

## CABINET

THURSDAY, 23 JUNE 2022

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

Also in attendance: Councillors Rayner, Haseler, Baldwin, Larcombe, Hill, Price, Bhangra, Sharpe, Singh and Mr Ogedengbe (RBWM Prop Co).

Officers: Duncan Sharkey, Emma Duncan, Kevin McDaniel, Adrian White, Ian Motuel, Steph James, Tim Golobek, Andrew Durrant, Andrew Valance and David Cook.

### APOLOGIES FOR ABSENCE

Apologies for absence were received from Councillors Haseler and Rayner who could not attend in person but attended as non-voting members on line.

### DECLARATIONS OF INTEREST

There were no declarations of interest declared.

### MINUTES

**RESOLVED UNANIMOUSLY: That the Part I minutes of the meeting held on 26<sup>th</sup> May 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 it was last published including the following:

- Medium Term Financial Strategy to July Cabinet.
- Night Time Economy Strategy to July Cabinet.

Cllr Baldwin raised concern that the Biodiversity Action Plan had again been delayed and was not being considered until November 2022. This was the second time it had been pushed back after the Rural Forum had raised concern, he asked if they had a veto on when it came to Cabinet as it was now 18 months overdue.

The Chairman acknowledged that the plan was late but said it was important the council listened to its stockholders and it had been decided to undertake further consultation on this important issue.

The Cabinet Member responsible informed that the decision had been delayed so we could get it right, biodiversity actions were still being undertaken. 86% of the borough was farmland and Royal Estate so it was important to get their views especially as they were already taking action on this issue themselves.

The Chairman said that although it was not for him to tell scrutiny what to do the delay does give them an opportunity to scrutinise the action plan if they wish to.

## CABINET MEMBERS' REPORTS

### A) DRAFT SOUTH WEST MAIDENHEAD DEVELOPMENT FRAMEWORK SUPPLEMENTARY PLANNING DOCUMENT

Cabinet considered the report regarding the publication of the draft South West Maidenhead Development Framework Supplementary Planning Document (SPD) for public consultation.

Cabinet Member for Planning, Parking, Highways and Transport informed that the Borough Local Plan had been adopted earlier this year and identified the South West Maidenhead area for major housing and employment development. The preparation of the SPD would help to coordinate development across the area, providing more detail to supplement the policies and proposals in the Local Plan. It will be a material consideration in the determination of planning applications.

Development in the South West Maidenhead area would help in delivering on key Corporate Plan goals. In addition to goals relating to housing delivery and provision of affordable homes. It was important that the SPD was adopted and that everyone had an opportunity to take part in the consultation, to this end the consultation would be over 6 weeks instead of the statutory 4 weeks.

Specific policies and policies for the area included Policy QP1b – South West Maidenhead strategic placemaking area and the following sites:

- Site AL13 – Desborough, Harvest Hill Road, South West Maidenhead,
- Site AL14 – “The Triangle site”
- Site AL15 – Braywick Park

It was important to emphasise that this SPD was not intended to include a detailed design for the development areas, or individual parcels of land within them, but to set the framework within which individual planning applications can come forward. He welcomed and encouraged people to take part in the consultation.

The Chairman welcomed the report and proposed its recommendations to Cabinet he welcomed the extended consultation period, the significant opportunity areas for affordable housing, infrastructure provision and excellent placemaking, this was seconded by Cllr Coppinger.

The Cabinet Member for Climate Action & Sustainability welcomed this important document going to consultation and that there would be zero carbon developments as well as green facilities for residents.

The Cabinet Member for Business, Corporate & Residents Services, Culture & Heritage, & Windsor said that she supported the paper as it was an exciting place setting opportunity for Maidenhead and she welcomed the consultation to hear peoples views.

Cllr Hill said that the SPD was in the Oldfield ward and many residents had tried to consult with the Council over the last 6 year as the were apposed to the proposals in the BLP. Residents did not want development on the golf course, over 500 subscribers were contributing to a judicial review and were raising funds and there had been a petition of over 4,448 signatures against the proposals. He also raised concerns about the legal responsibility on any development to have a 10% biodiversity uplift and gave density examples and how he felt the target could not be met. He mentioned how the Oldfield are was being turned into concrete development, the lose of trees and areas for wildlife, how the ward had already been cut in half due to the level of development and how Braywick Park had lost land due to

the school and proposed football club development. There was also concerns about air quality and pollution which would be made worst by these proposals.

The Chairman informed that there had been no judicial review logged within the timeline and that he welcomed Cllr Hills views as part of the consultation.

Cllr Singh said he was concerned that the SPD would have no teeth and not considered by members at planning committees. The Chairman replied that there were no planning applications due to be considered at this point and that the SPD if adopted would have material consideration at planning.

Mr Hill informed that he had been sent a Teams meeting link instead of the Zoom link required to attend the meeting which meant he had difficulty joining at the start. With regards to the report he said that he felt the SPD was unsound, on healthcare it was proposed to move existing facilities to the golf course site rather than introducing more provision, he asked which communities would have their surgeries closed. With regards to bus routes existing ones were being rerouted and discounted for the proposed site but questioned why all residents were not getting discounted travel. With regards to infrastructure he mentioned that there was a £100m gap in funding and he also raised concerns about climate change and the impact the proposed developments would have including the loss of important greenfield sites. There should be protection of sites for biodiversity and leisure.

The Chairman said that there had been a lot of comments that were made prior to the BLP being adopted, that there had been no legal challenge to the BLP and he was looking forward to hearing the consultation feedback.

Cllr Baldwin said that there had been references about the deadline for the BLP challenge being missed and asked if the Monitoring Officer could comment on this. The Chairman mentioned that it had been raised by Cllr Hill and Mr Hill, the monitoring officer said she would provide an update in the Member Bulletin as the judicial review was not part of this SPD paper under consideration.

Cllr Price mentioned that the report said that infrastructure was being funded from other areas rather than the developers, was it expected that residents pay for infrastructure. She was informed that was funded from a range of funding streams, some would be developers contributions as part of the planning process and it was normal that this would be topped up by local authority or national contributions depending on the site.

The Cabinet Member for Environmental Services, Parks & Countryside & Maidenhead said that the Borough Local Plan had been adopted and that the SPD before Cabinet was a key next step. He looked forward to as many people across the borough giving their views as it was an important part of the process. He was disappointed that a lot of the comments made tonight had been about issues prior to the BLP being adopted rather than moving forward and adding value.

**Resolved unanimously: that Cabinet notes the report and:**

- i) Approves the Draft South West Maidenhead Development Framework Supplementary Planning Document, as set out in Appendix B, for public consultation**
- ii) Delegates authority for minor changes to the Draft Supplementary Planning Document to be made prior to consultation to the Head of Planning in consultation with the Cabinet Member for Planning, Parking, Highways and Transport**

B) ST CLOUD WAY

Cabinet considered the report regarding the development agreement with Countryside Properties (UK) Ltd for St Clouds Way, Maidenhead.

The Cabinet Member for Asset Management & Commercialisation, Finance, & Ascot informed that section 122 of the LGA, and the s203 – 205 of the Housing and Planning Act 2016 allowed the appropriate of land within its ownership for any purpose for which it was statutorily authorised to acquire land by agreement. Appropriation meant changing the basis on which land held by the Council from one purpose to another purpose. However, in deciding to appropriate, the Council must consider the public need within the area for existing use.

The Site currently comprised the former Magnet Leisure Centre , the former Ten Pin Bowling Arena and temporary car parking. The use of part of the Site as a temporary car park was granted planning permission in June 2018 for a 5-year period. There were 382 existing car park spaces on the Site. The Leisure Centre was closed in autumn 2020 and a replacement facility, the Braywick Centre. The report was being put forward as the original Cabinet decision had been made in 2018 and it was prudent to re visit the situation prior to further progress. The need for parking on the site had been reduced by available parking in Maidenhead and Vicus Way development, leisure facilities were provided at Braywick Park and there was a need for affordable housing. Negotiations for private rights continued as part of the process.

The Cabinet Member read out the recommendations before Cabinet for clarification.

Mr Hill informed that he had written to the monitoring officer as the recommendations were not clear and had not received a response. He also mentioned that an updated report had been issues on the day of the meeting but there were no tracked changes to see what had changed. He mentioned that he had questioned if the 2018 Cabinet decision was lawful and he had been informed legal advice was being sought but there was nothing tonight to say what the conclusion was. He had not heard back from the monitoring officer on his enquiries on this issue.

The Cabinet Member said that they could appropriate the site now irrespectively of the 2018 decision. The Monitoring Officer said that they had received advice from 'council' and the recommendations were sound, the original recommendation was 4 years ago so it was appropriate to revisit. With regards to responding to Mr Hill she said that her priorities were to represent the council and she would respond to his questions in due course.

Cllr Singh raised concern that parking spaces would be lost from the medical centres that were very important to local residents, he was informed that this was part of the ongoing negotiations.

Resolved unanimously: that That the Cabinet notes the report and is recommended to:

- i) On the assumption that the November 2018 Resolution did have the effect of appropriating the Site for planning purposes under section 122 of the LGA, that the following reasons are approved:**
  - a. the Site was not required for the purposes for which it was held prior to the appropriation for the reasons in paragraphs 5.3 to 5.8;.**
  - b. the Site is required for planning purposes as set out in paragraphs 4.2, 5.9, 9.3 and 9.4 ; and**

**c. The conclusions reached on the matters set out in paragraphs 5.1, 5.10, 5.11 and 10.10 in respect to the use of section 203 – 205 of the Housing and Planning Act 2016**

**ii) On the assumption that the November 2018 Resolution did not have the effect of appropriating the Site for planning purposes under section 122 of the LGA, then the recommendation is that the Site is appropriated for planning purposes under section 122 of the Local Government Act 1972 (the "LGA") to facilitating the Scheme, or similar development, for the following reasons:**

**a. the Site is no longer required for the purposes for which it was held prior to the appropriation for the reasons in paragraphs 5.3 to 5.8;.**

**b. the Site is required for planning purposes as set out in paragraphs 4.2, 5.9, 9.3 and 9.4; and**

**c. The conclusions reached on the matters set out in paragraphs 5.1, 5.10, 5.11 and 10.10 in respect to the use of section 203 – 205 of the Housing and Planning Act 2016**

**iii) delegates to the Executive Director for Resources in consultation with the Managing Director for the RBWM Property Company Limited to continue negotiation with affected property owners in relation to property rights and in consultation with the Lead Member for Property, conclude negotiations or arrangements for release and/or replacement of property rights (whether the same or similar) either by private treaty or using section 203 – 205 of the Housing and Planning Act 2016.**

**c) LOCAL CYCLING AND WALKING INFRASTRUCTURE PLAN AND CYCLING CAPITAL PROGRAMME**

Cabinet considered the report regarding the Local Cycling and Walking Infrastructure Plan and Cycling Capital Programme.

The Cabinet Member for Planning, Parking, Highways and Transport informed that the Government published Gear Change, a national strategy for transforming the role walking and cycling play in transport. The government's goal was for cycling and walking to become the natural first choice for short journeys and for 50% by 2030.

Growing rates of walking and cycling were objectives within our Corporate Plan, as we look to leading national practice for ways to support a post-pandemic recovery for our town centres, tackle congestion and climate change and improve population health to create a sustainable borough of opportunity and innovation. A capital programme budget of £1.5m for investment in walking and cycling improvements had been approved for this financial year. The plan would be kept under review and updated as new schemes became viable.

The Chairman said he supported the paper and proposed the recommendations, Cllr Hilton seconded the proposal.

The Cabinet Member for Climate Action & Sustainability said that she had attended a recent meeting of the Disability and Inclusion Forum and asked if their views would be taken under consideration. She was informed that they would and that he was happy to meet with them and officers for any schemes coming forward.

The Cabinet Member for Anti-Social Behaviour, Crime, and Public Protection asked if other schemes could be added to the plan and was informed that it was a 10 year programme that would be reviewed annually so there was scope for other schemes to be added.

The Cabinet Member for Digital Connectivity, Housing Opportunity, & Sport & Leisure said that he was pleased to see Harvest Hill included with a feasibility study due to be done.

Cllr Larcombe mentioned that the map on page 57 needed updating as it was not correct.

Cllr Price also mentioned that a number of parks were missing on the Windsor maps. She also mentioned that air pollution was an important issue of concern for cyclists and walkers but there was no consideration of this in the report, there was also a lack of consideration for equalities for those with disabilities. She also mentioned that with regards to the metric used to determine routes they did not always give the right picture, officers should look at what they feel are the correct routes. There was also a need for all weather parks in urban areas. If the appropriate guidance was not followed then there was a risk of funding being lost. She welcomed greater clarity when schemes were brought forward. The Cabinet Member said he welcomed a discussion with Cllr Price on issues raised.

Cllr Baldwin mentioned that earlier in the meeting Mr Hill had mentioned that he had been sent a Teams invite and as this was for the Part II meeting he was concerned about governance breaches. The Chairman replied that Mr Hill had been sent an apology for the wrong meeting link being sent and that if a member of the public attended a Part II meeting in person or on line they would be asked to leave.

**Resolved unanimously: that Cabinet notes the report and:**

**i) Approves the Local Cycling and Walking Infrastructure Plan, adopting it as corporate policy in place of the borough's Cycling Action Plan**

**D) RBWM LEISURE MANAGEMENT CONTRACT RE-PROCUREMENT UPDATE AND TIMESCALES**

Cabinet considered the report regarding re-procurement process and timeline for the re-tender of the Borough's Leisure Management Contract.

The Cabinet member for Digital Connectivity, Housing Opportunity, and Sport and Leisure reported that since becoming the Lead Member he had visited the borough leisure facilities, and they were excellent facilities. As well as the procurement of the leisure management contract they were also developing a revised sport and leisure strategy which would have at its heart the primary objective of more residents, more active, more often, and more healthy.

The operation of the borough's leisure centres contributed to the corporate plan objectives of Thriving Communities, Inspiring Places, and to Create a sustainable borough of opportunity and innovation, by providing high quality, accessible sport and leisure facilities for our residents. This would be underpinned by three priorities that are expected to focus on:

- Promote existing facilities to help grow membership.
- Maximise usage and accessibility of existing facilities.
- Identify gaps in facility provision and explore opportunities to address them.

Due to the Pandemic our then leisure centre operator Parkwood decided it was unable to continue to operate the contract and in June 2020 Cabinet agreed to a Business Transfer Agreement which terminated the contract with Parkwood and transferred the operations to a new Community Incorporated Organisation the Borough had helped create at very short notice, Leisure Focus Trust, who took over from Parkwood with effect from 1 August 2020.

The Cabinet Member informed that Leisure Focus Trust had done an excellent job over the last two years in a difficult situation. Leisure Centres had been re opened and improvements made, such as improvements at the Windsor LC. During the month of May this year there had been over 168,000 users, Braywick LC usage was 3% up from pre pandemic levels. Overall usage was still down from pre pandemic levels but things were moving in the right direction. He also mentioned that Braywick LC had been up for a number of national awards.

The new procurement process seeks to appoint the operator for the subsequent 12 years with a 5 year extension option. The initial 12 year period seeks to reflect that leisure services are still recovering from the impact of Covid and it is considered a good period to enable contractors to maximise the centres potential.

The Chairman seconded the report and said that it was excellent news seeing the number of users increasing.

Mr Hill addressed Cabinet and said that when the leisure centre at Braywick Park was proposed it was agreed that there would be a trial of a free bus service. The trial was undertaken during the pandemic and thus was not successful, so he asked if another one would be undertaken. He also highlighted that the risk tables in the report had not been completed.

Cabinet were informed that the trial was undertaken but the volume of passengers was so so it was deemed not viable. With regards to the table missing information this was an oversight, however the report was not asking for a key decision to be taken and was informing that there would be the procurement process.

The Chairman reiterated that this was not a key decision and with regards to the free bus trial he was happy to look at the feasibility of holder another trial.

**Resolved unanimously: that Cabinet notes the report and:**

**i) Process for the re-procurement timeline and to appoint the operator for our leisure centre for the next 12 year contract period.**

E) MAIDENHEAD TOWN TEAM

Cabinet considered the report regarding the process for establishing a Maidenhead Town Team.

The Cabinet Member for Environmental Services, Parks & Countryside & Maidenhead informed that In June 2021 Cabinet adopted the Maidenhead Vision and Charter which was prepared in collaboration with local stakeholders, residents and communities. One of the next steps was that a town team would be established to review, monitor and assess projects that come forward to ascertain whether they meet the Maidenhead Vision Charter's key points. Everyone with an interest in the future of Maidenhead town centre will have the opportunity to continue working together, building on a spirit of cooperation, and delivering an attractive, vibrant and sustainable town centre for all.

The current Maidenhead Town Partnership was established over 25 years ago to bring together the council and businesses to oversee the day-to-day management of the town centre and help coordinate activity to drive footfall. The partnership was well established and delivered the events and marketing programme for the town centre and offers a point of contact for businesses in the town. Existing members of the partnership will be invited to also take part in the proposed Maidenhead Town Team.

There would also be recruitment for the new town team roles, these will be advertised and a recruitment panel will be set up to ensure that town team members are reflective of the demographic of the town. It was proposed to make the appointments in October 2022 with the first meeting taking place in November 2022.

**Resolved unanimously: Cabinet notes the report and:**

**i) Endorses the process of establishing the Maidenhead Town Team by replacing the existing Maidenhead Town Partnership to be more inclusive of the community of the town.**

**F) APPOINTMENTS TO OUTSIDE AND ASSOCIATED BODIES**

Cabinet considered the report regarding the appointment of representatives to serve the Council on a number of associated and outside bodies.

The Chairman said that pending Cabinet approval of the reports recommendations the bodies with only one nomination will be taken as listed in Appendix B and where there were more than one nomination Cabinet would vote on the appointment.

Following the appointments it was noted that Cllr Larcombe had withdrawn his nomination for the Rural Forum.

**Resolved unanimously: that Cabinet notes the report and:**

- 1. Appoints representatives to serve on the organisations listed in Appendix B, as well as the following appointments where more than one nominee was listed:**

**Age Concern, Windsor – Cllr Bowden**

**Community Safety Partnership – Cllr Cannon**

**Housing Solutions - Delegated to the Chair of Housing Solutions to appoint to through the company's normal recruitment process.**

**Thames Valley Berkshire Local Enterprise Partnership – Cllr Clark**

**Thames Valley Police and Crime Panel – Cllr Cannon & Cllr Bowden as sub**

**Windsor and Eton Society – Cllr Bowden and Cllr Shelim**

**Windsor Old People's Welfare Association – Cllr Bowden and Cllr Bateson (Mayor position)**

**Rural Forum – Cllr Johnson**

**Windsor Municipal Charities – Cllr Shelim and Mr Wilson**



2. **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.**
3. **Notes the organisations which no longer require a representative and have been removed from the list of appointments to be made.**

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.

**RESOLVED UNANIMOUSLY:** That the Part II minutes of the meeting held on 26<sup>th</sup> May were approved

The meeting, which began at 7.00 pm, finished at 9.00 pm

CHAIRMAN.....

DATE.....