

CABINET

THURSDAY, 27 JANUARY 2022

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

Also in attendance: Councillor Christine Bateson, Councillor Gurch Singh, Councillor Ewan Larcombe, Councillor John Baldwin and Councillor Gurpreet Bhangra

Officers: Duncan Sharkey, Hillary Hall, Adele Taylor, Emma Duncan, Andrew Valance, Andrew Durrant, Adrian Waite and David Cook.

APOLOGIES FOR ABSENCE

Apologies for absence were received from Councillor Cannon.

DECLARATIONS OF INTEREST

Councillor Rayner declared a Disclosable Pecuniary Interest in item 6 iii - Joint Central and Eastern Berkshire (JCEB) Minerals and Waste Plan Main Modifications Consultation . She left the room for the duration of the discussion and voting on the item.

MINUTES

RESOLVED UNANIMOUSLY: That the minutes of the meeting held on 16th December 2021 were approved.

APPOINTMENTS

None

FORWARD PLAN

Cabinet considered the contents of the Forward Plan for the next four months and noted the changes made since last published including the addition to January 2022 including the Transport Service Delivery Model report moving from 10th February 2022 to 24th February 2022 Cabinet.

Cllr Baldwin said he was concerned that there was nothing on Forward Plan regarding the Maidenhead Placemaking SPD, the Borough Local Plan was due to come to Council on 8th February 2022. There was concern that the consultation on the SPD, especially with the Maidenhead Golf Course, would be meaningless. He asked for reassurance that a meaningful document would be made available for consultation.

The Lead Member for Planning, Environmental Services and Maidenhead said that there would be considerable work done before the paper comes to Cabinet and the Chairman said that any SPD's would follow the adoption of the BLS, as the BLP had been pushed back so would any SPD.

CABINET MEMBERS' REPORTS

A) SCHOOL ADMISSION ARRANGEMENTS 2023/24

Cabinet considered the report regarding amendments to the school admissions code.

The Deputy Chairman of Cabinet, Adult Social Care, Children's Services, Health and Mental Health informed Cabinet that the Royal Borough of Windsor and Maidenhead was the admissions authority for community and voluntary controlled schools in the borough and sets the admissions arrangements for these schools.

The School Admissions Code 2021 required the borough to consult on the arrangements where significant changes were being proposed. The admissions authority was proposing three relatively minor changes requiring consultation; the removal of the denominational criterion for all Voluntary Controlled schools, the reduction of the published admission number at Kings Court First School from 45 to 30 and a change to the Cookham Rise Designated Area.

The Director for Children's Services highlighted that denominational criteria was planned to be removed as admissions criteria 8 so that more local pupils could have an opportunity to attend local schools, the Oxford Diocese approved the change. It was noted that the request had come from the diocese. With regards to a decrease in PAN for Kings Court School this was to allow them to better use their resources, if there was demand to increase back to current number the LEA could do this.

Cllr Baldwin mentioned that the report said 'all schools regardless of type', he asked if Roman Catholic schools had been excluded and if so why? He was informed that the only schools within the borough that had this admissions criteria were Roman Anglican Schools, catholic school in the borough were all academies who set their own admission arrangements.

The Chairman seconded the report and said that it was good to see pupils getting greater access and greater choice.

Resolve unanimously: that Cabinet notes the report and:

- I. Approves the admission arrangements for community and voluntary controlled schools for 2023/24.**

B) LATEST FINANCIAL UPDATE

Cabinet considered the latest financial update.

The Lead Member for Finance and Ascot informed Cabinet that there was a favourable variance of £101K at the end of month 8, an increase of £55K on month 6 which lead to a general fund balance to £7,160K. He mentioned the following highlights from individual directorates and the overall financial position.

Children's Services reported a total adverse variance of £769K, he focused on placements which covered all elements of placements, including fostering. There was an adverse variance of nearly £1.3M on the budget of £10.1 Million, which needed to be addressed but which had been partly offset by demography funding and additional continuing health contributions.

Children's Services had seen an increase in demand for placements and cost increases that had proven impossible to resist. A single high-end placement can cost £500K per year. However painful it is to manage these costs had to be managed against the very positive outcomes and improved life chances placements, in appropriate settings, deliver for young people in our care. This was evidenced by case studies he had received.

The National Transfer Scheme had become mandatory and Local Authorities were now obligated to accept unaccompanied asylum seekers up to 0.07% of their general child

population. An additional £80K had been added to this year's budget but this could have a much greater impact next year.

There was a deficit of £3 million in the High Needs Block of The Dedicated Schools Grant which, working with schools, was managed by the Council. The deficit in this budget, which covers Special Education Needs and Disability, continues to grow and, working with schools, we are required to present a plan to the Department for Education showing recovery in three to five years. These costs are part of the school's budget but Cabinet need to be aware that there was a risk that we may be invited to contribute.

Adult Social Care was forecasting an overspend of £678K against a current budget of £35M. This was an increase on the previous forecast of £97K and was a result of £162K costs for Senior Interims in Social Care and a £100K provision for bad debt which had been offset by some positive variances.

At the recent O&S Panel he was surprised by a request for finance to publish the number of people requiring Adults Social Care and the cost of that care. Cabinet were aware that we published that information in Month 6 broken down by Older People, Physical Disability, learning disability and Mental Health and publish it again in Table 19 on page 85 in this month's report.

The table shows that the budget was set on the basis of 1006 people across all services requiring support but at month 8, this has risen to 1147, an increase of 14%. With the exception of Learning Disability, costs for all services have increased. So, it is quite remarkable and a noteworthy achievement that the overspend is contained at just less than 2%.

The pressure on Homelessness continued to grow with higher-than-expected demand over the last two quarters. This would add nearly £500K to the temporary accommodation spend which should be covered this year by the recent Homelessness Prevention Grant. In the Place Directorate Savings of £1,731,000 were built into the 2021/22 budget. These savings were on track and any shortfall would be mitigated from savings elsewhere in the service.

Car park and parking permits were forecasted to be higher by £100K which suggested that the economic activity in towns was quietly picking up. In Leisure Centres, Covid had reduced capacity and dampened demand, as a consequence an estimated additional £364K would be required to support the concession contract.

The revenue generating potential of the Leisure offer was second only to parking. Our Leisure Centres were amongst the best in terms of facilities and the cost of entry and the Lead Member was confident that they would begin to meet their potential and generate a growing income stream post covid.

The Lead Member explained how he was able to predict a small in year surplus when we reported £2.2m of savings being built into budgets and monitored separately, may not be achieved. The shortfall had been absorbed in services budgets or legitimately supported by the Contain Outbreak Management Fund.

With regards to borrowing there was a forecast of £229M at the year end, but with some capital slippage, it would now be £213M. In order to capture favourable interest rates, they had taken the opportunity to move some debt from short to long term.

In Capital a slippage of £26M from this year into 2022/23 was forecasted. The Boulter Lock car park extension had stalled because of increased costs so Cabinet was asked to approve the virement of £164K to the Windsor Coach Park lift and footbridge which require essential safety repairs.

The Lead Member for Corporate & Resident Services, Culture & Heritage and Windsor informed Cabinet that she was delighted to see funds being moved to the Windsor coach park. The virement of this budget to support the proposed refurbishment of Windsor's coach park lift and footbridge that requires an essential repair and refurbishment was welcomed and important for those visiting Windsor especially those with disabilities.

The Lead Member for Climate Change, Sustainability, Parks and Countryside said that with regards to the Boulter's Lock car park extension although this project had been stalled it was not over and when looking at alternative proposals these could also include community facilities such as a shared allotment space.

The Lead Member informed Cabinet that although the Boulter's Lock car park extension project had been put on hold it remained in the capital programme and alternative project specifications and funding would be looked into.

Cllr Baldwin mentioned that with regards to the improvements to the Windsor car park his colleagues had been asking for this so he was in support. He also asked what plans were in place for the Boulter's Lock car park as the report mentioned this would be early 2022 which we were now in. He was informed that they were looking at an alternative specification for the car park as recent tenders had not come within budget, they may also be plans for alternative use of some of the space as mentioned.

The Lead Member for Adult Social Care, Children's Services, Health and Mental Health said that with regards to high cost placements that three placements in quarter 4 of 2020/21, quarter 1 and 2 of 2021/22 totalling a net £822,000. This was a national problem with increased costs but it was important that the placements were made with the best interests of the young people. The budget build had increased funds in children's services to help alleviate the pressure along with actions such as early intervention.

With regards to the reported pressures in the Housing service the Lead Member for Housing, Sport & Leisure, and Community Engagement said that there had been an increase in demand for services regarding homelessness but this had been covered by grants. The Pandemic had increased pressures with the housing team but additional resources had been added to help support those in need to help them stay in their homes, deal with debt and that there was more affordable housing including social rent.

Resolved unanimously: that Cabinet: notes the report including:

- I. The Council's projected revenue and capital position for 2021/22.**
- II. Approves a capital budget virement of £164,000 from Boulter's Lock Car Park extension to Windsor Coach Park.**

C) JOINT CENTRAL AND EASTERN BERKSHIRE (JCEB) MINERALS AND WASTE PLAN MAIN MODIFICATIONS CONSULTATION

Cabinet considered the report regarding an update on the Joint Central and Eastern Berkshire (JCEB) Minerals and Waste Plan.

The Lead Member for Planning, Environmental Services and Maidenhead informed Cabinet that he had been informed by officers that with regards to Cllr Baldwin's earlier question under the forward plan that the SPD would be developed after the BLP had been approved.

With regards to the paper under consideration Cabinet were informed that following the hearings held in September and October 2021, the draft Main Modifications schedule and modified Policies Map were submitted to the Inspector for consideration on 16th December 2021.

As we build more homes and infrastructure there was a need for materials and waste removal, so the Royal Borough of Windsor and Maidenhead was working with Bracknell Forest, Reading and Wokingham Borough councils to produce a Joint Central and Eastern Berkshire Minerals and Waste Plan which would guide minerals and waste decision-making in the Plan area for the period up to 2036.

Resolved unanimously: that Cabinet notes the report and:

- I. **Delegates authority to the Head of Planning in consultation with the Cabinet Member for Planning, Environmental Services and Maidenhead, to approve and publish the Schedule of Proposed Main Modifications (to be agreed with the Inspector), for public consultation.**

D) APPROVAL OF OPTALIS SHAREHOLDER AGREEMENT

Cabinet considered the report regarding the shareholding agreement for Optalis.

The Lead Member for Adult Social Care, Health, Mental Health and Children's Services informed Cabinet that a lot of work had gone into getting this report to Cabinet and he thanked officers for their efforts.

He informed Cabinet that the council became a shareholder in Optalis Limited, a local authority trading company set up by Wokingham Borough Council in 2011, on 31 March 2017. All the council's adult social care services were transferred to the company under the Teckal exemption.

Optalis had delivered good quality adult social care services on behalf of the council, strengthening social work practice and improving the ratings for provider services regulated by the Care Quality Commission. Optalis was a key partner in delivering the council's Adult Social Care Strategic Plan. The review by Cipfa, undertaken in 2020 and reported to Cabinet in July 2020, confirmed that Optalis had brought considerable benefits to the Royal Borough in terms of service improvement.

In order to continue to secure maximum value from the arrangements, there had been a need to settle the outstanding dispute relating to central management costs between the councils and review the shareholder agreement. The negotiations had now been concluded and an appropriate and fair formula for calculating central management costs had been agreed. The shareholder agreement had been reviewed with both councils now having an equal shareholding in the company and the respective Cabinet Members and Directors of Adult Services appointed as Non-Executive Directors of the company to ensure a closer working relationship between the two councils and with the company. The new benefits of the arrangements could be seen at paragraph 2.4 of the report.

The Lead Member for Finance and Ascot reiterated that Cipfa had reviewed AFC and Optalis as part of their work and had recommended that the council stay with the joint arrangements, all their recommendations and more had been implemented.

The Lead Member for Planning, Environmental Services and Maidenhead informed that when he held responsibility for joining Optalis he felt the proposals were a good idea and was pleased to see how they had developed. Optalis had delivered excellent services for both councils and their residents and we now had better services than most authorities.

Cllr Baldwin said he welcomed the report and supported what had already been said. He supported the recommendations.

Resolved unanimously: that Cabinet notes the report and:

- I. **Approves the revised shareholder agreement between Wokingham Borough Council, the Royal Borough of Windsor and Maidenhead and Optalis Limited.**
- II. **Notes the appointment of the Cabinet Member for Adult Social Care, Health, Mental Health and Children’s Services and the Executive Director of Adults, Health and Housing as Non-Executive Directors of Optalis Limited.**

E) **INCLUSION OF LEARNING DISABILITY (LD) SUPPORTED LIVING BLOCK CONTRACT INTO EXISTING OPTALIS CONTRACT FOR SERVICES.**

Cabinet considered the report regarding the inclusion of the Learning Disability Supported Living Block Contract into existing Optalis Contract.

The Lead Member for Adult Social Care, Children’s Services, Health and Mental Health informed Cabinet that for transparency he was bring this report for consideration instead of the agreement being made under delegated authority alone. He was requesting that Cabinet ratify the decision of the Royal Borough of Windsor and Maidenhead Optalis Commissioning Board made on 23rd July 2021; that the contract for provision of supported living services, for approximately 70 adults, with a learning disability, currently provided by a third party should be included into the existing contract for services between the borough and Optalis signed on 30th March 2017. The proposal would be effective from the day after the expiration of the existing contract between the borough and Dimensions and would therefore commence from 1st April 2022.

The proposal would provide greater opportunities for integrating services for people with a learning disability and links to the range of work to be delivered through the Adult Social Care Strategic Plan. There would be no additional costs to the Royal Borough in this proposal and staff working within the existing contract, if eligible and in scope for TUPE, would transfer across into Optalis, therefore ensuring consistency and continuity for people currently being supported.

The proposal supports the objective within the Corporate Plan 2021-2026; “Thriving Communities – where families and individuals are empowered to achieve their ambitions and fulfil their potential”. The proposal enables the existing Optalis community and building-based day support for people with a learning disability to be integrated with this supported living service. Any amendments to their services would be undertaken with consultation with the individual.

The Lead Member for Finance and Ascot said that for the reasons already mentioned this was an excellent decision and reiterated that Optalis could have made this decision themselves but he was pleased that it had been brought o Cabinet.

Cllr Baldwin agreed that it was a sensible recommendation.

Resolved unanimously: that Cabinet notes the report and:

- I. **Ratifies the decision reached by the Royal Borough of Windsor and Maidenhead Optalis Commissioning Board on 23rd July 2021: - to include the contract for supported living for people with a learning disability, into the existing contract for services between the Royal Borough and Optalis, with effect from 1st April 2022 when the contract with the current provider has expired.**

F) **STANDARDS AND QUALITY OF EDUCATION - A REVIEW OF THE ACADEMIC YEAR 2020-21 (PRE AND POST PANDEMIC)**

Cabinet considered the report regarding the progress of academic attainment for the Academic Year 2020-21.

The Lead Member for Adult Social Care, Children's Services, Health and Mental Health informed Cabinet that the period covered by the report had been very challenging for schools and pupils due to the pandemic and periods of lockdown as schools and settings were closed from March to June 2020 and again in January to March 2021 to all pupils except for children of critical workers, pupils known to social care and those the school leaders deemed otherwise vulnerable.

Remote learning had been put in place for all pupils not attending school, Ofsted inspections were postponed and the Department of Education cancelled all primary SATs testing and, in secondary schools, A-levels and GCSEs were teacher assessed.

The report set out the progress across the Borough's schools during the pandemic, summarising the available qualitative and quantitative data that was contained in the Education Pack 2020-21 and other appendices. Attainment data had not been published nationally for specific groups of pupils and the results were not comparable to pre-pandemic years.

The Lead Member highlighted section 2.17 of the report regarding FUEL which was a Department of Education funded free holiday activity and food project. It offered qualifying participants the opportunity to take part in a range of fun activities and receive a nutritious meal during school holiday periods. This had been successfully rolled out throughout the borough. It was also highlighted that schools being rated as either good or outstanding had increased from 94% to 97% of our schools.

The Executive Director of Children's Services informed that the report had been considered by Overview and Scrutiny who went through the report in detail. The Lead Member had covered a lot of detail within the report but he wanted to highlight that the Royal Borough were involved with teacher training and this had been successful with 100% of the regular 30 participants remaining within the borough, they were discussing with the government increasing this to 60 teachers and a report would be brought to Cabinet.

There were some risks within the report especially the consultation by government to stop a core school improvement grant, he was glad to report that since publishing the report the Schools Forum had met and agreed to continue with the scheme and would support it next year whilst looking at other alternatives. The other risk highlighted was the Parent Careers Forum, this had been successful but in main because of two parents who had been very active, they were now stepping down do the Director asked for any interested parties to come forward otherwise there would be no forum.

Cllr Baldwin said he supported the paper but was concerned about the high level of exclusion of pupils with SEN, Education Health Care Plans and those from the traveller community. The Director informed that they were aware of this level of exclusion from these groups and work was being undertaken to get early intervention to help prevent exclusion being needed. With regards to the traveller community this was hard to resource due to the small numbers but SENCO were looking at individual cases.

Resolved unanimously: that Cabinet notes the report and:

- I. Congratulates local schools on their continued success**
- II. Endorses the key priorities set out in section 2.59.**

G) SCHOOLS CONDITION ALLOCATION 2022-23

Cabinet considered the report regarding part of the school capital programme.

The Lead Member for Adult Social Care, Children's Services, Health and Mental Health informed Cabinet that the report sought approval of Children's Services bids to the 2021/22 capital programme, to be funded by the School Condition Allocation (SCA). This allowed planning and tendering of schemes in time for delivery over the summer in 2022, before schools restart in September. The Local Authority receives the SCA grant from the Department of Education (DfE) to help maintain and improve the condition of school buildings and grounds. This funding was for community and voluntary controlled schools only. Section 2.3 of the report showed the type of works that would be undertaken from boiler replacements to roofs and gutters.

The Lead Member for Finance and Ascot said that the funding came from the government but did not cover all works that was required. The Director for Children's Services informed that the grant was for moderate capital works to keep schools safe, warm and dry.

The Lead Member for Climate Change, Sustainability, Parks and Countryside informed that AFC officers worked with officers from the sustainability team when looking at bids.

Cllr Larcombe mentioned that section 2.10 showed £497k set aside to replace oil fire boiler with gas boilers and he questioned why they were not being replaced with heat pumps. He was informed that each case was looked at on their own merits with the proposed solution being the best way forward, feasibility studies would have been undertaken. The Director for Children's Services said he would look into the decisions made.

The Lead Member for Climate Change, Sustainability, Parks and Countryside said that getting government funding was not always straight forward and were often very specific in their use.

Cllr Baldwin said that although funding may not always be easy to get but we must be more effective in targeting what we needed to be done a getting our share of the cake. It was important to get things right at the start and having an effective relationship with the government.

Resolve unanimously: that Cabinet notes the report and:

- I. recommends the budget increases to previously approved boiler replacement projects in the 2021/22 capital programme, as set out in Table C1, Appendix C to Council.**
- II. recommends the Children's Services 2022/23 capital bids for schemes to be funded by the School Condition Allocation, and includes them in the overall 2022/23 capital programme. This is subject to any changes that may be required to the list of schemes set out in Appendix B following confirmation of the level of grant.**
- III. approves the listed schemes in Appendix B being put out to tender.**
- IV. delegates any variation of the list of schemes set out at Appendix B to the Director of Children's Services, in consultation with the Cabinet Member for Adult Social Care, Children's Services, Health and Mental Health.**

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 8.45 pm

CHAIRMAN.....

DATE.....