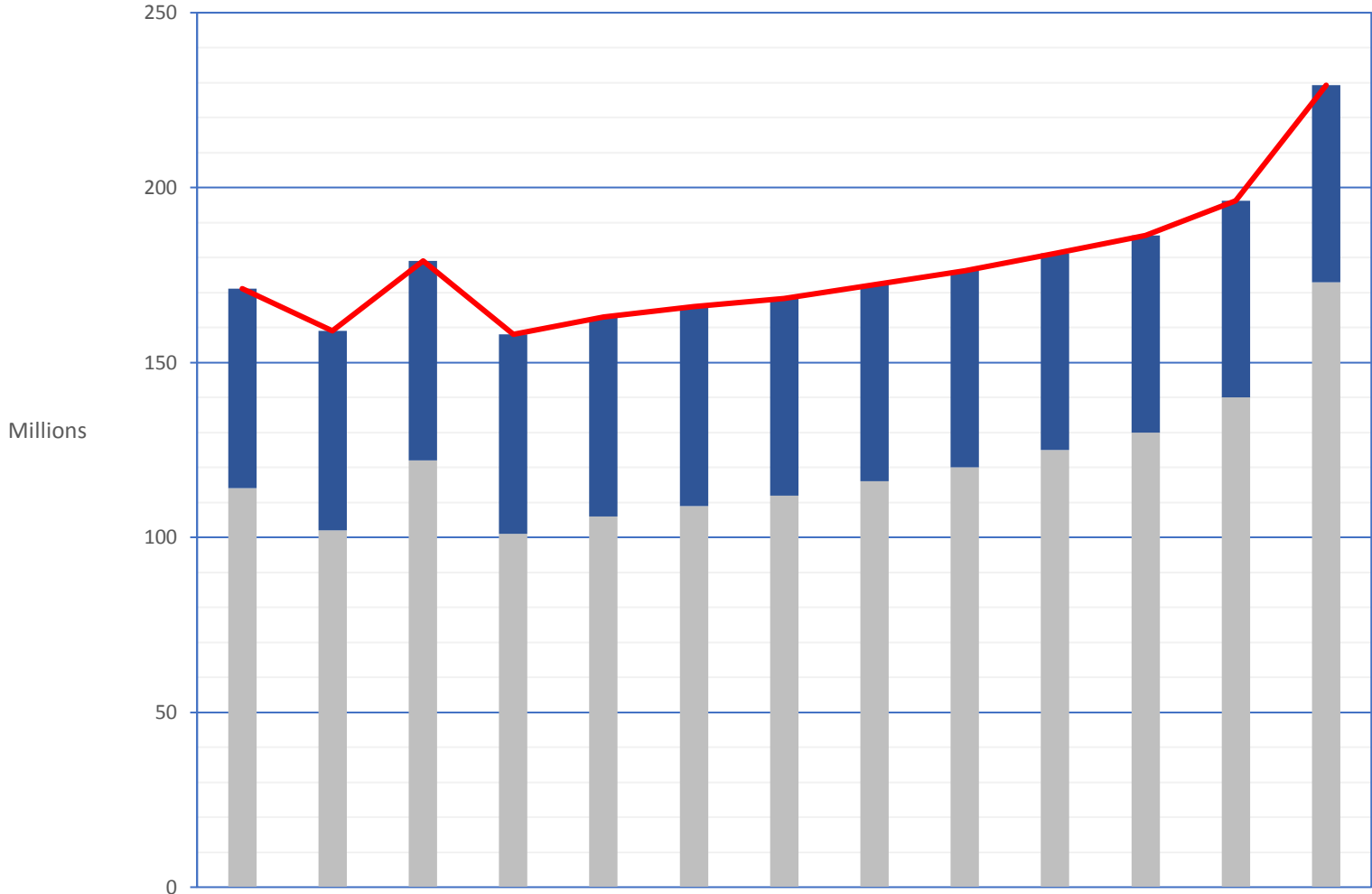
Total Corporate Funding 16,485

48,187

Capital Programme Movements 2021/22

	Expenditure £'000	Income £'000	Net £'000
Original Budget 2021/22	27,109	(10,623)	16,486
Budget Changes to 30 June 2021			
Slippage reported to February 2021 Council	24,994	(6,379)	18,615
Additional Slippage in from 2020/21 after reprofiling schemes	12,466	(1,356)	11,110
Council approval Community Options -Lease Surrender	365	-	365
Affordable Housing-106 Westborough Rd Refurb - final budget drawdown	25	(25)	-
Budget drawdown - Schools non devolved	130	(130)	-
Schools devolved formula capital - Budget realignment	(71)	71	-
Council 27 April 2021- Purchase of Temporary Accommodation	1,612	-	1,612
Roundings	(1)	-	(1)
Revised Budget 2021/22	66,629	(18,442)	48,187

Gross Borrowing Forecast at 14/06/2021



	Mar-21	Apr-21	May-21	Jun-21	Jul-21	Aug-21	Sep-21	Oct-21	Nov-21	Dec-21	Jan-22	Feb-22	Mar-22
Long-term Borrowing £'000	57,049	57,049	57,049	57,049	57,049	57,049	56,265	56,265	56,265	56,265	56,265	56,265	56,265
Short-term Borrowing (inc LEP) £'000	114,000	102,000	122,000	101,000	106,000	109,000	112,000	116,000	120,000	125,000	130,000	140,000	173,000
Total Gross Borrowing £'000	171,049	159,049	179,049	158,049	163,049	166,049	168,265	172,265	176,265	181,265	186,265	196,265	229,265

Children's Services						
Service	Original Budget	Current Budget	Forecast Outturn Variance	Previously Reported Variance	Change in Reported Variance	
	£'000	£'000	£'000	£'000	£'000	
Children's Services non Dedicated Schools Grant						
Social Care and Early Help						
Employee & Operational Related Expenditure	6,643	6,770	315	0	315	
Legal Services	585	585	(16)	0	(16)	
Inhouse Fostering	1,614	1,614	178	0	178	
Residential, therapeutic & Direct Payments	4,025	4,025	(156)	0	(156)	
Independent Fostering Agencies	1,410	1,626	(443)	0	(443)	
Leaving Care-Care Costs	1,596	2,009	410	0	410	
Adoption Allowances	137	137	0	0	0	
Children-in-Need Care Costs	731	731	0	0	0	
Community Hubs including employee & operational	1,234	1,518	0	0	0	
Total Social Care and Early Help	17,975	288	288	0	288	
Other						
Business Services	3,423	3,421	(17)	0	(17)	
Education	1,363	1,393	17	0	17	
Operational Strategic Management	319	324	0	0	0	
Public Health	1,575	1,583	32	0	32	
Special Educational Needs and Children with Disabilities	2,114	2,116	214	0	214	
COVID-19 tranche funding	0	0	0	0	0	
Children's Services - Retained	(2,403)	(2,945)	125	0	125	
Total Other	6,391	8,837	371	0	371	
Total Children's Services non Dedicated Schools Grant	24,364	9,125	659	0	659	
Dedicated Schools Grant						
AfC Contract - Dedicated Schools Grant	12,035	12,035	1,455	0	1,455	
Dedicated Schools Grant - Retained	56,848	57,089	300	0	300	
Dedicated Schools Grant Income	(68,883)	(69,124)	(1,755)	0	(1,755)	
Total Dedicated Schools Grant	0	0	0	0	0	
Total Children's Services and Dedicated Schools Grant	24,364	9,125	659	0	659	
Summary Position						
Achieving for Children Contract	38,802	24,105	1,989	0	1,989	
Children's Services - Retained	(2,403)	(2,945)	125	0	125	
Dedicated Schools Grant - Retained	56,848	57,089	300	0	300	
Total Children's Services net budget	93,247	81,195	2,414	0	2,414	

Costc	Description	21/22 B/F £'000	21/22 Movements in £'000	21/22 Movements out £'000	21/22 Balance as at 23/06/21 £'000
<u>USABLE RESERVES</u>					
<u>School Balances</u>					
AK14	Schools Revenue Balances	(2,203)			(2,203)
AK26	General DSG Reserve	1,924			1,924
AK9H	Earmarked DSG Reserve	(134)			(134)
		<u>(413)</u>	0	0	<u>(413)</u>

Costc	Description	21/22 B/F £'000	21/22 Movements in £'000	21/22 Movements out £'000	21/22 Balance as at 23/06/21 £'000
<u>Other Reserves</u>					
AK06	Capital Reserve	0			0
AK08	Insurance control account	4	(36)	424	392
AK13	Insurance Fund (Reserve)	(905)	(438)	151	(1,192)
AK37	Earmarked Capital Grant	(3,318)	(244)		(3,562)
AK38	Community Infrastructure Levy	(11,747)	(1,570)	434	(12,883)
AK40	NNDR Contingency Reserve	(1,655)		3	(1,652)
AK48	Better Care Fund Reserve	(1,281)			(1,281)
AK50	Public Health Reserve	(511)			(511)
AK54	Optalis Development Reserve	(381)			(381)
AK55	Brexit Funding	(299)			(299)
AK63	Cap Rcpts Unapplied Gen Fund	(1,349)	(485)		(1,834)
AL01	Graves In Perpetuity Mtce Fund	(8)			(8)
AL03	Arthur Jacob Nature Rsve Fund	(123)			(123)
AL04	Old Court Maintenance Fund	(18)		1	(17)
AL09	NNDR S31 Reserve	(18,808)	(303)	1,027	(18,084)
AL11	Covid-19 General Reserve	(3,804)			(3,804)
AL12	NNDR S31- Other Preceptors	(15,495)	(3,326)		(18,821)
AL13	Safeguarding Reserve	(194)			(194)
AL14	Collection Fund Compensation Reserve	(2,624)	(308)	2,506	(426)
AL15	Property Reserve	(600)			(600)
AK20	Net Revenue General Fund DRAFT OUTTURN	(7,059)		244	(6,816)
TOTAL USABLE RESERVES		(70,588)	(6,710)	4,790	(72,509)

Costc	Description	21/22 B/F £'000	21/22 Movements in £'000	21/22 Movements out £'000	21/22 Balance as at 23/06/21 £'000
UNUSABLE RESERVES					
AG33	Capital Adjustment Account	(197,370)			(197,370)
AG34	Revaluation Reserve	(208,341)			(208,341)
AK39	Financial Instruments Revaluation Reserve	9,073			9,073
AK25	Pensions Reserve	339,880			339,880
AF22	Collection Fund-NNDR	27,029			27,029
AF51	Collection Fund - Council Tax	397			397
AG36	Accumulated Absences Account	1,858			1,858
	TOTAL UNUSABLE RESERVES	(27,474)	0	0	(27,474)
	TOTAL RESERVES	(98,062)	(6,710)	4,790	(99,983)

Costc	Description	21/22 B/F £'000	21/22 Movements in £'000	21/22 Movements out £'000	21/22 Balance as at 23/06/21 £'000
PROVISIONS					
AE09	Redundancy Provision	(400)			(400)
AE13	MMI Clawback liability	(239)			(239)
AD30	Corporate Bad Debt provision	(594)		24	(570)
AD31	Council tax collection fund provision	(1,994)		322	(1,672)
AD34	Adult Social care Bad Debt provision	(1,919)			(1,919)
AD35	Housing benefit Bad Debt provision	(2,496)			(2,496)
AF53	Appeals provision for Business Rates	(678)	(705)		(1,383)
AF55	ASC Provision	(393)			(393)
AL16	Council Tax Deficit	(477)			(477)
	TOTAL PROVISIONS	(9,190)	(705)	346	(9,549)

This page is intentionally left blank

Report Title:	Nicholsons Quarter Appropriation
Contains Confidential or Exempt Information	No - Part 1
Cabinet Member:	Councillor Johnson, Cabinet Member for Business, Economic Development & Property.
Meeting and Date:	Cabinet – 24 th June 2021
Responsible Officer(s):	Duncan Sharkey- Chief Executive
Wards affected:	St Mary's

www.rbwm.gov.uk



REPORT SUMMARY

In July 2019 Full Council approved the sale of the Council's freehold interest in part of the Nicholson's Shopping Centre and Central House and to enter into an agreement to relocate the Nicholson's Car Park as part of a new masterplan for the regeneration of the town centre. A resolution to grant planning permission for the development was approved by the Local Planning Authority in February 2021.

To deliver the redevelopment of the Nicholsons Shopping Centre it is necessary for the Council to assist the developer, Denhead S.A.R.L. to interfere with a number of existing third party rights across the site including rights of servicing, rights of access, rights to light, etc. The Council also requires these rights for the construction of the new Broadway Car Park.

Affected property owners are being engaged with but the number of existing rights means that it is unlikely that agreement will be reached with all parties. The use of appropriation will increase certainty and deliverability of the scheme whilst affected parties will still be entitled to compensation based on the reduction in value of their property.

The Council has the ability to lawfully interfere with rights under s.203 Housing and Planning Act 2016 ('HPA 2016'). The justification for utilising s.203 HPA 2016 is the same as that of utilising a CPO which the Council has resolved to do in respect of the Nicholson Quarter Development.

To invoke s.203 HPA 2016 the Council must hold the land for a planning purpose. The Council, which owns the freehold interest in the shopping centre does not presently hold the land for this purpose and so it needs to formally change this (a process known as 'appropriation'). It is this which the Council is being asked to approve.

Following the appropriation of the land, the Council will enter into a series of land transfers with Denhead as per the land transfer agreements.

*The report is a technical report and seeks approval for the appropriation of council-owned land edged red on the plan at Appendix A (**the Land**) required for redevelopment as part of the comprehensive mixed-use redevelopment of the Nicholson's Shopping Centre, Nicholson's Multi-Storey Car Park and surrounding land (the Scheme).*

1. DETAILS OF RECOMMENDATION(S)

RECOMMENDATION: That Cabinet notes the report and:

- i) Approves the appropriation of all Council freehold land that will form part of the Nicholsons Quarter Regeneration Scheme.**
- ii) Authorises officers to exercise the Council's powers under Section 122 of the Local Government Act 1972 (LGA 1972) to appropriate the Land for planning purposes to facilitate the carrying out of the Scheme in accordance with section 226 of the Town and Country Planning Act 1990 once planning permission has been granted for the Development and the Land is required to deliver the Scheme and so is no longer required for the current purposes.**
- iii) Approve the acquisition of Denhead S.A.R.L.'s existing freehold interest in the Nicholsons Shopping Centre for nil consideration and simultaneously grant a new 999-year lease back to Denhead S.A.R.L.at a peppercorn rent with the right for Denhead S.A.R.L. to acquire the freehold for nil consideration at a future date.**
- iv) Delegates authority to the Chief Executive in consultation with the Cabinet Member for Business, Economic Development & Property to negotiate the legal contracts required to complete the transactions.**

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

Options

Table 1: Options arising from this report

Option	Comments
Option 1 – Appropriate the Land This is the recommended option	This will allow the scheme to proceed without the risk of injunction
Option 2 Do nothing This is not the recommended option	This could delay starts on site or prevent the scheme from coming forward.

- 2.1 In order to deliver the redevelopment of the Nicholsons Shopping Centre, there is a land assembly exercise to be completed, including:
- securing vacant possession of accommodation within the shopping centre which is presently let without the required lease expiry / break dates to allow vacant possession to be secured and development to come forward as per programme.
 - varying rights over the multi-storey car park, service yard and access routes through the shopping centre for those buildings which are to be retained within the new development, notably Nicholson House and Brock House, and those units on the High Street which have servicing and access rights (referred to as the ‘frontage’ properties);
 - securing new rights over adjoining properties for construction purposes and future maintenance e.g. crane-oversailing rights, access rights
 - addressing existing rights of light which neighbouring properties have over the shopping centre and which will be interfered with as a consequence of the redevelopment.
- 2.2 Denhead S.A.R.L. are currently engaging with the relevant parties with whom agreement needs to be reached, however, given the number of property owners and occupiers affected by the proposals this is a sizeable task. The Council is supportive of the redevelopment of the existing shopping centre and has expressed its willingness to support the scheme through the use of its statutory powers, notably its compulsory purchase powers (Council Cabinet resolution dated 25th March 2021) but also its ability to lawfully interfere with existing rights under s.203 Housing and Planning Act (‘HPA’) 2016.
- 2.3 Whilst a Compulsory Purchase Order (CPO) can technically be used to acquire existing rights over land, we are not aware of it having ever been used for this purpose as (i) where a parcel of land is compulsorily purchased rights which exist over the land are suppressed, and (ii) a Council can exercise its ability under s.203 Housing and Planning Act 2016 (‘HPA 2016’) to interfere with existing rights.

- 2.4 Not all of the land required for the redevelopment of the shopping centre will be acquired under the CPO: the freehold is owned by Denhead S.A.R.L. and the Council and vacant possession of most of the retail units can be secured without the need to use the CPO. Accordingly, to allow for the lawful interference with existing rights over land it will be necessary to rely on s.203 HPA 2016. This is generally referred to as using the Council's 'appropriation' powers.
- 2.5 Appropriation is the general term used when a Council exercises its ability, as provided by s.203 HPA 2016, to interfere with an easement or other right that exists over land that the Council either owns or is purchasing (either by agreement or by compulsory purchase). The term appropriation technically refers to the process of the Council changing the purpose for which it currently holds land already in its ownership, but it is commonplace for the term to be used generically when referring to s.203 HPA 2016 despite the appropriation or purchase of land being authorised under different legislation.
- 2.6 S.203 HPA 2016 allows the Council, or any person deriving title under them, to construct a building on land or use land for development notwithstanding that it will interfere with the rights of other land owners or breach a restriction as to the use of land, providing the land has been acquired by a specified authority or appropriated by a local authority. This will prevent the beneficiary ('the Dominant Owner') of an easement (such as a right of light) seeking an injunction against either the development or use of the land, providing such development or use is in accordance with a planning permission. The legislation does not extinguish the right or easement affected by the scheme, instead suppressing the right for the duration that the interference is caused by the original purpose of the appropriation or purchase.
- 2.7 The interests and rights to which S.203 HPA 2016 applies are any easement, liberty, privilege, right or advantage annexed to land and adversely affecting other land, including any natural right of support. S.203 does not allow interference with a right vested in or belonging to a statutory undertaker for the purpose of their undertaking or the rights of the operator of an electronic communications code network i.e. a mobile network operator. A different process will need to be followed if the rights of these entities are to be interfered with.
- 2.8 The appropriation process is much quicker than the CPO process. A Council can appropriate land and obtain the protection of s.203 HPA 2016 through its own decision making process. Whilst it needs to justify the appropriation of land and its reliance on s.203 HPA 2016 by reference to the same principles that relate to the use of its compulsory purchase powers, it does not need to obtain Secretary of State approval in order to be able to lawfully interfere with existing rights.
- 2.9 Like a CPO the use of appropriation is commonly utilised to support the delivery of regeneration schemes such as the Nicholson Quarter Development. As the developer needs to derive title from the Council in order to have the protection of s.203 HPA 2016, the exercise usually involves a developer transferring their freehold interest in land to the Council (who acquire the land for a planning purpose, thus invoking the protection of s.203),

with the developer immediately taking a long lease in the property transferred (usually at a peppercorn rent).

- 2.10 Whilst somewhat convoluted, this series of transactions provides the developer with the protection of s.203 HPA 2016 meaning that the development can be brought forward notwithstanding the interference with rights (such as the right of light, rights to use car parking areas or the service deck, rights of support, etc.). As the interference is permitted by legislation, there is no ability for the dominant owner to injunct, instead they have a right to compensation for the reduction in the value of their premises caused by the interference (this being the measure of compensation set out in the legislation) with this assessment also reflecting any substitute rights provided (such as replacement car parking spaces). Like compulsory purchase, the interference is permitted to occur irrespective of whether compensation has been agreed in advance of the works / the interference with the right.
- 2.11 The Council is authorised by Section 122(1) LGA 1972 to appropriate land within its ownership for any purpose for which it is statutorily authorised to acquire land by agreement. Appropriation means changing the basis on which it is already held from one purpose (for which it is no longer needed at the point of appropriation) to another purpose.
- 2.12 Appropriation or acquisition of land for planning purposes under Section 226 (or Section 227) of the Town and Country Planning Act 1990 (TCPA 1990) will engage Sections 203 to 205 of the Housing and Planning Act 2016 (2016 Act) where other qualifying criteria are satisfied¹. This authorises the interference with relevant rights and converts the right to an injunction to block developers to a right to compensation assessed on a statutory basis, which reflects the reduction in property value, for any infringement.
- 2.13 The Council has already resolved to:
- Grant permission (ref: 20/01251/OUT) for comprehensive mixed-use redevelopment, known as the Nicholson Quarter Development, which includes the Land (the Development); and
 - Make a Compulsory Purchase Order in relation to this part of the Town Centre on 25 March 2021 for the purpose of facilitating the Scheme (CPO).
- 2.14 Appropriating the land for planning purposes will facilitate the development and improvement of the land as part of the Development in line with the overall Scheme objectives.
- 2.15 The alternative to appropriating the land for planning purposes would be to seek to extinguish all rights by private agreement prior to commencement of the development works. This would put the Council at risk from both delay, as injunctive relief could potentially be sought by relevant interest holders, and a greater exposure to compensation as affected parties seek to leverage their ability to injunct. This would result in significant uncertainty as to whether land

¹ In relation to land already owned by the Council, that (a) it has been appropriated to a planning purpose (b) there is planning consent for the works/ use (c) the Council has a power of compulsory purchase applicable to the works/ use (d) the works/ use are for the relevant planning purpose.

assembly could be complete in a timely fashion, causing at best a delay in progressing the scheme and at worse resulting in the scheme not proceeding due to the risk of additional, unreasonable costs and delays.

3. KEY IMPLICATIONS

- 3.1 The Land is made up of Nicholson's Shopping Centre, Central House, Siena Court, existing Broadway Car Park and miscellaneous other interests. The Council holds the freehold interest in the Land. It is currently held for investment purposes.
- 3.2 The Council resolved to appropriate the existing Broadway Car Park (shown on the Plan in Appendix A) for planning purposes (town centre regeneration) in November 2018.
- 3.3 Full Council approved the sale of the Council's freehold interest in part of the Land along with an agreement to relocate the Nicholson's Car Park as part of a new masterplan for the regeneration of the town centre in July 2019.
- 3.4 The Council entered into a land sale agreement (on 12 February 2020, varied on 31 March 2021) with the promoter of the Development (Denhead S.A.R.L., the Developer) which provides for the exchange of land between the Council and Denhead S.A.R.L. to facilitate the Development (Land Sale Agreement). Denhead S.A.R.L. already owns the leasehold of the shopping centre within the Land and the freehold of a substantial part of the wider site required for the Development (shown blue in Appendix A).
- 3.5 The Land Sale Agreement grants Denhead S.A.R.L. an option to buy the majority of the Council's land holding within the development site, subject to a requirement to transfer parts of its own freehold land to the Council (required for the Council's redevelopment of the replacement car park on land including the existing Siena Court site). This new car park also forms part of the Development. The Council has agreed with Denhead S.A.R.L. to deliver the Car Park under a Development Agreement dated 31st March 2021. The parts of the Land which are not being transferred to Denhead S.A.R.L. are those that will form the new car park.
- 3.6 A Sale and Leaseback Agreement will take effect when conditions in the Land Sale Agreement are satisfied. Under the Sale and Leaseback Agreement, Denhead S.A.R.L. will transfer its entire landholding (including areas acquired through the option) to the Council under Section 227 TCPA 1990 and the Council will grant Denhead S.A.R.L. a 999-year lease of the whole of the Development land (excluding the new car park site). This transfer will have the effect of triggering the provisions of S203 - S205 of the 2016 Act.
- 3.7 The whole of the Land is therefore needed for the planning purpose noted above
- 3.8 Section 236 Town and Country Planning Act 1990 will extinguish specified private rights of way across the Order Land (not already owned by the Council). Section 203 of the 2016 Act will authorise interference with various rights and restrictions to allow the development to proceed (and establish a

statutory basis of compensation) in respect of these plots and any land owned by the Council that is:

- Acquired by agreement under section 227 TCPA 1990 for planning purposes;
- Acquired by CPO under s.226 TCPA 1990 for planning purposes; or
- Appropriated from its current purpose to 'planning purposes'.

The majority of the Land is held for investment purposes and so needs to be appropriated from its current purpose to the planning purpose noted above prior to the Land Sale Agreement becoming unconditional and the Developer commencing construction works.

- 3.9 The Land is affected by the following third party rights benefitting neighbouring land:
- rights of access and services
 - potentially injunctable rights to light
 - restrictive covenants
 - rights for bin and cycle storage;
 - rights to use parking spaces;
 - rights of support.
- 3.10 A Schedule of interests and rights is set out in Appendix B.
- 3.11 A right of light, or right of way is an interest in land (an easement) which entitles a neighbouring landowner (“Dominant Owner”) to enjoy such rights across the affected adjoining site. Any such development which interferes with that right, may well constitute a breach of that easement which may entitle the Dominant Owner to claim an injunction preventing development or damages for the effect on value of the right lost because of the interference.
- 3.12 A Rights of Light assessment has been undertaken to identify which Dominant Owners might be impacted by the construction of the proposed development, some of whom might suffer sufficient injury to succeed in obtaining an injunction.
- 3.13 The potentially affected owners were notified of the intended CPO and appropriation by notices issued under Section 16 of the Local Government (Miscellaneous Provisions) Act 1976 on 21st May 2021. Their responses are summarised in Appendix B.
- 3.14 Appropriation of the Land to planning purposes is required before the Agreement will go unconditional to allow the active start on site which will facilitate the Scheme.
- 3.15 If appropriation is not achieved, this could delay a start on site and realisation of the Scheme benefits noted in the report to Cabinet of 25 March 2021 and accompanying draft Statement of Reasons.

4. FINANCIAL DETAILS / VALUE FOR MONEY

- 4.1 All costs associated with the appropriation process (including compensation costs and the Council's reasonable internal costs) will be borne by the Developer (Denhead S.A.R.L.) under the proposed Compulsory Purchase Order Indemnity Agreement that was approved at March 2021 Cabinet.
- 4.2 It is only the act of interference with rights through the development process, following a start on site, that triggers liabilities. Denhead S.A.R.L. will be undertaking the development activity, only once the Land Sale Agreement between the Council and Denehad S.A.R.L. has become unconditional and it is the owner of the Land within the wider Development site.
- 4.3 The Compulsory Purchase Order Indemnity Agreement will contain indemnities covering the Council's risk in relation to any claim in respect of interference in connection with the Development.

5. LEGAL IMPLICATIONS

- 5.1 The purpose for which the Council is appropriating the Land must be authorised by statute. It is proposed that the land is held for planning purposes. This is a purpose which is authorised by statute. Section 246 TCPA 1990 defines such purposes as, inter alia, those for which land can be acquired under ss 226 or 227 of that Act. Section 227 provides that a council may acquire land by agreement for any purposes for which it is authorised to acquire land compulsorily by s.226 TCPA 1990.
- 5.2 The purposes for which a council can acquire land pursuant to s226 TCPA 1990 include purposes "which it is necessary to achieve in the interests of the proper planning of an area in which the land is situated". S226 also authorises the acquisition of land "... if the authority think that the acquisition will facilitate the carrying out of development, redevelopment or improvement on or in relation to the land". In the case of either s226 or s227 the acquiring authority must be satisfied that whatever development proposals it has for the land in question these are likely to "contribute to the achievement of any one or more of the following objects – (a) the promotion or improvement of the economic well-being of their area; (b) the promotion or improvement of the social well-being of their area; (c) the promotion or improvement of the environmental well-being of their area."
- 5.3 Where land has been appropriated for planning purposes, the consequence (under Section 203 HPA 2016) is that the erection, construction or carrying out of any building or other works on such land is authorised, notwithstanding that it may involve interference with third party rights where: (a) there is planning consent for the building or maintenance work, (b) the land has been acquired by the Council or appropriated by it to planning purposes, (c) the land could be acquired compulsorily for the purposes of the building or maintenance work, and

(d) the building or maintenance work is for purposes related to the purposes for which the land was vested, acquired or appropriated as under (b).

- 5.4 The land must be no longer required for the purpose for which it is currently held when appropriation takes place. Officers would be authorised to appropriate the Land to the planning purpose once the following have occurred:
- Planning permission has been granted for the Development; and
 - The unconditional date for the Land Sale Agreement has been satisfied (other than in respect of the appropriation) so as to require the Sale and Purchase Agreement to come into effect such that the Land is no longer needed for its current purpose.
- 5.5 It is expected that all of the conditions under the Land Sale Agreement will be met by 30th April 2022 and the drawdown will take place in late 2022.
- 5.6 As noted above, Section 203 will be engaged by the appropriation. The benefit of Section 203 will apply to the Developer. Section 203 does not remove the legitimate rights of those persons taking the benefit of the easements or other rights to compensation arising from the interference with such rights. It does remove the potential for such persons to frustrate the development by obtaining an injunction to prevent interference with their rights. It also converts the basis of their compensation to the statutory basis under Section 205 (reduction in value of the property rather than any wider ransom value).
- 5.7 The Developer is principally liable for the compensation flowing from interferences with affected rights, although the Council retains ultimate liability. As above, [the Land Sale Agreement and the proposed Compulsory Purchase Indemnity Agreement between the Council and Denhead S.A.R.L. both protect the Council's financial position in this regard.
- 5.8 Given the effects of Section 203 it is appropriate in making a decision as to whether to support the recommendation to give consideration to all relevant matters which have been taken into account by the Council. These are each dealt with in detail and in turn below.

(1) Whether the appropriation will facilitate the carrying out of the redevelopment of the land;

By engaging Section 203, there is certainty that an injunction for the affected rights cannot defeat the proposed development. If an action is brought against the Developer, the remedy will be compensation. Appropriation is a key element of the Site Assembly Condition of the Agreement, as it will ensure that the development can be brought forward and not be constrained by existing rights, restrictions, covenants, easements or obligations.

(2) Whether the appropriation will contribute to the promotion or improvement of the economic, social or environmental well-being of the area;

The Development will achieve the comprehensive redevelopment of key regeneration opportunity in the Town Centre, delivering a mixed-use

development and associated improvements which overall will make a major positive contribution to the economic, social and environmental well-being of the area. The detailed reasons for making the CPO are set out in the draft Statement of Reasons provided as Appendix B to the March 2021 Cabinet report relating to the CPO.

(3) Whether it is in the public interest that the redevelopment of the Land as proposed by the Development should be carried out;

The Council is of the view that facilitating the delivery of the Development to achieve the Scheme objectives is in the public interest. In resolving to grant planning permission for the Development, the Council has confirmed that the Development would be in the interests of the proper planning of the area. In resolving to make the CPO, the Council has confirmed that it considers that there is a compelling case in the public interest for the acquisition of third party interests in the Order Land required for the Scheme, outweighing the interference that will be caused to the rights of those affected.

It is considered that the benefits of the overall comprehensive development of the wider site could not be achieved without interfering with all of the rights affected by the appropriation of the Land.

(4) Whether the use of section 203 is proportionate with any interference with the human rights of those persons affected.

Human Rights issues arise in respect of the proposed appropriation. The Government guidance “Compulsory purchase process and the Criche Down Rules” advises that compulsory acquisition (and therefore, by analogy, appropriation for planning purposes under s.122(1) LGA 1972, which have the effect, by virtue of Section 203, of infringing Convention Rights) should consider:

“...When making and confirming an order, acquiring authorities and authorising authorities should be sure that the purposes for which the compulsory purchase order is made justify interfering with the human rights of those with an interest in the land affected. The officers’ report seeking authorisation for the compulsory purchase order should address human rights issues...”

Furthermore, under the Human Rights Act 1998 the Council is required to act in accordance with the European Convention on Human Rights (“ECHR”) in deciding whether to implement the arrangements. Article 1 of the First Protocol of the ECHR provides that every natural or legal person be entitled to peaceful enjoyment of his or her possessions. These remain applicable.

Engagement of Section 203, to allow interference with private rights, involves interference with a person’s rights under this Article. However, the right to peaceful enjoyment of possessions under Article 1 is a qualified rather than absolute right, as the wording permits the deprivation of an individual’s possessions where it is in the public interest and is subject to the conditions provided for by law, and (in relation to the right to respect for private and family life and a person’s home) Article 8(2) allows for

interference which is “in accordance with the law and is necessary in a democratic society in the interests of national security, public safety or the economic well-being of the country, for the protection of health and morals, or for the protection of the rights and freedoms of others.”

There must therefore be a balancing exercise between the public interest and the individual’s rights whereby any interference in the individual’s rights must be necessary and proportionate. “Proportionate” in a context means that the interference must be no more than is necessary to achieve the identified legitimate aim. A “fair balance” must be struck between the rights of the individual and the rights of the public. It is for the Council to consider the issues raised in this report and to strike that “fair balance” in coming to its decision.

In the present case it is considered that the public interest in facilitating the Development outweighs the rights of the individuals to peaceful enjoyment of their possessions, and that the proposed engagement of Section 203 amounts to a proportionate interference in all the circumstances. In this regard, the availability of compensation to those who are deprived of their Third Party Rights is of relevance to the issue of proportionality.

In respect of the interference with the Right of Light of nearby properties, in the majority of instances the planning application materials confirm that the level of interference will be negligible and not noticeable by occupants/ will not be significantly adverse/ would be acceptable in planning terms.

(5) The acquisition and appropriation of the land required for the Development must be acquired or appropriated for ‘planning purposes’;

The Land is being appropriated to allow its comprehensive redevelopment as provided for by the Development. The redevelopment of the wider site will deliver the planning objectives noted in the Statement of Reasons for the CPO. The appropriation of the Land is necessary in order to facilitate that.

(6) The Third Party Rights affected by the Development and the likely extent of interference with those rights caused;

The rights known to be affected are noted above and in the Appendices. In relation to rights interfered with:

- those properties which have rights to service their accommodation from the shopping centre’s service deck will be provided with rights of access to use the new service facility to be positioned in Nicholson Lane.
- the properties which have a right to use a car parking space will be offered a replacement space within the new development, with temporary car parking within a town centre car park offered during the construction works. Similarly, those properties with bin and cycle storage facilities within the service deck will also be provided with a replacement provision within the Development.

- A number of properties have rights relating to utility services across the development site. Diversions and any associated disconnections and re-connections will be managed by the utility company and it is expected any disruption will be minimal. The properties will continue to receive all existing utility services, it is only the route of conduits, pipes, etc. that will be changed as a consequence of the Development;
- A number of high street properties have access gantries to their upper floor accommodation, generally used for fire escapes. These access routes will be re-provided for in the form of new staircases.
- Those properties with general rights of access through the shopping centre will be provided access via the new routes created by the Development.
- The right of support to neighbouring buildings will continue to be maintained.

In relation to rights to light, an interference with a legal right of light does not mean that a property will not receive any light, rather than at a certain time of day the presence of the new buildings will block some of the direct light that reaches a property. In the majority of cases this is barely noticeable and the planning process has considered that the Development is acceptable not only in the context of what is being built on the site but also its relationship and impact on neighbouring properties.

It is considered that, where there is a clear risk of injunction, no development will proceed until that risk has been eliminated. Given the number of theoretically affected properties, it is not feasible to enter into private treaty negotiations with all affected owners and the Section 203 power therefore provides a proportionate approach to facilitating the development.

(7) Whether interference with the identified Third Party Rights is necessary and reasonable in order to allow the Development to be carried out;

Any development of this size and scale realising the intended benefits would have resulted in Third Party Rights being affected and thus the interference was impossible to avoid.

6. RISK MANAGEMENT

- 6.1 There is limited risk for the Council as all associated costs will be indemnified by Denhead S.A.R.L..
- 6.2 Councils are often called upon to exercise their powers to appropriate land to enable regeneration in their area of operation. The RBWM Property Company on behalf of the Council will ensure that appropriate external specialists have been appointed and that the appropriation process is undertaken according to the related legislation.

- 6.3 The appropriation process will help to mitigate the risks to the Scheme identified above.
- 6.4 It is prudent and best practice for local authorities when identifying land for redevelopment to appropriate that land as part of the development/disposal process.

6.5 **Table 2: Risks**

Risk	Level of uncontrolled risk	Controls	Level of controlled risk
Injunction	High	Appropriation of the land.	Low
Excessive compensation claims	High	Appropriation of the land.	Low

7. POTENTIAL IMPACTS

- 7.1 Equalities. An Equality Impact Assessments screening form has been completed and is available on the Council’s website.
- 7.2 The Equality Act 2010 requires the Council in the exercise of its functions to have due regard to the need to: a) eliminate discrimination; b) advance equality of opportunity between persons who share a relevant protected characteristic and persons who do not share it; and c) foster good relations between persons who share a relevant protected characteristic and persons who do not share it.
- 7.3 Relevant protected characteristics for the purposes of the Equality Act are: Age; Civil partnership; Disability; Gender reassignment; Pregnancy and maternity; Race; Religion or belief; Sex and sexual orientation.
- 7.4 In considering the above recommendations the Cabinet must have due regard to the possible effects on any groups sharing a protected characteristic in order to discharge its Public Sector Equality Duty. This is an ongoing obligation.
- 7.5 There is no evidence to suggest that the appropriation of the identified land will have a disproportionate adverse impact on those with protected characteristics. The Development should also be beneficial across the range of protected characteristics.
- 7.6 Climate change/sustainability. The proposed development will meet the requirements set out in the draft Borough Local Plan and latest building regulations with regards to sustainability, flood protection and energy use.
- 7.7 Projects will take into consideration all vehicular, pedestrian and cycle access, making sure that appropriate infrastructure is put in place as part of the wider regeneration.

- 7.8 Data Protection/GDPR - All personal data, that is captured under GDPR will be processed and stored by Denhead S.A.R.L. and their specialist consultants. The council will not hold any unnecessary information, other than that associated with the outstanding land ownership, as part of the appropriation process.
- 7.9 Staff resources will be allocated to deal with this project from the Council's property company.

8. CONSULTATION

- 8.1 Extensive public consultation has been held by the developer Denhead S.A.R.L. prior to submitting the planning application.
- 8.2 The developer Denhead S.A.R.L. has engaged and consulted with leaseholders and property owners on their proposals and entered into negotiations to acquire the necessary interests to proceed with the development.
- 8.3 Denhead S.A.R.L. will continue to negotiate with the remaining landowners and tenants to come to a naturally beneficial conclusion.

9. TIMETABLE FOR IMPLEMENTATION

- 9.1 Implementation date if not called in: Immediate. The full implementation stages are set out in table 3.

Table 3: Implementation timetable

Date	Details
1 st August 2021	Appropriation of the Council's freehold land
30 th April 2022	Completion of Sale and leaseback of Denhead S.A.R.L. freehold land

10. APPENDICES

This report is supported by 2 appendices:

- Appendix A – Plan of Council Land to be Appropriated and Denhead Land to be Acquired
- Appendix B – Schedule of Affected Rights and Affected Parties' Responses

11. BACKGROUND DOCUMENTS

- 11.1 This report is supported by 1 background document:
 - Equality Impact Assessment Screening Form

12. CONSULTATION (MANDATORY)

Name of consultee	Post held	Date sent	Date returned
Cllr Johnson	Cabinet Member for Business, Economic Development & Property.	23 rd June 2021	1 st July 2021
Duncan Sharkey	Chief Executive	23 rd June 2021	28 th June 2021
Adele Taylor	Executive Director of Resources/S151 Officer	23 rd June 2021	
Andrew Durrant	Executive Director of Place Services	23 rd June 2021	
Kevin McDaniel	Executive Director of Children's Services	23 rd June 2021	
Hilary Hall	Executive Director of Adults, Health and Housing	23 rd June 2021	24 th June 2021
Andrew Vallance	Head of Finance	23 rd June 2021	
Elaine Browne	Head of Law	23 rd June 2021	29 th June 2021
Emma Duncan	Deputy Director of Law and Strategy / Monitoring Officer	23 rd June 2021	24 th June 2021
Nikki Craig	Head of HR Corporate Projects and IT	23 rd June 2021	
Louisa Dean	Communications	23 rd June 2021	
Karen Shepherd	Head of Governance	23 rd June 2021	24 th June 2021





REPORT HISTORY

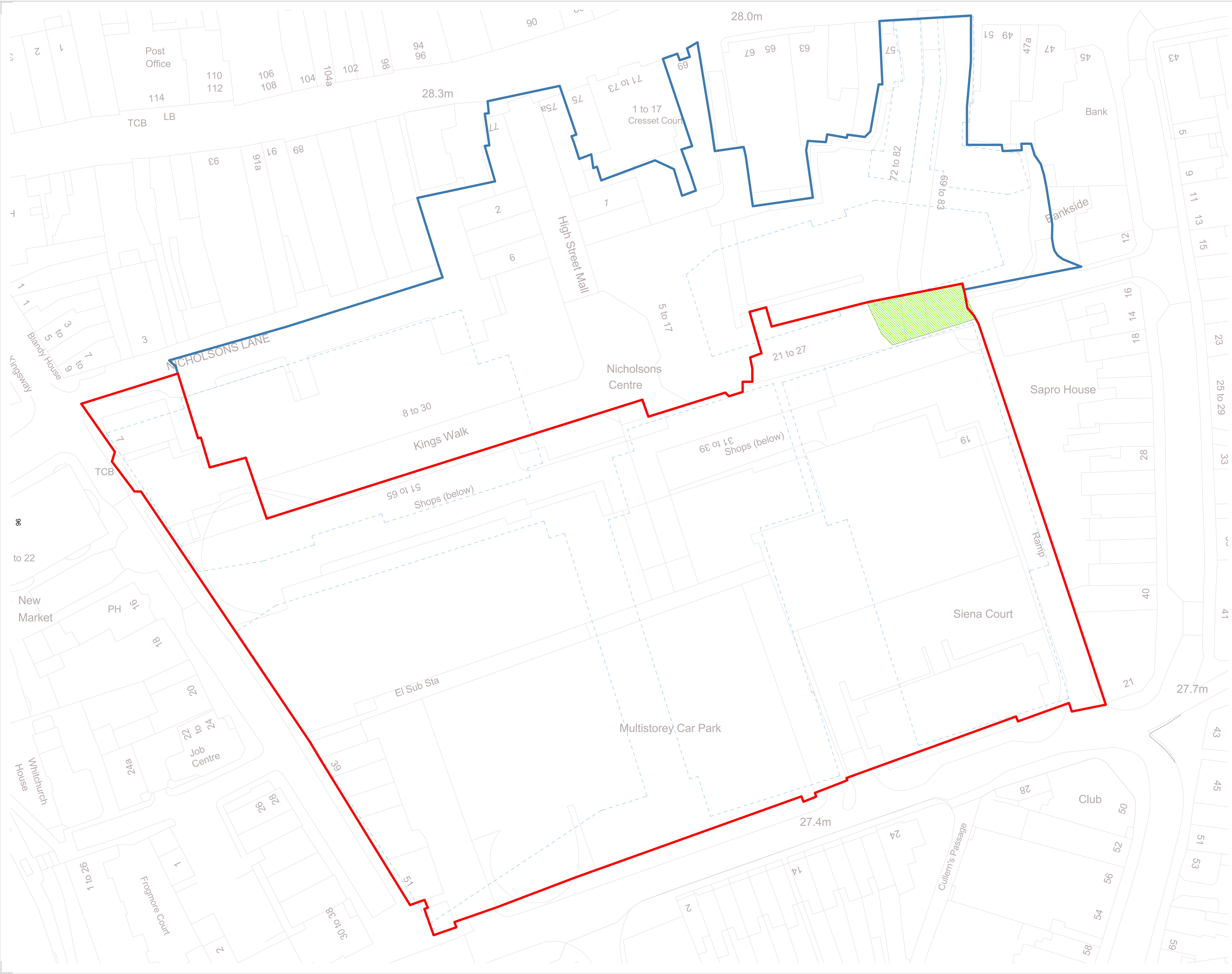
Decision type:	Urgency item?	To follow item?
First entered the Cabinet Forward Plan: 28 th May 2021	No	No

Report Author: Chris Pearse, Head of Capital Projects and Asset Management, RBWM Property Company Ltd Tel 07825 430969

Notes
 Do not scale from this drawing.
 All contractors must visit the site and be responsible for taking and checking dimensions.
 All construction information should be taken from figured dimensions only. Any discrepancies between drawings, specifications and site conditions must be brought to the attention of the supervising officer.
 This drawing & the works depicted are the copyright of JTP.
 This drawing is prepared for the specific project stage in the Drawing Status section below and is not intended to be used for any other purpose. Whilst all reasonable efforts are used to ensure drawings are accurate, JTP accepts no liability for any reliance placed on, or use made of, this plan by anyone for purposes other than those stated in the Drawing Status below.

Note: The red and blue lines and associated areas shown in this drawing are based on guidance provided by Areli Real Estate Limited and OLP Law. JTP accepts no responsibility for reliance placed on, or use made of, this plan.
 The information provided on this plan has been collated from historic information provided within BLCF's documentation and should be used for reference purposes only. For legal, on-site or design purposes, the original plans and right descriptions should be referred to within the associated registry documentation.
 Information within this plan has no legal status and the accuracy of illustrated information cannot be guaranteed. Information has been manually scaled from historic, not to scale drawings and may have discrepancies with the locations of related rights.
 Information should not be measured from this drawing.

-  Proposed Above Ground Building Footprint
-  Council Freehold
-  Denhead Freehold
-  Unregistered Land



Rev	Date	Description	Drawn	Chkd
Drawing Status				
DRAFT				

Client
Areli Real Estate



Project
Nicholson Quarter, Maidenhead

Drawing Title
Illustrative Freehold Titles Plan

Scale @A0 1 : 250 Job Ref: 01621 Revision:
 Drawing No: NMH-JTP-AR-DR-MP-XX-1050
 Scale Bar: 0 10 20 30 40 50 m

Appendix – Schedule of Identified Rights and Engagement.

Address	Interest	Rights interfered with	Comments	Notes on Engagement
59 High Street	FH	1. Vehicular Right of Way over Service Deck; 2. Rights of Way on foot over service deck and access routes through shopping centre (including lifts and malls)	New service yard to be provided at Nicholson Lane. New rights over access routes will be provided as part of redevelopment. Legal agreement allows owner of shopping centre to vary rights on 14 days notice providing alternative route not unreasonably less convenient.	Letter sent to Freeholder on 15/12/2020
47/47A High Street	FH	1. Vehicular Right of Way over Service Deck; 2. Rights of Way on foot over service deck and access routes through shopping centre (including lifts and malls)	New service yard to be provided at Nicholson Lane. New rights over access routes will be provided as part of redevelopment. Legal agreement allows owner of shopping centre to vary rights on 14 days notice providing alternative route not unreasonably less convenient.	Letter sent to Freeholder on 15/12/2020 Email received Property Director at McMullen & Sons on 10/02/2020 Meeting with Property Director on site on 15/02/2020
68A High Street	LH	1. Vehicular Right of Way over Service Deck; 2. Rights of Way on foot over service deck and access routes through shopping centre (including lifts and malls)	New service yard to be provided at Nicholson Lane. New rights over access routes will be provided as part of redevelopment. Legal agreement allows owner of shopping centre to vary rights on 28 days notice providing alternative route not unreasonably less convenient.	Letter sent to Freeholder on 15/12/2020
71-73 High Street	FH	1. Vehicular Right of Way over Service Deck; 2. Rights of Way on foot over service deck and access routes through shopping centre (including lifts and malls)	New service yard to be provided at Nicholson Lane. New rights over access routes will be provided as part of redevelopment. Legal agreement allows owner of shopping centre to vary rights on 14 days notice providing alternative route not unreasonably less convenient.	Letter sent to Freeholder on 15/12/2020 Call with Freeholder on 08/01/2021 Information Pack sent on 10/01/2021 Compromise Agreement issued to Landlord and Tenant.

Appendix – Schedule of Identified Rights and Engagement.

63 High Street	LH	<ol style="list-style-type: none"> 1. Vehicular Right of Way over Service Deck; 2. Rights of Way on foot over service deck and access routes through shopping centre (including lifts and malls) 	<p>New service yard to be provided at Nicholson Lane. New rights over access routes will be provided as part of redevelopment. Legal agreement allows owner of shopping centre to vary rights on 3 months notice providing alternative route not unreasonably less convenient. Burton no longer occupy property and assumed that lease has ended and new tenancy does not provide these rights</p>	<p>Letter sent to Freeholder on 15/12/2020</p> <p>Burton Group are no longer in occupation of the property. Deed relates to a historic occupation.</p>
75 High Street	FH	<ol style="list-style-type: none"> 1. Vehicular Right of Way over Service Deck; 2. Rights of Way on foot over service deck and access routes through shopping centre (including lifts and malls) 	<p>New service yard to be provided at Nicholson Lane. New rights over access routes will be provided as part of redevelopment. Legal agreement allows owner of shopping centre to vary rights on 14 days notice for a temporary change, 6 months notice for a permanent variation providing alternative route not unreasonably less convenient. Agreement provides that on permanent change a new deed must be entered into and costs paid.</p>	<p>Letter sent to Freeholder on 15/12/2020</p> <p>Call with Freeholder on 08/01/2021</p> <p>Information Pack sent on 10/01/2021</p> <p>Compromise Agreement issued to Landlord and Tenant on 11/06/2021</p>
75 High Street	LH	<ol style="list-style-type: none"> 1. Vehicular Right of Way over Service Deck; 2. Rights of Way on foot over service deck and access routes through shopping centre (including lifts and malls) 	<p>New service yard to be provided at Nicholson Lane. New rights over access routes will be provided as part of redevelopment. Legal agreement allows owner of shopping centre to vary rights on 14 days notice for a temporary change, 6 months notice for a permanent variation providing alternative route not unreasonably less convenient. Agreement provides that on permanent change a new deed must be entered into and costs paid.</p>	<p>Letter sent to Freeholder on 15/12/2020</p> <p>Call with Freeholder on 08/01/2021</p> <p>Information Pack sent on 10/01/2021</p> <p>Compromise Agreement issued to Landlord and Tenant on 11/06/2021</p>
69 High Street	FH	<ol style="list-style-type: none"> 1. Vehicular Right of Way over Service Deck; 2. Rights of Way on foot over service deck and access routes through shopping centre (including lifts and malls) 3. Right to Use 2 parking spaces 4. Right of drainage through site. 	<p>Property acquired by Denhead</p>	<p>Property acquired by Denhead</p>

Appendix – Schedule of Identified Rights and Engagement.

66

69 High Street	LH	<ol style="list-style-type: none"> 1. Vehicular Right of Way over Service Deck; 2. Rights of Way on foot over service deck and access routes through shopping centre (including lifts and malls) 3. Right to Use 1 parking space 	<p>New service yard to be provided at Nicholson Lane. New rights over access routes will be provided as part of redevelopment. Legal agreement allows owner of shopping centre to vary rights on 14 days notice providing alternative route not unreasonably less convenient. In respect of the car parking spaces, the deed allows the grantor to nominate other spaces from time to time.</p>	<p>Discussions have taken place between developer and occupier. Terms agreed for surrender of lease.</p>
69 High Street	LH	<ol style="list-style-type: none"> 1. Vehicular Right of Way over Service Deck; 2. Rights of Way on foot over service deck and access routes through shopping centre (including lifts and malls) 3. Right to Use 1 parking spaces 	<p>New service yard to be provided at Nicholson Lane. New rights over access routes will be provided as part of redevelopment. Legal agreement allows owner of shopping centre to vary rights on 14 days notice providing alternative route not unreasonably less convenient. In respect of the car parking spaces, the deed allows the grantor to nominate other spaces from time to time.</p>	<p>Company not registered at companies house. Relates to a historic occupation of the property.</p>
68a High Street	FH	<ol style="list-style-type: none"> 1. Vehicular Right of Way over Service Deck; 2. Rights of Way on foot over service deck and access routes through shopping centre (including lifts and malls) 	<p>New service yard to be provided at Nicholson Lane. New rights over access routes will be provided as part of redevelopment. Legal agreement allows owner of shopping centre to vary rights on 28 days notice providing alternative route not unreasonably less convenient. Agreement is clear that on change costs paid if extent of change not covered in Certificate of Title.</p>	<p>Letter sent to Freeholder on 15/12/2020</p>
61 High Street	FH	<ol style="list-style-type: none"> 1. Vehicular Right of Way over Service Deck; 2. Rights of Way on foot over service deck and access over gantry walkway to the public highway 3. Non-exclusive right to load/unload in designated area 4. Right of drainage 	<p>New service yard to be provided at Nicholson Lane. New rights over access routes will be provided as part of redevelopment. Legal agreement allows owner of shopping centre to vary rights temporarily with no notice, permanent changes on 6 months notice and a permanent deed must be entered into providing alternative route not unreasonably less convenient. Alternative rights of drainage will be provided and new staircase will be installed to provide access from rear access to upper floor accommodation.</p>	<p>Letter sent to Freeholder on 15/12/2020</p>

Appendix – Schedule of Identified Rights and Engagement.

100

63-67 High Street	FH	<ol style="list-style-type: none"> 1. Vehicular Right of Way over Service Deck; 2. Rights of Way on foot over service deck and access routes through shopping centre (including lifts and malls); 3. Right to use two car parking spaces; 4. Right to construct a gantry at first floor level and exercise the rights of access over the two car parking spaces; 5. Right to alter the route of gantry walkways 	<p>New service yard to be provided at Nicholson Lane. New rights over access routes will be provided as part of redevelopment. Legal agreement allows owner of shopping centre to vary rights on 14 days notice providing alternative route not unreasonably less convenient. Deed also allows other car parking spaces to be nominated by the grantor. No right to alter gantry access at first floor. Replacement car parking being provided which will be no less convenient for a commercial tenant. Access gantry will be replaced with a staircase from rear yards area to any access point (this relates to first floor snooker club).</p>	Letter sent to Freeholder on 15/12/2020
63-67 High Street	FH	<ol style="list-style-type: none"> 1. Vehicular Right of Way over Service Deck; 2. Rights of Way on foot over service deck and access routes through shopping centre (including lifts and malls); 3. Right to use two car parking spaces; 4. Right to construct a gantry at first floor level and exercise the rights of access over the two car parking spaces; 5. Right to alter the route of gantry walkways 6. Right of drainage 	<p>New service yard to be provided at Nicholson Lane. New rights over access routes will be provided as part of redevelopment. Legal agreement allows owner of shopping centre to vary rights on 14 days notice providing alternative route not unreasonably less convenient. Deed also allows other car parking spaces to be nominated by the grantor. No right to alter gantry access at first floor. Replacement car parking being provided which will be no less convenient for a commercial tenant. Access gantry will be replaced with a staircase from rear yards area to any access point (albeit we don't recall an access gantry to this property). Right of drainage will be varied but availability of drains will continue to exist. .</p>	<p>Letter sent to Freeholder on 15/12/2020</p> <p>Call with Senior Estates Surveyor at McDonalds on 05/02/2021</p>
49-51 High Street	FH	<ol style="list-style-type: none"> 1. Vehicular Right of Way over Service Deck; 2. Rights of Way on foot over service deck and access routes through shopping centre (including lifts and malls); 	<p>New service yard to be provided at Nicholson Lane. New rights over access routes will be provided as part of redevelopment. Legal agreement allows owner of shopping centre to vary rights when necessary providing alternative route not unreasonably less convenient.</p>	<p>Letter sent to Freeholder on 15/12/2020</p> <p>Call with freeholder on 14.01.2020</p> <p>Fee Undertaking provided to solicitor and compromise agreement issued on 10/05/2021</p>

Appendix – Schedule of Identified Rights and Engagement.

71/73 High Street	FH	<p>1. Pedestrian rights of way over parts of White Hart Road relating to</p> <p>(a) Emergency Access up and down staircase at 69 High Street to access basement floor of 71/73 High Street</p> <p>(b) emergency access;</p> <p>(c) to move bins for refuse collection;</p> <p>(d) moving goods and materials to and from property and public highway</p>	<p>Deed provides for no rights of variation but scheme will maintain access to the rear of the 71/73 High Street. Likely to be some temporary impact in access route but not to the extent of preventing access being taken.</p>	<p>Letter sent to Freeholder on 15/12/2020</p> <p>Call with Freeholder on 08/01/2021</p> <p>Information Pack sent on 10/01/2021</p> <p>Compromise Agreement issued to Landlord and Tenant on 11/06/2021</p>
75 High Street	FH	<p>1. Pedestrian rights of way over parts of White Hart Road relating to</p> <p>(a) Emergency Access up and down staircase at 69 High Street to access basement floor of 71/73 High Street</p> <p>(b) emergency access;</p> <p>(c) to move bins for refuse collection;</p> <p>(d) moving goods and materials to and from property and public highway</p>	<p>Deed provides for no rights of variation but scheme will maintain access to the rear of the 71/73 High Street. Likely to be some temporary impact in access route but not to the extent of preventing access being taken.</p>	<p>Letter sent to Freeholder on 15/12/2020</p> <p>Call with Freeholder on 08/01/2021</p> <p>Information Pack sent on 10/01/2021</p> <p>Compromise Agreement issued to Landlord and Tenant on 11/06/2021</p>
75 High Street	LH	<p>1. Pedestrian rights of way over parts of White Hart Road relating to</p> <p>(a) Emergency Access up and down staircase at 69 High Street to access basement floor of 71/73 High Street</p> <p>(b) emergency access;</p> <p>(c) to move bins for refuse collection;</p> <p>(d) moving goods and materials to and from property and public highway</p> <p>2. Right of drainage</p>	<p>Deed provides for no rights of variation but scheme will maintain access to the rear of the 71/73 High Street. Likely to be some temporary impact in access route but not to the extent of preventing access being taken.</p>	<p>Letter sent to Freeholder on 15/12/2020</p> <p>Call with Freeholder on 08/01/2021</p> <p>Information Pack sent on 10/01/2021</p> <p>Compromise Agreement issued to Landlord and Tenant on 11/06/2021</p>

Appendix – Schedule of Identified Rights and Engagement.

65-67 High Street	LH	<ol style="list-style-type: none"> 1. Right of Access to and from Bin Store 2. Right of Drainage 	Access to bin store will be maintained at all times. Ambition within new development is to provide for a better location for storage of bins.	<p>Letter sent to Freeholder on 15/12/2020</p> <p>Call with James Taylor (Senior Estates Surveyor at McDonalds) on 05/02/2021</p>
General Rights	FH	<ol style="list-style-type: none"> 1. Right of passage of services and associated repair 2. Unknown 3. Right of Way on Foot 	Not clear which property benefits from these rights. Appear to be general rights reserved in a transfer to allow Council to maintain services and have general access. Assume that any necessary rights of access or provision of services will be maintained or diverted.	Land transfer agreements have been entered into with Council
Brock House	FH & LH	<ol style="list-style-type: none"> 1. Right to use service deck to gain access to car parking spaces, refuse disposal area and building; 2. Right to park 12 cars; 3. Right to use lift in service core 1 and associated corridors and passageways; 4. Right of emergency escape through emergency escape doors. 5. Right to use and maintain external staircase; 6. Right of passage for services and to connect to services; 7. Right of Support; 8. Right to enter onto parts of shopping centre in order to comply with tenant's covenants; 9. Right to display signage, aerials and satellite dishes; 10. Right to convert car parking space to a bike stand and for bikes to use lift in Service Core 1 and cross over service deck 	Car Parking spaces to be re-provided in new development. A new emergency escape will be created within new development.	<p>Call with Marsons Property on 05/06/2020</p> <p>Owner of Flat 3 Brock House spoke with Newsteer, The owner does not have the benefit of a car parking space but does utilise the bin store. Explained that bin store would be re-provided in new development together with cycle storage.</p>

Appendix – Schedule of Identified Rights and Engagement.

Nicholson House	FH	<ol style="list-style-type: none"> 1. Right of support 2. In emergencies, right over roofs and fire exists within the shopping centre 3. Right of Way on foot over common parts of the shopping centre to and from the premises; 4. Right of way to access the first and third floor car park; 5. Right of passage and connection to existing services; 6. Right to enter on the shopping centre and to undertake works which cannot be undertaken from within the demised premises; 7. Right to enter on the shopping centre to redevelop Nicholson House 8. Right to add additional floors to Nicholson House 	<p>The vast majority of these rights (right of support, connection to services, to access external parts of property to redevelop) will continue to be exercisable following the scheme. Others will be varied, for example there will be new access routes to Nicholson House and alternative fire escape routes will be provided. The right to access the car park will fall away with the re-provision of the replacement spaces. The same provision of access and fire safety will be in place.</p>	<p>Email sent to Kames /Aegon / Oxygen Asset Management on 31/01/2020 regarding relocation of car parking, Oxygen responded stating 'At this stage none of your proposals are being considered and are of any interest'</p> <p>July 2020 - Savills inspected the building with a potential purchaser. Discussions fell away.</p> <p>Email sent to Aegon / Kames on 14/01/2021 providing general update on the project, and offering a meeting / call to discuss ongoing relationship during construction</p> <p>Meeting with Aegon / Oxygen Asset Management on 03/02/2021 , Aegon raised concerns over disruption during construction period and Areli suggested submission of proposal to acquire their interest in Nicholson House</p> <p>Proposal to acquire Nicholsons House submitted to Aegon on 04/05/2021</p>
-----------------	----	---	---	--

Appendix – Schedule of Identified Rights and Engagement.

				<p>Email sent to Kames /Aegon / Oxygen Asset Management on 31/01/2020 regarding relocation of car parking, Oxygen responded stating 'At this stage none of your proposals are being considered and are of any interest'</p> <p>July 2020 - Savills inspected the building with a potential purchaser. Discussions fell away.</p> <p>Email sent to Aegon / Kames on 14/01/2021 providing general update on the project, and offering a meeting / call to discuss ongoing relationship during construction</p> <p>Meeting with Aegon / Oxygen Asset Management on 03/02/2021 , Aegon raised concerns over disruption during construction period and Areli suggested submission of proposal to acquire their interest in Nicholson House</p> <p>Proposal to acquire Nicholsons House submitted to Aegon on 04/05/2021</p>
Car Parking (1st & 3rd Floor)	FH	Various - See comment	Interest in land is being acquired rather than existing rights being interfered with	
Non-property specific	n/a	1. Obligation to provide 100 public car parking spaces in the town centre of Maidenhead	Obligation is one which is not linked to a specific property. Replacement car park will be provided in new development	This right is non property specific and right will not be interfered with as car parking provision of over 100 spaces will be retained.

Appendix – Schedule of Identified Rights and Engagement.

				<p>Email sent to Kames /Aegon / Oxygen Asset Management on 31/01/2020 regarding relocation of car parking, Oxygen responded stating 'At this stage none of your proposals are being considered and are of any interest'</p> <p>July 2020 - Savills inspected the building with a potential purchaser. Discussions fell away.</p> <p>Email sent to Aegon / Kames on 14/01/2021 providing general update on the project, and offering a meeting / call to discuss ongoing relationship during construction</p> <p>Meeting with Aegon / Oxygen Asset Management on 03/02/2021 , Aegon raised concerns over disruption during construction period and Areli suggested submission of proposal to acquire their interest in Nicholson House</p> <p>Proposal to acquire Nicholsons House submitted to Aegon on 04/05/2021</p>
Nicholson House	FH	1. Obligation to maintain canopy at Nicholsons House	<p>BCLP note suggests that this deed may no longer be relevant as it relates to a lease which appears to no longer exist. This is probably linked to future redevelopment as entrance to Nicholson House is via the shopping centre mall and there is no canopy.</p>	
Central House	FH	Various - See comment	<p>Central House forms part of redevelopment. Is being transferred to the council and thereafter demolished and so rights over development site can be waived by Areli.</p>	<p>Land transfer agreements have been entered into with Council</p>
Restrictive Covenant	n/a	<p>Not to use land tinted pink for the trades or business of an Ironmonger, China, Glass and Earthenware Dealer, Linen Draper, Silk Mercer, Furniture Dealer and Undertaker</p>	<p>No explicit property benefits from restriction on uses. Highly unlikely that company with who covenant was entered into continues to hold property in local area and even if they did, it is not apparent how non compliance would affect the value of a property holding.</p>	<p>Right is non-property specific. Has not been possible to trace beneficiary as company not registered at Companies House.</p>
Restrictive Covenant	n/a	<p>Not to use land tinted yellow for the trades or business of a tailor or outfitter, or retailer of boots, shoes, mackintoshes, leather goods and bags, athletic goods, house, footwear and other articles usually sold by retailers of boots and shoes.</p>	<p>No explicit property benefits from restriction on uses. Highly unlikely that company with who covenant was entered into continues to hold property in local area and even if they did, it is not apparent how non compliance would affect the value of a property holding.</p>	<p>Right is non-property specific. Has not been possible to trace beneficiary as company not registered at Companies House.</p>

Appendix – Schedule of Identified Rights and Engagement.

	Restrictive Covenant	n/a	Not to use the land tinted mauve for the sale or consumption of intoxicating liquors	No explicit property benefits from restriction on uses. Highly unlikely that company with who covenant was entered into continues to hold property in local area and even if they did, it is not apparent how non compliance would affect the value of a property holding.	Right is non-property specific. Company benefitting from restriction dissolved on 22/01/2013.
	Restrictive Covenant	n/a	Not to use the land edged and numbered 1 in blue for the business of a baker, grocer or butcher	No explicit property benefits from restriction on uses. Highly unlikely that company with who covenant was entered into continues to hold property in local area and even if they did, it is not apparent how non compliance would affect the value of a property holding.	Right is non-property specific. Has not been possible to trace beneficiary
	Restrictive Covenant	n/a	Not to use the land edged and numbered 4 in blue for the manufacture or sale of intoxicating liquors	No explicit property benefits from restriction on uses. Highly unlikely that company with who covenant was entered into continues to hold property in local area and even if they did, it is not apparent how non compliance would affect the value of a property holding.	Right is non-property specific. Has not been possible to trace beneficiary
106	Electricity Substation	LH	1. Right of way over existing Multi-Storey Car Park with and without vehicles as agreed between the parties from time to time. 2. Right to lay and use electric equipment under the land coloured green	Assumed that reprovision of substation (if required) will be a construction cost not a land assembly one. Lease can be terminated on 6 months notice by either party in the event the demised land permanently ceases to be used for electricity distribution.	No engagement to date.
	Electricity Substation	LH	1. Right of Way with or without vehicles at all times over and along the land coloured brown on the lease plan. 2. Right to lay and use electric equipment under the land coloured green	Lease can be terminated on 6 months notice by either party at the end of the 42nd year, or at any time in the event of redevelopment.	No engagement to date.
	Greyhound Inn	LH	1. Right of Light and all other easements presently enjoyed 2. Covenant preventing manufacture or sale of alcohol	Greyhound Inn was based at 47 King Street. Appears to have been demolished to allow for construction of present MSCP. There is another Greyhound Public House on Queen Street but this is a modern building and was named after the one at 47 King Street	Dominant property was demolished to allow construction of existing multi-storey car park.

Appendix – Schedule of Identified Rights and Engagement.

42 Queen Street (aka Broadway House, 21 Broadway)	FH	1. Right to construct steel foundations of five rolled steel stanchions (as shown on the plan) to a depth no less than eight feet	Given age of deeds and age of Broadway House, it is likely that this right related to the construction of Broadway House. This right has been exercised and the demolition of the access ramp will be undertaken in a way which maintains the wall and foundations of the neighbouring property.	No response to date
Restrictive Covenant	n/a	Not to use the land edged blue, edged brown edged mauve, tinted pink and tinted blue for the manufacture or sale of intoxicating liquors	No explicit property benefits from restriction on uses. Highly unlikely that company with who covenant was entered into continues to hold property in local area and even if they did, it is not apparent how non compliance would affect the value of a property holding.	Unknown owner / beneficiary
Unknown Land Parcel	n/a	1. Right to enter land tinted pink on HMLR Title Plan BK265719 and edged and lettered A in red on HMLR Title Plan BK135966 in order to construct and then repair and maintain the flank wall on the adjoining property. 2. Right for foundations, copings, downpipes of buildings on the adjoining property to project onto the pink land to a distance of 30cm; 3. Free passage of services to and from the property located on the land coloured pink. 4. Right of way on foot only in emergencies over and along the area coloured yellow on the transfer plan	Copy of transfer deed obtained but the deed does not include the appended plans showing the adjoining property. The transfer is between the Thames Valley Police and Costain for land on the northside of Broadway. There was historically a Cuntly Police Station on Broadway and this likely made way for Central House and the MSCP. Expect that rights are no longer required given whole area forms part of development.	Unknown owner / beneficiary
3 Nicholson Lane	FH / LH	Right of Light	Initial modelling shows that there is a reasonable prospect that there will be an interference with the Right of Light to an actionable level caused by the new development.	Owner has been in contact to confirm whether property is being acquired. Newsteer responded to explain that inclusion of property in CPO is for crane oversailing rights. Query raised on rights of light compensation and discussions progressing.
95-97 High Street	FH / LH	Right of Light	Initial modelling shows that there is a reasonable prospect that there will be an interference with the Right of Light to an actionable level caused by the new development.	No response to letter. Land Information Questionnaire not returned

Appendix – Schedule of Identified Rights and Engagement.

93 High Street	FH / LH	Right of Light	Initial modelling shows that there is a reasonable prospect that there will be an interference with the Right of Light to an actionable level caused by the new development.	Land Information Questionnaires returned. No queries raised about scheme or impact on property.
91a High Street	FH / LH	Right of Light	Initial modelling shows that there is a reasonable prospect that there will be an interference with the Right of Light to an actionable level caused by the new development.	No response to letter. Land Information Questionnaire not returned
91 High Street	FH / LH	Right of Light	Initial modelling shows that there is a reasonable prospect that there will be an interference with the Right of Light to an actionable level caused by the new development.	No response to letter. Land Information Questionnaire not returned
87 High Street	FH / LH	Right of Light	Initial modelling shows that there is a reasonable prospect that there will be an interference with the Right of Light to an actionable level caused by the new development.	No response to letter. Land Information Questionnaire not returned
89 High Street	FH / LH	Right of Light	Initial modelling shows that there is a reasonable prospect that there will be an interference with the Right of Light to an actionable level caused by the new development.	No response to letter. Land Information Questionnaire not returned
85 High Street	FH / LH	Right of Light	Initial modelling shows that there is a reasonable prospect that there will be an interference with the Right of Light to an actionable level caused by the new development.	Land Information Questionnaires returned. No queries raised about scheme or impact on property.
83 High Street	FH / LH	Right of Light	Initial modelling shows that there is a reasonable prospect that there will be an interference with the Right of Light to an actionable level caused by the new development.	Owner has contacted land referencing agent to enquire about project. Explanation as to scheme provided, along with Newsteer's contact details. No contact since and Land Information Questionnaire not returned.
81 High Street	FH / LH	Right of Light	Initial modelling shows that there is a reasonable prospect that there will be an interference with the Right of Light to an actionable level caused by the new development.	Land Information Questionnaires returned. No queries raised about scheme or impact on property.
79 High Street	FH / LH	Right of Light	Initial modelling shows that there is a reasonable prospect that there will be an interference with the Right of Light to an actionable level caused by the new development.	Land Information Questionnaires returned. No queries raised about scheme or impact on property.
75 High Street	FH / LH	Right of Light	Initial modelling shows that there is a reasonable prospect that there will be an interference with	Some initial queries raised to Land Referencing agent in respect of scheme and how it impacted property. Newsteer's contact

Appendix – Schedule of Identified Rights and Engagement.

			the Right of Light to an actionable level caused by the new development.	details have been provided but no contact received since and Land Information Questionnaire not returned.
71-73 High Street	FH / LH	Right of Light	Initial modelling shows that there is a reasonable prospect that there will be an interference with the Right of Light to an actionable level caused by the new development.	Owner of Flat 16 has been in contact regarding interference with Right of Light. Discussions progressed.
63 High Street	FH / LH	Right of Light	Initial modelling shows that there is a reasonable prospect that there will be an interference with the Right of Light to an actionable level caused by the new development.	Some initial queries raised to Land Referencing agent in respect of scheme and how it impacted property. Newsteer's contact details have been provided but no contact received since and Land Information Questionnaire not returned.
61 High Street	FH / LH	Right of Light	Initial modelling shows that there is a reasonable prospect that there will be an interference with the Right of Light to an actionable level caused by the new development.	No response to letter. Land Information Questionnaire not returned
59 High Street	FH / LH	Right of Light	Initial modelling shows that there is a reasonable prospect that there will be an interference with the Right of Light to an actionable level caused by the new development.	No response to letter. Land Information Questionnaire not returned
14-16 Queen Street	FH / LH	Right of Light	Initial modelling shows that there is a reasonable prospect that there will be an interference with the Right of Light to an actionable level caused by the new development.	No response to letter. Land Information Questionnaire not returned
18 Queen Street	FH / LH	Right of Light	Initial modelling shows that there is a reasonable prospect that there will be an interference with the Right of Light to an actionable level caused by the new development.	Owner of second floor flat has been in contact with Newsteer. Lease reviewed and right of light reserved by landlord. Leaseholder notified.
20 Queen Street	FH / LH	Right of Light	Initial modelling shows that there is a reasonable prospect that there will be an interference with the Right of Light to an actionable level caused by the new development.	Land Information Questionnaires returned. No queries raised about scheme or impact on property.
22 Queen Street	FH / LH	Right of Light	Initial modelling shows that there is a reasonable prospect that there will be an interference with the Right of Light to an actionable level caused by the new development.	Land Information Questionnaires returned. No queries raised about scheme or impact on property.

Appendix – Schedule of Identified Rights and Engagement.

24 Queen Street	FH / LH	Right of Light	Initial modelling shows that there is a reasonable prospect that there will be an interference with the Right of Light to an actionable level caused by the new development.	Surveyor appointed to review documents. Newsteer awaiting further contact
26 Queen Street	FH / LH	Right of Light	Initial modelling shows that there is a reasonable prospect that there will be an interference with the Right of Light to an actionable level caused by the new development.	Contact made with Land Referencing agent who advised owner to contact Newsteer who will be able to answer queries on scheme and impacts. No further contact and questionnaire not returned.
28 Queen Street	FH / LH	Right of Light	Initial modelling shows that there is a reasonable prospect that there will be an interference with the Right of Light to an actionable level caused by the new development.	Contact made with Land Referencing agent who advised owner to contact Newsteer who will be able to answer queries on scheme and impacts. No further contact and questionnaire not returned.
30 Queen Street	FH / LH	Right of Light	Initial modelling shows that there is a reasonable prospect that there will be an interference with the Right of Light to an actionable level caused by the new development.	No response to letter. Land Information Questionnaire not returned
32 Queen Street	FH / LH	Right of Light	Initial modelling shows that there is a reasonable prospect that there will be an interference with the Right of Light to an actionable level caused by the new development.	Land Information Questionnaires returned. No queries raised about scheme or impact on property.
34 Queen Street	FH / LH	Right of Light	Initial modelling shows that there is a reasonable prospect that there will be an interference with the Right of Light to an actionable level caused by the new development.	No response to letter. Land Information Questionnaire not returned
36 Queen Street	FH / LH	Right of Light	Initial modelling shows that there is a reasonable prospect that there will be an interference with the Right of Light to an actionable level caused by the new development.	Land Information Questionnaires returned. No queries raised about scheme or impact on property.
38 Queen Street	FH / LH	Right of Light	Initial modelling shows that there is a reasonable prospect that there will be an interference with the Right of Light to an actionable level caused by the new development.	No response to letter. Land Information Questionnaire not returned
40 Queen Street	FH / LH	Right of Light	Initial modelling shows that there is a reasonable prospect that there will be an interference with the Right of Light to an actionable level caused by the new development.	No response to letter. Land Information Questionnaire not returned

Appendix – Schedule of Identified Rights and Engagement.

42 Queen Street	FH / LH	Right of Light	Initial modelling shows that there is a reasonable prospect that there will be an interference with the Right of Light to an actionable level caused by the new development.	No response to letter. Land Information Questionnaire not returned
39 Queen Street	FH / LH	Right of Light	Initial modelling shows that there is a reasonable prospect that there will be an interference with the Right of Light to an actionable level caused by the new development.	Land Information Questionnaires returned. No queries raised about scheme or impact on property.
35-37 Queen Street	FH / LH	Right of Light	Initial modelling shows that there is a reasonable prospect that there will be an interference with the Right of Light to an actionable level caused by the new development.	Land Information Questionnaires returned. No queries raised about scheme or impact on property.
31-33 Queen Street	FH / LH	Right of Light	Initial modelling shows that there is a reasonable prospect that there will be an interference with the Right of Light to an actionable level caused by the new development.	Land Information Questionnaires returned. No queries raised about scheme or impact on property.
25-29 Queen Street	FH / LH	Right of Light	Initial modelling shows that there is a reasonable prospect that there will be an interference with the Right of Light to an actionable level caused by the new development.	Land Information Questionnaires returned. No queries raised about scheme or impact on property.
23 Queen Street	FH / LH	Right of Light	Initial modelling shows that there is a reasonable prospect that there will be an interference with the Right of Light to an actionable level caused by the new development.	Land Information Questionnaires returned. No queries raised about scheme or impact on property.
21 Queen Street	FH / LH	Right of Light	Initial modelling shows that there is a reasonable prospect that there will be an interference with the Right of Light to an actionable level caused by the new development.	No response to letter. Land Information Questionnaire not returned
11-13 Queen Street	FH / LH	Right of Light	Initial modelling shows that there is a reasonable prospect that there will be an interference with the Right of Light to an actionable level caused by the new development.	Land Information Questionnaires returned. No queries raised about scheme or impact on property.
76-78 High Street	FH / LH	Right of Light	Initial modelling shows that there is a reasonable prospect that there will be an interference with the Right of Light to an actionable level caused by the new development.	No response to letter. Land Information Questionnaire not returned
88-90 High Street	FH / LH	Right of Light	Initial modelling shows that there is a reasonable prospect that there will be an interference with the Right of Light to an actionable level caused by the new development.	Land Information Questionnaires returned. No queries raised about scheme or impact on property.

Appendix – Schedule of Identified Rights and Engagement.

92 High Street	FH / LH	Right of Light	Initial modelling shows that there is a reasonable prospect that there will be an interference with the Right of Light to an actionable level caused by the new development.	Land Information Questionnaires returned. No queries raised about scheme or impact on property.
70-72 High Street	FH / LH	Right of Light	Initial modelling shows that there is a reasonable prospect that there will be an interference with the Right of Light to an actionable level caused by the new development.	Land Information Questionnaires returned. No queries raised about scheme or impact on property.
16 King Street	FH / LH	Right of Light	Initial modelling shows that there is a reasonable prospect that there will be an interference with the Right of Light to an actionable level caused by the new development.	No response to letter. Land Information Questionnaire not returned
20 King Street	FH / LH	Right of Light	Initial modelling shows that there is a reasonable prospect that there will be an interference with the Right of Light to an actionable level caused by the new development.	Land Information Questionnaires returned. No queries raised about scheme or impact on property.
22-24 King Street	FH / LH	Right of Light	Initial modelling shows that there is a reasonable prospect that there will be an interference with the Right of Light to an actionable level caused by the new development.	Land Information Questionnaires returned. No queries raised about scheme or impact on property.
26-28 King Street	FH / LH	Right of Light	Initial modelling shows that there is a reasonable prospect that there will be an interference with the Right of Light to an actionable level caused by the new development.	Initial phone call query raised about maintaining access to property with Land Referencing agent. Newsteer contact details provided but no further correspondence and questionnaire not returned.
30-36 King Street	FH / LH	Right of Light	Initial modelling shows that there is a reasonable prospect that there will be an interference with the Right of Light to an actionable level caused by the new development.	Land Information Questionnaires returned. No queries raised about scheme or impact on property.
Whitchurch House, 2-4 Albert Street	FH / LH	Right of Light	Initial modelling shows that there is a reasonable prospect that there will be an interference with the Right of Light to an actionable level caused by the new development.	Land Information Questionnaires returned. No queries raised about scheme or impact on property.
24a King Street	FH / LH	Right of Light	Initial modelling shows that there is a reasonable prospect that there will be an interference with the Right of Light to an actionable level caused by the new development.	Land Information Questionnaires returned. No queries raised about scheme or impact on property.

Report Title:	Medium Term Financial Plan 2022/23 – 2026/27
Contains Confidential or Exempt Information?	No - Part I
Member reporting:	Councillor Hilton, Cabinet Member for Finance and Ascot
Meeting and Date:	Cabinet - 22 July 2021
Responsible Officer(s):	Andrew Vallance, Head of Finance Adele Taylor, Executive Director of Resources & Section 151 Officer
Wards affected:	All

www.rbwm.gov.uk



REPORT SUMMARY

1. This report sets out the Council’s proposed medium-term financial plan (MTFP) for 2022/23 - 2026/27 based on information as we currently know it
2. The Council is facing a significant financial challenge. Like many councils, it is experiencing growth in demand for a number of services, with Children’s Services and Adult social care being some of the most significant impacted by demographic demands.
3. The Covid-19 pandemic has led to increased costs and large reductions in income in the last and current financial years. Uncertainty around the duration of these impacts and whether the Government will provide additional funding to mitigate the ongoing impact as part of the upcoming Comprehensive Spending Review, means that there is more potential volatility in the forecasts than in previous years.
4. The position for the Royal Borough is more acute than many other councils, due to our inability to raise Council Tax to the same amount as other councils and our historically low level of reserves. These are insufficient to cover future projected funding shortfalls in 2022/23 and beyond without significant savings. There is also uncertainty around future central government funding.
5. The Council therefore needs to consider the actions it needs to take to ensure the affordability of its services and ensure it reviews its financial sustainability over the medium term.

1. DETAILS OF RECOMMENDATION(S)

RECOMMENDATION: That Cabinet notes the report and approves:

- i) The Medium-Term Financial Plan set out in Appendix A.**

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

- 2.1 This report sets out the financial plans for the Royal Borough of Windsor and Maidenhead
- 2.2 A range of assumptions around the recommended MTFP are set out in Appendix A.
- 2.3 The current situation is extremely volatile, and the total savings requirement is likely to change, especially when the Government announces funding for future years as part of the Local Government Financial Settlement following the Comprehensive Spending Review (CSR). The exact timing of the CSR and subsequent settlement remain unknown at the time of writing this report, although it is predicted to be around November to December 2021.

3. KEY IMPLICATIONS

Table 2: Key Implications

Outcome	Unmet	Met	Exceeded	Significantly Exceeded	Date of delivery
Services delivered within approved budget	Budget overspend >£250,000	Budget variance +/- £250,000	Budget underspend >£250,000 <£1,500,000	Budget underspend >£1,500,000	31 March 2021

4. FINANCIAL DETAILS / VALUE FOR MONEY

4.1 Introduction

- 4.1.1 Just like many other councils, the Royal Borough of Windsor and Maidenhead has faced considerable financial challenges as a result of the Covid-19 pandemic.
- 4.1.2 Unlike many other councils, the lowest council tax in the country outside of London and our low levels of reserves coupled with increasing levels of borrowing have made the RBWM financial position more challenging when balancing increasing demographic pressures with other service demands.
- 4.1.3 This document explains the financial context for RBWM and provides an assessment of the scale of the financial challenge that it is likely to face over the next five years and discusses the basis of assumptions that we are making.

4.2 Corporate Priorities

- 4.2.1. The Council's priorities must be at the heart of any financial strategy. In many ways they inform one another. RBWM has an agreed interim strategy in light of the impact of the pandemic on the authority. The interim strategy was agreed by Cabinet on 30th July 2020. A refresh of the overall corporate

strategy is currently underway and will be considered during 2021/22. When setting the budget in February 2022, the budget will align with the agreed new priorities.

- 4.2.2. Finance is both the enabler that allows the Council to deliver these key priorities and the constraint that the Council needs to work within as it makes tough decisions between those priorities.

4.3 **Financial Climate**

- 4.3.1. Over recent years all local authorities have faced significant cuts as a result of austerity, at a time when pressure on core service delivery has increased, particularly in Children's Services and Adult Social Care.

- 4.3.2. This has placed considerable pressure on discretionary services, including Early Help services for children and families.

- 4.3.3. The Covid-19 pandemic has increased costs in many areas but has also severely reduced councils' income.

- 4.3.4. All councils have adopted different approaches to address their budget gap during that time. This has included outsourcing key services and entering into service delivery partnerships with other councils.

4.4 **RBWM Financial Context**

- 4.4.1 RBWM is on the face of it better placed than some councils to meet the financial challenges that it faces.

- Low levels of deprivation mean that it does not have the same level of pressure on Adult Care and Children's Services that some councils have experienced.
- Significant capital assets have enabled it to continue to fund its capital program at a time when government support for capital schemes has diminished.
- Lower reliance on Government Grant also meant that the impact of austerity was less than in some other councils, noting the corollary of the increased importance of Council Tax, compared to others.

- 4.4.2 RBWM has still had to make significant savings and has already delivered around £70m savings from the start of austerity. It has also been able to protect "discretionary" local services to a greater extent than other councils through some of the actions that it took including sharing services with other councils and changing delivery models particularly around Children's and Adults services.

- 4.4.3 In more recent years RBWM has also embarked on significant investment in regenerating the borough which will in the medium to long term provide some financial benefits overall.

4.4.4 For all councils there is a fine line between financial security and a financial position that can give rise to concern. The tipping point will be different from council to council.

4.4.5 RBWM has a number of significant risks that need to be considered as part of its medium-term financial plans and any potential mitigations identified, where possible.

- **Council Reserves are under considerable pressure** – and are insufficient to absorb the financial pressure projected for 2022/23 and beyond, unless significant savings are made on an ongoing and sustainable basis.
- **The Pension fund deficit** means that a growing share of council funding is required to cover pension deficits in the future
- **Substantial levels of borrowing** mean that an increasing share of the Council's budget is required to service debt before money can be spent on day to day services. There is also a rigid reliance on capital receipts in future years.
- **Maintaining a low level of council tax**, means that the Council has missed out on additional revenue from raising council tax in previous years. It also means that any future increases will generate less as they start from a lower base.
- **Growing pressures around Children and Adult Services** have been widening the budget gap further. This is compounded by the inflexibility of having low spend and comparatively smaller numbers of clients in these services.
- **The Covid-19 pandemic has increased costs and reduced income.** Additional Government funding mitigated all of this in 2020/21 and for the first quarter of 2021/22, but there is no guarantee that this support will be repeated in subsequent years should the pandemic continue. Post pandemic some of the income loss may persist as the world of work, in particular, has changed.
- **Many potential consequences of the pandemic are not yet apparent.** As Government support such as the furlough scheme ends following numerous extensions, the full economic and health effects of the pandemic may be revealed. This may lead to impacts on the Council's budget such as increased council tax support, more homelessness and lower business rates income than we are able to predict at this time.

4.5 Financial Risks

4.5.1 Planning for the future can never be an exact science. There are many factors that the Council cannot control completely, which can have a significant impact on the viability of future plans:

- (a) **Inflationary Pressures** can have a significant impact on costs, particularly pay levels. Contracts may help to protect RBWM from the impact of inflation, although there is an even greater risk when the contract is renewed.

This report assumes CPI inflation of 3% for 2022/23, falling back to 2% in subsequent years, in line with recent announcements by the Bank of England and market expectations.

- (b) **Interest Rates** have a particularly high impact on RBWM due to the overall level of borrowing for the Council. This impact is exacerbated by the high and increasing level of short-term borrowing, which means that rate rises have an immediate impact on council finances. This report assumes that short-term interest rates will stay low. However,

A 1% increase in interest rates would increase costs by £1m in 2022/23, rising to £1.3m in 2025/26.

- (c) **Government Grant (RSG)** – the previous formula review resulted in a potentially substantial loss in grant for RBWM. The Government introduced protection arrangements which limited the amount councils would lose. The new methodology for distributing grants, Fair Funding, is likely to be delayed for at least another year. This is likely to mean the loss of protection over the MTFP period.

RBWM currently receives some £2.2m in protection from “negative RSG”.

- (d) **Business Rates** has delivered a significant benefit to RBWM as the local economy has expanded. The Government is likely to delay its reset of Business Rates to 2022/23 at the earliest, which will effectively scale back the business rate benefit for RBWM

RBWM is projected to receive £14m in 2022/23 from business rate income towards the cost of council services.

- (e) **Changes to Education Funding and the Redistribution of Higher Needs funding** may reduce allocations to RBWM.
- (f) **Delays to receiving capital receipts.** The Council has borrowed and spent large capital sums in anticipation of future capital receipts. Any delays in those receipts will impact on the revenue budget, especially if interest rates start to rise again.

4.5.2 To some extent financial risks can be balanced by some factors that can potentially improve the financial position of the Council.

- (a) **Overall Government support** – the spending review may result in an increase in overall government support for Local Government. If the Government increases the level of overall grant this may have little impact for RBWM as it may simply mean that it does not need as much protection as it currently receives. RBWM is more likely to benefit from targeted support.
- (b) **Council Tax** – greater flexibility in setting council tax levels, either on the overall level of council tax or the social care levy would benefit RBWM to a greater extent than many other councils because its Council Tax is lower than many other councils and is a higher proportion of the funding

that supports our expenditure. The relatively low Council Tax reduces the potential benefit of this greater flexibility. For example at the national average Band D Council Tax we would have around £30 million more to fund local services with per year.

4.5.3 All the above risks can impact on the medium-term financial projections and can make it difficult to plan with certainty.

4.6 Future National Funding Picture

4.6.1 There is considerable uncertainty around future funding for local councils. The spending review had already been delayed again until 2021, and it is still not certain that it will lead to a multi-year settlement from 2022/23.

4.6.2 There is no certainty that the spending review will lead to additional funds for local government. The sector has not fared well in previous rounds and will have to compete against other areas of the public sector. The review will inevitably be strongly influenced by the consequences of the Covid-19 pandemic. The current expectation is that the outcomes of the CSR will be announced sometime in November 2021 with the formal finance settlement to follow sometime in December 2021. These dates are provisional.

4.6.3 It is too early to judge how this will impact on councils with:

- Potential changes in grant distribution and business rates retention
- Additional grant for new spending pressures around social care.
- Further flexibility in council tax levels.

4.6.4 This clearly creates the risk of more fundamental changes and a reduction in support to councils. This depends on whether the Government decides to allocate additional funding to councils overall or enables them to raise more in council tax to bridge funding gaps.

4.6.5 The 2022/23 settlement is likely to be another 1 year settlement. Current assumptions included in the MTFs in Appendix 1 are:

- Council tax referendum limit remaining at 2% for the life of the MTFP
- Expected changes to funding streams including Fairer Funding, Business Rate Retention and Better Care Funding delayed until 2023/24, at the earliest
- Protection for councils including RBWM, who would otherwise have to repay revenue support grant.
- New Homes Bonus Funding remaining as forecast: one last legacy payment of £220k in 2022/23 and zero from then on.

4.6.6 A number of significant legislative and other changes are on the horizon, that could have cost implications for RBWM if new burdens funding is not made available. These include:

- Environmental legislation on waste and recycling – which may also ban green waste collection charges

- Green investment
- Planning Policy changes
- Serious Violence duty
- Domestic Abuse bill
- Additional housing leading to a requirement for more school places
- Social care legislation

4.6.7 In short, there is a considerable level of uncertainty around financial plans for 2022/23 and beyond.

5. Medium Term Financial Plan

5.1 Base position

The table below shows the base projected savings required during the period of the MTFS

2022/23	2023/24	2024/25	2025/26	2026/27
£5.320m	£3.028m	£1.548m	£3.351m	£3.319m

5.2 Key assumptions included above are that:

- Council tax levels increase in line with national limits of 2%. The Government has not yet issued the Technical Consultation which will provide this information.
- Interest rates continue at 0.6% per annum, as advised by our Treasury Management advisers in light of the current economic situation.
- £2.2m of grant protection continues for 2022/23 from negative RSG.
- Adult Social Care Grant continues at current levels.
- Inflation rises to 3% later this year, before falling back to 2% in future years
- Projected savings are fully delivered.
- The Council does not make any unplanned capital investments which are not funded from additional future receipts, section 106, CIL or LEP money.
- That any growth requirements from new legislation would be fully compensated through new burdens funding

5.3 Sensitivity Analysis

5.3.1 Projecting the future financial challenge is not an exact science and many factors are beyond the control of the Council. The overall scale of the financial challenge is heavily influenced by Government decisions around funding levels and council tax limits. In particular, whether the Government will provide further Covid funding should the pandemic continue throughout 2021/22 and beyond.

5.3.2 The long-term effects of Covid-19 are still uncertain. The 2021/22 budget includes £9.2 million of Covid-19 costs and income loss. This MTFP allows for

£1.092 million loss of leisure and car parks income in 2022/23. Each additional 10% of income loss that continues into 2022/23 would cost £900,000.

5.3.3 While many of the factors will be beyond the control of the Council, it does have control over some key factors that will influence the financial projection and scale of the financial gap that it faces. These include decisions on:-

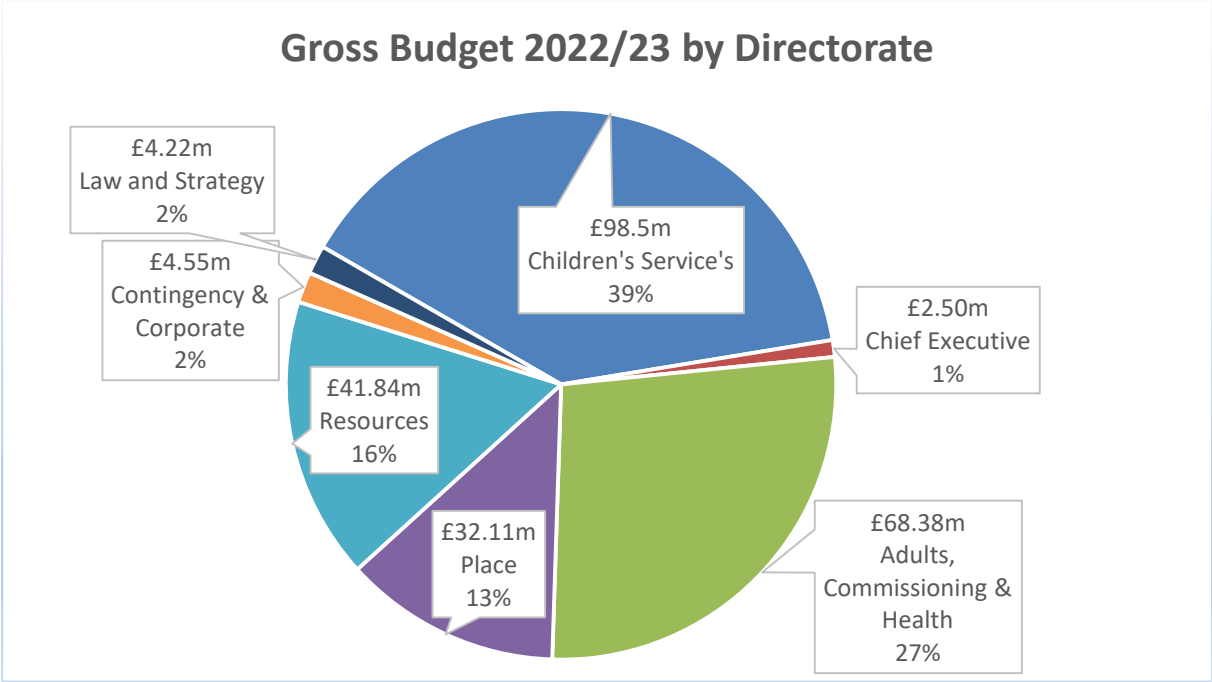
- (i) Council Tax levels – council tax contributes to some 72% of net council expenditure. If the Council does not decide to increase council tax up to the maximum level then this has a significant impact on the scale of the financial gap that it faces.
- (ii) Capital investment – if the Council chooses to invest significantly in capital projects, which are not fully funded or do not deliver savings, then this will have a big impact on the financial gap. The impact will be even greater if interest rates rise.
- (iii) Service Costs – none of the above scenarios provide for significant changes in the level of service provision. Clearly if the Council wishes to increase services then this will significantly increase the size of the budget gap.

5.4 A deteriorating financial outlook.

5.4.1 At this stage the Council can only plan on the basis of its mid-range projection. It is still useful for the Council to know the financial boundaries that it may be working within. The key messages from the baseline projections for 2022/23 are:

- (i) The Council may need to deliver total ongoing savings of £16m over the 5 year period 2022/27, unless government funding in the form of grant or council tax flexibility improves.
- (ii) The Council has insufficient reserves to sustain a budget deficit, and will therefore have to generate substantial cost reduction or increased income.

5.4.2 As the chart below shows, a substantial share of the Council's budget is spent on statutory adults' and children's services. This proportion grows each year, putting additional funding pressure on other council services.



6 Principles for Delivering a Sustainable Budget

- 6.1 There is little doubt that RBWM continues to face considerable financial pressures. The only uncertainty is around the scale of the financial pressures.
- 6.2 All councils are having to make some tough choices around the way they manage their finances in order to remain financially viable.
- 6.3 This section sets out some key principles that the Council needs to continue to follow in the short and medium term to manage the financial uncertainty that it faces.

Principle 1 – an adequate level of reserves

- 6.4 RBWM faces considerable financial risks that can have a potentially significant and immediate impact on its finances.
- 6.5 Reserves are currently at or close to the minimum levels required to protect the Council from these financial risks as well as potential service risks that it may also face. The current assumption is that RBWM will be above the minimum level of reserves at the start of the 2022/23 financial year. The current reserve strategy remains that wherever possible, contingency budgets should be used

as a matter of last resort and any underspend in year should be used to build up the overall general reserve levels to mitigate against future risks.

- 6.6 The Council should aim to ensure that it has a specific reserve that is sufficient to cover future budget gaps in the short-term to give it the time to deliver the savings it needs to deliver to close the gap, without having to make changes that potentially can have a damaging impact on service delivery. However, savings proposals that are presented when setting the budget should be supported by robust evidence, analysis and realistic timelines to mitigate any risks of non-delivery.

Principle 2 – raise council tax in line with Government limits

- 6.7 Council tax contributes to a large share of the Council's budget. The Council already faces the potential need to make further reductions to services and scale back investment. This position will only be made more challenging if it does not increase council tax.
- 6.8 The Council should therefore commit to increasing council tax in line with the limits set by central government.
- 6.9 The Medium Term financial forecast demonstrates the need to take advantage of any flexibility that the Government offers to increase council tax, if the Council is to remain financially viable.

Principle 3 – Optimise Income Generation

- 6.10 The Council should continue to look at opportunities to generate additional sustainable income including its property portfolio, recognising significant income receipts are already within this MTFP.
- 6.11 The Council should aim to ensure that its fees and charges are set at levels that are appropriate and proportionate to the costs of the service they are delivering. The expectation should be that these will keep pace with appropriate levels of inflation, should be benchmarked with other similar authorities and services, and should be reviewed on an annual basis to ensure that they at least cover the cost of services.

Principle 4 – Enhanced scrutiny of capital investment

- 6.12 Funding capital investment represents a significant pressure on the revenue budget. It is essential that the Council understands fully the revenue impact of capital investment and the extent to which the investment: -
- (i) meets the Council's policy objectives
 - (ii) is self-funding
 - (iii) delivers a realistic pay back in the case of invest to save schemes
 - (iv) Appropriate external funding routes need to be considered
 - (v) All capital investment should be supported by appropriately detailed business cases with clear measures of return on investments at both a financial and community level
- 6.13 Over time the Council should continue to ensure that it funds more of its ongoing maintenance and equipment replacement from its revenue budget.

Principle 5 – the Council maintains tight financial control of in year budgets and the delivery of savings programmes.

- 6.14 The Council has recognised the need to keep tight control of its spending to ensure that the scale of the financial challenge does not worsen even further. During 2020/21 improved budget monitoring reports to committee meetings were introduced and this allows challenge of any new spending pressures at an early stage.
- 6.15 The Council needs to deliver substantial savings to balance its budget again so there needs to be a continued focus on monitoring and delivering savings in 2022/23.

Principle 6 – the Council should keep the level of short term borrowing under review

- 6.16 In recent years borrowing has increased substantially to enable the Council to invest in the regeneration of the borough and core services.
- 6.17 Potentially a lot of this investment can be funded through asset sales, although this can take time and clearly has moved the Council substantially up the risk curve if sales fall through or are delayed. Accordingly the Council has a relatively high level of short term borrowing, which exposes it to the risk of interest rate increases.
- 6.18 The Council is keeping short term borrowing under review and when appropriate will consider the potential to fix rates in the medium to long term to manage the risk and potential financial impact of interest rate increases. The Council continues to consult specialist advice to keep this under review.

Principle 7 – Lobby for relaxation of capping to give RBWM the Freedom to Recover and additional grant funding

- 6.19 The Council should maintain pressure on Central Government to deliver a fairer funding model for RBWM that provides:
- (i) Additional grant to support the service pressures that it faces.
 - (ii) Full flexibility to increase council tax.

7 Closing the Budget Gap

- 7.1 The immediate challenge is to close the budget gap for 2022/23 to enable the Council to set a balanced budget for 2022/23.
- 7.2 Bids and savings for 2022/23 will be drawn up by the end of August 2022. These will be reviewed by officers and members before a draft balanced budget is considered by Cabinet at its November 2022 meeting.

7.3 Savings proposals will be based on a number of themes, including:

- Income Generation
- Invest to Save
- Transformation
- Digital
- Contracts
- Property

7.4 There is considerable uncertainty around the size and scale of future budget gaps and a lot of this will depend on Government funding decisions.

7.5 While there is always room to be more efficient, RBWM is already a low spending council in almost all areas which constrains it from reducing costs on a large scale.

8 Summary and Conclusion

8.1 This plan sets out a way forward for the Council to make its finances as sustainable as possible in the medium to long term.

8.2 Achieving sustainable finances is not going to be an easy task for the reasons outlined in this report and some tough choices will need to be taken to achieve long term stability.

8.3 In the current financial climate, there are no quick fixes and all councils face considerable financial uncertainty that is beyond their control.

8.4 All councils need to have a clear understanding of how that uncertainty can impact on their financial plans and ensure that they protect themselves as far as possible against that uncertainty.

8.5 This plan sets out how best RBWM can manage these risks and start to make its finances as sustainable as they can be in the medium to long term.

8.6 The success of this plan will depend in part on decisions beyond the control of the council particularly Government decisions around future funding and council tax levels

9. LEGAL IMPLICATIONS

9.1 None at this stage of the budget process.

10. RISK MANAGEMENT

10.1 Failure to identify sufficient savings as part of the budget process would risk the Council being unable to maintain minimum levels of reserves.

- 10.2 The Council is already at a more significant risk because it has moved up the commercial risk curve and is anticipating income for charges and capital schemes.
- 10.3 Whilst not a current likelihood and because of all the factors mentioned in this report, the Council remains at significant risk of financial failure due to the inability to raise council tax income. Any significant unexpected financial change could have serious consequences.

11. POTENTIAL IMPACTS

- 11.1 **Equalities.** A full EQIA will be undertaken on the budget submitted to Council in February 2022
- 11.2 **Climate change/sustainability.** The potential impact of budget recommendations will be considered once details of budget submissions are published.
- 11.3 **Data Protection/GDPR.** Not applicable.

12. CONSULTATION

- 12.1 The draft budget approved by Cabinet in November 2021 will be fully consulted on before final proposals are made to Cabinet and Council in February 2022. Appropriate consultation will also take place when developing proposals with our key stakeholders and partners

13 APPENDICES

- 13.1 The table below details the Appendix to this report

Appendix	
A	Base Medium Term Financial Projections

14 BACKGROUND DOCUMENTS

14.1 None

15 CONSULTATION (MANDATORY)

Name of consultee	Post held	Date sent	Date returned
Cllr Hilton	Cabinet Member for Finance	13/7/21	14/7/21
Cllr Johnson	Leader of the Council	13/7/21	
Duncan Sharkey	Chief Executive	13/7/21	13/7/21
Andrew Durrant	Executive Director of Place	13/7/21	13/7/21
Emma Duncan	Deputy Director & Monitoring Officer	13/7/21	13/7/21
Elaine Browne	Head of Law	13/7/21	13/7/21
Nikki Craig	Head of HR, Corporate Projects & ICT	13/7/21	
Adele Taylor	Executive Director of Resources, S151 Officer	13/7/21	13/7/21
Louisa Dean	Communications	13/7/21	
Kevin McDaniel	Executive Director of Children's Services	13/7/21	13/7/21
Hilary Hall	Executive Director of Adults, Commissioning & Health	13/7/21	13/7/21
Karen Shepherd	Head of Governance	13/7/21	

16 REPORT HISTORY

Decision type: Council decision	Urgency item? No	To Follow item? Not applicable
Report Author: Andrew Vallance, Head of Finance		

GENERAL FUND - 2022/23 DRAFT MEDIUM TERM FINANCIAL PLAN							***NOTES
	2021/22	2022/23	2023/24	2024/25	2025/26	2026/27	
	£'000	£'000	£'000	£'000	£'000	£'000	
Total Service Base budget	86,506	95,051	86,099	86,064	88,059	88,470	1
Pay Award	895	913	931	950	969	988	2
General Inflation	(146)	102	102	103	103	103	3
Contract and fees and charges Inflation	1,600	1,730	1,560	1,590	1,790	1,790	4
Corporate capacity	850	-	-	-	-	-	5
Demographic Growth	-	900	900	900	900	900	6
Virements to Non service budgets(unringfenced grants)	814	-	-	-	-	-	
Contingency	(69)	-	-	-	-	-	7
Growth (Annex D)	3,124	1,104	-	-	-	-	
Full year effects of prior years pre-approved decisions	38	-	-	-	-	-	
COVID effect pressures (Annex E)	9,251	(8,159)	(500)	-	-	-	8
Grant effects as a result of the December 20 settlement	(47)	-	-	-	-	-	
New Pressures identified since 1st April 2020	-	-	-	-	-	-	9
Savings Identified since April 2020 (Annex F)	(5,630)	(289)	-	-	-	-	
Efficiency Savings - Existing plans	(2,135)	67	-	-	-	-	10
Efficiency Savings - TO BE IDENTIFIED	0	(5,320)	(3,028)	(1,548)	(3,351)	(3,319)	
Service Net Expenditure	95,051	86,099	86,064	88,059	88,470	88,932	
Total Non Service Base budget	10,389	10,674	11,737	12,893	13,889	14,880	
Environment Agency Levy	3	3	3	3	3	3	
Interest on balances net of Bank charges	49	-	(4)	-	-	-	11
Interest Payments	(1,355)	58	48	-	-	-	12
Capitalised debt interest on specific projects	157	(9)	(44)	-	-	-	12
Minimum revenue provision on capital cashflow	1,049	877	994	828	828	828	12
Revenue contribution to Capital	400	-	-	-	-	-	
Movement on Pension Reserve (Deficit Contribution)	(18)	134	159	165	160	160	13
Non Service Net Expenditure	10,674	11,737	12,893	13,889	14,880	15,871	
TOTAL EXPENDITURE	105,725	97,835	98,956	101,947	103,349	104,803	
	2021/22	2022/23	2023/24	2024/25	2025/26	2026/27	
FUNDING	£'000	£'000	£'000	£'000	£'000	£'000	
NNDR	(15,004)	(14,296)	(13,588)	(12,879)	(12,129)	(11,379)	14
Use of NNDR Provision	-	-	-	-	-	-	15
Income from trading companies	(210)	(210)	(210)	(210)	(210)	(210)	
Education Services Grant	(315)	(315)	(315)	(315)	(315)	(315)	
Parish Equalisation Grant	-	-	-	-	-	-	
Government Grants(unringfenced)	(2,800)	(2,800)	(2,800)	(2,800)	(2,800)	(2,800)	16
COVID-19 Tranche 5 funding	(3,118)	-	-	-	-	-	
Potential additional COVID-19 funding for SFC compensation Quarter 1	(1,359)	-	-	-	-	-	
Potential additional COVID-19 funding for SFC compensation Quarter 2	(1,106)	-	-	-	-	-	
New Homes Bonus	(473)	(220)	-	-	-	-	17
Use of Earmarked Reserve	(3,170)	-	-	-	-	-	
Use of General Reserve	-	-	-	-	-	-	
Transfer (surplus)/deficit to Council Tax Collection Fund	(300)	-	-	-	-	-	18
Transfer (surplus)/deficit to NNDR Collection Fund	1,600	1,600	1,600	-	-	-	18
TOTAL FUNDING	(26,255)	(16,241)	(15,313)	(16,204)	(15,454)	(14,704)	
Total Council Tax Requirement	79,470	81,594	83,643	85,743	87,895	90,099	
Council Taxbase(Band D)	69,179	69,789	70,289	70,789	71,289	71,789	
Adult Social Care Precept(increased by 3% in 21/22 only)	127.78	127.78	127.78	127.78	127.78	127.78	
Council Tax at Band D	1003.39	1023.36	1043.72	1064.49	1085.68	1107.28	
Council Taxbase(Unparished areas)	35,861	36,361	36,861	37,361	37,861	38,361	
Special Expenses	33.90	34.57	35.26	35.96	36.68	37.41	
Council Tax income using Taxbase	79,470	81,594	83,643	85,743	87,895	90,099	

This Medium term financial plan highlights the efficiency savings yet to be identified. The Expenditure summary shows the movements from the 2021/22 base budgets in both services and non services. The funding table shows the total projected for the year and not the movement. This in turn calculates the Total Council Tax requirement using the Average band D Council Tax, Adult Social care precept and special expenses.

NOTES

- 1 Service base budget from Annex A of the February 2021 budget report
- 2 Potential pay award of 2% for all RBWM staff including AFC and Optalis
- 3 General expenditure inflation of 3% only applied to rates and utilities
- 4 Fees and Charges inflation applied to all income targets @3% RPI
- 5 Corporate capacity - ongoing new budget of £850,000 from 2021/22
- 6 Demographic growth only for Childrens services in 21/22 of £150,000
- 7 Removed from the MTFP as now have base contingency budget of £2,812,000
- 8 COVID Pressures - that are reversed from 2021/22
- 9 New pressures identified - note these are not Growth items - as per the pressure schedules
- 10 Only existing savings previously identified and shown in the February 2021 budget report
- 11 Interest on bank balances excluding bank charges
- 12 Previously shown as one figure 'Borrowing costs' now split out for transparency
- 13 Assumes annual prepayment of pension deficit payments - estimates provided
- 14 Reflects the regeneration of Maidenhead and the reduction in projected business rates as a result
- 15 Release of the business rates provision over 2020/21 and 2021/22
- 16 Assumes the £1,687,000 unringfened social care grant continues through the period of this plan
- 17 Phasing out of the New homes bonus as confirmed by Government
- 18 Collection fund projections assume that the nndr deficit can be taken over 3 years as a result of COVID

Agenda Item 8

By virtue of paragraph(s) 1, 2, 3, 4, 5, 6, 7 of Part 1 of Schedule 12A of the Local Government Act 1972.

Document is Restricted

This page is intentionally left blank

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

Document is Restricted

This page is intentionally left blank